



ZONING BOARD OF APPEALS STUDY SESSION
MONDAY, OCTOBER 14, 2019 - 6:00 p.m.
WINNETKA VILLAGE HALL COUNCIL CHAMBERS – 510 GREEN BAY ROAD

AGENDA

1. Call to Order & Roll Call
2. **Comprehensive Plan Workshop Session:** The Zoning Board of Appeals will hold a workshop session to discuss ideas for inclusion in a new comprehensive plan.
3. Public Comment.
4. Adjournment

ZONING BOARD OF APPEALS REGULAR MEETING
MONDAY, OCTOBER 14, 2019 - 7:00 p.m.
WINNETKA VILLAGE HALL COUNCIL CHAMBERS – 510 GREEN BAY ROAD

AGENDA

1. Call to Order & Roll Call
2. Community Development Report
3. Approval of September 9, 2019 meeting minutes.
4. **Case No. 19-25-V: 680 Green Bay Road:** An application submitted by 680 Green Bay Road Condominium Association seeking approval of a zoning variation to allow the expansion of the existing north driveway at 680 Green Bay Road. The requested zoning variation would permit the improvements at 680 Green Bay Road to exceed the maximum permitted impermeable lot coverage. The Zoning Board of Appeals has final jurisdiction on this request.
5. **Case No. 19-26-SU: 454-462 Winnetka Avenue:** An application submitted by Sabovic Properties LLC seeking approval of an amendment to an existing Special Use Permit which allows a parking lot but prohibits the leasing or use of the parking spaces to any person who is not a resident of the building, a commercial tenant of the building, or an employee of a commercial tenant of the building at 454-462 Winnetka Avenue. The requested zoning relief would allow the leasing of

510 Green Bay Road, Winnetka, Illinois 60093

Administration and Finance (847) 501-6000 Fire (847) 501-6029 Police (847) 501-6034 Community
Development (847) 716-3520
Public Works (847) 716-3568 Water and Electric (847) 716-3558

existing parking spaces to non-tenants and tenant affiliates. The Village Council has final jurisdiction on this request.

6. **Case No. 19-27-V: 551 Meadow Road:** An application submitted by Ann and Daniel Carroll seeking approval of zoning variations to allow a second floor addition above the existing attached garage at 551 Meadow Road. The requested zoning variations would permit the residence (a) to exceed the maximum permitted building size; and (b) to have an unarticulated north building wall more than 40 feet in length. The Zoning Board of Appeals has final jurisdiction on this request.
7. **Case No. 19-28-V2: 306 Walnut Street:** An application submitted by Terry Savage seeking approval of zoning variations to allow the existing storage shed at 306 Walnut Street. The requested zoning variations would permit the existing improvements at 306 Walnut Street (a) to exceed the maximum permitted building size, (b) to provide less than the minimum required front yard setback from Wilson Street, (c) to provide less than the minimum required north side yard setback; and (d) to exceed the maximum permitted height for a storage shed. The Village Council has final jurisdiction on this request.
8. Other Business.
9. Next meeting – November 11, 2019.
10. Public Comment.
11. Adjournment

Note: Public comment is permitted on all agenda items.

NOTICE

All agenda materials are available at villageofwinnetka.org (*Government > Boards & Commission > Agenda Packets*).

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

Administration and Finance (847) 501-6000 Fire (847) 501-6029 Police (847) 501-6034 Community
Development (847) 716-3520
Public Works (847) 716-3568 Water and Electric (847) 716-3558



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: ZONING BOARD OF APPEALS
FROM: DAVID SCHOON, DIRECTOR
DATE: OCTOBER 8, 2019
SUBJECT: COMPREHENSIVE PLAN - DISCUSS IDEAS TO INCORPORATE INTO
THE PLAN

At the October 14, 2019, Zoning Board of Appeals meeting, the Board is scheduled to discuss ideas to incorporate into a new comprehensive plan. The Board was originally scheduled to begin discussing ideas at its September 19 meeting, but given the late hour the Board deferred its discussion to the October 14 meeting. Attached is a copy of staff report that was provided the Board for the September meeting. During the September meeting, staff will facilitate a discussion with the Board to begin identifying land use, urban design and community character, and housing and neighborhood ideas and concepts that Board members would like to see addressed in the new comprehensive plan.



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: ZONING BOARD OF APPEALS
FROM: DAVID SCHOON, DIRECTOR
DATE: SEPTEMBER 3, 2019
SUBJECT: COMPREHENSIVE PLAN – DISCUSS IDEAS TO INCORPORATE INTO THE PLAN

PREPARATION OF COMPREHENSIVE PLAN

The Village will soon begin the process of preparing and adopting a new comprehensive plan for the Village. With the assistance of staff and a consultant, the Plan Commission will lead the efforts preparing a draft comprehensive plan for the Village Council's consideration and approval. The plan would establish a vision for the future of the community and provide a roadmap as to how to achieve that vision over the next 15 to 20 years.

The success of a comprehensive planning process is dependent on community engagement, thus an important part of the process will involve seeking input from residents, property owners, business owners, community organizations as well as from other Village boards and commissions and other local government bodies.

The Village is currently going through the RFP process to select a consultant to assist us with our comprehensive planning efforts. The goal would be to select a consultant this fall and to begin the process of preparing a plan shortly thereafter.

DISCUSSING IDEAS TO INCORPORATE INTO THE COMPREHENSIVE PLAN

In preparing to work with a consultant to draft a comprehensive plan for the Village, the Village President has requested that Village board and commission members start to discuss ideas that they would like to see addressed/incorporated in the comprehensive plan.

As you think about ideas of what the Village may want to include in a comprehensive plan from **a built environment design and zoning perspective**, it is helpful to outline the components of a Comprehensive Plan. *A comprehensive plan is a **guiding document** that the Village government, residents, employers, developers and other stakeholders use to ensure that Winnetka evolves in line with our **collective vision** for the Village. The plan identifies **goals, objectives and actions** to implement that collective vision.*

A comprehensive plan would include major elements that may stand-alone, be combined, or become incorporated under concepts or themes that run throughout the plan. These elements could include:

- **Land Use** – existing and future land use, buildings, development, parking, and zoning.
- **Natural Resources** – parks, open space, environmental sustainability and sensitivities, and infrastructure.
- **Transportation** – roads, public transportation (rail and bus), and bicycle, and pedestrian connectivity.

- **Housing and Neighborhoods** – housing trends, preservation, and diversity.
- **Urban Design and Community Character** – architecture, community identity, place-making, and wayfinding.
- **Economic Health & Vitality** – commercial development, fiscal health and impacts.
- **Education and Community Institutions** – Public and private elementary and secondary schools, the public library, park district, the Community House, and other local social, educational, and community institutions.
- **Public Services, Facilities, and Infrastructure** – Public safety, public and private utilities (including a Village-owned electric power plant), and wired and wireless communication technologies.
- **Community Involvement and Governance** – improving ways community members can be involved in governance.
- **Subarea Plans** – detailed plans regarding land use, circulation, development alternatives, and plans for the Village’s three business districts as well as Green Bay Road Corridor. (Discussed further below)
- **Plan Implementation** – a matrix detailing when and how goals under the various elements will be achieved.

Though Zoning Board of Appeals may have thoughts regarding all of these areas, the Board may be most interested in the areas of **Land Use, Urban Design and Community Character, and Housing and Neighborhoods**.

In preparation for the September 9 Board meeting, staff suggests that you give some thought to the following questions and keep in mind the elements identified above as well as your experiences with items that have appeared before the Board. **As you think of each of these questions, think of them from a land use, urban design and community character, or housing and neighborhoods perspective as well as in terms of how we may want to adjust/amend the tools the Zoning Board of Appeals uses (e.g. zoning regulations, etc.) to encourage a desirable built environment.**

1. What would you describe as Winnetka’s strengths from the above perspectives that makes it an attractive place to live, work, or operate a business?
2. What would you describe as Winnetka’s weaknesses from the above perspectives that may hold it back from being a better place to live, work or operate a business?
3. What land use, design, and housing and neighborhood trends are occurring in the region, state, nation or the world that are potential opportunities for Winnetka to take advantage of to enhance the community as a place to live, work, or operate a business?
4. What land use, design, and housing and neighborhood trends are occurring in the region, state, nation, or the world that are potential threats to Winnetka as a place to live, work, or operate a business?
5. If today you were to describe the community character “essence” of Winnetka to someone who knows nothing about Winnetka, how would you describe it?
6. How would you like to be able to describe the community character “essence” of Winnetka? Or how differently would like to describe that “essence”?
7. What is your vision of what Winnetka would be like in 15 or 20 years?

**WINNETKA ZONING BOARD OF APPEALS
SEPTEMBER 9, 2019**

Zoning Board Members Present: Matt Bradley, Chairman
Sarah Balassa
E. Gene Greable
Wally Greenough
Lynn Hadley
Kimberly Handler

Zoning Board Members Absent: None

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

**Minutes of the Zoning Board of Appeals
September 9, 2019**

Call To Order & Roll Call

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

Community Development Report

Mr. Schoon stated since the last meeting, there were three items the Village Council took action on including 1309 Trapp Lane with regard to the pool in the front yard which is a through lot with two front yards. He noted the Village Council approved the setback variations for the pool. Mr. Schoon stated there were two playground applications, one for the Winnetka Community Nursery School and one for Crow Island School, and the Village Council approved both applications. He also stated the Village Council approved zoning relief to allow Boutique Bites, a banquet facility, to locate in the former Antique Emporium space. Mr. Schoon stated Village staff is working with the applicant on building permit plans. He then referred to One Winnetka and the developer's failure to meet deadlines in terms of securing financing outlined in the Development Agreement, which resulted with the Village Council repealing all of the approvals for the project. He stated any redevelopment of that site in a comprehensive fashion would need to go through the new planned development process.

Mr. Schoon then stated the Village Council would hold a public hearing at their meeting the following Tuesday with regard to whether or not to allow the sale of cannabis in the community. He noted while the state approved the use and possession of recreational cannabis as of January 1, 2020, each community would have to decide to allow whether it should be sold and allowed which is a zoning issue. He stated the Village Council decided it would hold a public hearing which would relate to the zoning issue in terms of allowing certain types of cannabis for business in the community. Mr. Schoon then stated if the Village Council decided to allow its use, staff would be back at a future public hearing to give an outline of what it would look like. Mr. Greable asked if it would be presented to the Plan Commission and the ZBA. Mr. Schoon responded it would not. He also stated given there is a tax implication along with a zoning issue, and the Village Council wants to keep the zoning and tax issues it at its level.

Approval of April 8, 2019 meeting minutes

1 Chairman Bradley asked if there were any comments. Ms. Hanley corrected the minutes to reflect she
2 was not present. Chairman Bradley asked if there were any other comments. No additional comments
3 were made at this time. He then asked for a motion. A motion was made by Mr. Greenough and
4 seconded by Ms. Handler to approve the April 8, 2019 meeting minutes, as amended. A vote was taken
5 and the motion unanimously passed.

6
7 Chairman Bradley swore in those that would be speaking to this matter.
8

9 Chairman Bradley then stated he would change the order of the agenda and asked if there was any
10 public comment for items not on the agenda.
11

12 Kimberly Brya, 335 Glendale Avenue, stated she would speak with regard to the approval of zoning for
13 the kindergarten playground at Crow Island in April. She indicated she would not go through all of the
14 material she submitted and would speak to what can be done differently in the future so the same thing
15 does not happen. Ms. Brya noted she worked with Mr. Schoon on this matter and informed the Board
16 she did not get the letter sent by the Village nor saw the placard and that the school lied about the
17 location of the playground when asked about it. She stated she had no idea construction would be
18 happening with the playground which resulted in the structure being 14.6 foot tall and built on a 2 foot
19 base making it 17 feet tall. Ms. Brya stated the top of the structure is taller than the roof of the Crow
20 Island building and may be double the height of the swing set.
21

22 Ms. Brya then stated in considering what other kindergarten playgrounds look like, she drove around
23 the Village to see others which are all green and black and about the same height as the swing set. She
24 stated in the applicant's documentation, the school said to the Board it would be slightly larger. Ms.
25 Brya suggested in the future to consider having the actual square footage or metrics so the
26 measurement is not talked about in abstract terms. She described it as a legal liability for the school and
27 referred to the original jungle gym when Crow Island was built that was so tall, children were falling off
28 and hurting themselves and it was moved to the backyard to the 3rd and 4th grade playground. Ms. Brya
29 also stated the older children's playground equipment is smaller than this equipment. She described the
30 situation as a disaster waiting to happen.
31

32 Ms. Brya also stated in the future, they should make sure to not have the petitioner or the contractor
33 speak for the neighbors or their relationship with the petitioner. She stated when the Board asked what
34 the relationship is like with the neighbors, the contractor responded it is good when it is not. Ms. Brya
35 stated she hoped that communication process that she and Mr. Schoon are working on would include
36 neighbors to be involved earlier in the process.
37

38 Ms. Brya stated her last point, besides the perspective of similar structures is visiting the site and
39 noted Mr. Greenough came to the site. She stated you have to see it and not just look at in the abstract
40 or on paper. Ms. Brya stated they now have a huge 17 foot tall structure against a green field which
41 looked ridiculous. Ms. Brya summarized her comments to include making sure in the documentation to
42 require photos be included and make sure neighbors are included in terms of the perspective and to not
43 listen to contractors in terms of their relationship as well as to define size not in abstract terms. She
44 added if anyone has an inclination to be in touch with the school district, she would highly suggest they
45 recommend that the school put in evergreens to block the view of the structure. Ms. Brya stated most
46 people who build a home do landscaping and noted at no time during the process was landscaping part
47 of the plan and the neighbors have asked the school to make that happen. She concluded by asking
48 the Board members to support the request from the neighbors on Glendale.

1 Chairman Bradley asked Mr. Schoon if the Village staff would like to comment. Mr. Schoon responded
2 they have been in discussions about the public notices and how to word them differently or include
3 additional information to make it clearer in terms of the proposal as well as talked about the public
4 notice sign. He then stated in terms of the site itself, the playground was built as was represented at the
5 meeting and the grade elevations were not shown on the plans and given that he cannot say the school
6 misrepresented that. He indicated it appears they were leveling out the play area for the soft surface
7 area and in doing so the area in question was raised higher at that end. Mr. Schoon confirmed the
8 Village staff is in contact with the school district.
9

10 Chairman Bradley asked if there were any other comments or additional public comment. No additional
11 comments were made at this time.
12

13 **Case No. 19-23-V2: 880 Willow Road: An application submitted by Julian Cazacu seeking approval for**
14 **zoning variations to allow construction of a new single family residence on the existing foundation at**
15 **880 Willow Road. The requested zoning variations would permit the residence (a) to exceed the**
16 **maximum permitted building size, (b) to provide less than the minimum required front yard setback**
17 **from Willow Road and (c) to provide less than the minimum required east side yard setback. The**
18 **Village Council has final jurisdiction on this request.**
19

20 Ms. Klaassen stated the applicant filed an application seeking approval of three variations, one for GFA
21 in the amount of 2,814 square feet whereas a maximum of 1,880 square feet is permitted, a variation of
22 934 square feet or 49.68%, a front yard setback of 13.79 feet whereas a minimum of 50 feet is required,
23 a variation of 36.21 feet or 72.4% and a side yard setback variation to allow a side yard setback of 3.2
24 feet whereas a minimum of 6 feet is required, a variation of 2.8 feet or 46%.
25

26 Ms. Klaassen stated the subject property is located on the south side of Willow Road between Birch
27 Street and White Oak Lane. She then stated in April 2019, the applicant was issued a building permit to
28 build a two story addition and remodel the existing residence. Ms. Klaassen stated on July 29, 2019,
29 Village staff noticed the entire structure above grade had been demolished and a stop work order was
30 issued due to the work going beyond the scope of the approved building permit. She then stated given
31 the entire structure was torn down, the Village's codes define the construction now as a new home
32 which is required to meet the current zoning regulations. Ms. Klaassen stated due to the existing
33 nonconforming home being torn down, zoning relief is necessary for the applicant to proceed with
34 construction to rebuild on the existing foundation.
35

36 Ms. Klaassen stated the plan submitted for consideration by the Board reflects the same improvements
37 originally approved by the Village in April to remodel the residence and build a two addition at the rear
38 of the home. She stated the proposed two story residence would be constructed on the existing
39 foundation which has been reinforced with concrete. Ms. Klaassen stated the existing foundation is
40 located within the required front and east side yard and the proposed residence would be in the
41 same location as the previous residence with the exception that the residence would extend further
42 south toward the rear of the property in compliance with the required setbacks.
43

44 Ms. Klaassen noted the existing lot is legal nonconforming as the lot measured only 4,974 square feet
45 while the R-2 district requires a minimum lot area of 24,000 square feet. She stated the area of the lot is
46 only 20% of the minimum lot requirement. Ms. Klaassen stated in addition, the minimum required
47 average lot width is 100 feet with the current lot measuring less than 38 feet wide. She noted the lot to
48 the east and three lots to the west are all legal nonconforming lots in the R-2 zoning district. Ms.

1 Klaassen reiterated the three variations being requested include a GFA variation, front yard setback and
2 side yard setback. She informed the Board the basement which measured approximately 943 square
3 feet is now included in GFA due to the elevation of the first floor above grade whereas prior to
4 demolition, the basement was not included in the GFA. Ms. Klaassen noted the zoning ordinance
5 requires that basements in buildings constructed since 1989 that have a first floor more than 2.5 feet
6 above grade are to be included in GFA, whereas basements built prior to 1989 are included in the GFA if
7 the basement walls are exposed more than 4 feet above grade. She stated in this particular case, the
8 first floor is located 3 feet 8 inches or 3.67 feet above grade. Ms. Klaassen stated prior to being torn
9 down, the GFA complied with the maximum permitted GFA. Ms. Klaassen stated since the residence was
10 torn down and although the foundation remains, it is considered new construction requiring the
11 entire basement be included in GFA due to the elevation of the first floor above grade.
12

13 Ms. Klaassen stated the Board is to consider whether the requested variations meet the standards for
14 granting such variations. She stated following public comment and Board discussion, the Board may
15 make a recommendation to the Village Council regarding the requested relief. Ms. Klaassen noted a
16 draft motion is included on page 7 of the agenda report.
17

18 Chairman Bradley informed Ms. Brya she did not have to stay and asked the applicant to speak to the
19 request.
20

21 Julian Cazacu, 880 Willow Road, stated he would present the situation to the Board. He stated the home
22 was torn down and the foundation remained to rebuild a new home. Mr. Cazacu stated there are photos
23 of the old home and he decided for the safety of his family and the neighbors, there was no way to build
24 using the existing walls. Chairman Bradley asked if there were any questions from the Board.
25

26 Ms. Handler stated the applicant is saying he bought the home for his family and asked if the co-owner
27 is his wife. Mr. Cazacu confirmed that is correct and his wife is a real estate agent. Ms. Handler asked
28 Mr. Cazacu if they were well aware of the due diligence when they purchased a North Shore property.
29 Mr. Cazacu confirmed that is correct. Ms. Handler noted she did research on the property and saw it is
30 one of the older homes in the Village and was built in 1905 with the last time a permit being issued was
31 in 1929. She then asked if they realized it would be a tough haul when they bought the home and if a
32 general contractor looked at the home. Mr. Cazacu confirmed that is correct. Ms. Handler also asked if
33 he had done renovations before and Mr. Cazacu responded not like this. Ms. Handler described the
34 situation as hitting the lottery and whether they did not think the home was well under market value
35 with a low tax bill and they are allowed to build a 1,800 square foot home with a 900 square
36 foot basement. Ms. Handler stated they should be able to build that. Mr. Cazacu stated they wanted to
37 build what would work for them and the old home was small and they could not make four rooms which
38 is why they decided to do an addition and bathroom. Mr. Cazacu also stated the home is almost 2,000
39 square feet now. Ms. Handler then stated they get to start from scratch and should be able to build a
40 home which would meet their family's needs and the zoning requirements for the Village. She also
41 stated the laws are set for a reason to make sure the housing stock remained as lovely as it is. Ms.
42 Handler then asked why he would not want to do that and build a home in accordance with the
43 ordinance. Mr. Cazacu stated if they were to build a new home according to the requirements, the width
44 of the home would be 16 feet which is very small. He also stated it would be 50 feet long and they want
45 to keep the existing foundation.
46

47 Chairman Bradley referred to the creation of a terrible ordeal in terms of what they contemplated
48 doing. He stated the applicant got a permit to do a build out and upon finding out the walls were not

1 safe, he referred to photos and with regard to the general contractor being able to proceed under the
2 current plans, he asked why the contractor didn't notify the Village he intended to demolish the home.
3 He stated the contractor should have known that would not be authorized. Mr. Cazacu responded when
4 they started demolition, they did it one by one and were planning to keep the east and west walls
5 and found out the home was not safe. He informed the Board the foundation was not connected to the
6 home and they decided to take the whole thing down and that it was a surprise.

7
8 Chairman Bradley asked on what date was the demolition done. Ms. Klaassen responded it was noticed
9 on July 29, 2019 and they are not sure if it happened that day. Mr. Cazacu responded it was within a
10 couple of hours. Chairman Bradley then stated the original plans from the April approval did not
11 contemplate a 933 square foot basement and asked if it was intended to be a crawl space. Ms. Klaassen
12 responded it was not. Chairman Bradley stated everything was approved under the condition it would
13 be a renovation and is existing nonconforming and now since the walls were demolished, it needs to be
14 considered as new construction which brought into play the GFA overage. He asked if there were any
15 other questions.

16
17 Ms. Hanley asked Mr. Cazacu did they know the home was nonconforming when they bought it. Mr.
18 Cazacu responded they did not. Ms. Hanley asked did the general contractor know. Mr. Cazacu
19 responded with regard to the general contractor, it was his idea to demolish it in case something
20 happened and he did not want to be responsible. Ms. Hanley stated the plans show they need variations
21 and the permitted plans should show what is required and what they would have in terms of minimum
22 side yard etc. Mr. Cazacu responded because of the safety situation, they could not leave it the way it
23 was. Ms. Hanley asked Mr. Cazacu if he was aware if you have a nonconforming building which burned
24 down, you cannot rebuild it nonconforming as it was. Mr. Cazacu reiterated it was for safety reasons.
25 Ms. Hanley stated the issue for discussion is securing and rebuilding walls. Mr. Cazacu informed the
26 Board in a meeting, they discussed trying to connect the walls with the foundation and found there was
27 no way to do it. He also stated the whole home was hanging in the wood and there was no connection
28 or support. Ms. Hanley asked Mr. Cazacu if he is aware he can build if they do a new foundation and
29 they are trying to not build a new foundation. Mr. Cazacu stated they want to keep the
30 existing foundation and build a new home. Ms. Hanley asked if with a new foundation, they can still
31 build a new home with just a front yard variation. Mr. Cazacu confirmed that is correct. Ms. Hanley
32 asked why they could not build on the existing basement. Mr. Cazacu referred to the space needed for
33 the family with five rooms and three bedrooms. Ms. Hanley referred to whether they can build this
34 home on a new foundation conforming to the side yard requirements. Mr. Cazacu noted the foundation
35 is in good shape.

36
37 Ms. Klaassen noted the side yard setback for the existing home is set back 3 feet and if they were
38 to remove the foundation and start from scratch, there would have to be a 6 foot setback to the east
39 and 8 feet to the west which leaves a width of 23 feet. Ms. Hanley stated they could still build a 21 foot
40 wide home conforming to the side yard requirements and asked if that would include a driveway. Ms.
41 Klaassen confirmed that is correct on the west side since they would need at least 8 feet for the
42 driveway. Chairman Bradley asked if there were any other questions.

43
44 Mr. Greenough asked Mr. Cazacu when they bought the home and Mr. Cazacu responded January 2019
45 and they never lived in it. Mr. Greenough asked if they considered the possibility of demolishing
46 and building a new home on the site and Mr. Cazacu confirmed that is correct. Mr. Greenough then
47 asked how the Village staff distinguished between it being an inadvertent teardown caused by
48 circumstances and deliberate teardowns. Mr. Schoon responded the submitted plan required them to

1 leave more than 50% of the structure in place to be considered a remodeling and not new home
2 construction. He stated when the developer proceeded with a gut rehab; they discovered the structural
3 support was not safe, which does happen on occasion.
4

5 Mr. Greenough asked what led them to believe they could partially demolish the home and rebuild
6 around it. Mr. Cazacu responded the foundation is in good shape and the walls were not open in order
7 to check them deeper and determine the shape of the home. He stated they checked parts of
8 the basement and decided to demolish it that far with 50% of the home being the same but the home
9 had old wood which was not in good shape. Mr. Cazacu stated they want to do the best rebuild so that it
10 would be strong and not a problem in the future. He then stated after the permit was issued,
11 they started demolition slowly and then saw the walls were in bad shape. Chairman Bradley asked if
12 there were any other questions.
13

14 Mr. Greable stated when the applicant bought the home, prior to 1989, the basement could have gone
15 4 feet above the foundation which would have been ok and the home was at 3.67 feet and was legal.
16 Chairman Bradley stated the applicant is not in the position for a height variation that would count
17 toward GFA in the remodel. Mr. Greable stated when the applicant bought the home; the basement was
18 4.67 feet above the foundation which made it legal. Mr. Cazacu stated he did not have that information
19 and with regard to the existing basement, they broke everything down and referred to new
20 plumbing. Mr. Greable then stated what they are doing now brings in additional first floor height which
21 was not in it before because it was conforming. He asked what is the height they are using that would
22 bring this in to GFA. Mr. Cazacu confirmed the basement would be 7 feet deep and the first floor would
23 be 8 feet. Chairman Bradley stated if the basement is above 2.5 feet, it would be brought in to GFA
24 under the new rules and if they had it at 2.5 feet and below, it would not come in to GFA.
25

26 Ms. Klaassen referred the Board to Sheet A-4 which is the building section which showed the grade
27 elevation of 0 with the first floor at 3 feet 8 inches above grade. Mr. Greable asked if it was the same as
28 before the teardown and complies with the old grade. Ms. Klaassen stated it was not included
29 previously since the basement walls were not exposed more than 4 feet and now since it would be
30 new construction, the limit is 2.5 feet to the first floor. Mr. Greable then stated they are only talking
31 about 1 foot which he described as a minor amount. Chairman Bradley asked if there were any other
32 questions from the Board or audience.
33

34 Maureen Cline, 350 Birch Street, informed the Board she lives next to the subject property. She stated
35 she is not anti-development and understood there were issues with the previous structure which
36 definitely needed renovations. Ms. Cline then stated she had strong objections to the variations being
37 requested by the developer which will negatively impact their property. She noted the west side of the
38 home which shared the property line with this property only has three windows. Ms. Cline informed the
39 Board the previous structure came as far back as halfway to the kitchen window leaving the remaining
40 windows with unobstructed views and light. She stated the new structure would extend across the
41 kitchen window and one of the two dining room windows leaving only one window with natural light.
42 She stated although the back of the original structure extended into a portion of the kitchen window,
43 there is currently a sufficient distance between both properties to allow natural light into their kitchen.
44 Ms. Cline stated if the variations are granted, it would allow the new structure to sit closer to their
45 property line and this would no longer be the case. She indicated the developer knew what the
46 permissible footprint was and the purchase price reflected those restrictions. She then urged the Board
47 to reject the petition for these variations so as not to diminish their family's enjoyment of their home
48 and the value of their investment.

1 Chairman Bradley stated in terms of the setbacks, this is all existing as originally existed for the building
2 in April. He also stated for the permit granted in April, it was compliant with the ability for them
3 to extend the home as originally planned. Ms. Klaassen confirmed that is correct. Chairman Bradley
4 asked if there were any other comments.

5
6 Chairman Bradley swore in Doug Deets, 879 Willow Road. Mr. Deets stated he lives across the street and
7 has watched the progression of events on the property which he described as upsetting and the
8 applicant gutted the entire place. He questioned why they did not see the condition of the walls and
9 foundation then. He then referred to a footer being put in for the addition before knocking the home
10 down. Mr. James also stated there was no fencing except a bit around the front of the property. He then
11 stated the electrical was standing on a single piece of wood until the Village saw what occurred and the
12 power company shut it down. Mr. Deets stated while he understood the applicant wanted to go with
13 the existing footprint, the property is very small and questioned the effect on drainage and water for the
14 surrounding neighbors. He referred to a garage which may be in the plans. Ms. Klaassen stated there is
15 not. Mr. Deets then stated the basement is in bad shape with rotting 100 year old bricks. He stated his
16 concern is supervision and given the record of what they have found so far, there is a need for better
17 supervision of the applicant and the home should be built within the conformity of the guidelines.
18 Chairman Bradley asked if there were any other comments.

19
20 Chairman Bradley swore in Laurie DeJaines (sp?), 879 Willow Road. Ms. DeJaines stated she did
21 not believe based on the plans they reviewed that what they bought and what they intend to do should
22 be approved for the reasons stated by the neighbor at the corner of Birch. She informed the Board their
23 home was also built in 1905 and for the work done at that property, for a home this old and with a
24 realtor as a family member, they should have known what the restrictions are. Ms. DeJaines stated in
25 order to maintain the home integrity in the Village, building a larger home would be detrimental to the
26 neighbors. She also stated it is already difficult to get in and out of the shared driveway and it
27 is dangerous for the children next door since there was no fencing until the work stoppage on July 29th.
28 Ms. DeJaines referred to three children across the street whose home shares the driveway. She then
29 stated with regard to the work to be done, the Village told them it's just a remodel and addition when
30 clearly, it was not. Ms. DeJaines then stated when the electric pole was left standing; they connected it
31 to a pole in her front yard which was a huge danger. She also stated they have watched the entire
32 progression of the work being done from their home and while she understood the applicant wanted
33 a larger home and have the variations accepted for his family, the Village should stand by the zoning
34 laws and restrictions as well as for the protection of the community. Ms. DeJaines added while she is not
35 against a new home being built, a 1,800 square foot home in Winnetka is in great demand and
36 concluded it would be a detriment to not adhere to the regulations. Chairman Bradley asked if there
37 were any other comments.

38
39 Chairman Bradley swore in Kelly Horn, 340 Birch. Ms. Horn stated she saw everything happen and
40 had extreme concerns about the negligence and possible bait and switch which looked deliberate
41 and happened quickly. She informed the Board they had a tree removed from their front yard and went
42 through the proper approval process, talked to the Village Forester, etc. Ms. Horn then stated for
43 the safety and the community, she is very concerned about what happened. She also stated there was a
44 lack of integrity and a huge concern going forward that if they wanted to build an addition that should
45 have been done. Ms. Horn reiterated for the work they did to their home, they went through the
46 appropriate process. She again referred to it being a bait and switch and the applicant's first call should
47 have been to the Village if they felt the walls were unsafe. Ms. Horn commented it is upsetting to them

1 as neighbors and encouraged them to look at the precedence set by the homeowner and the integrity of
2 the process should be upheld.

3
4 Chairman Bradley asked if there were any other comments. No additional comments were made at this
5 time. He stated the Board would now bring the matter in for discussion and asked the Village staff if
6 they had paperwork in terms of the contractor working on the site as to whether they were licensed,
7 bonded and insured. Ms. Klaassen responded they are required to do that. Chairman Bradley stated it
8 was a typical process by which oversight in terms of interior renovation and fencing being required, he
9 asked to what extent the Village monitors what is happening from the period in April and notice of
10 demolition if there was any. Ms. Klaassen stated Village staff does code enforcement which did
11 not mean there was not any communication. She noted inspections are done through all phases of
12 construction. Chairman Bradley stated if the applicant is granted permission to move forward, he
13 referred to there being restriction around the surrounding area since it is new construction and security
14 fencing being taken care of. Ms. Klaassen confirmed that is correct.

15
16 Chairman Bradley asked if there was any additional comment and stated he did not have the sense the
17 Board is leaning one way or the other. He noted the Board is a recommending body to the Village
18 Council to approve or deny the request. Ms. Balassa stated she did not want there to be confusion with
19 regard to the neighbors' concerns or lose sight of the Board's requirements. She stated to review, the
20 home the applicant wanted to build was approved initially as an addition and remodel in the exact same
21 footprint and for them to keep the foundation and to do anything, it would not be conforming
22 and variations are required. Ms. Balassa stated in connection with the concerns of the neighbors' natural
23 light and air and effect on their property, they would not have had the ability to bring those concerns
24 with the remodel and addition and asked if there is no forum for that. Ms. Klaassen confirmed that is
25 correct because the addition and remodel complied with the regulations. Ms. Balassa then asked if the
26 only way it would come into conformance is to start fresh with a new foundation and stated those
27 four homes would no longer be in alignment which would change the streetscape and look of the street
28 on Willow Road. Ms. Klaassen confirmed that is correct. Ms. Balassa referred to the concerns with
29 regard to the children's safety issues which are very important to address no matter what. She also
30 stated she did not attribute the situation to be a bait and switch and the Board cannot assess that here
31 and for the testimony of the petitioner, photos and information, it is not relevant. Ms. Balassa reiterated
32 the Board should not discuss that and should say what is the best solution going forward. She noted
33 there would be a change to the neighborhood either way and the request was already approved for an
34 identical home by the Village, it is a difficult question. Ms. Balassa stated she is leaning toward allowing
35 the request and noted it is a very tight space and they have to make the best of the situation.

36
37 Ms. Handler referred to the satellite view and the home being the most forward home on the block. Ms.
38 Balassa stated it is by minor amounts and the distance between the homes is very tight which had an
39 effect on the neighbors. She added she did not know how much they should take the natural light effect
40 into account. Ms. Handler referred to the natural light effect since they would turn the back room into a
41 two story addition. Ms. Balassa confirmed they are allowed to do that and the neighbors' concern is not
42 resolved.

43
44 Chairman Bradley stated it becomes an issue of semantics when you consider the qualifications of
45 the property. He stated before the decision of the contractor was made to tear down the home, it was
46 in compliance with the ordinance for renovation and an addition. Chairman Bradley noted the R-2
47 district calls for 24,000 square feet and the applicant tried to put on an improvement and was staying
48 within the space provided. He then stated but for the careless decision which was done out of safety of

1 the teardown, they are now to look at it as new construction. Chairman Bradley then stated the issues
2 of the front yard setback and side yard setback are semantics to him and the structure was in place
3 when the home was bought and referred to the age of the home and neighbors who bought their
4 homes. He also referred to a home that size and housing stock staying available on the small parcel.
5 Chairman Bradley then stated the issue of GFA and overage only come in play because they are now to
6 look at it as new construction and the 933 square feet proffered overage is due to how the current
7 foundation would be set up. He also stated a 7 foot high ceiling is not elaborate for the structure or
8 space. He referred to stopping the applicant from going further down to stay within the side yard
9 setback and front yard setback to build an allowable home and the reason they are having the
10 conversation and the contractor is on watch now who decided to tear the home down.

11
12 Chairman Bradley noted the neighbors' concerns are valid and justified in terms of safety and referred to
13 citizens flagging issues to make sure things are policed. He then stated he would reluctantly be in favor
14 of the applicant going forward because semantics are driving it. Chairman Bradley also stated he
15 understood the residents' concerns and with regard to the reduction of light in the backyard, the Board
16 cannot make a decision on their rights to build on the property as long as it is in compliance with
17 the zoning ordinance. He agreed it is clear the variations given would not make a bigger home than
18 before on the property except what is allowed to take them beyond what was there before and they
19 would not have been given a variation to build anything if they were not within their legal right to build
20 from April.

21
22 Mr. Greenough referred to concern with regard to bait and switch, and he stated the proposed building
23 is what was already going to be built. He cautioned them to talk to the contractor and added he would
24 be in favor of the request.

25
26 Ms. Hanley stated while she did not feel there was a bait and switch, she referred to buying a
27 nonconforming 115 year old home and this happened whether it was intentional or not, the home was
28 demolished and the applicant should start within the confines of the zoning ordinance if they build a
29 new structure. She also stated they should not judge as to whether it was intentional or not and when
30 there is demolition of any kind, you should not be permitted to go ahead and not rebuild within
31 conformity. Ms. Hanley also stated they are subjecting to the situation being used as a loophole to skip
32 the demolition process and described the situation as extremely unfortunate. She also stated in shoring
33 the walls, foundation, etc. and jumping to demolition, they have to conform. Ms. Hanley then stated she
34 is sympathetic to the neighbor's light issues, which is why they have ordinances, although a 50
35 foot setback in the front would be ridiculous. She suggested they reapply for the front yard setback or
36 allow for a driveway and as a result of the demolition, to try to conform to the ordinance. Ms. Hanley
37 added she would hate to create a loophole and referred to other homes which were intentionally or
38 unintentionally demolished and they do not want to set up a precedent.

39
40 Mr. Greenough asked in those instances, if the concern is to take advantage of the demolition and
41 building something new. Ms. Hanley responded if the home falls down to the foundation, the new home
42 should conform to zoning. Chairman Bradley noted that is not possible in the R-2 district and given how
43 that lot is zoned; it would always need a variation. Ms. Hanley then stated an attempt should be
44 made to conform although a variation of the 50-foot setback should be allowed. Chairman Bradley
45 noted it is only because of the height of the basement that a GFA variation is necessary. Ms. Hanley
46 stated with a lower foundation, they can still build a 1,800 square foot home and she would not
47 recommend approval of the request as is and suggested the applicant come back with another design.
48

1 Chairman Bradley stated the Board seemed to be moving toward the applicant withdrawing the request
2 and reappear with modifications. Ms. Klaassen stated they would not withdraw the application but
3 would be given the opportunity to continue the case in order to revise the plans.
4

5 Mr. Greable stated he saw the property and described it as an unusual situation. He then stated the
6 existing foundation for the front and side setbacks is ok and would remain the same as it was. Mr.
7 Greable stated the first floor is giving him problems which is the basement which resulted in it being
8 2,813 square feet and the basement being 933 square feet. He stated that takes it over 2.5 feet and that
9 is the new rule and under the old rules prior to 1989, it was 4 feet. Mr. Greable then stated if they stay
10 below 4 feet, it would be in compliance and the basement would only be 3.67 feet above grade. He
11 reiterated the front and side yard setback are in compliance under the old rules and this is in compliance
12 with the old rules and he would therefore vote in favor recognizing the final decision maker is the Village
13 Council.
14

15 Ms. Handler stated there has been a lot of commentary and there are eight standards required to vote
16 in favor of the variance. She referred to three standards which she did not see as being met, the first of
17 which is reasonable return. Ms. Handler stated it would be new construction and would yield reasonable
18 return if built in accordance with the current laws. She stated with regard to the plight of the applicant
19 being due to unique circumstances, they are looking at a lot which is effectively a vacant lot and
20 required to be treated as new construction and they can construct a new home within zoning. Ms.
21 Handler also stated it is not a unique or narrow lot and has one street frontage. She then stated with
22 regard to light and air, when there would have been renovation on the existing home, it would not have
23 impaired light and air. Ms. Handler stated now it is new construction and they have to look at it under
24 those standards. She concluded by stating based on the plans and testimony of the neighbors, the new
25 home would impair the light and air of the adjoining home and she would not vote in favor of the
26 request since it did not meet three of the eight standards.
27

28 Chairman Bradley stated it is clear there is a set of standards to consider in order to grant variations. He
29 then referred to reasonable return and because it is new construction and in the R-2 district,
30 the minimum lot area is 24,000 square feet and this property cannot be built on without variances. He
31 then stated to the extent standard one is in question, he would be on the side of the applicant and no
32 home is possible on the lot. Ms. Klaassen stated to clarify; it is still considered a buildable lot. Chairman
33 Bradley then stated if they build a new home, the front yard setback would have to be 50 feet with
34 there being nothing left to build a home.
35

36 Mr. Greenough then stated he was moved by Ms. Handler's comments and referred to the concern of
37 the idea they ended up with total demolition and not treat what comes as new construction which is
38 what it is. He confirmed he is now against the request.
39

40 Chairman Bradley stated there are three Board Members in favor and three against the request and
41 referred to how the Board would proceed. Mr. Schoon stated the Board can try to identify whether
42 there would be a favorable amount of votes to approve an amended application so as to convince one
43 Board Members opposed to the project to recommend granting a variation. He also stated it would
44 require the applicant agreeing to that. Mr. Schoon then stated he is hearing there may be a need for
45 variations but this set of variations would not be appropriate. He questioned what set of variations did
46 the Board feel would be appropriate. Ms. Handler stated she could not support the GFA variation and
47 that a new foundation can be built in compliance with GFA and side yard requirements.
48

1 Chairman Bradley questioned how to suggest variations which are not before the Board. He noted GFA
2 is over the requirement because of treating the request as new construction. Chairman Bradley then
3 stated even if they say the applicant can lower the grade by some amount of the foundation to allow no
4 more than 2.5 feet above grade so that the 933 square foot variation goes away or build a new
5 foundation. He indicated it would not be appropriate for the Board say to the applicant what to do with
6 their property and to give the applicant a delay on the decision given the comments made by those not
7 in favor. Mr. Schoon informed the Board they can take more than one meeting if they cannot reach an
8 agreement, and after that try to forward a recommendation to the Village Council. He stated the others
9 can be asked how they could support it or not and then have the applicant come back to the next
10 meeting.

11
12 Chairman Bradley indicated it sounded like setbacks are not a deal breaker for Ms. Hanley. Ms. Hanley
13 referred to the east setback problem and FAR. She added a decent size home can be built with a 10 foot
14 driveway while leaving 8 feet on the other side with a 20 foot wide home. Ms. Hanley noted it is 21.5
15 feet now and the applicant can still build a decent home and meet the east setback and FAR
16 requirements. Mr. Greenough stated they should not tie up the applicant, and the request should go on
17 to the Village Council. He then stated he would be in favor to recommend approval and heard the
18 reluctance.

19
20 Chairman Bradley asked Ms. Handler with regard to her comments being rigid in that new construction
21 should be built in the strict interpretation of the regulations in the R-2 district and whether all
22 three variations were not acceptable to her. Ms. Handler responded some sort of front yard setback
23 variation of the 50-foot requirement would be reasonable. She reiterated FAR is the problem.

24
25 Chairman Bradley noted for the record potentially letting the rules allow intention and they would be
26 asking the applicant to spend money to demolish the foundation of the home at 21.53 feet in width,
27 which in April was compliant, to reduce it to 20 feet. He stated it amounted to 18 inches and the cost
28 the applicant would have to pay to get 18 inches for the side yard setback strikes him as not being
29 reasonable. Chairman Bradley then stated he appreciated the rigid holding to the standards, and they
30 should offer the applicant the ability to delay a vote and to recommend the applicant connect with their
31 contractor or architect with regard to plans to eliminate GFA and assuage the setback variations to
32 salvage the existing foundation.

33
34 Chairman Bradley then asked for a motion to recommend approval of the applicant's request as set
35 forth on page 7 of the staff report. Such a motion was made by Mr. Greable and seconded by Mr.
36 Greenough. A vote was taken and the motion passed, 4 to 2.

37
38 AYES: Balassa, Bradley, Greable, Greenough

39 NAYS: Handler, Hanley
40

41 **Comprehensive Plan Workshop Session:**

42 Chairman Bradley informed the Board for the Comprehensive Plan workshop session done with the Plan
43 Commission, it was not done in 20 minutes and suggested they postpone it to the October meeting or
44 have a separate meeting. Mr. Schoon stated there is talk of a full agenda for October and the deadline
45 has not passed. Mr. Greable suggested they start earlier than 7pm. Ms. Balassa stated she cannot make
46 it before 7pm. Mr. Schoon then stated they can start the meeting earlier at 6pm and then continue on
47 with the other agenda items.
48

1 Mr. Greenough asked if there was any homework before the October meeting and Mr. Schoon
2 confirmed there is not. He stated at this point, they would gather the ideas in terms of the SWOT
3 analysis. Mr. Greenough stated he would read the 2020 Comprehensive Plan for reference.
4

5 **Other Business**

6 No additional business was discussed at this time. The Board's next meeting is on October 14, 2019.
7

8 **Adjournment**

9 The meeting adjourned at 8:40 p.m.
10

11 Respectfully submitted,
12

13 Antionette Johnson

14 Recording Secretary

DRAFT



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: ZONING BOARD OF APPEALS
FROM: ANN KLAASSEN, SENIOR PLANNER
DATE: OCTOBER 3, 2019
SUBJECT: CASE NO. 19-25-V: 680 GREEN BAY ROAD -VARIATION

INTRODUCTION

On October 14, 2019, the Zoning Board of Appeals will conduct a public hearing on an application filed by the 680 Green Bay Road Condominium Association (the "Applicant") as the owner of the property at 680 Green Road (the "Subject Property"). The Applicant requests approval of the following zoning variation to allow the expansion of the existing north driveway on the Subject Property:

1. Intensity of Use of Lot (impermeable lot coverage) of 21,664 square feet, whereas a maximum of 20,112.9 square feet is permitted, a variation of 1,551.1 square feet (7.71%) [Section 17.36.010 – Intensity of Use of Lot][Note: The site currently contains 21,583 square feet of impermeable lot coverage].

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 Current* on September 26, 2019. As of the date of this memo, staff has not received any written comment from the public regarding this application.

The Zoning Board of Appeals has final jurisdiction on this request as the Board has the authority to grant a variation to exceed impermeable lot coverage limitations by no more than 20%.

PROPERTY DESCRIPTION

The Subject Property, which is approximately 0.77 acres in size, is located on the west side of Green Bay Road, between Pine Street and Westmoor Road, and contains an existing four-story condominium building. Figures 1 through 4 on the following pages identify the Subject Property.

The property is zoned B-2 Multifamily Residential, and it is bordered by B-1 Multifamily Residential to the north, B-2 Multifamily Residential to the south, and R-3 Single Family Residential to the west (represented in Figure 5 later in this report). The Comprehensive Plan designates the Subject Property as appropriate for multi-family residential development. The zoning of the property is consistent with the Comprehensive Plan.

PROPERTY HISTORY AND PREVIOUS ZONING APPLICATIONS

The 27 unit condominium building was built in 1973. Several subsequent building permits have been issued over the years for interior remodeling of individual units and general maintenance to the building and Subject Property in general.

There is one previous zoning case on file for the Subject Property. ZBA Case No. 10-23-V was approved by the Zoning Board of Appeals on September 13, 2010 to allow a patio, measuring 16 feet by 25 feet at the rear of the building. The approved patio increased the preexisting nonconforming impermeable lot coverage. An excerpt of the September 2010 meeting minutes is included in this report as Attachment D.



Figure 1 – Subject Property



Figure 2 – Subject Property – North Driveway



Figure 3 – Subject Property – General Area of Proposed Driveway Expansion



Figure 4 – Aerial Map

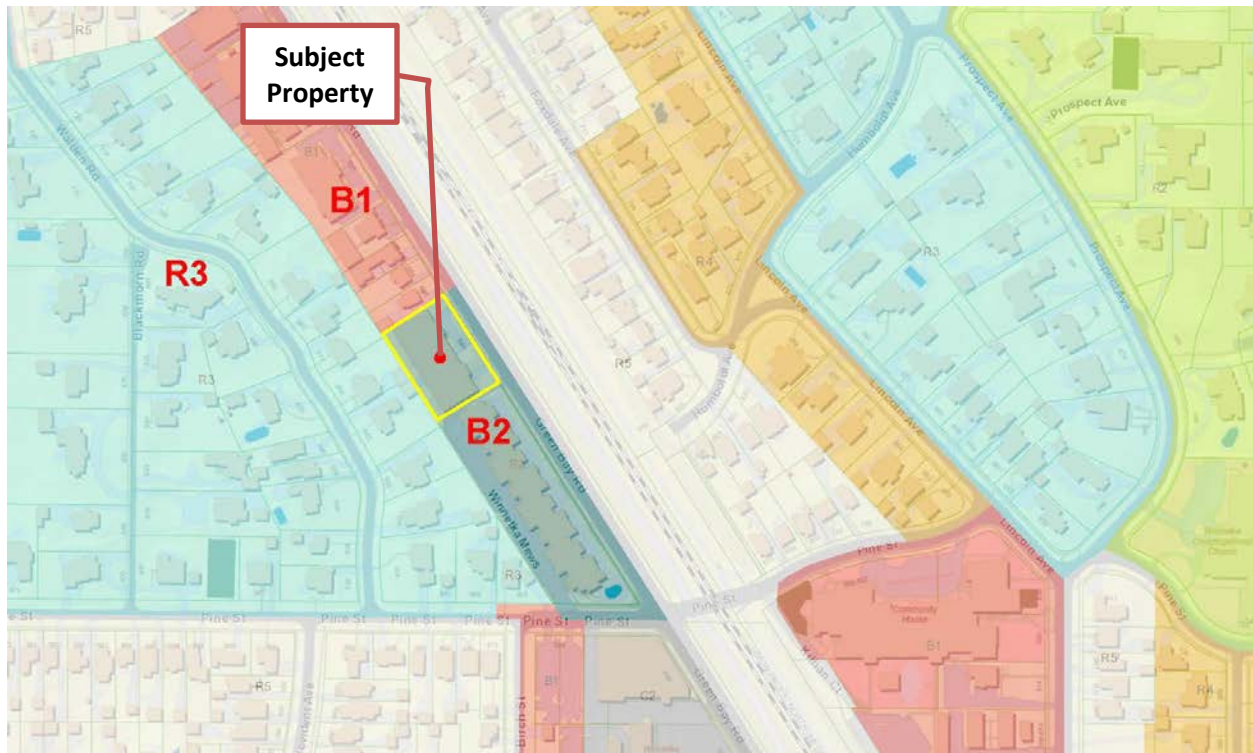


Figure 5 – Zoning Map

PROPOSED PLAN

The variation is being requested in order to expand the existing north driveway on the Subject Property. An excerpt of the site plan is provided on the following page as Figure 6. The Subject Property has an existing circular driveway with two access points on Green Bay Road. The proposed driveway expansion would be located along the north side of the existing north driveway. It would consist of brick pavers and measure 3 feet in width and 27 feet in length. The proposed expansion would add 81 square feet of impermeable lot coverage. The Applicant explains in the attached written explanation that the additional surface would allow a vehicle to park in such a manner as to not block access to and from the north garage of the building.

In addition to the site plan, the Applicant has provided a letter describing the situation as well as photos of the existing conditions. These documents are all provided in Attachment C.

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, Village Engineering Staff will confirm compliance upon submittal of a building permit. Additionally, Figure 7 on the following page represents the Subject Property's proximity to the floodplain. The grey represents the 100-flood area.



Figure 6 – Excerpt of Site Plan



Figure 7 – GIS Floodplain Map

REQUESTED ZONING RELIEF

The attached zoning matrix highlights the existing lot and the proposed improvement's compliance with the B-2 zoning district (Attachment A). It should be noted that the existing improvements are legally nonconforming with respect to the intensity of use of lot (impermeable lot coverage) as well as both side yards and the rear yard setbacks. One variation is being requested for the intensity of use of lot, or impermeable lot coverage. The proposed intensity of use of lot is 21,664 square feet, whereas a maximum of 20,112.9 square feet is permitted. The existing intensity of use of lot is 21,583 square feet. The proposed driveway expansion would increase the nonconforming lot coverage by 81 square feet.

REQUESTED ZONING CONSIDERATION

The Applicant is requesting approval of the following zoning variation to expand the existing north driveway on the Subject Property:

1. Intensity of Use of Lot (impermeable lot coverage) of 21,664 square feet, whereas a maximum of 20,112.9 square feet is permitted, a variation of 1,551.1 square feet (7.71%) [Section 17.36.010 – Intensity of Use of Lot].

FINDINGS

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

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

ATTACHMENTS

Attachment A: Zoning Matrix

Attachment B: Stormwater Matrix

Attachment C: Application Materials

Attachment D: Excerpt of September 2010 ZBA meeting minutes

Attachment E: Draft Resolutions

ATTACHMENT A

ZONING MATRIX

ADDRESS: 680 Green Bay Road

CASE NO: 19-25-V

ZONING: B-2

ITEM	MIN/MAX REQUIREMENT	EXISTING	PROPOSED	DIFFERENCE BETWEEN PROPOSED & EXISTING	ZONING CODE COMPLIANCE (3)
Min. Lot Size	N/A	33,521.5 SF	N/A	N/A	N/A
Min. Average Lot Width	N/A	219.09 FT	N/A	N/A	N/A
Max. Intensity of Use of Lot (1)	20,112.9 SF (2)	21,583 SF	21,664 SF	81 SF	1,551.1 SF (7.71%) VARIATION
Max. Gross Floor Area	26,817.2 SF (2)	N/A (4)	N/A (4)	N/A (4)	N/A (4)
Min. Front Yard (Green Bay/East)	25 FT	39.01 FT	39.01 FT	0 FT	OK
Min. Side Yard (North)	12 FT	5.99 FT	5.99 FT	0 FT	EXISTING NONCONFORMING
Min. Side Yard (South)	12 FT	9 FT	9 FT	0 FT	EXISTING NONCONFORMING
Min. Rear Yard (West)	30 FT	23.89 FT	23.89 FT	0 FT	EXISTING NONCONFORMING

NOTES:

(1) This includes the area of the building (17,523.9 s.f.) and the impermeable lot coverage on the lot.

(2) Based on lot area of 33,521.5 s.f.

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

(4) Gross Floor Area calculations are not required for driveways or impermeable lot coverage.

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 680 Green Bay Road</i> <i>Based upon preliminary review of information to date, it appears that 680 Green Bay Road <u>would not</u> have to provide additional storm water detention volume. However, a final determination will not occur until plans are submitted with a building permit application and reviewed by Village Engineering staff.</i>

VILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT

ZONING VARIATION APPLICATION

Case No. 19-25-VProperty InformationSite Address: 680 Green Bay Rd Winnetka, ILOwner InformationName: 680 Green Bay Rd AssociationAddress: 680 Green Bay RdCity, State, ZIP: Winnetka, IL 60091Email: [REDACTED]Primary Contact: John Madden JrPhone No. [REDACTED]Date property acquired by owner: 1976Architect InformationName: none at present

Primary Contact: _____

Address: _____

City, State, ZIP: _____

Phone No. _____

Email: _____

Attorney InformationName: none at present

Primary Contact: _____

Address: _____

City, State, Zip: _____

Phone No. _____

Email: _____

Nature of any restrictions on property: The Association is in excess of the
permissible impermeable allocationBrief explanation of variation(s) requested (attach separate sheet providing additional details): The Association
proposes to construct a narrow brick expansion to
the North driveway (8ft x 27 ft or 815F) See
Summary - See questionsProperty Owner Signature: [REDACTED]PresidentDate: 8/20/2019

M

Zoning Board of Appeals - 680 Green Bay Condo Association - Questions

10/19/2019

Mon, Aug 19, 2019 at 4:03 PM

John Madden, Jr. [REDACTED]

To: [REDACTED]

- 1 The rate of return on the property will not be affected by the proposed improvement.
- 2 Our plight is caused by the limited parking on Green Bay Rd. During the last five years there has been continual construction at the Winneka Mews, our neighbor to the South, which has aggravated the situation.
3. The variation, if granted, will not alter essential character of the locality.
4. The supply of light and air to 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 and will be diminished.
8. The public good will benefit from this improvement because a parking hazard will be reduced or eliminated.



Zoning Board of Appeals - 680 Green Bay Condo Association - Summary

1 message

John Madden, Jr. [REDACTED]

Tue, Aug 13, 2019 at 10:56 AM

Draft To: John Madden, Jr. [REDACTED]

The purpose of our appeal is to request a variance to construct a brick strip expansion (3ft x 27ft or 81 sq ft) along the North side of the North driveway to our building.

The 680 Green Bay Rd Association is four story brick structure constructed in 1976 on a parcel of land that was formerly the Public Works Yard of the Village of Winnetka. The ground floor consists of the entrance lobby, elevator, staircases to the upper floors, elevator room, mechanical room, fire alarm room, storage area and garage parking for residents. There are three entrances to the garage, namely South, Middle and North. The first, second and third floors consist of nine (9) apartments on each floor for a total of twenty-seven (27) apartments.

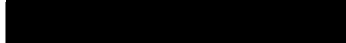
The Association has required any contractor working in the building to enter the building through the North garage entrance. This applies to personnel and materials. We have allowed contractors to park a single vehicle (pick-up truck or van) along the North edge of the North driveway. If this space is not available, any vehicle must be parked on Green Bay Rd. As a result of this parking, there is a narrowing of the North entrance which is a hazard. Parking on Green Bay Rd. is always problematical. During the last five years, parking has been complicated by constant construction on the Winnetka Mews.

The Association is concerned that a poorly parked vehicle could cause an accident or injury to either residents, visitors or contractors. At the same time we want to encourage the owners of the apartments in the Association to keep their units up to date. Construction of a narrow brick expansion on the North driveway would enable a vehicle to be parked in such a fashion that entrance and exit from the garage could be safely accomplished.



JOSE E VEGA PRESIDENT AND OWNER
19742 West Shore Drive Mundelein, IL 60060
TEL (837) 837-8231 vegas-landscaping@hotmail.com

JOHN MADDEN
680 GREEN BAY RD
WILMETTE, IL 60093



TEL [REDACTED] DATE 08/16/2018

HARDSCAPE PROPOSAL

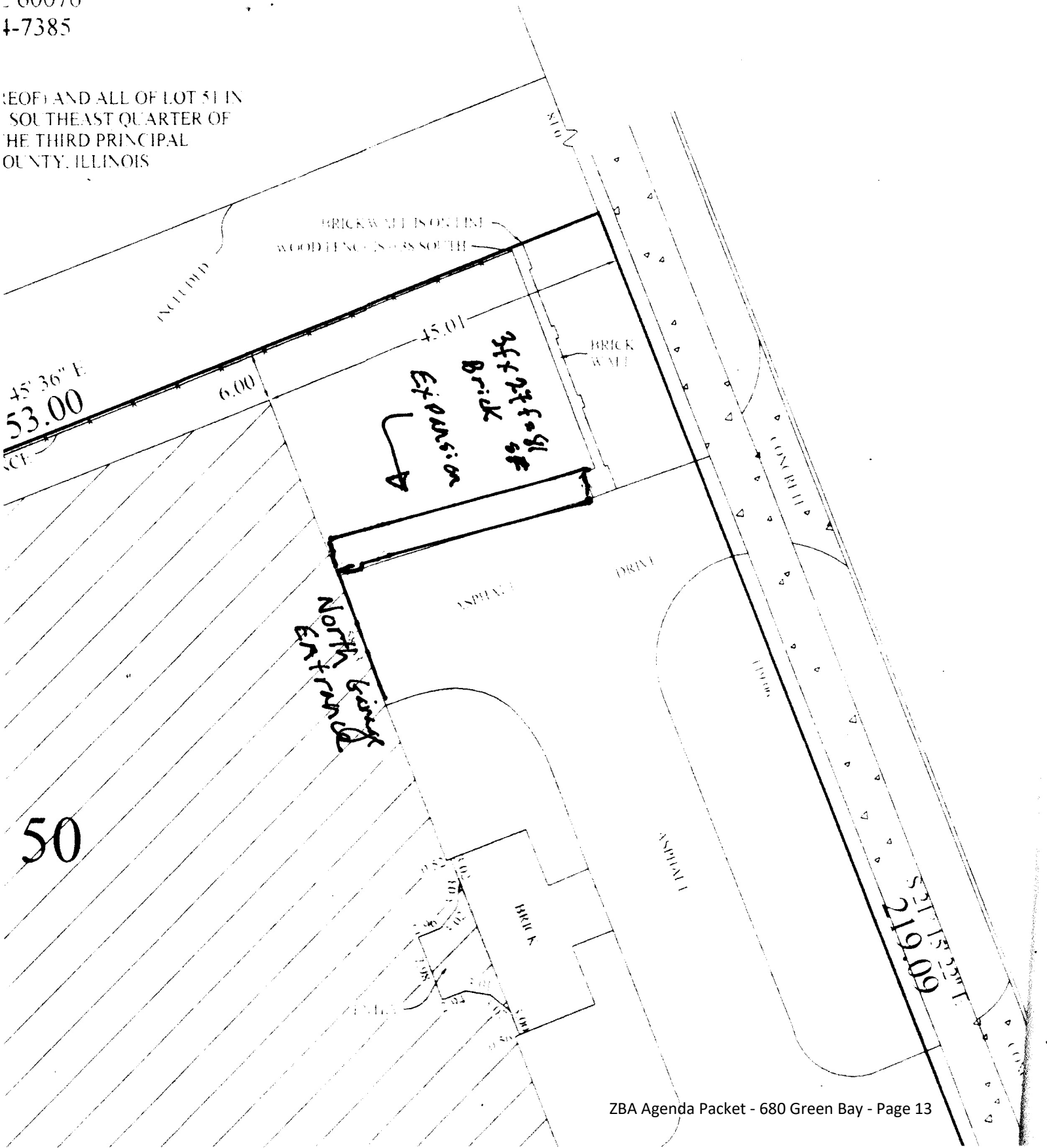
- **HARDSCAPE IN FRONT OF GARAGE AREA**

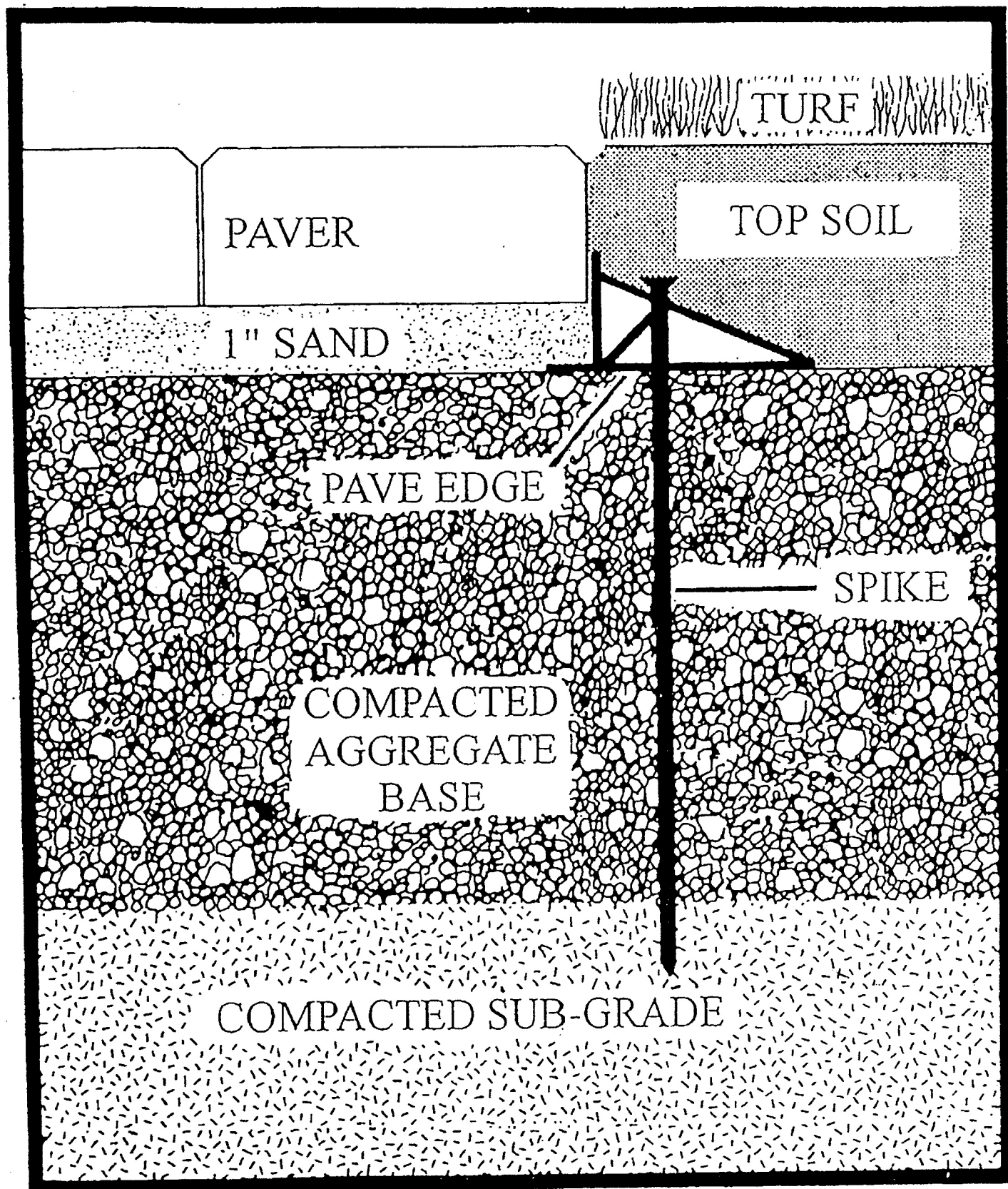
- ESCAVATION IS ALWAYS 12 INCHES DEEP
- PLACE GRAVEL #9 AS BASE
- 1INCH SAND FOR LEVELING OFF
- 3 INCH UNILOCK HERITAGE BROWN PAVER
- Labor and material included

- **Total for this project\$1200**

60076
4-7385

SEOF) AND ALL OF LOT 51 IN
SOUTHEAST QUARTER OF
THE THIRD PRINCIPAL
COUNTY, ILLINOIS





DRAFT

ZONING MATRIX

ADDRESS: 680 Green Bay Rd.

CASE NO:

ZONING: B-2

ITEM	REQUIREMENT	EXISTING	PROPOSED	TOTAL	STATUS
Min. Lot Size	N/A	33,521.5 SF	N/A	N/A	N/A
Min. Average Lot Width	N/A	219.09 FT	N/A	N/A	N/A
Max. Intensity of Use of Lot (1)	20,112.9 SF (2)	21,451.62 SF	81 SF	21,532.62 SF	1419.72 SF variation (7.1%)
Max. Gross Floor Area	26,817.2 SF (2)	N/A (3)	N/A (3)	N/A (3)	N/A
Min. Front Yard (East)	25 FT	39.01 FT	N/A	N/A	OK
Min. Side Yard (North)	12 FT	5.99 FT	N/A	N/A	EXISTING NONCONFORMING
Min. Side Yard (South)	12 FT	9 FT	N/A	N/A	EXISTING NONCONFORMING
Min. Rear Yard (West)	30 FT	23.89 FT	N/A (4)	N/A	EXISTING NONCONFORMING

NOTES:

(1) This includes the area of the building (17,523.9 s.f.) and the impermeable lot coverage on the lot.

(2) Based on lot area of 33,521.5 s.f.

(3) Gross floor area calculations are not required for patios.

(4) Patios are permitted to encroach required setbacks.

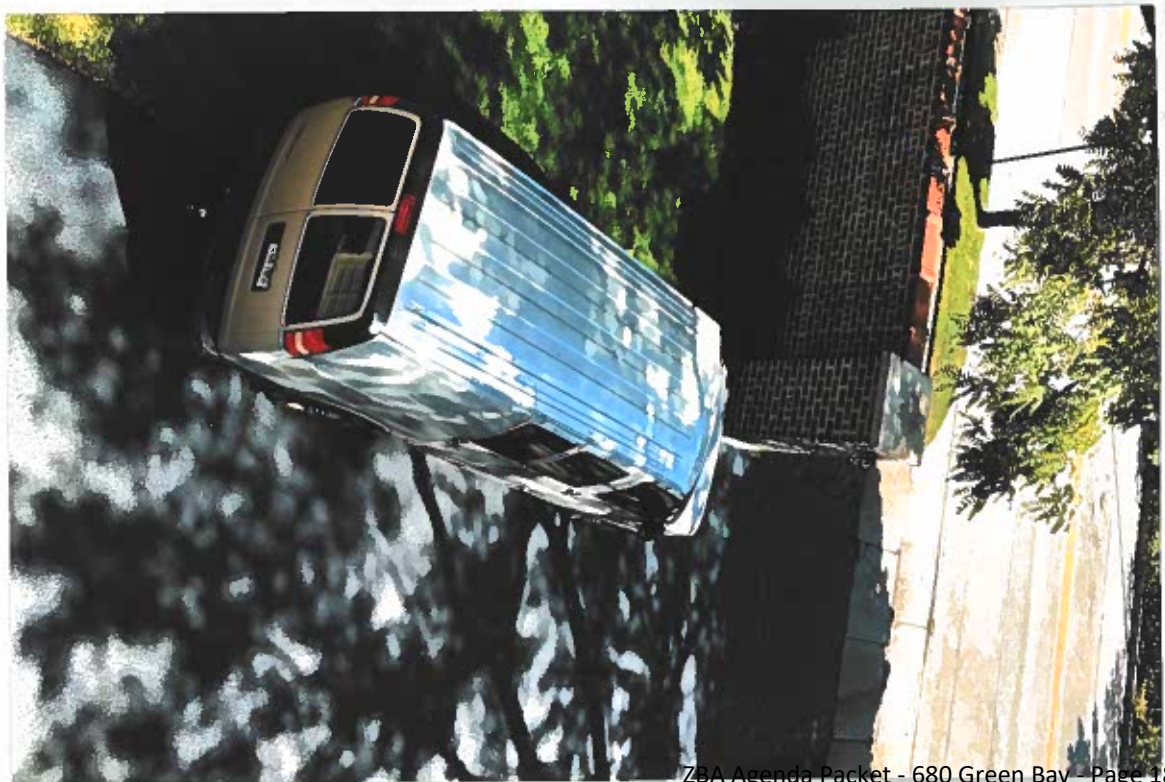


680

GREENBAY ROAD

WINNETKA, IL 60093





ATTACHMENT D

Minutes adopted 10.11.2010

WINNETKA ZONING BOARD OF APPEALS EXCERPT OF SEPTEMBER 13, 2010 MEETING MINUTES

Zoning Board Members Present: Joe Adams, Chairman
Hal Francke
Mary Hickey
Joni Johnson
Scott Myers

Zoning Board Members Absent: Litt Clark
Carl Lane

Village Staff: Michael D'Onofrio, Director of Community
Development
Ann Klaassen, Planning Assistant

680 Green Bay Rd., 10-23-V, Variation by Zoning Board of Appeals - Intensity of Use of Lot

Mr. D'Onofrio read the public notice. The purpose of this hearing is to hear testimony and receive public comment regarding a request by Jean Skrak, President of the Board for 680 Green Bay Rd., concerning a variation by the Zoning Board of Appeals from Section 17.36.010 [B-2 Multifamily Residential District regulations] of the Winnetka Zoning Ordinance to permit the construction of a brick patio at the rear of the building that will result in an impermeable lot coverage of 21,451.62 square feet, whereas a maximum of 20,112.9 square feet is permitted, a variation of 1,338.72 square feet (6.66%).

Chairman Adams swore in those that would be speaking on this case.

Jean Skrak, 680 Green Bay Road, introduced herself to the Board as the president of the condominium board. She then read from the application as to what they are requesting. Ms. Skrak stated that the intention of the projected design is to provide a small brick patio in the backyard of the condominium building which would allow the residents and guests a safe and meaningful usable space. She stated that they would like to provide an area for board meetings and entertainment for the residents.

Ms. Skrak informed the Board that on each Wednesday for the last several years, they have held meetings in the backyard. She also stated that since many of the units have no balconies, they wish to have a quiet place to meet away from Green Bay Road. Ms. Skrak stated that the proposed area for the patio would be in the rear of the building which cannot be seen from the street. She added that the patio would not alter the appearance for the neighborhood. Ms. Skrak

described walking on the grass as a hazard for the residents and that a flat, even surface is needed for safety. She then referred to another area which had limited functionality and would not allow access for those who are physically challenged. Ms. Skrak informed the Board that they currently have three disabled unit owners and those in wheelchairs, with walkers and canes who would benefit from the patio. She noted that it would be built flush against the outer door to permit wheelchair access. Ms. Skrak concluded by stating that the space would be an important contribution to the condominium owners and would benefit others in the years to come.

Chairman Adams asked the Board if they had any questions.

Mr. Francke stated that he had two questions. He first asked how they arrived at the size of the patio.

Ms. Skrak responded that a contractor came out and that it was his idea. She informed the Board that there are transformers in the middle of the yard.

Ms. Hickey asked if it would be in the location where all of the chairs and benches are.

Ms. Skrak confirmed that is correct.

Mr. Francke asked Ms. Skrak if they had to get a formal approval from the residents.

Ms. Skrak stated that they discussed it and that those that meet outside in the backyard want to do it. She also stated that there is a bumpy garden with tree roots.

Mr. Myers described the request as relatively small. He indicated that he understood the applicant's need and desire. Mr. Myers stated that his concern is that the Village has given the Board fairly specific rules for granting variances. He stated that one of the rules that the Board is asked to follow is whether the need for a variance is because the property cannot yield a reasonable return without granting the variance. Mr. Myers then referred to a home with a one car garage which needed a two car garage in order to realize reasonable return.

Mr. Myers stated that the second issue related to the plight of the property owner being due to unique circumstances. He stated that while he understood the desire for a patio and the fact that it is small, he is struggling with how this zoning request met those criteria. Mr. Myers also stated that his concern is that while it is a small request and that he understood the residents' desire to have it; the Board would be setting a precedent for future cases if they did not follow what the Village told them to follow. He stated that he is sympathetic and questioned whether they could figure out how to answer those two questions. Mr. Myers stated that without that, the Board would be in a tough position with regard to future cases. He suggested that they see what the other unit owners in the audience could come up with and added that he did not know if there is any unique circumstance that they could come up with. Mr. Myers stated that a situation with the building being unique would warrant this type of request. He also asked the Board for possible solutions.

Ms. Johnson stated that the building did not have a common room and that most condominium buildings do. She described that as one unique characteristic. Ms. Johnson also described the request as diminimus and that she is not troubled by it. She noted that the Board had struggled with applying the reasonable return requirement in other cases and that some believed that the requirement should only be applied to commercial properties. Ms. Johnson stated that in the packet of materials for the gas station application, there were minutes from a prior meeting where a prior board discussed the reasonable return issue and the Village Attorney at the time indicated that it usually applied to commercial properties. She stated that with just grass which is bumpy, uneven and difficult for impaired people to utilize, it would make sense to grant the variation.

Ms. Hickey stated that there is also a potential safety issue in connection with the uneven surface. She added that there would be wheelchair access.

Ms. Johnson described not having a common room inside or out of the building as similar to not having a two car garage. She stated that most condominium buildings do have some common space.

Mr. Francke asked how many of the condominium units did not have balconies. He also questioned the percentage.

Ms. Skrak stated that there are 27 units and that the 12 units in the front of the building have balconies. She informed the Board that the rear units do not have outdoor access.

Chairman Adams stated that the Board also asked applicants if they could request a lesser variance. He also asked if there were conforming alternatives which were considered.

Ms. Skrak stated that it is not much of a variation and that it amounted to only 1,338 square feet.

Chairman Adams stated that the lot coverage is currently over the requirement as it is. He stated that there is not much which can be done in this case in terms of alternatives. Chairman Adams then asked if another portion of the property could be used for the patio such as the driveway.

Ms. Skrak stated that there is not and that they cannot make it smaller.

Chairman Adams asked if there were any other questions. No additional questions were raised by the Board at this time. He then called the matter in for discussion. Chairman Adams then informed the audience that a majority of four votes would be needed in order to receive approval since there are only five Board members present instead of seven.

Ms. Hickey stated that she would be in favor of the request. She stated that there is not a lot of leeway in the rear of the building. Ms. Hickey also stated that there is a safety issue and access issue. She indicated that she understood Mr. Myers' concerns with regard to the Board's guidelines. Ms. Hickey also commented that Ms. Johnson raised a good point.

Mr. Myers stated that his concern is that they need to have rationale on those two points. He

stated that the fact that there is no common room in the building is unique, along with the fact that only half of the residents have outdoor access. Mr. Myers stated that went toward reasonable enjoyment.

Mr. Francke stated that he agreed with the comments made. He then asked Mr. D'Onofrio and Ms. Klaassen if the applicant decided to cover the patio, would that represent a new issue.

Mr. D'Onofrio stated that there would be a setback issue if they were to cover the patio.

Ms. Skrak informed the Board that they were not planning anything other than the patio.

Mr. D'Onofrio stated that he would like for the record to reflect that since they would be using brick pavers, there would be some reduction in the amount of impermeable surface and that they did attempt to minimize the request.

Ms. Johnson stated that she had nothing to add.

Chairman Adams stated that he would also be in favor of the request. He then asked for a motion.

Ms. Hickey moved for approval of the requested variation for the patio at the rear of the building. She stated that with regard to reasonable return, there is a lack of a common room in the building, as well as a lack of the rear units having outdoor access. Ms. Hickey stated that the plight of the applicant is unique in that there is a lack of a common room and lack of access for the rear units. She also stated that there is a safety issue in terms of ADA access in order to enjoy the outdoor space. Ms. Hickey stated that the request would not alter the character of the locality since the patio would be in the rear of the building. She stated that the request would not impair the light and air of surrounding properties and that there would be no hazard from fire. Ms. Hickey stated that the taxable value of the land would not be impaired and congestion would not increase. She concluded by stating that the public health, safety, comfort, morals and welfare of the Village would not be impaired.

Mr. Myers seconded the motion. A vote was taken and the motion was unanimously passed, 5 to 0.

AYES: Adams, Francke, Hickey, Johnson, Myers

NAYS: None

FINDINGS OF THE ZONING BOARD OF APPEALS

1. The requested variation is within the final jurisdiction of the Zoning Board of Appeals.
2. The requested variation is in harmony with the general purpose and intent of the Winnetka Zoning Ordinance. The proposal is compatible, in general, with the character of existing development within the immediate neighborhood with respect to architectural scale and other site improvements.

3. There are practical difficulties or a particular hardship which prevents strict application of Section 17.36.010 [B-2 Multifamily Residential District regulations] of the Winnetka Zoning Ordinance which is related to the use or the construction or alteration of buildings or structures.

The evidence in the judgment of the Zoning Board of Appeals has established:

1. The property cannot yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone. The proposed patio will provide a common area for the building residents, which currently does not exist inside or outside of the building. In addition to providing a common outdoor space, many of the units do not have exterior balconies to provide access to the outdoors.
2. The plight of the owner is due to unique circumstance. Such circumstances must be associated with the characteristics of the property in question, rather than being related to the occupants. Only the units along Green Bay Rd. have exterior balconies, therefore, the proposed patio will provide all residents access to the outdoors and it is unusual for a condominium building not to have a common room for the residents to gather.
3. The variation, if granted, will not alter the essential character of the locality. The proposed patio will be located at the rear of the building and therefore not alter the character of the locality.
4. An adequate supply of light and air to the adjacent property will not be impaired by the proposed variation, as the proposed improvement is a patio at grade that will not increase the height of any structures on the property.
5. The hazard from fire or other damages to the property will not be increased as the proposed improvement shall comply with building code standards, including fire and life safety requirements.
6. The taxable value of land and buildings throughout the Village will not diminish. The proposed patio is an improvement to the property that will not decrease the taxable value of the land.
7. Congestion in the public street will not increase. The structure will continue to be used as a multi-family residence and no building addition is proposed.
8. The public health, safety, comfort, morals and welfare of the inhabitants of the Village will not otherwise be impaired.



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: ZONING BOARD OF APPEALS
FROM: ANN KLAASSEN, SENIOR PLANNER
DATE: OCTOBER 3, 2019
SUBJECT: CASE NO. 19-26-SU: 454-462 WINNETKA AVENUE - PARKING LOT - SPECIAL USE PERMIT

INTRODUCTION

On October 14, 2019, the Zoning Board of Appeals will conduct a public hearing on an application filed by Sabovic Properties LLC (the "Applicant") as the owner of the property at 454-462 Winnetka Avenue (the "Subject Property"). The Applicant requests approval of an amendment to an existing Special Use Permit allowing a parking lot in the C-1 Neighborhood Commercial District. The Applicant is requesting the following relief:

1. Approval of an amendment to an existing **Special Use Permit** to allow leasing of 16 existing parking spaces to non-tenants and tenant affiliates on the Subject Property.

A sign has been posted on the Subject Property indicating the time and date of the ZBA public hearing. A mailed notice has been sent to property owners within 250 feet in compliance with the Zoning Ordinance. The hearing was properly noticed in the *Winnetka Current* on September 26, 2019. As of the date of this memo, staff has not received any written comment from the public regarding this application.

PROPERTY DESCRIPTION

The Subject Property, which is approximately 0.76 acres in size, is located on the south side of Winnetka Avenue, between Tempel Court and the Union Pacific Railroad tracks, and contains an existing three-story mixed-use building. Figures 1 through 3 on the following pages identify the Subject Property.

The property is zoned C-1 Neighborhood Commercial, and it is bordered by R-5 Single Family Residential to the north, R-4 Single Family Residential to the south, and B-1 Multifamily Residential to the east (represented on Figure 4 later in this report). The Comprehensive Plan designates the Subject Property as appropriate for "Mixed Use" development. The zoning of the property is consistent with the Comprehensive Plan.

PROPERTY HISTORY AND PREVIOUS ZONING APPLICATIONS

There are three previous zoning cases on file for the Subject Property:

1. In 1967, a variation was granted to permit the conversion of a second floor dentist office to a residence which exceeded the apartment density of 36 units per acre (the Subject Property has increased in area through acquisition since that variation request);

2. In 1997, a request was submitted by a contract purchaser to rezone the property to B-2 Multifamily Residential, together with requested variations from unit density limitations, front yard setback, corner yard setback, side yard setback, building height and lot coverage requirements. The Village Council denied the requested rezoning and variations; and
3. Ordinance M-27-2001 was adopted in October 2001 by the Village Council, granting a Special Use Permit and a variation to allow the renovation and redevelopment of the Subject Property, which included replacing and expanding the gravel parking lot with a paved surface but without the required five-foot landscape buffer. The Ordinance strictly stated that *"none of the parking spaces shall be used by or rented to any person who is not either a resident of the building, a commercial tenant of the building, or an employee of a commercial tenant of the building."* (The parking lot approved in 2001 is the subject of this application). Ordinance M-27-2001 is included in this report as Attachment B; the meeting minutes of the October 16, 2001 Village Council meeting are also provided as Attachment C

At the time Ordinance M-27-2001 was adopted, the Zoning Ordinance required all on-site parking to be provided below grade level, except that street level and above street level parking may be permitted subject to approval of a Special Use Permit. At the time the special use permit was approved, the Zoning Code required 2½ spaces per dwelling unit, provided that such parking was not required for units in existence prior to February 3, 1998. Additionally, the zoning regulations provided for the increase in building area or residential dwelling units by up to 15% (3 units in this instance) without triggering the new parking standard. Also, the Zoning Code did not require parking spaces for the first floor commercial space. Technically, the Zoning Code did not require the provision of a specific number of parking spaces for the uses in the building at the time the special use permit was approved

In April 2019, Village staff received a complaint from a commercial tenant on the Subject Property regarding parking spaces being rented to New Trier students, in violation of Ordinance M-27-2001. Subsequently, a violation notice was sent to the property owner. In July 2019, Village staff met with the Applicant to discuss the violation and the special use permit process. The Applicant was informed that they must either cease leasing parking spaces to non-tenants and tenant affiliates or request an amendment to the existing special use permit. The Applicant decided to proceed with the request to amend the special use permit and commissioned a parking study. On September 11, 2019, the Applicant submitted the special use permit application that is currently before the Board.



Figure 1 – Subject Property



Figure 2 – Subject Property – Southern Portion of Parking Lot



Figure 3 – Aerial Map

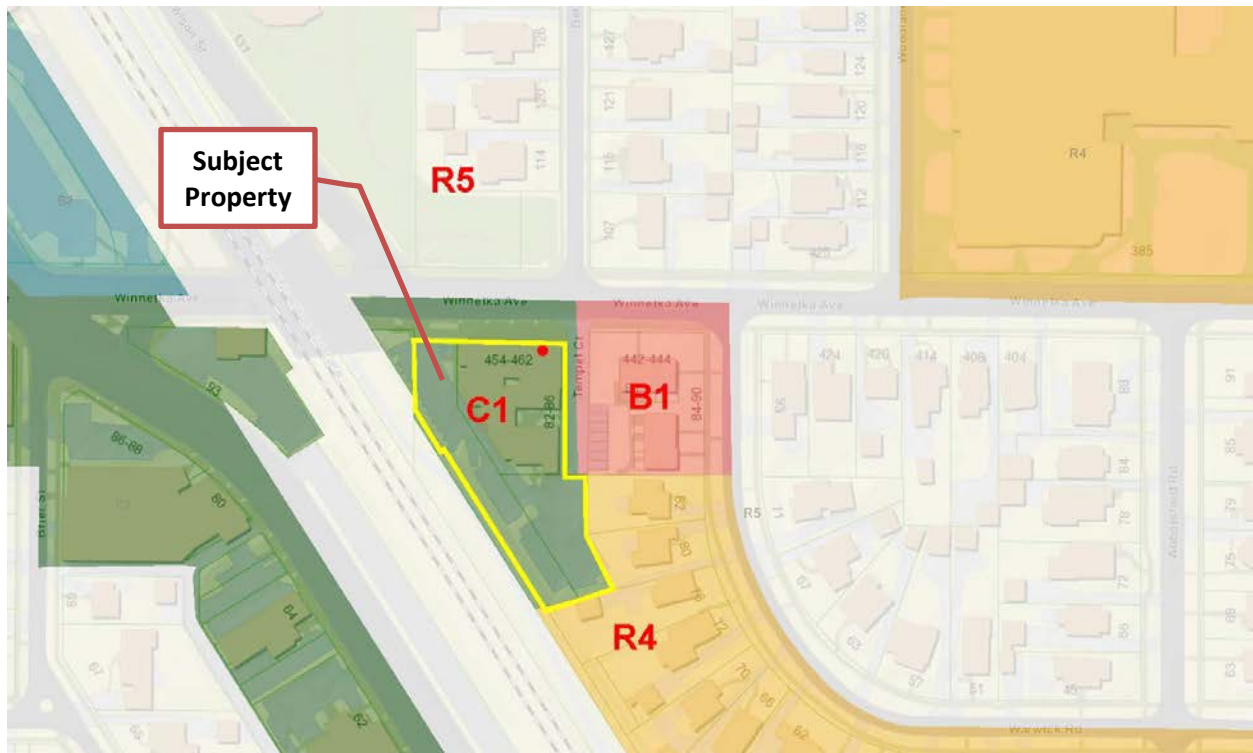


Figure 4 – Zoning Map

PROPOSED PLAN

The proposed plan does not include any changes to the existing building or other improvements on the Subject Property itself; rather the Applicant is requesting the ability to lease 16 existing parking spaces to non-tenants and tenant affiliates. The Applicant has provided a site plan identifying the location of the 16 parking spaces in question. An excerpt of the site plan is provided on the following page as Figure 5. As represented on the site plan, the parking spaces the Applicant would like to lease are located on the southern portion of the Subject Property. This area is identified in Figure 2.

The existing parking lot consists of 39 parking spaces. The building itself contains approximately 5,600 square feet of office space and 25 apartments. According to the parking study conducted by KLOA on July 25, 2019 (when the high school was not in session), approximately 2,100 square feet (37.5%) of the office space and two (8%) of the apartments were vacant. The parking study points out that the number of spaces available for leasing to non-tenants is a function of having current vacancies in the building. The parking study is included in the attached application materials as Attachment A.

Village Engineer Steve Saunders evaluated the parking study by KLOA and had the following comments and suggestions:

1. Given the building is partially occupied; consideration should be given to limiting the number of spaces for lease to non-tenants.
2. The parking study, when increased for full occupancy, indicates a minimum number of available vacant spaces as low as 7. Whereas the Applicant is requesting the ability to lease 16 spaces.
3. Based on the findings of the parking study, perhaps a condition to allow the leasing of 8 parking spaces is appropriate.

RECEIVED
SEP 21 2001



CONSIDERATION BY OTHER ADVISORY BOARDS/COMMISSIONS

The Special Use Permit is subject to final approval by the Village Council.

The Applicant is requesting approval of an amendment to an existing Special Use Permit to allow leasing of 16 existing parking spaces to non-tenants and tenant affiliates on the Subject Property.

FINDINGS

Page 5
ZBA Agenda Packet - 454-462 Winnetka - Page 5

Move to recommend **approval [denial]** of the requested amendment to the existing special use granted by Ordinance M-27-2001 in order **to allow the leasing of 16 existing parking spaces to non-tenants and tenant affiliates on the Subject Property**, based on evidence in the record, or a public document, and upon the following findings of fact:

1. "The proposed leasing of parking spaces to non-tenants and tenant affiliates is consistent with the Standards for the granting of Special Use Permits, as follows:
 - a. That the establishment, maintenance and operation of the special use will not be detrimental to or endanger the public health, safety, comfort, morals or general welfare;
 - b. That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity;
 - c. That the establishment of the special use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern;
 - d. That adequate measures have been or will be taken to provide ingress and egress in a manner which minimizes pedestrian and vehicular traffic congestion in the public ways;
 - e. That adequate parking, utilities, access roads, drainage and other facilities necessary to the operation of the special use exist or are to be provided; and
 - f. That the special use in all other respects conforms to the applicable regulations of this and other Village ordinances and codes."

In addition, the Board may also wish to consider if there are any conditions it may want to recommend placing on the use of the parking lot. If the Board chooses to place conditions as part of its recommendation, it will want to include the conditions at the end of the findings of fact.

ATTACHMENTS

Attachment A: Application Materials

Attachment B: Ordinance M-27-2001, adopted October 16, 2001

Attachment C: Excerpt of October 16, 2001 Village Council Meeting Minutes

ATTACHMENT A

2040 N. Harlem Avenue
Elmwood Park, IL 60707

466 Central Avenue, Suite 34
Northfield, IL 60093



847.916.7800
847.916.7899
info@mstlawfirm.com
www.mstlawfirm.com

MOHAMMED, SHAMAILEH & TABAHI, LLC

September 5, 2019

Amro Shamaileh
D: 847.916.7830
ashamaileh@mstlawfirm.com

VIA PERSONAL DELIVERY & EMAIL

Ann Klaassen
Village of Winnetka
510 Green Bay Road
Winnetka, IL 60093
aklaassen@winnetka.org

Re: 454-462 Winnetka Ave – Special Use Permit

Dear Ms. Klaassen:

Please be advised that we represent Sabovic Properties LLC (“Sabovic Properties”). Please find enclosed Sabovic Properties’ application for a special use permit to allow for non-tenant parking at the property commonly known as 454-462 Winnetka Avenue. In addition to the application, we have also included 1) a narrative describing the special use; 2) the deed proving Sabovic Properties’ ownership; 3) a traffic study performed by Kenig, Lindgren, O’Hara, Aboona, Inc.; 4) Plat of Survey; and 5) a site plan identifying the parking spots Sabovic Properties intends to rent.

Please advise if you require any additional documents or explanation.

Sincerely,

Amro Shamaileh

VILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL USE PERMIT APPLICATION

Case No. 19-26-SU

Property Information

Site Address: 454-461 Winnetka Avenue, Winnetka, IL 60093

Applicant Information

Name: Sabovic Properties LLC

Primary Contact: Hajdar Sabovic

Address: [REDACTED]

City, State, ZIP: Chicago, IL 60660

Phone No. [REDACTED]

Email: [REDACTED]

Architect Information

Name: _____

Primary Contact: _____

Address: _____

City, State, ZIP: _____

Phone No. _____

Email: _____

Owner Information

Name: Sabovic Properties LLC

Primary Contact: Hajdar Sabovic

Address: [REDACTED]

City, State, ZIP: Chicago, IL 60660

Phone No. [REDACTED]

Email: [REDACTED]

Attorney Information

Name: MST Law

Primary Contact: Amro Shamaileh

Address: 2040 N Harlem Ave

City, State, Zip: Elmwood Park, IL 60707

Phone No. 847-916-7800

Email: ashamaileh@mstlawfirm.com

Applicant Signature: [REDACTED]

Property Owner Signature: [REDACTED]

Date: 9/9/19

Date: 9/9/19

SPECIAL USE NARRATIVE

Applicant seeks permission from the Village of Winnetka to allow Applicant to lease 16 parking spaces to non-tenants and tenant affiliates. These parking spaces are located on the southern portion of the property on a separate parcel from the building. As the parking spaces already exist and the special use requested does not alter the purpose of the use of the property, the special use, if permitted, will not be detrimental, injurious or otherwise negatively impact the neighboring properties. Broadening the allowable use of the parking spaces will provide Winnetka residents and employees access to otherwise unused parking spaces and increase the number of off-street parking spaces in an area where parking demand exceeds supply. Several Winnetka residents have approached Applicant seeking to rent the unused parking spaces. The enclosed traffic study provides that at peak hours, 19 parking spaces were available. In all respects, the Special Use Permit, if granted, would ease the hardship Winnetka residents face by providing easily accessible and economically feasible alternative parking. Additionally, the proposed Special Use complies with the Special Use Permit Standards as follows:

1. Establishment, maintenance and operation of the special use will not be detrimental to or endanger the public health, safety, comfort, morals or general welfare.

Firstly, the Special Use does not alter, decrease, or modify the pre-existing parking spaces. The Village of Winnetka through Ordinance No. M-27-2001 recognize the need for additional parking spaces in the vicinity surrounding New Trier High School. Secondly, as noted in the Parking Study, the current parking utilization of Applicant's property during peak hours allows for the Applicant's proposed Special Use. The Special Use will only serve to increase public safety and comfort as it will reduce on-street parking, pedestrian traffic and burdensome commute times.

2. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity nor diminish or impair their property values.

The proposed Special Use has the potential of reducing pedestrian and vehicular congestion directly leading to the increase in enjoyment of neighboring properties. Furthermore, the Special Use does not call for a modification of the layout of the current Property. The Applicant will be providing a much-needed service to Winnetka residents by adding additional parking options, the proposed Special Use can only result in an increase in property value and enjoyment of the nearby properties.

3. The establishment of the special use will not impede the normal and orderly development or improvement of other property.

The Special Use is not seeking the additional parking spaces or development of the land. The Village of Winnetka already approved the parking spaces assuming that the parking spaces would be utilized. Currently, approximately 19 spaces lay vacant during peak hours. The special use will allow the Applicant's Property to fulfill its intended purpose. Moreover, the Special Use does not have any possibility of impede other properties, as all ingress and egress of Vehicles will be on Applicant's Property.

4. That adequate measures have been or will be taken to provide ingress and egress in a manner which minimize pedestrian and vehicular traffic congestion in the public ways;

The parking lot has already been created to provide ingress and egress in a manner which minimize pedestrian and vehicular traffic congestion and has been approved by the Village. Given that the parking lot lay vacant approximately 48% during peak hours, increasing parking capacity by allowing the Special Use will not substantially deviate from the Village approved current use of the parking. Furthermore, the special use application does not request any modification to the ingress or egress.

5. That adequate parking, utilities, access roads, drainage, and other facilities necessary to the operation of the special use exists or are to be provided; and

As per the 2001 Ordinance and Special Use approved by the Village of Winnetka, the existing parking structure was constructed in compliance with applicable Village Code requirements. Therefore, all requirements necessary for the operation of the special use have been in existence for a period of 18 years. The proposed Special Use simply provides for the utilization of parking spaces that lay vacant. Moreover, it is in the beneficial interest of Winnetka residents that new trier students be allowed to utilize such spaces for the following reasons: a) Students will be allowed to park in a well-maintained area, which will minimize vehicular street-side congestion and on-street parking; and b) the designated parking spaces will provide a solution to the supply and demand issues affecting the overall area.

6. That the special use in all other respects conforms to the applicable regulations of this and other village ordinances and codes.

The special use request only requires that the current classification of potential tenant of parking spaces be broadened to fulfil the demand of Winnetka residents and in all other respects confirms to the applicable regulations.

MEMORANDUM TO: Hajdar Sabovic
Sabovic Properties

FROM: Michael A. Werthmann, PE, PTOE
Principal

DATE: July 25, 2019

SUBJECT: Parking Study
460 Winnetka Avenue Mixed-Use Building
Winnetka, Illinois

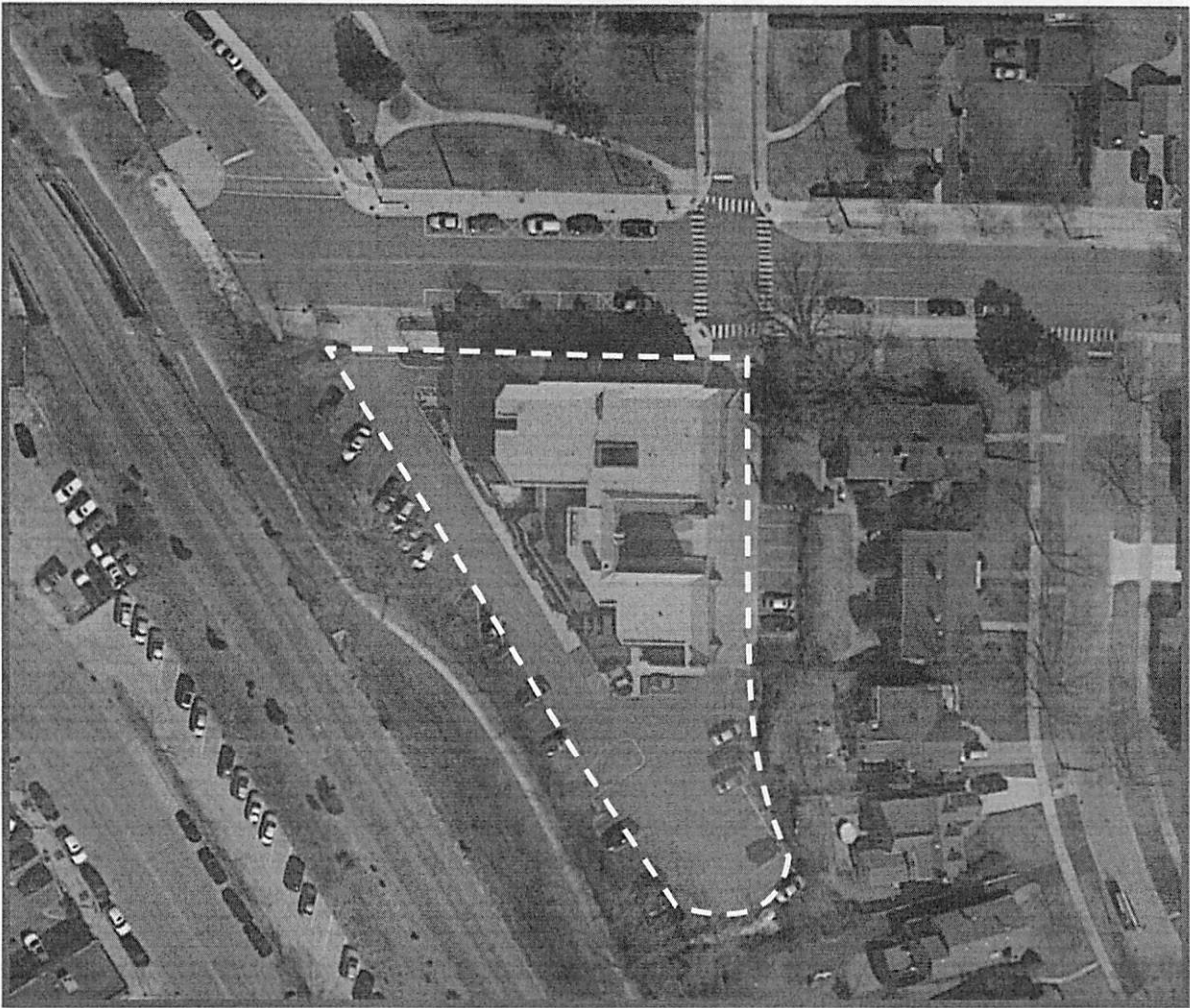
This memorandum presents the findings of a parking study conducted by Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA, Inc.) for the existing mixed-use building located at 460 Winnetka Avenue in Winnetka, Illinois. The building is located on the south side of Winnetka Avenue just east of the Union Pacific railroad tracks and contains a total of approximately 5,600 square feet of office space, 25 apartments, and 39 parking spaces. Currently approximately 3,500 square feet of the office space and 23 apartments are occupied. **Figure 1** shows an aerial view of the building.

The purpose of this study was to assess the adequacy of the parking supply in accommodating the building and determine if any unoccupied parking spaces are available during weekday days. The following tasks were undertaken:

- Parking occupancy surveys were conducted by KLOA, Inc. at the mixed-use building on one weekday.
- The observed existing parking demand was increased to represent a fully occupied building.
- The adequacy of the available parking was compared to the projected peak parking demand to determine if any unoccupied spaces were available.

Parking Occupancy Surveys

In order to determine the existing parking demand, parking occupancy surveys were conducted at the existing building on Tuesday, July 16, 2019. The parking surveys were performed every 15 minutes from 10:00 A.M. to 3:00 P.M. and the results of the parking surveys are summarized in **Table 1**. From the table it can be seen that the building had a peak parking demand of 20 vehicles occurring at 11:45 A.M. and 12:00 noon. Only 51 percent of the parking spaces were occupied and 19 spaces were unoccupied.



Aerial View of Building

Figure 1

Table 1

EXISTING PARKING SURVEYS – TUESDAY, JULY 16, 2019

Time	Parked Vehicles	Unoccupied Parking Spaces
Inventory	39	
10:00 AM	14	25
10:15 AM	15	24
10:30 AM	15	24
10:45 AM	15	24
11:00 AM	15	24
11:15 AM	16	23
11:30 AM	18	21
11:45 AM	20	19
12:00 PM	20	19
12:15 PM	17	22
12:30 PM	14	25
12:45 PM	15	24
1:00 PM	13	26
1:15 PM	15	24
1:30 PM	16	13
1:45 PM	15	24
2:00 PM	15	24
2:15 PM	17	22
2:30 PM	18	21
2:45 PM	19	20
3:00 PM	18	22

Projected Parking Demand

As discussed previously, approximately 2,100 square feet of the office space and two of the apartments are currently vacant. The estimated parking demand of the vacant space in the building was estimated based on the office and residential parking rates and time of day factors provided in the Urban Land Institute (ULI) *Shared Parking Manual*, 2nd Edition. To provide a conservative (worst-case) analysis, the medical/dental office parking rates were used, as they have higher trip rates than the general office parking rates. In addition, no reduction in the office or the apartment parking rates were assumed due to the proximity of the building to the Indian Hill Metra train station, which is located less than a block from the subject building. **Table 2** shows the existing parking demand, the projected parking demand for the vacant space, and the total projected parking demand.

From Table 2 it can be seen that the building is projected to have a peak parking demand of 32 vehicles. With a total of 39 parking spaces, 82 percent of the parking spaces will be occupied with seven parking spaces unoccupied.

Table 2

PROJECTED TOTAL PARKING DEMAND AT FULL OCCUPANCY

Time	Projected Parking Demand			Total	Unoccupied Parking Spaces
	Existing	Vacant Office Space	Vacant Apartments		
Inventory	39				
10:00 AM	14	10	2	26	13
10:15 AM	15	10	2	27	12
10:30 AM	15	10	2	27	12
10:45 AM	15	10	2	27	12
11:00 AM	15	10	2	27	12
11:15 AM	16	10	2	28	11
11:30 AM	18	10	2	30	9
11:45 AM	20	10	2	32	7
12:00 PM	20	5	2	27	12
12:15 PM	17	5	2	24	15
12:30 PM	14	5	2	21	18
12:45 PM	15	5	2	22	17
1:00 PM	13	8	2	23	16
1:15 PM	15	8	2	25	14
1:30 PM	16	8	2	26	13
1:45 PM	15	8	2	25	14
2:00 PM	15	10	2	27	12
2:15 PM	17	10	2	29	10
2:30 PM	18	10	2	30	9
2:45 PM	19	10	2	31	8
3:00 PM	18	10	2	30	9

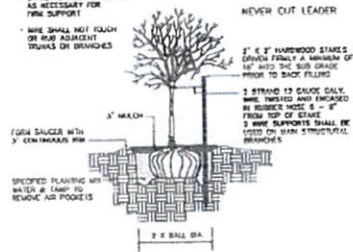
[illegible]

*Parking spots to be used for student parking are designated in red.



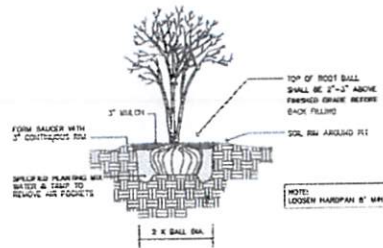
NOTE:

- STAKE TO FIRST BRANCHES AS NECESSARY FOR FIRM SUPPORT
- WIRE SHALL NOT TOUCH OR RUB ADJACENT STUNKS OR BRANCHES



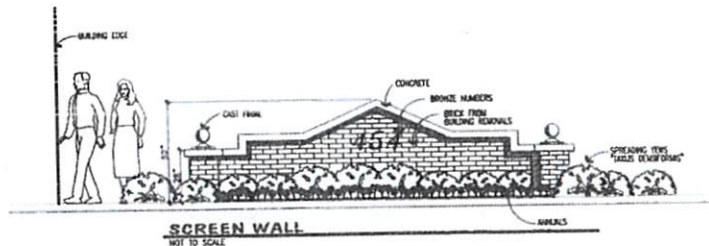
TREE PLANTING DETAIL

SCALE: NOT TO SCALE



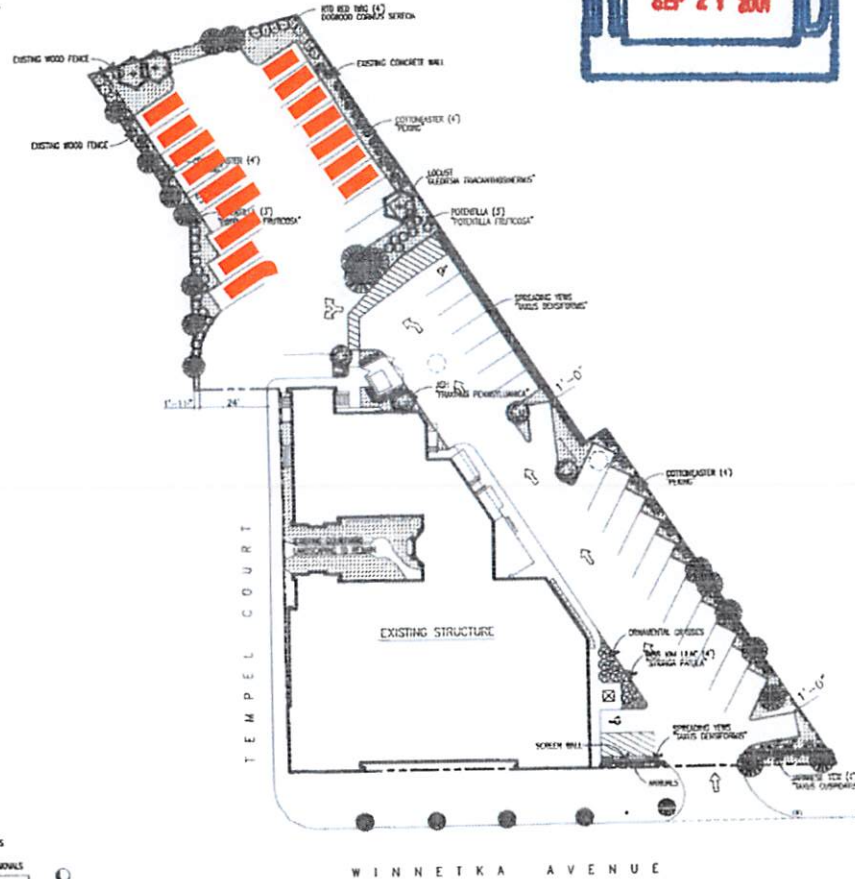
SHRUB PLANTING DETAIL

SCALE: NOT TO SCALE



SCREEN WALL

NOT TO SCALE



LANDSCAPING PLAN

THIS SITE PLAN IS BASED ON THE PLAN OF SURVEY PREPARED BY JOHN P. VICE DATED NOVEMBER 18, 1999.
SCALE: 1"=20'

LANDSCAPE SCHEDULE			
SYMBOL	DESCRIPTION	SIZE	QUANTITY
○	ORNAMENTAL GRASSES		
○	GRASS		
○	ANNUAL PLANTING		
○	POTENTILLA	2'-0" H.	25
○	POTENTILLA	4'-0" H.	15
○	SPRING LILAC	3'-0" H.	13
○	SPRING LILAC	4'-0" H.	30
○	SPRING LILAC	2'-0" H.	70
○	JAPANESE WILLOW	4'-0" H.	8
○	LOCUST	8' CAL.	3
○	SPRING LILAC	8' CAL.	1
○	EXISTING TREE TO REMAIN	-	24
○	MAPLE	8' CAL.	<2>

NOTES

1. NO PLANTING SHALL BE INSTALLED UNTIL ALL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
2. LANDSCAPE CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS ON PROPERTY.
3. REPAIR DAMAGE TO PROPERTY FROM PLANTING AT NO COST TO OWNER.
4. LANDSCAPE CONTRACTOR SHALL GUARANTEE NEW PLANT MATERIAL FOR ONE YEAR FROM THE TIME OF ACCEPTANCE BY OWNER.
5. ALL PLANTINGS SHALL BE PROVIDED WITH HARD WOOD BARK (NON-FLOATING TYPE).

OFFICE SUITES
454 WINNETKA ROAD
LANDSCAPING PLAN

ROBERT A. MURPHY ARCHITECTS, LTD.
1000 W. 1000 S. SUITE 100
DATE: _____
BY: _____
L1

ORDINANCE NO. M-27-2001**AN ORDINANCE GRANTING A SPECIAL USE PERMIT AND A VARIATION IN THE APPLICATION OF THE ZONING ORDINANCE OF THE VILLAGE OF WINNETKA, COOK COUNTY, ILLINOIS (452-462 Winnetka Avenue and 82-86 Tempel Court)**

WHEREAS, there has been presented to the Council of the Village of Winnetka, Cook County, Illinois, the request of the owner of the following described real estate (the "Subject Property"):

PARCEL 1: That part of Lot 6 lying Easterly of a line drawn parallel to and 45 feet Northeasterly from (measured at right angles to) the Westerly line of said Lot 6 in Owners Subdivision of Lots 1, 2, 3, 4 and 5 in Block 3 of Tempel's Resubdivision of that part of the West half of the Northeast quarter of Section 28, Township 42 North, Range 13 East of the Third Principal Meridian, lying East of the Chicago and Milwaukee Electric Railway right of way and North of the Village limits of Kenilworth, Cook County, Illinois, in Book of Plats 98, Page 9, filed as Document 4133672.

PARCEL 2: Lot 7 and 8 (except the West 45 feet of the North 56.16 feet of Lot 8 and except all that part of Lot 7 and Lot 8 (except the North 56.16 feet of said Lot 8) lying Westerly of a line drawn parallel to and 45 feet Northeasterly of the Southwesterly line of Lot 7 (measured at right angles) in Owners Subdivision of Lots 1, 2, 3, 4 and 5 in Block 3 of Tempel's Resubdivision of that part of the West half of the Northeast quarter of Section 28, Township 42 North, Range 13 East of the Third Principal Meridian, lying East of the Chicago and Milwaukee Electric Railway right of way and North of the Village limits of Kenilworth, Cook County, Illinois, in Book of Plats 98, Page 9, filed as Document 4133672.

PARCEL 3: That part of Lot 6, Lot 7 and Lot 8 (except the North 56.16 feet of said Lot 8) in Owners Subdivision lying Westerly of a line drawn parallel to and 45 feet Northeasterly of the southwesterly line of Lot 7 (measured at right angles) and lying Easterly of the following described line: Commencing at a point in the southerly line of said Lot 6, Distant 10.0 feet Easterly of (measured at right angles to) the Southwesterly line of said Subdivision, 187.52 feet to a point; thence Southwesterly at right angles to the last described course, 8.75 feet to a point in a line which is parallel with and 1.25 feet Easterly of, measured at right angles to the Southwesterly line of said Subdivision; thence Northwesterly along the last described parallel straight line to an intersection with the West line of said Lot 8, said West line being also the East line of the Northwest quarter of Section 28, Township 42 North, Range 13 East of the Third Principal Meridian, Owners Subdivision of Lots 1, 2, 3, 4 and 5 in Block 3 of Tempel's Resubdivision of that part of the West half of the Northeast quarter of Section 28, Township 42 North, Range 13 East of the Third Principal Meridian, lying East of the Chicago and Milwaukee Electric Railway right of way and North of the Village limits of Kenilworth, Cook County, Illinois, in Book of Plats 98, Page 9, filed as Document 4133672.

PARCEL 4: All that part of the Northwest quarter of Section 28, Township 42 North, Range 13 East of the Third Principal Meridian, lying Easterly of a line drawn parallel with and 41.25 feet Easterly of the Easterly right of way of the Chicago Northwestern Railway Company, measured at right angles thereto.

PARCEL 5: The West 45 feet of the North 56.16 feet of Lot 8 in Owner's Subdivision (Hereinafter described) that part of Lot 6, Lot 7 and Lot 8 (except the North 56.16 feet of said Lot 8) in Owner's Subdivision lying Westerly of a line drawn parallel to and 45 feet Northeasterly of the Southwesterly line of Lot 7 (measured at right angles) and lying Easterly of the following described line: Commencing at a point in the Southerly line of said Lot 6, Distant 10.0 feet Easterly of measured at right angles to the Southwesterly line of said subdivision; thence Northwesterly on a straight line parallel with and 10.0 feet Easterly of measured at right angles, to the Southwesterly line of said subdivision, 187.52 feet to a point, thence Southwesterly at right angles to the last described course, 8.75 feet to a point in a line which is parallel with and 1.35 feet Easterly of, measured at right angles to the Southwesterly line of said subdivision, thence Northwesterly along the last described parallel straight line to an intersection with the West line of said Lot 8, said West line being also the East line of the Northwest quarter of Section 28, Township 42 North, Range 13 East of the Third Principal Meridian, in Owners Subdivision of Lots 1, 2, 3, 4 and 5 in Block 3 of Tempel's Resubdivision of that part of the West half of the Northeast quarter of Section 28, Township 42 North, Range 13 East of the Third Principal Meridian, lying East of the Chicago and Milwaukee Electric Railway right of way and North of the Village limits of Kenilworth, Cook County, Illinois, in Book of Plats 98, Page 9, filed as Document 4133672,

commonly known, collectively, as 452-462 Winnetka Avenue and 82-86 Tempel Court, Winnetka, Illinois, and located in the C-1 Commercial Zoning District provided in the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code, for a special use permit pursuant to Chapter 17.56 of the Winnetka Zoning Ordinance, for the construction of a parking lot at grade level; and

WHEREAS, the owner of the Subject Property has also submitted an application for a variation from the landscaping requirements of Section 17.40.010(O) of the Winnetka Zoning Ordinance, to allow a reduced landscape buffer along the east and west property lines, although a landscape buffer of 5.0 feet is required, resulting in a variation of 4 feet (80%), to permit the parking area to be located within one foot of the property line on the Subject Property; and

WHEREAS, the special use permit and variation are being sought in conjunction with the renovation and redevelopment of the existing building on the Subject Property, which will replace existing retail commercial space on the first floor with 27 office spaces, will renovate the 25 residential apartments on the second floor, and will add two new apartments in the attic space; and

WHEREAS, the existing building on the subject Property was built in 1920 as a mixed use building with retail commercial space on the first floor and offices and apartments on the second floor; and

WHEREAS, the commercial space on the first floor has been vacant for several years; and attempts to redevelop the first floor as commercial space have not been successful; and

WHEREAS, on August 22, 2001, on due notice thereof, the Plan Commission met to consider the request for the special use permit and, by the favorable vote of the nine members then in attendance, has found that the proposed redevelopment of the Subject Property is consistent with 27 of 30 applicable provisions of *Winnetka 2020*, The Winnetka Comprehensive Plan, and has recommended that the Village Council grant the special use permit; and

WHEREAS, on September 10, 2001, on due notice thereof, the Zoning Board of Appeals conducted a public hearing on the special use and requested variation and, by the favorable vote of the five members then present, has reported to the Council recommending that the requested variation be granted; and

WHEREAS, on September 18, 2001, the Village Council adopted Resolution R-34-2001, granting a certificate of appropriateness that approved the design and materials for the exterior building renovations and approved the proposed landscape plan; and

WHEREAS, the existing building is currently served by a grade-level, gravel parking lot that has no drainage facilities; and

WHEREAS, the proposed changes to the parking lot will add pavement, drainage and stormwater detention, and will increase the number of parking spaces from approximately 29 marked spaces to 39 spaces; and

WHEREAS, although the proposed number of parking spaces does not meet the zoning ordinance's requirement to provide 2¼ spaces per residential unit, no variation is required for the parking because the building was constructed before 1998 and because the number of residential units requiring parking is being increased less than 15%; and

WHEREAS, there are practical difficulties and unique hardships associated with carrying out the strict application of the Zoning Ordinance with respect to the landscape buffer required for the Subject Property in that: (a) the Subject Property is an irregularly shaped parcel that abuts the east side of the Union Pacific Railroad right-of-way embankment south of the Winnetka Avenue right-of-way; (b) the proposed redevelopment of the Subject Property involves preserving the existing building, which precludes expanding the size of the parking area; (c) the proposed reduction in the size of the landscape buffer will allow the applicant to maximize the number of off-street parking spaces that can be provided; (d) the on-street parking spaces located along the south side of Winnetka Avenue adjacent to the Subject Property are short-term parking spaces; and (e) all the parking spaces along the north side of Winnetka Avenue across from the Subject Property, all of the spaces along the east side of Wilson Avenue on the south side of Winnetka Avenue, have been reserved for use by New Trier High School on school days pursuant to an agreement with the Village of Winnetka; and

WHEREAS, the Subject Property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the Zoning Ordinance, because providing a full, 5-foot wide landscaped buffer around the perimeter of the parking lot would reduce the number of available parking spaces and impede ingress and egress to the spaces, which would deter potential tenants from renting space in the building; and

WHEREAS, the requested variation will not alter the essential character of the neighborhood, because it will preserve and improve the appearance of the existing building, which has been a fixture in the neighborhood for approximately 80 years; and

WHEREAS, the requested variation will not impair an adequate supply of light and air because it does not affect the building footprint or building height; and

WHEREAS, the requested landscape variation will not increase the hazard from fire and other dangers to the Subject Property, because it does not affect the building structure, the renovation of which will comply with all applicable building and fire protection codes, and because the variation will allow maximum configuration of the parking, thereby increasing the Subject Property's accessibility by emergency vehicles; and

WHEREAS, there is no evidence that the requested variation will not diminish the taxable value of land and buildings throughout the Village, and the taxable value of the Subject Property may be increased because of the proposed improvements; and

WHEREAS, the requested landscape buffer variation will not contribute to congestion on the public streets, because: (a) it will allow the number of useable parking spaces on the Subject Property to be increased to 39; and (b) the proposed office uses will not generate as much traffic as retail commercial uses in the same space; and

WHEREAS, there is no evidence that the requested landscape buffer variation will otherwise impair the public health, safety, comfort, morals, and welfare of the inhabitants of the Village; and

WHEREAS, the requested variation is in harmony with the general purpose and intent of the Winnetka Zoning Ordinance, in that it provides landscaping on the Subject Property to the extent it is reasonably possible, while supporting the renovation, restoration and rehabilitation of a structurally sound existing building while maintaining the existing scale and appearance of the community and protecting established trees and landscaping; and

WHEREAS, there is no evidence that the public health, safety, comfort, morals and welfare of the inhabitants of the Village will be impaired by the grade level parking lot and

WHEREAS, the proposed exterior parking at ground level will benefit the public health, safety, comfort and welfare of the inhabitants of the Village in that: (a) it will increase the number of off-street parking spaces in an area where parking demand exceeds supply; (b) it will provide adequate drainage for the parking area; and (c) it will improve the appearance of the Subject Property; and

WHEREAS, the proposed ground level parking will further benefit the public health, safety, comfort and welfare of the inhabitants of the Village because it can be constructed without excavating a substantial portion of the Subject Property, thereby reducing the impact of the construction activity and equipment on Winnetka Avenue, which is a heavy traffic area near New Trier High School; and

WHEREAS, the proposed ground level parking area will further benefit the public health, safety, comfort and welfare of the inhabitants of the Village, because it will improve the flow of traffic as it enters and leaves the Subject Property; and

WHEREAS, there is no evidence that the proposed ground level parking will otherwise impair the public health, safety, comfort, morals, and welfare of the inhabitants of the Village; and

WHEREAS, the increased number of parking spaces provided by the proposed ground level parking will help to reduce the demand for parking demand in the streets and parking lots in the immediate vicinity; and

WHEREAS, there is no evidence that the proposed ground level parking, if constructed in accordance with the conditions set forth in this ordinance, will be substantially injurious to the use and enjoyment of other property in the immediate vicinity; and

WHEREAS, there is no evidence that construction of the proposed ground level parking subject to the terms and conditions of this ordinance will impede the normal and orderly development or improvement of other property in the immediate vicinity; and

WHEREAS, adequate measures have been taken to provide ingress and egress in a manner that minimizes pedestrian and vehicular traffic congestion in the public ways, in that the proposed off-street parking is configured so as to avoid, to the extent possible, interfering with pedestrian and vehicular traffic; and

WHEREAS, adequate utilities, access roads, drainage and other facilities necessary for the operation of the proposed special use on the Subject Property will be provided when the proposed ground level parking is constructed in compliance with applicable Village Code requirements; and

WHEREAS, the proposed ground level parking, when constructed in accordance with the terms and conditions of this ordinance, will conform to the applicable regulations of the Zoning Ordinance and the Winnetka Village Code.

NOW, THEREFORE, the Council of the Village of Winnetka do ordain as follows:

SECTION 1 : That the foregoing recitals are hereby incorporated as the findings of the Council of the Village of Winnetka, as if fully set forth herein.

SECTION 2: Subject to the terms and conditions hereinafter set forth, there is hereby granted to the Subject Property, commonly known, collectively, as 452-462 Winnetka Avenue and 82-86 Tempel Court, Winnetka, Illinois, and located in the C-1 Commercial Zoning District provided in the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code, a variation from the landscaping requirements of Section 17.40.010(O) of the Winnetka Zoning Ordinance, to allow a reduced landscape buffer along the west property lines, although a landscape buffer of 5.0 feet is required, resulting in a variation of 4 feet (80%), to permit the parking area to be located within one foot of the west property line on the Subject Property, so as to maintain the full, 5.0-foot landscape buffer adjacent to the single-family properties to the east, all in accordance with the plans, materials and elevations submitted with the application for special use permit, as modified and depicted in the landscape and parking plans approved by the Village Council in Resolution R-34-2001.

SECTION 3: Subject to the terms and conditions hereinafter set forth, there is hereby granted to the Subject Property, commonly known, collectively, as 452-462 Winnetka Avenue and 82-86 Tempel Court, Winnetka, Illinois, and located in the C-1 Commercial Zoning District provided in the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code, a special use permit as provided in Chapter 17.56 of the Winnetka Zoning Ordinance, to allow the construction of parking lot at grade level,

in accordance with the plans, materials and elevations submitted with the application for special use permit, and in accordance with the landscape and parking plans approved in Resolution R-34-2001.

SECTION 4: That the variation and special use hereby granted are subject to the following conditions: (a) the proposed construction shall commence within 12 months after the effective date of this Ordinance; (b) none of the parking spaces shall be used by or rented to any person who is not either a resident of the building, a commercial tenant of the building, or an employee of a commercial tenant of the building; (c) in assigning parking spaces, the owner and its agents shall give first priority to residential tenants, except that no more than two parking spaces shall be reserved for any one apartment; and (d) the owner and its agents shall be responsible for posting all necessary notices and otherwise providing for the enforcement of the foregoing parking restrictions.

SECTION 5: The stipulations, conditions and restrictions set forth in the foregoing Section 4 of this Ordinance may be modified or revised from time to time by the Village Council following public notice and hearing, following the procedures specified in Section 17.56 of the Winnetka Village Code for processing special use applications.

SECTION 6: This Ordinance shall take effect immediately upon passage, approval and posting.

ADOPTED this 16th day of October, 2001, pursuant to the following roll call vote:

AYES: Trustees Aquilino, Brower, Greenough, Powell, Presser and Woodbury

NAYS: None

ABSENT: None

APPROVED this 16th day of October, 2001.

Signed:

/s/Michael F. Duhl

Village President

Countersigned:

/s/Douglas G. Williams

Village Clerk

Introduced: October 2, 2001

Posted: October 3, 2001

Passed and Approved: October 16, 2001

Posted: October 17, 2001

ATTACHMENT C

October 16, 2001

MINUTES WINNETKA VILLAGE COUNCIL REGULAR MEETING

(Adopted November 6, 2001)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chamber on Tuesday, October 16, 2001, at 7:30 p.m.

1. Call to Order.

President Michael Duhl called the meeting to order at 7:30 p.m. Present: Trustees Barbara Aquilino, Hugh Brower, Nan Greenough, John Powell, Stephen Presser and Edmund Woodbury. Absent: None. Also present: Village Attorney Katherine Janega, Assistant Community Development Director Brian Norkus, Director of Public Works Steven Saunders and about 36 persons in the audience.

2. Pledge of Allegiance.

President Duhl led the group in pledging allegiance to the flag.

3. Approval of the Agenda.

The Council approved the Agenda as drafted.

4. Quorum

- a) November 6, 2001, Regular Meeting. All of the Trustees present indicated that they expected to attend.
- b) November 13, 2001, Study Session. All of the Trustees present indicated that they expected to attend.

5. President Duhl introduced Deputy Police Chief Eric Bennett, who will be serving as the Village's Interim Chief while the Village Manager conducts a national search for a replacement for Chief Gallagher.

6. Village Council Minutes.

- a) October 2, 2001, Regular Meeting. Trustee Presser moved to adopt the minutes as drafted. Trustee Aquilino seconded the motion. By voice vote, the motion carried unanimously.

7. Public Comment and Questions.

Mollybelle Berish commented on the progress of the installation of benches at the Village's train stations. She also inquired whether a meeting scheduled among the various Village board presidents and the boards' chief operating officers constituted a public meeting. Both President Duhl and Attorney Janega informed her that it is not a meeting, as defined in the Open Meetings Act and, therefore, is not subject to that Act.

8. Ordinances and Resolutions.

- a) Ordinance No. M-25-2001 - Zoning Variation: 266 Linden Street - Adoption. Trustee Aquilino, seconded by Trustee Powell, moved to adopt the ordinance granting a GFA variation to allow for a stair enclosure addition. By roll call vote, the motion carried unanimously. Ayes: Trustees: Aquilino, Powell, Woodbury, Greenough, Brower, and Presser. Nays: None. Absent: None
- b) Ordinance No. M-26-2001 - Zoning Variation: 649 Locust Street - Adoption. Trustee Presser, seconded by Trustee Greenough, moved to adopt the ordinance granting a side yard variation. By roll call vote, the motion carried unanimously. Ayes: Trustees Presser, Aquilino, Powell, Woodbury, Greenough, and Brower. Nays: None. Absent: None.
- c) Ordinance No. M-27-2001- Special Use Permit and Zoning Variation: 452-458 Winnetka Avenue/82-86 Tempel Court - Adoption. Attorney Janega briefly summarized action on this issue and reviewed recent correspondence from the applicant agreeing to give residents the first priority on parking. She also commented on amendments drafted into the ordinance as a result of Council's discussion at the last meeting.

Trustee Woodbury again urged that the ordinance specify a designated number of spaces for residential parking. He voiced concern that the number of vehicles associated with office tenants will exceed that predicted by the applicant, resulting in residents being

forced on to the street where there is no parking available.

Dave Kase, the applicant, expressed confidence in their projections and reiterated his commitment to make residential parking the first priority. He noted that at present no shared parking program has been instituted, but that there will be numbered, assigned spaces, with specific passes issued for them.

Trustees Aquilino and Greenough voiced concern that resident assigned spaces might sit unutilized during the day and expressed the belief that market pricing would probably take care of any problems. Most of the Trustees concurred.

Following further discussion about whether spaces should be reserved, Attorney Janega suggested deleting the condition requiring spaces to be reserved for patrons and guests. She also suggested inserting a new Section 5, to add a condition to the Special Use Permit reserving the right of the Council to reexamine and modify the parking conditions in the future if experience makes that necessary.

Trustee Presser, seconded by Trustee Greenough, moved to amend the ordinance as shown in the agenda materials, with further changes as discussed. By voice vote, the motion carried unanimously.

Trustee Greenough, seconded by Trustee Aquilino, moved to the ordinance granting a Special Use Permit and landscape variation. By roll vote, the motion carried unanimously. Ayes: Trustees Greenough, Brower, Presser, Aquilino, Powell, and Woodbury. Nays: None. Absent: None.

d) Resolution No. R-36-2001 - Remote Parking Lot Fees - Adoption. Manager Williams explained that this resolution would permit the Village Manager to issue permits to allow parking on a limited basis at the Village's landfill site by businesses located in the Village. He said that the number of spaces and areas used will not interfere with the Village's use of the site. The resolution establishes a semi-annual charge per vehicle of \$120.00. He noted that this is below the threshold that triggers the Cook County Parking Tax.

Trustee Powell, seconded by Trustee Aquilino, moved to adopt the resolution. By roll call vote, the motion carried unanimously. Ayes: Powell, Woodbury, Greenough, Brower, Presser and Aquilino. Nays: None. Absent: None.

e) Ordinance No. MC-10-2001 - Amends Zoning Ordinance as it Pertains to Non-essential Public Uses - Policy Direction. Attorney Janega explained the genesis of the term "non-essential public uses." She said that this preliminary draft ordinance had been prepared at Council's direction after the October 9th study session, to clarify the use of the term by adding a definition of the term to the Zoning Ordinance. She noted that amending the Zoning Ordinance requires a public hearing, which historically has been conducted by the Village Council, sitting as a Committee of the Whole. She reported that notice would be published for such a hearing to be held on November 6, 2001, should the Council decide to proceed with considering the amendment.

Trustee Presser, seconded by Trustee Woodbury, moved to designate the Village Council, sitting as a Committee of the Whole, as the body before which the proposed zoning amendment should be heard and to set the hearing date for Tuesday, November 6, 2001. By roll call vote, the motion carried unanimously. Ayes: Trustees Presser, Aquilino, Powell, Woodbury, Greenough, and Brower. Nays: None. Absent: None.

f) Ordinance No. M-28-2001 - Special Use Permit & Variation: 411 Linden - Introduction.

Attorney Janega reviewed the draft ordinance prepared after the October 9th study session at which Council determined that the Historical Society is eligible to apply for a special use permit and that it had met the standards for both the special use permit and the requested rear yard setback variation. She explained that the draft contains an extensive recital of the Council's findings, grants the special use and variation, and imposes several conditions, as discussed on October 9th. In addition, it provides for ongoing evaluation of the impact and reserves the right of the Council to modify and revise those conditions from time to time as necessitated by experience.

President Duhl indicated that the Council would discuss the draft an item at a time with the goal of introducing an orally amended draft at this meeting. He pointed out that there will be a new draft, incorporating comments made this evening, for review at the next meeting. Mr. Duhl invited the audience to make remarks about the conditions as the discussion progressed.

President Duhl then led a discussion of the conditions, one at a time.

There were no comments with regard to the construction timeframe.

After extensive discussion about exterior lighting and signage, it was decided to have both aspects be subject to final review by the Village Council after consideration and recommendation by the Design Review Board. It was agreed that exterior security lighting be consistent with that of a single-family residence and be operated by motion sensors and/or timers, and the



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: ZONING BOARD OF APPEALS
FROM: ANN KLAASSEN, SENIOR PLANNER
DATE: OCTOBER 4, 2019
SUBJECT: CASE NO. 19-27-V: 551 MEADOW ROAD -VARIATIONS

INTRODUCTION

On October 14, 2019, the Zoning Board of Appeals will conduct a public hearing on an application filed by Ann and Daniel Carroll (the "Applicants") as the owners of the property at 551 Meadow Road (the "Subject Property"). The Applicants request approval of the following zoning variations to allow a second floor addition above the existing attached garage on the Subject Property:

1. Gross Floor Area (GFA) of 2,291.27 square feet, whereas a maximum of 2,082.49 square feet is permitted, a variation of 208.78 square feet (10%) [Section 17.30.040 – Maximum Building Size] [Note: The site currently contains 2,143.24 square feet of gross floor area]; and
2. An unarticulated north side building wall 47.88 feet in length, whereas articulation of 18 inches is required for any building additions if any of the side building walls is at least 40 feet long, a variation of 7.88 feet (19.7%) [Section 17.30.090 – Building Line Articulation] [Note: The existing north side building walls are unarticulated for a distance of 47.88 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 Current* on September 26, 2019. As of the date of this memo, staff has not received any written comment from the public regarding this application.

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

PROPERTY DESCRIPTION

The Subject Property, which is approximately 0.19 acres in size, is located at the northwest corner of Meadow Road and High Street, and contains an existing two-story residence. Figures 1 through 3 on the following pages identify the Subject Property.

The property is zoned R-5 Single Family Residential, and it is surrounded by R-5 Single Family Residential (represented in Figure 3 later in this report). 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 residence was built in 1928. A subsequent building permit was issued in February 2015 to remodel the kitchen and add a bay window in the kitchen.

A large, two-story brick house with a white garage door, a balcony, and a front lawn. The house features a gabled roof, multiple windows, and a small arched entrance. The front yard is landscaped with a lawn, a sidewalk, and a concrete driveway.

Page 2
ZBA Agenda Packet - 551 Meadow - Page 2



Figure 3 – Zoning Map

PROPOSED PLAN

The variations are being requested in order to construct a second floor addition above the existing attached garage. The proposed addition would measure approximately 10 feet by 15 feet and provide additional space on the second floor to accommodate a master bedroom suite, which the residence currently does not have. The existing second floor currently consists of a master bedroom, two additional bedrooms, and one bathroom. A portion of the existing master bedroom would be converted to provide a master bathroom. Excerpts of the proposed second floor plan and site plan are provided on the following page as Figures 4 and 5. The complete set of plans representing the existing conditions as well as the proposed addition is provided in Attachment B.

Given the ZBA often receives questions regarding the stormwater regulations applicable to a specific request being considered by the ZBA, it is important to note that the proposed addition does not include the expansion of the building footprint or any additional impermeable lot coverage and will not require additional stormwater detention.

Figure 6 later in this report 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.

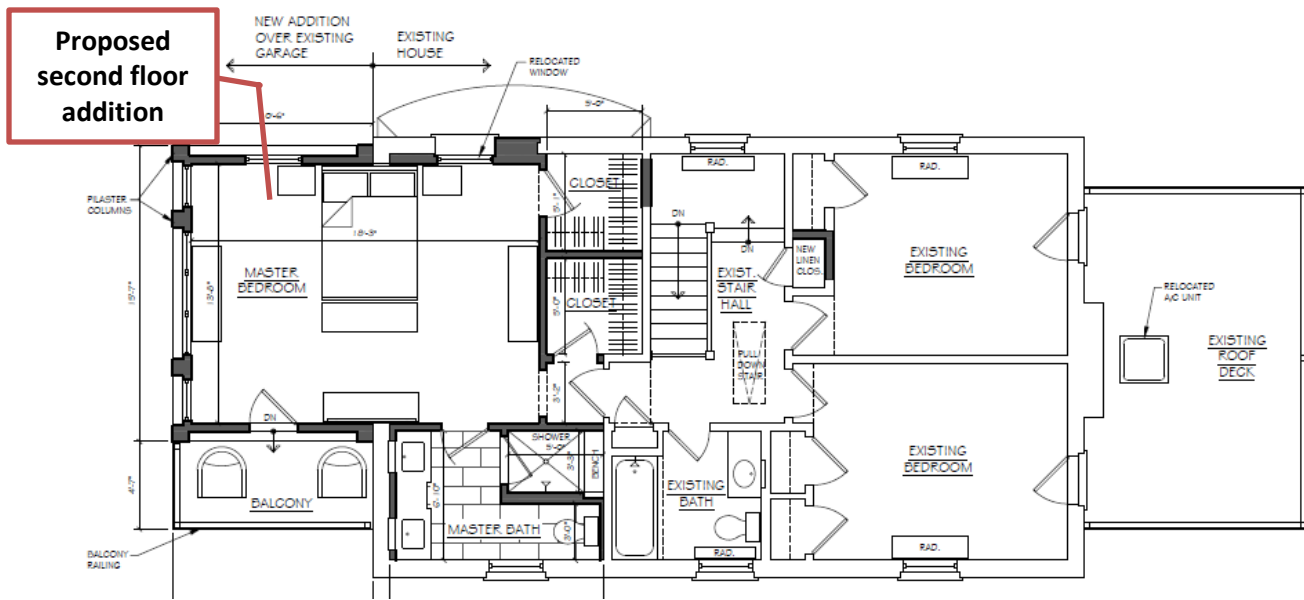


Figure 4 – Excerpt of Proposed Second Floor Plan

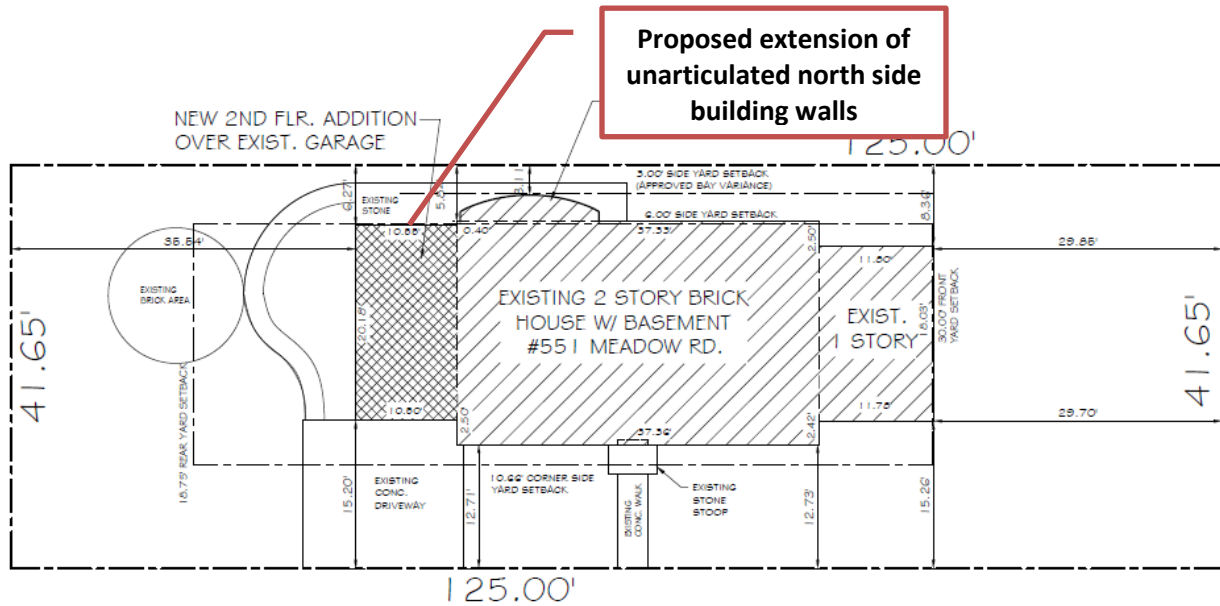


Figure 5 – Excerpt of Site Plan

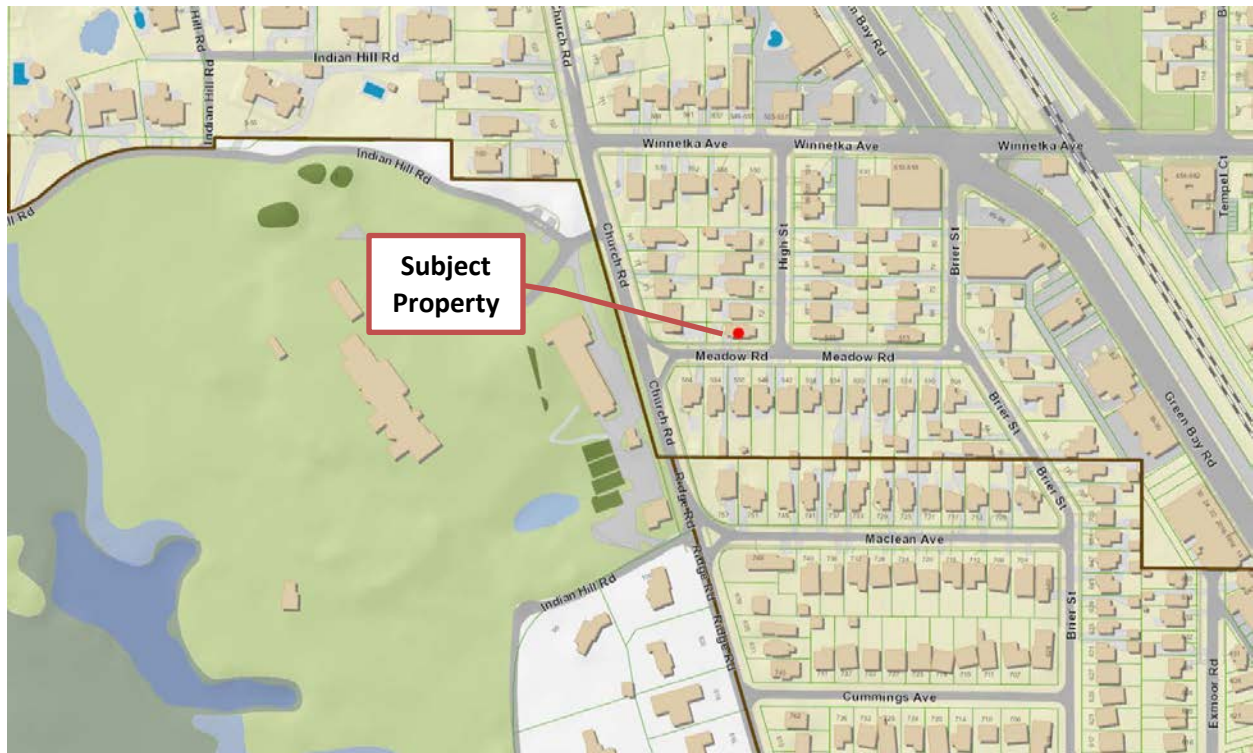


Figure 6 – GIS Floodplain Map

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). Two variations are being requested: (1) GFA; and (2) Building Line Articulation. The proposed GFA is 2,291.27 square feet, whereas a maximum of 2,082.49 square feet is permitted. It is important to note that the existing residence is nonconforming with respect to the maximum permitted GFA. The existing GFA is 2,143.24 square feet. The proposed addition would increase the nonconforming GFA by approximately 148 square feet.

In terms of the building line articulation, 47.88 feet of the north side building walls are unarticulated by at least 18 inches. Given there is an existing bay window on the north side building wall, it is important to note that bay windows and chimneys are not considered articulation. The Zoning Ordinance requires all exterior building walls on any pre-FAR building that face the smaller side yard in the R-5 or R-4 zoning district be articulated at least 18 inches, if the side walls are at least 40 feet long. The existing residence is also considered legal nonconforming with respect to the building line articulation requirement. Built in 1928, the residence pre-dates the adoption of the building line articulation requirement in 1999. The proposed second floor addition is a vertical expansion of the existing nonconforming north side building walls.

REQUESTED ZONING CONSIDERATION

The Applicants are requesting approval of the following zoning variations to allow a second floor addition above the existing attached garage on the Subject Property:

1. Gross Floor Area (GFA) of 2,291.27 square feet, whereas a maximum of 2,082.49 square feet is permitted, a variation of 208.78 square feet (10%) [Section 17.30.040 – Maximum Building Size]; and

2. An unarticulated north side building wall 47.88 feet in length, whereas articulation of 18 inches is required for any building additions if any of the side building walls is at least 40 feet long, a variation of 7.88 feet (19.7%) [Section 17.30.090 – Building Line Articulation].

FINDINGS

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

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

ATTACHMENTS

Attachment A: Zoning Matrix

Attachment B: Application Materials

Attachment C: Excerpt of September 2014 ZBA meeting minutes

Attachment D: Draft Resolutions

ATTACHMENT A

ZONING MATRIX

ADDRESS: 551 Meadow Road

CASE NO: 19-27-V

ZONING: R-5

ITEM	MIN/MAX REQUIREMENT	EXISTING	PROPOSED	DIFFERENCE BETWEEN PROPOSED & EXISTING	ZONING CODE COMPLIANCE (2)
Min. Lot Size	8,900 SF	5,206.23 SF	N/A	N/A	EXISTING NONCONFORMING
Min. Average Lot Width	70 FT	41.65 FT	N/A	N/A	EXISTING NONCONFORMING
Max. Roofed Lot Coverage	1,405.68 SF (2)	1,315.66 SF	1,315.66 SF	0 FT	OK
Max. Gross Floor Area	2,082.49 SF (2)	2,143.24 SF	2,291.27 SF	148.03 SF	208.78 SF (10%) VARIATION
Max. Impermeable Lot Coverage	2,603.11 SF (2)	2,155.72 SF	2,155.72 SF	0 FT	OK
Min. Front Yard (High Street/East)	30 FT	29.7 FT	29.7 FT	0 FT	EXISTING NONCONFORMING
Min. Corner Front Yard (Meadow/South)	10.66 FT	12.71 FT	12.71 FT	0 FT	OK
Min. Side Yard (North)	6 FT	3.09 FT	3.09 FT	0 FT	EXISTING NONCONFORMING (3)
Min. Rear Yard (West)	18 FT	35.54 FT	35.54 FT	0 FT	OK

NOTES:

(1) Based on lot area of 5,206.23 s.f.

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

(3) Variation granted in September 2014 to allow bay window within required side yard setback.

(4) A variation is also requested to allow an unarticulated north side building wall 47.88 feet in length, whereas articulation of 18 inches is required for any building additions if any of the side building walls is at least 40 ft. long, a variation of 7.88 ft. (19.7%).

ATTACHMENT B

Village of Winnetka
ZONING VARIATION APPLICATION

VILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT

ZONING VARIATION APPLICATION



Case No. 19-27-V

Property Information

Site Address: 551 Meadow Road

Owner Information

Name: Ann & Daniel Carroll

Address: 551 Meadow Road

City, State, ZIP: Winnetka, IL 60093

Email: [REDACTED]

Primary Contract: Ann Carroll

Phone No. [REDACTED] home

Date property acquired by owner: 08/09/2002

Architect Information

Name: R. Scott Javore

Primary Contact: Scott Javore

Address: 333 Park Ave. Suite 300

City, State, ZIP: Glencoe, IL 60022

Phone No. 847.835.4442

Email: sjavore@javorarchitects.com

Attorney Information

Name: _____

Primary Contact: _____

Address: _____

City, State, Zip: _____

Phone No. _____

Email: _____

Nature of any restrictions on property: _____

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

See attached.

Property Owner Signature: [REDACTED]

Date: 09/10/2019

Carroll Residence
551 Meadow Lane
Winnetka, IL 60093

EXPLANATION OF VARIANCE REQUESTED

We request a GFA variance and a building line articulation variance to build a Master Bedroom Suite addition over the existing one car attached Garage. The existing Master Suite size does not allow for a standard sized Master Bedroom, Master Bathroom, and adequately sized closets. The only feasible way to alleviate the problem is to expand over the existing attached Garage to the west as proposed. This addition allows for the homeowner to maintain the value of their home without adversely affecting nearby neighbors or the community as a whole. The proposed addition, in fact, compliments and enhances the design of the existing house. The existing Master Bedroom size, exterior wall and adjacent room configuration prohibit full modernization into a standard Master Bedroom Suite. These limitations make it impossible to design a new complete Master Bedroom Suite within the existing parameters of the house. The proposed addition will be built over the existing Garage below with no footprint expansion. The flat roof will minimize the impact of the addition on the exterior of the house and its neighbors. It is detailed on the exterior with pilasters and wood panels, to provide a more delicate, less intrusive extension of the house than masonry would be. Also, the north wall of the Garage is articulated 0.4 feet in from the north wall of the main house, but it is 1.1 feet short of the 1.5 feet building line articulation requirement. Building the north addition wall over the existing north Garage wall will allow the new Master Bedroom to maintain a regular interior room shape. The massing and lower roof height of the addition will add interest as well, while preventing an overall unarticulated box-like house the articulation requirement is trying to prevent.



October 2, 2019

Client: Carroll Residence
551 Meadow Road
Winnetka, Illinois 60093
RSJAL Project No. 18009

Re: Winnetka Standards for Granting of Zoning Variations (original in italics)

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.*

The existing Master Bedroom size, exterior wall and adjacent room configuration prohibits full modernization into a standard Master Bedroom Suite. The house will not yield a reasonable market return for current owners if it is left in place as it is. The existing Master Suite size does not allow for a standard sized Master Bedroom, Master Bathroom and adequately sized closets. The only feasible way to alleviate the problem is to expand over the existing attached Garage to the west as proposed.

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

The existing house is over on allowable GFA and the north house wall is not articulated enough. Expanding to the west over existing exterior Garage walls is the only reasonable way to provide what is considered a standard Master Bedroom Suite in Winnetka with an attached Master Bath and adequate closet space.

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

The proposed Master Suite addition will be compatible in proportion, scale, and detailing to the existing house. It is designed to be seamless with the Colonial Revival style of the house. The addition is just a vertical extension of the existing attached Garage with no footprint expansion.

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

The proposed addition would not impair the amount of light or air to the adjacent properties. The addition is within all the required buildable yard setbacks, and it has a flat roof to minimize impact.

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

The proposed addition does not increase the hazard from fire and other damages to the property (no impact). The existing Garage foundation thickness and depth has been verified in the field. A licensed structural engineer has confirmed that the proposed addition can be built on the existing foundation as is.

R. SCOTT JAVORE & ASSOCIATES, LTD.

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

The proposed addition does not diminish the taxable value of the land and buildings throughout the Village. The addition, along with the renovation and modernization of the Master Bedroom Suite as a whole, will enhance the taxable value of the land.

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

The proposed addition will not increase the congestion in the public street (no impact).

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

The proposed addition will not otherwise impair the public health, safety, comfort, morals, and welfare of the inhabitants of the Village.

PROFESSIONALS ASSOCIATED SURVEY, INC.

PROFESSIONAL DESIGN FIRM NO. 184-003023

7100 N. TRIPP AVENUE
LINCOLNWOOD, ILLINOIS 60712
www.professionalsassociated.com

TEL: (847) 675-3000
FAX: (847) 675-2167
e-mail: pa@professionalsassociated.com

PLAT OF SURVEY OF



GRAPHIC SCALE

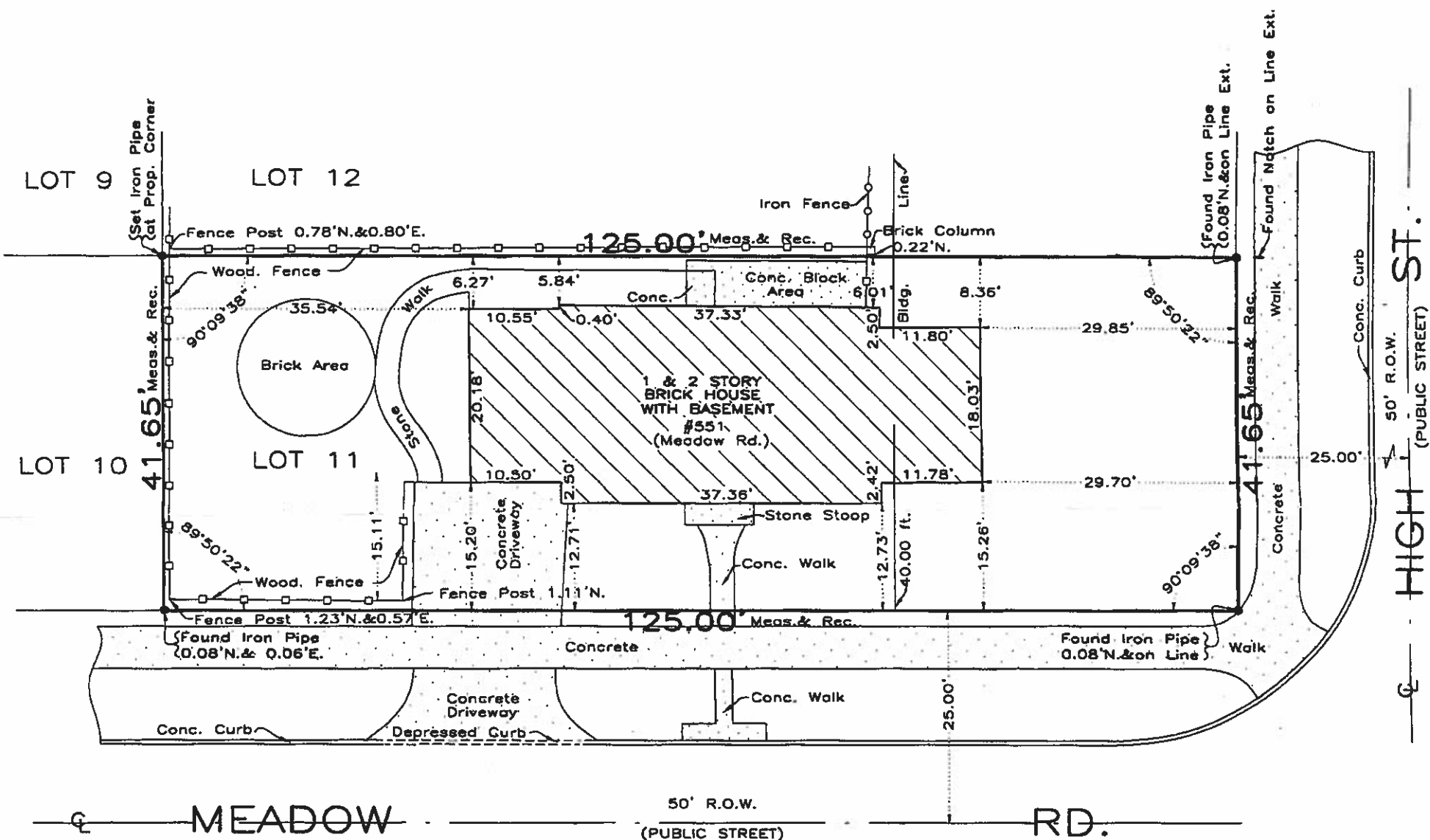


(IN FEET)
1 inch = 16 ft.

LOT 11 IN BLOCK 3 IN MANUS INDIAN HILL SUBDIVISION OF PART OF
THE NORTH 1/2 OF SECTION 28, TOWNSHIP 42 NORTH, RANGE 13, EAST
OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

LAND TOTAL AREA: 5,206.23 SQ.FT. = 0.1195 ACRE.

COMMONLY KNOWN AS: 551 MEADOW ROAD, WINNETKA, ILLINOIS.



RECEIVED
AUG - 8 2019
BY: _____

THE LEGAL DESCRIPTION SHOWN ON THE PLAT HEREON
DRAWN IS A COPY OF THE ORDER, AND FOR ACCURACY
SHOULD BE COMPARED WITH THE TITLE OR DEED.

DIMENSIONS ARE NOT TO BE ASSUMED FROM SCALING.

BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE
THEY ARE SO RECORDED IN THE MAPS, OTHERWISE REFER TO
YOUR DEED OR ABSTRACT.

Order No. 02-60833

Scale: 1 inch = 16 feet.

Date of Field Work: August 1, 2014.

Ordered by: DAN & ANN CARROLL



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

THIS SURVEY HAS BEEN ORDERED FOR SURFACE
DIMENSIONS ONLY, NOT FOR ELEVATIONS.
THIS IS NOT AN ALTA SURVEY.

COMPARE ALL POINTS BEFORE BUILDING BY SAME AND
AT ONCE REPORT ANY DIFFERENCE.

State of Illinois s.s.
County of Cook

We, PROFESSIONALS ASSOCIATED SURVEY INC., do hereby
certify that we have surveyed the above described property and that,
to the best of our knowledge, the plat hereon drawn is an accurate
representation of said survey.

Date: August 4, 2014.

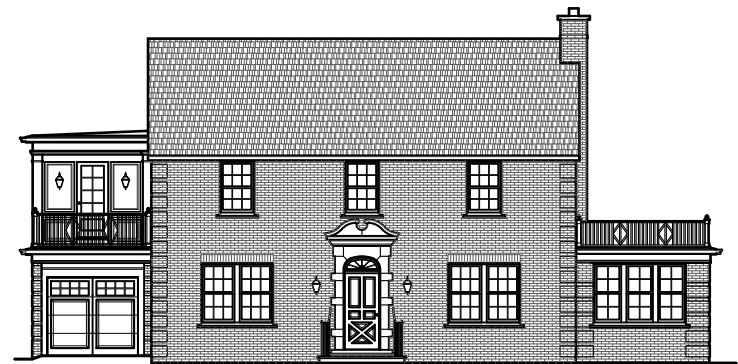
IL. PROF. LAND SURVEYOR - LICENSE # 035-002819, DATE NOV 30, 2014.

Drawn by: J.V-JR

ZBA Agenda Packet - 551 Meadow - Page 12

CARROLL RESIDENCE

VARIANCE DOCUMENTS



551 MEADOW ROAD
PROJECT: 18009

WINNETKA, IL 60093
SEPTEMBER 10, 2019

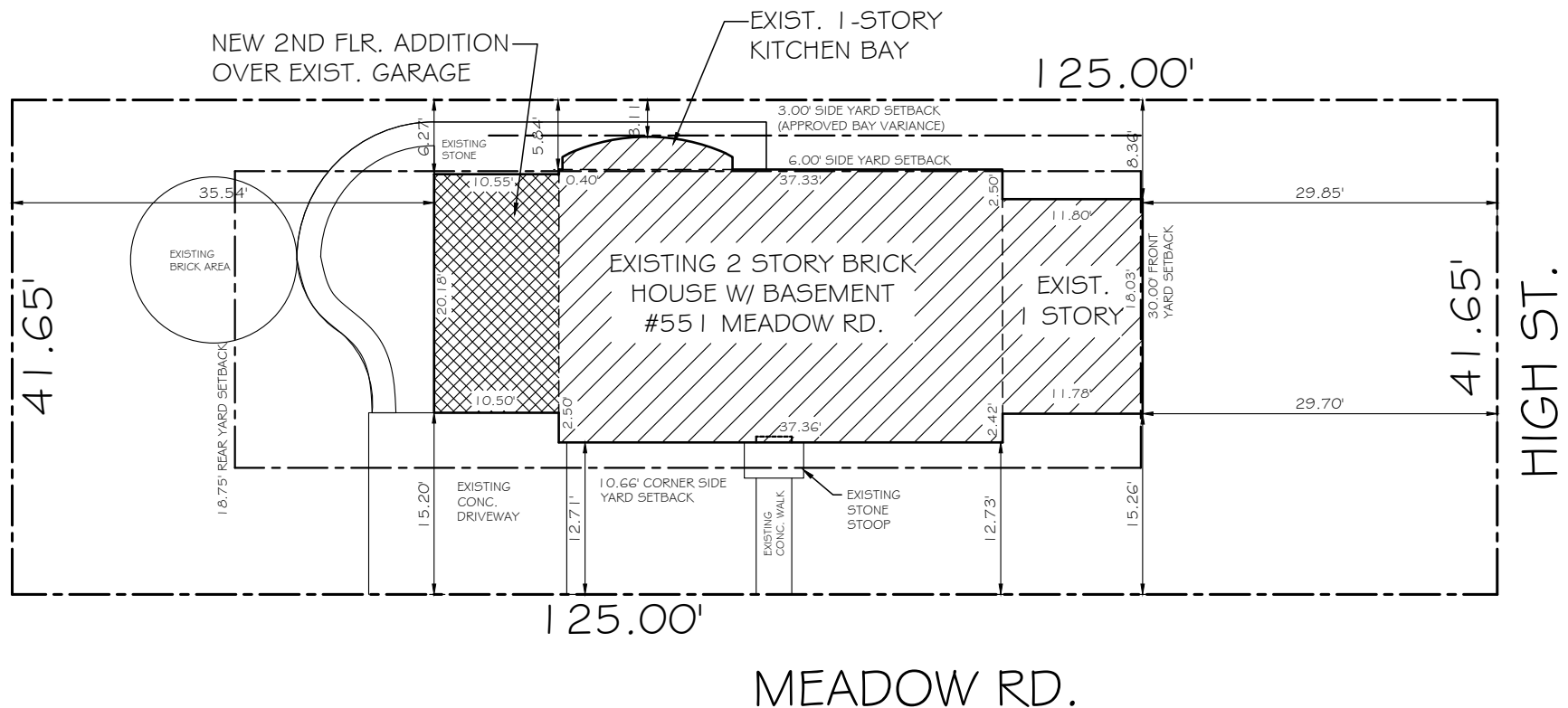
CHKD BY RSJ



R. SCOTT JAVORE & ASSOCIATES, LTD.
ARCHITECTURE ■ HISTORIC PRESERVATION ■ NEW CONSTRUCTION

333 PARK AVENUE GLENCOE, IL 60022 847.835.4442 FAX 847.835.4044

1 PROPOSED SITE PLAN
1" = 10'

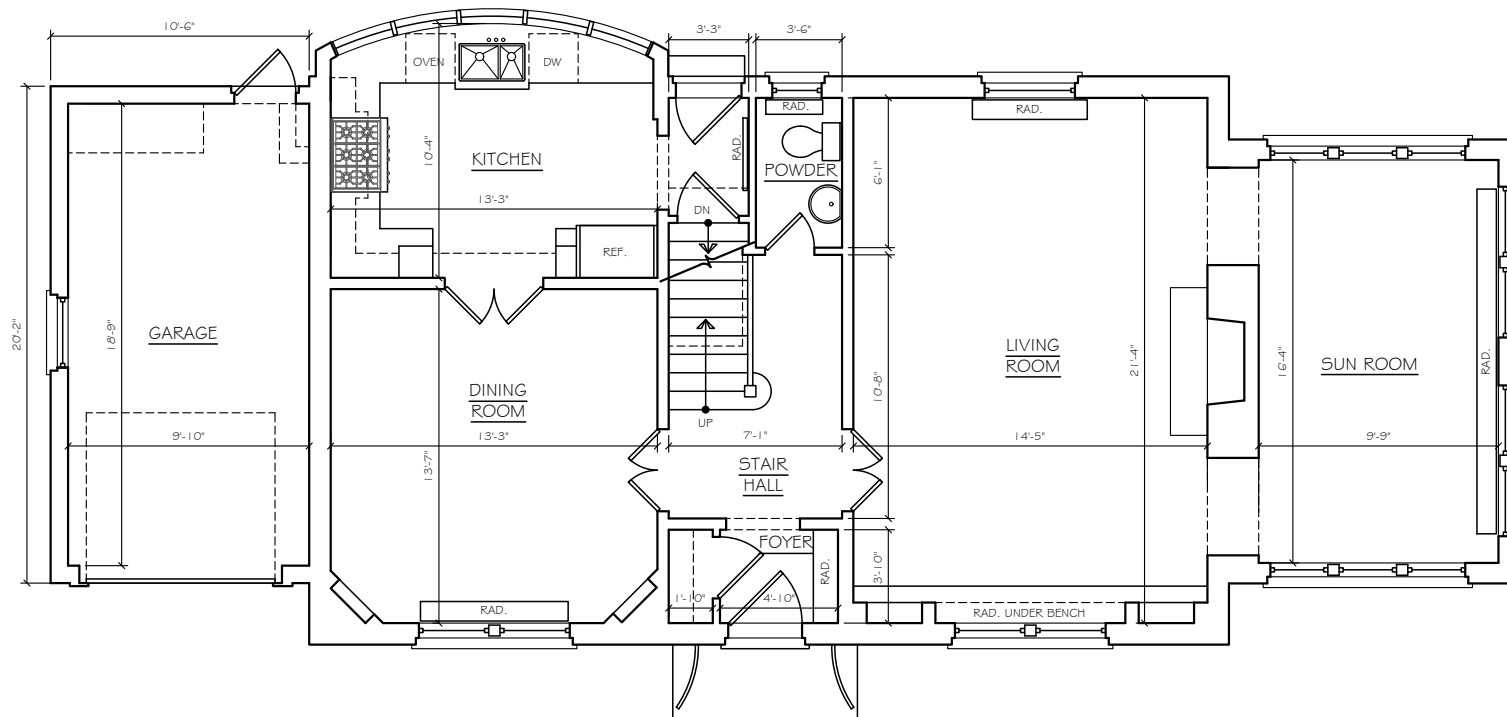


SHEET NO.
V1

SCALE 1" = 10'
PROJECT NO. 18009
DATE 2019-09-10

CARROLL
RESIDENCE
551 MEADOW ROAD
WINNEKA, IL 60093

R. SCOTT JAVORE & ASSOCIATES, LTD.
ARCHITECTURE • HISTORIC PRESERVATION • NEW CONSTRUCTION
300 PAINE AVENUE
CHICAGO, IL 60602
TEL 847.266.4444 FAX 847.266.4044



1 EXISTING FIRST FLOOR PLAN
3/16" = 1'-0"

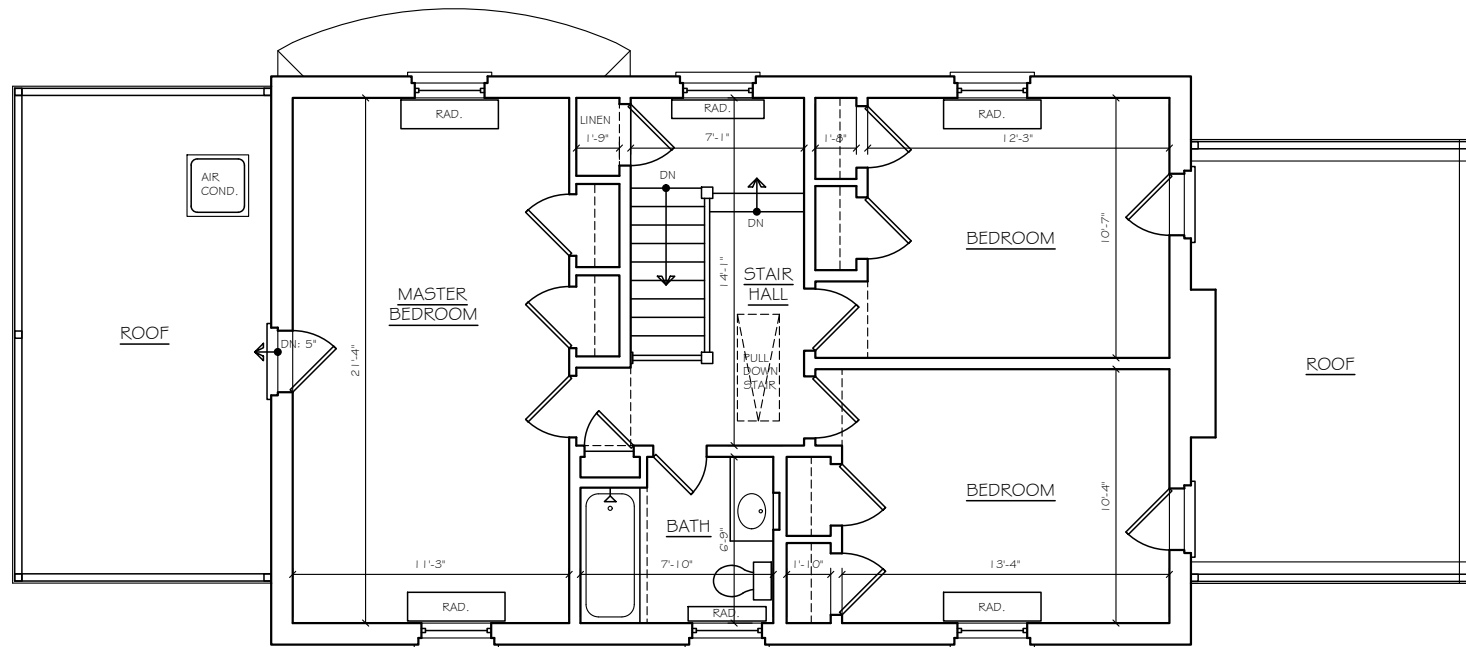


SHEET NO.
V2

SCALE 3/16" = 1'-0"
PROJECT NO. 18009
DATE 2019-09-10

CARROLL
RESIDENCE
551 MEADOW ROAD
WINNEKA, IL 60093

R. SCOTT JAVORE & ASSOCIATES, LTD.
ARCHITECTURE • HISTORIC PRESERVATION • NEW CONSTRUCTION
300 PAINE AVENUE CHICAGO, IL 60606 847.266.4448 FAX 847.266.4044



1 EXISTING SECOND FLOOR PLAN
3/16" = 1'-0"



SHEET NO.

V3

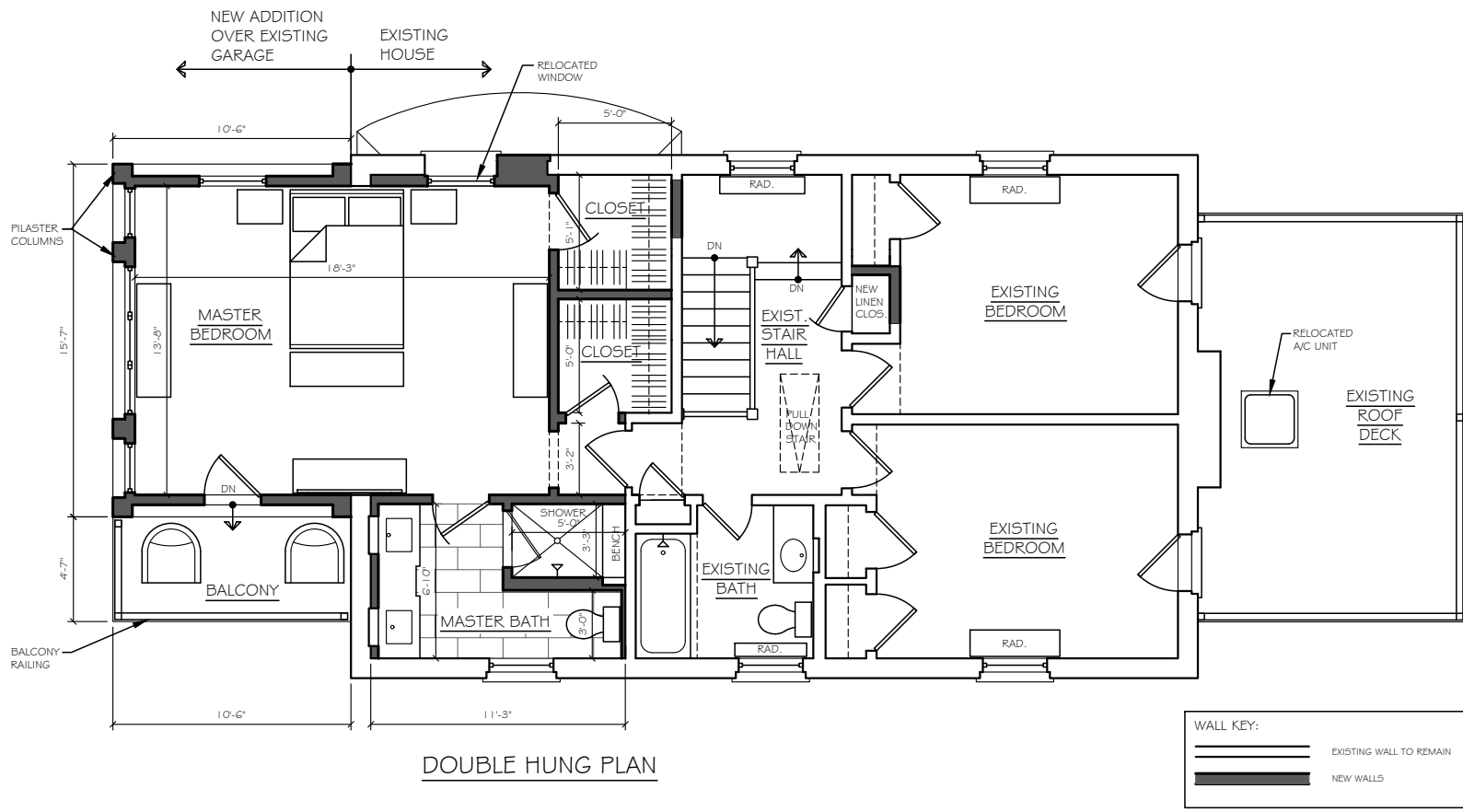
SCALE 3/16" = 1'-0"

PROJECT NO. 18009

DATE 2019-09-10

CARROLL
RESIDENCE
551 MEADOW ROAD
WINNEKA, IL 60093

R. SCOTT JAVORE & ASSOCIATES, LTD.
ARCHITECTURE • HISTORIC PRESERVATION • NEW CONSTRUCTION
300 PAINE AVENUE CHICAGO, IL 60606 847.266.4448 FAX 847.266.4044



1 PROPOSED SECOND FLOOR PLAN
3/16" = 1'-0"

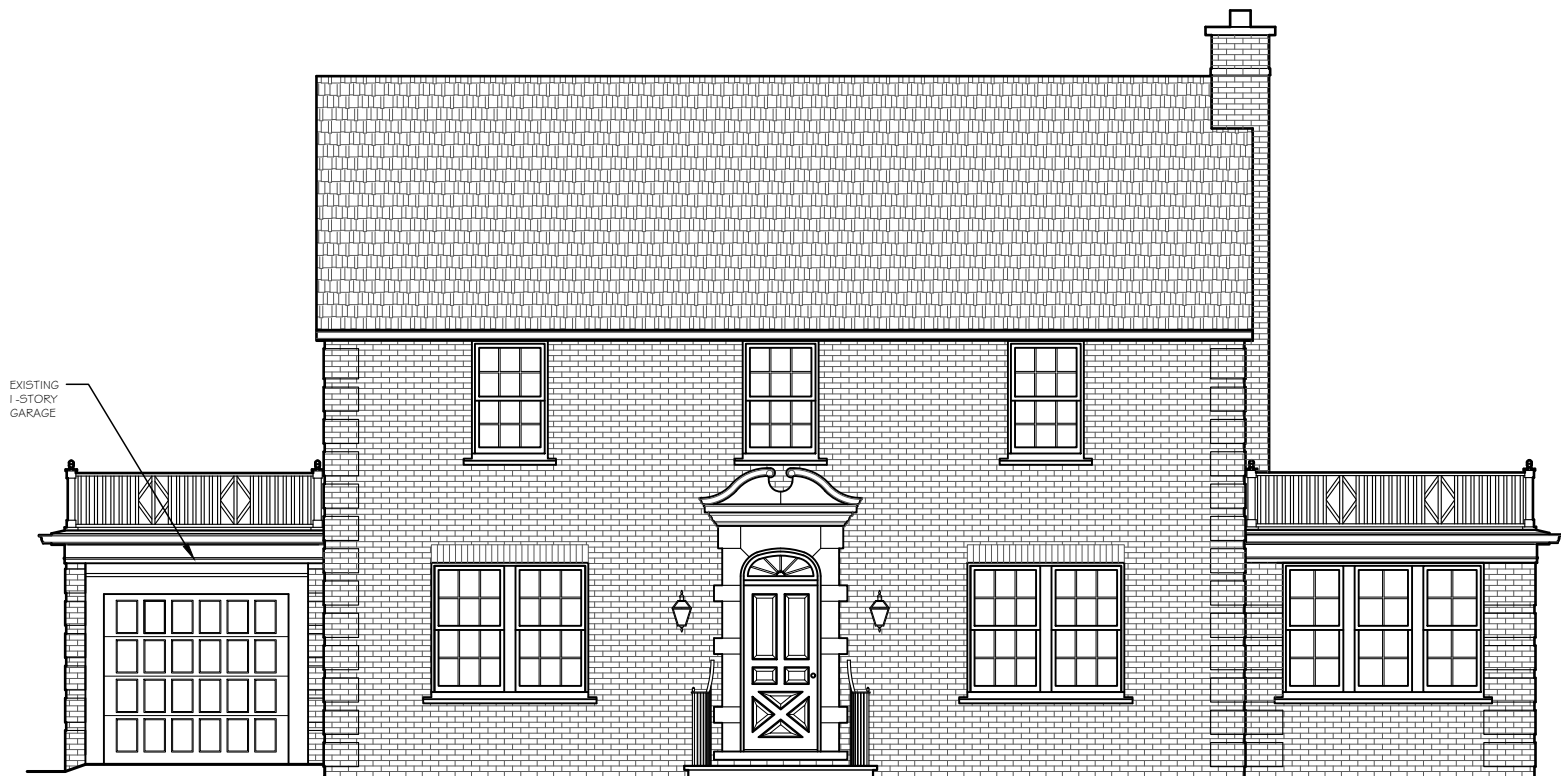
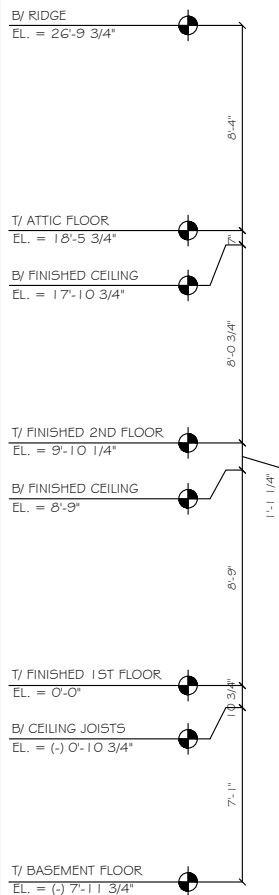


SHEET NO.
V4

SCALE 3/16" = 1'-0"
PROJECT NO. 18009
DATE 2019-09-10

CARROLL
RESIDENCE
551 MEADOW ROAD
WINNEKA, IL 60093

R. SCOTT JAVORE & ASSOCIATES, LTD.
ARCHITECTURE • HISTORIC PRESERVATION • NEW CONSTRUCTION
300 PAINE AVENUE CHICAGO, IL 60606 TEL 847.266.4444 FAX 847.266.4044



1 EXISTING SOUTH ELEVATION
 3/16" = 1'-0"

SHEET NO.
 V5

SCALE 3/16" = 1'-0"
 PROJECT NO. 18009
 DATE 2019-09-10

CARROLL
 RESIDENCE
 551 MEADOW ROAD
 WINNEKA, IL 60093

R. SCOTT JAVORE & ASSOCIATES, LTD.
 ARCHITECTURE • HISTORIC PRESERVATION • NEW CONSTRUCTION
 300 PAINE AVENUE
 CHICAGO, IL 60606
 TEL 312.386.4444 FAX 312.386.4044

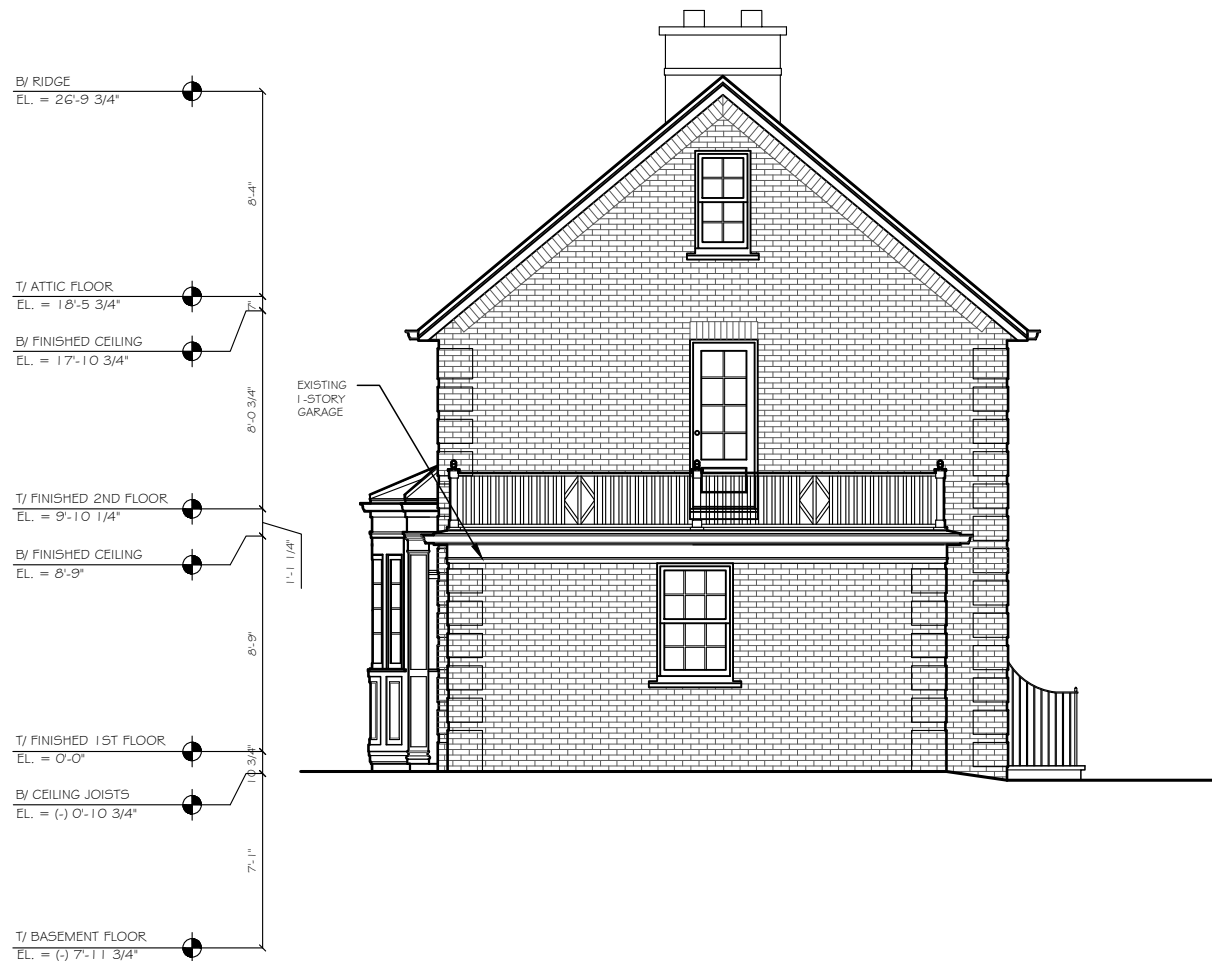


SHEET NO.
V6

SCALE	3/16" = 1'-0"
PROJECT NO.	18009
DATE	2019-09-10

CARROLL RESIDENCE
551 MEADOW ROAD
WINNEKA, IL 60093

R. SCOTT JAVORE & ASSOCIATES, LTD.
ARCHITECTURE • HISTORIC PRESERVATION • NEW CONSTRUCTION
300 PAINE AVENUE
CHICAGO, IL 60606
TEL: 847.386.4444 FAX: 847.386.4044



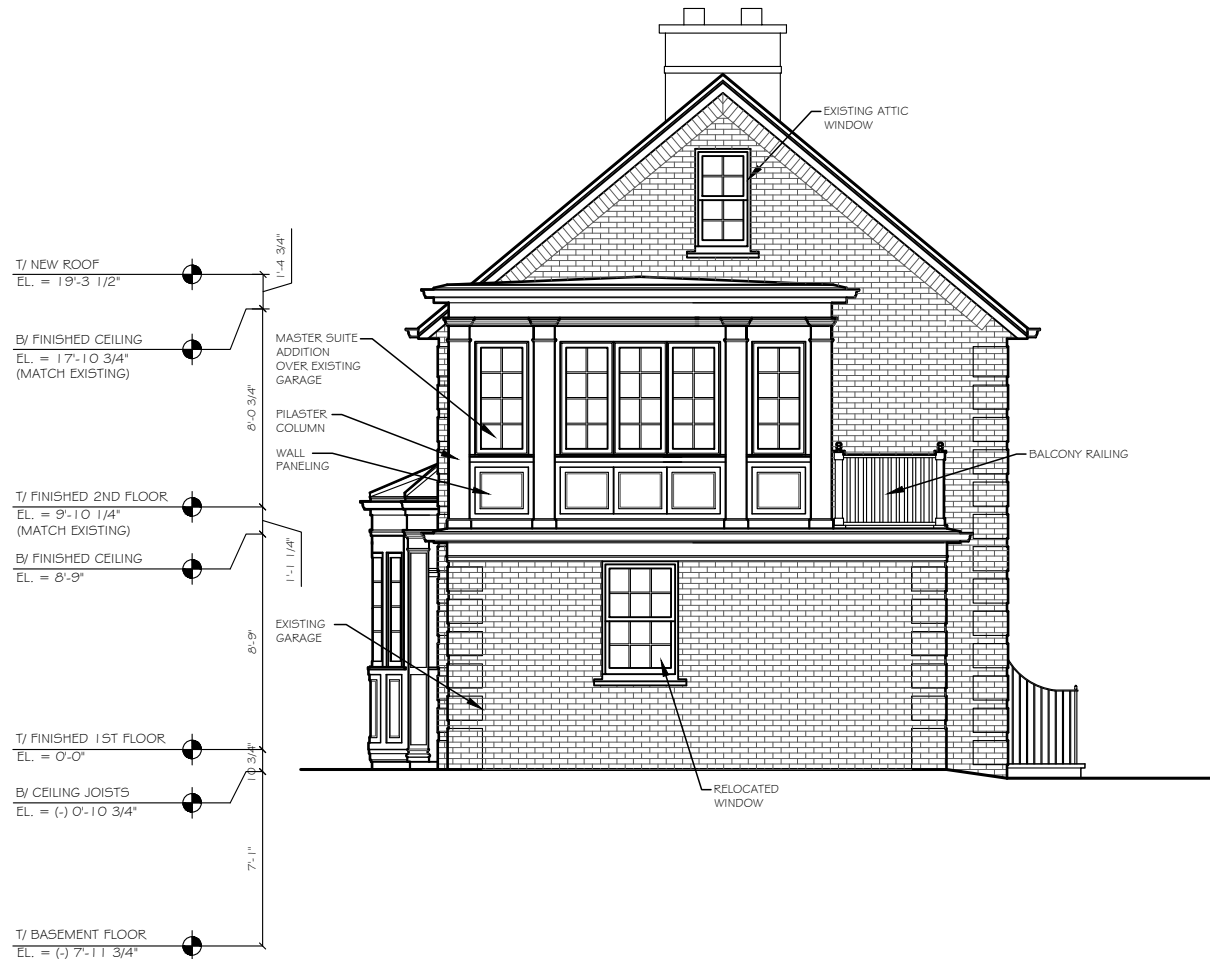
1 EXISTING WEST ELEVATION
3/16" = 1'-0"

SHEET NO.
V7

SCALE 3/16" = 1'-0"
PROJECT NO. 18009
DATE 2019-09-10

CARROLL
RESIDENCE
551 MEADOW ROAD
WINNEKA, IL 60093

R. SCOTT JAVORE & ASSOCIATES, LTD.
ARCHITECTURE • HISTORIC PRESERVATION • NEW CONSTRUCTION
300 PAINE AVENUE CHICAGO, IL 60602 847.266.4448 FAX 847.266.4044



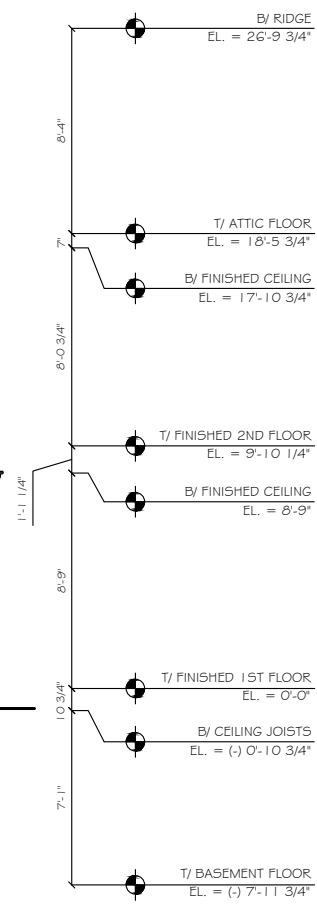
1 PROPOSED WEST ELEVATION
3/16" = 1'-0"

SHEET NO.
V8

SCALE 3/16" = 1'-0"
PROJECT NO. 18009
DATE 2019-09-10

CARROLL
RESIDENCE
551 MEADOW ROAD
WINNEKA, IL 60093

R. SCOTT JAVORE & ASSOCIATES, LTD.
ARCHITECTURE • HISTORIC PRESERVATION • NEW CONSTRUCTION
300 PAINE AVENUE CHICAGO, IL 60606 847.266.4444 FAX 847.266.4044



1 EXISTING NORTH ELEVATION
3/16" = 1'-0"

SHEET NO.
V9

SCALE	3/16" = 1'-0"
PROJECT NO.	18009
DATE	2019-09-10

CARROLL
RESIDENCE
551 MEADOW ROAD
WINNEKA, IL 60095

R. SCOTT JAVORE & ASSOCIATES, LTD.
ARCHITECTURE • HISTORIC PRESERVATION • NEW CONSTRUCTION
300 PAINE AVENUE
CHICAGO, IL 60606
847.266.4444 FAX 847.266.4044



1 PROPOSED NORTH ELEVATION
3/16" = 1'-0"

SHEET NO.
V10

SCALE 3/16" = 1'-0"
PROJECT NO. 18009
DATE 2019-09-10

CARROLL
RESIDENCE
551 MEADOW ROAD
WINNEKA, IL 60093

R. SCOTT JAVORE & ASSOCIATES, LTD.
ARCHITECTURE • HISTORIC PRESERVATION • NEW CONSTRUCTION
300 PAINE AVENUE CHICAGO, IL 60602 TEL 847.386.4044 FAX 847.386.4044

ATTACHMENT C

Minutes adopted 10.13.2014

WINNETKA ZONING BOARD OF APPEALS EXCERPT OF SEPTEMBER 8, 2014 MEETING MINUTES

Zoning Board Members Present:

Joni Johnson, Chairperson
Chris Blum
Andrew Cripe
Mary Hickey
Carl Lane
Jim McCoy

Zoning Board Members Absent:

Scott Myers

Village Staff:

Michael D'Onofrio, Director of Community
Development
Ann Klaassen, Planning Assistant

Agenda Items:

Case No. 14-22-V:

551 Meadow Road
Daniel and Ann Carroll
Variation by Zoning Board of Appeals
1. Side Yard Setback

551 Meadow Road, Daniel and Ann Carroll; Variation by Zoning Board of Appeals – Side Yard Setback

Mr. D'Onofrio read the public notice. The purpose of this hearing is to hear testimony and receive public comment regarding a request by Daniel and Ann Carroll concerning a variation by the Zoning Board of Appeals from Section 17.30.060 [Side Yard Setback] to permit the construction of a one-story bay window addition that will result in a north side yard setback of 3.09 ft., whereas a minimum of 6 ft. is required, a variation of 2.91 ft. (48.5%).

Chairperson Johnson swore in those that would be speaking on this case.

R. Scott Javore introduced himself to the Board as the architect on the project along with Ann Carroll, the property owner. He stated that he would provide the Board with a brief overview of the program for the project, which is to renovate and expand the existing kitchen in a style which is consistent with the residence. Mr. Javore informed the Board that the existing kitchen measured 13 feet long and 7 feet wide. He stated that the applicants want the addition to be seamless so that it would look like it was built originally with the home which he commented is important to them. Mr. Javore stated that one of their main thrusts is to make sure that the home remained viable for the neighborhood and in the real estate market.

Mr. Javore informed the Board that the request related to the north side yard and that the home is currently nonconforming by .15 feet. He noted that the design proposal uses a curved bay to both extend the feeling of the space for the interior of the home as well as to minimize the impact on the exterior of the home. Mr. Javore stated that by adding the bay, they would be extending on each end of the bay just over 1 foot to a maximum of 2 feet 9 inches. He then stated that while the request is for 2.9 feet, it would diminish as you go in from the sides of the bay.

Mr. Javore then stated that following the expansion, the kitchen would still measure a little over 13 feet in length but that it would vary from 8 feet 2 inches. He stated that the exterior detail would include pilasters and wood panels instead of masonry to look more delicate and which would be less obtrusive and intrusive with regard to the side yard. Mr. Javore also stated that the existing box bay which measured 8 square feet out of the kitchen window and that the proposed bay measured 32 square feet which would result in a total net increase of 24 square feet and that they are only requesting an additional 1.7 feet to the north beyond the existing box bay.

Mr. Javore stated that with regard to practical difficulty and hardship, he stated that the kitchen is very minimal in size by today's standards and that the existing home is currently nonconforming. He also stated that there is no viable way to expand the kitchen and that the property is landlocked between the garage to the west, the stairwell to the east and the dining room to the south. Mr. Javore stated that the other hardship related to maintaining the home's viability in today's market.

Ann Carroll introduced herself to the Board as the property owner along with her husband, Daniel. She stated that she wanted to add that it is difficult to work in this environment and that there is hardly any counter space. Mrs. Carroll stated that they considered alternatives such as purchasing some of the land from the neighbors and that was not an alternative for them. She also stated that for a house where every inch counted, gaining a few feet would increase the size of the kitchen by a third and that they would have more counter prep space. Mrs. Carroll added that it is very difficult to entertain and to work from day to day.

Chairperson Johnson asked the applicants to go into more detail with regard to possible conforming alternatives such as going into the dining room and using some of that space or going toward the west and taking some of the garage space and extending the garage into the side yard.

Mrs. Carroll informed the Board that the dining room measured 13.5 feet by 13.5 feet and that when they entertain eight people in the dining room, her back is up against the kitchen. She stated that if they were to move into the dining room space, they would not be able to entertain eight people. Mrs. Carroll described the dining room as almost a square and informed the Board that there are some built-in corner cabinets as well as radiators which take up some of the width and which are under the front window. She stated that they enjoyed entertaining which is why moving toward the south is not an option.

Mrs. Carroll then stated that when you look at the home, it contained all of the original design and referred to the sun room as their family room which is flanked by a single one car garage. She then stated that to bump that out or to widen it would offset the whole ambience of the home which she described as part of the home's appeal. Mrs. Carroll then informed the Board that they considered moving the kitchen into the dining room or moving the kitchen into the garage since

one of the things they lacked is a view. She then stated that to do so, they have a very small side yard and that if they were to build a one car garage, they would have no yard. Mrs. Carroll noted that their neighbors to the west have a double lot and that they considered purchasing some of that lot, but that there is a large elm tree which is within three feet of the property line. She stated that would not have been a viable option for them if the neighbors would have considered it.

Ms. Hickey asked if the tree is a heritage tree.

Mrs. Carroll responded that she did not know and informed the Board that it is a very large tree and that its removal would drastically change the chemistry for more than one neighbor. She added that it is not even an option.

Chairperson Johnson referred to the conforming alternatives explained by the applicants. She also stated that she came to the home and no one was there.

Mr. Blum stated that the applicant mentioned the sunroom and garage and asked what was on the other side of the home.

Mrs. Carroll responded that the living room is there and that it adjoined the sunroom.

Chairperson Johnson referred to the box window and asked if it would have required a variation and whether it was there for the previous owners.

Mrs. Carroll confirmed that they did not add the box window to the home.

Ms. Klaassen stated that the previous owners would not have needed a variation since a bay window is allowed to encroach 18 inches into the setback.

Mr. Javore commented that is a great point and also stated that it minimized the amount of the footprint that they would be allowed.

Chairperson Johnson then stated that she noticed that there is a window well underneath the area where the current box window is located. She asked if the proposed bay would end before the window well.

Mrs. Carroll responded that the bay would go to the ground.

Chairperson Johnson asked if that would affect the requirement for basement windows and if there was an ordinance for that.

Ms. Klaassen stated that she is not sure if that met the requirement for egress for the basement.

Mr. D'Onofrio informed the Board that it is only required if there are livable rooms in the basement.

Mrs. Carroll informed the Board that there is a laundry room in the basement.

Mr. D'Onofrio stated that is not considered as qualifying as a livable room.

Chairperson Johnson asked if there were any other questions.

Mr. Lane stated that he assumed that the home did not have a mudroom.

Mrs. Carroll confirmed that it did not.

Chairperson Johnson asked the applicant if they have lived in the home for 12 years.

Mrs. Carroll confirmed that is correct and added that it is getting more and more difficult. She referred to the area leading out of the home in the back which is currently blocked by the refrigerator. Mrs. Carroll then stated that with regard to deliveries, you cannot make the turn to get into the kitchen. She stated that by moving the counter out by a few feet that would widen the entry into the kitchen from the small vestibule.

Chairperson Johnson asked if there were any other questions from the Board. No additional questions were raised by the Board at this time. She then asked if there were any questions from the audience. Chairperson Johnson noted that they have received a letter from the neighbor to the north. She then called the matter in for discussion.

Mr. McCoy stated that he looked at the home and that it did seem to be an unreasonable request.

Mr. Lane stated that he agreed with Mr. McCoy's comment and that the kitchen is fairly small by the standards of Winnetka. He then referred to the conforming alternatives. Mr. Lane also referred to the fact that it is a corner lot and the required setbacks that are required for corner lots.

Ms. Hickey stated that she also agreed with the comments made and referred to the size of the kitchen. She described the design as an amazing configuration in terms of maximizing the space. Ms. Hickey also stated that they would be measuring to the bay window.

Mr. Blum commented that it is a good design and described it as a minimal thing and that he is not in agreement, in general, of going beyond side yard setbacks, especially on the short side of the property. He referred to the applicants having a small kitchen and moving the wall of the dining room is not an option since the applicants like to entertain.

Mr. Cripe thanked the applicants for their presentation and described the request as a reasonable proposal to address an outdated kitchen. He then referred to the dining room and other alternatives and the fact that the dining room is already at the low to medium range in terms of its size. He also stated that the applicants went through a complete thought process with regard to other homes and making the request workable.

Chairperson Johnson stated that the only thing she would add is that she agreed with Mr. Blum's comments that it is unfortunate that this is the only option to make the kitchen workable because it is going to encroach into the side yard. She also stated that the applicants have done the best they can to make the design attractive. Chairperson Johnson referred to the request in terms of it

visually and in terms of it practically. She added that although the neighbors have submitted a letter stating that they did not object to the request that she would have been more comfortable with the request if it just related to the rear yard. Chairperson Johnson referred to the fact that they cannot go into the dining room to take some of that space and capture it for use in the kitchen. She then stated that the only other option is to expand into the one car garage which is not really a custom in Winnetka and that there would be a detriment there to take part of the side yard for another one car garage which is not even a standard garage and would obviously be more costly, which they typically should not focus on. Chairperson Johnson then stated that all things considered, she is troubled that they would be encroaching into the side yard in a significant way. She also stated that if the request was going to the Village Council, she would suggest that they talk about why they cannot push the garage to the west which she stated is not practical or why they cannot capture space from the dining room. Chairperson Johnson stated that the application is fine other than in connection with these two issues. She then asked for a motion and noted that the Board has final jurisdiction.

Mr. Cripe moved that the Board grant the requested side yard setback variation and that the reasons for the variation are as follows. He stated that the property cannot yield a reasonable return and that the applicants noted the subpar kitchen. He stated that the plight of the applicants is due to unique circumstances in that it is a corner lot and that they cannot alter the one car garage as well as the outdated, small kitchen. He stated that the variation would not alter the character of the locality and that the design as presented is thoughtful and attractive and that the neighbors seem to be in support of the request. He stated that the light and air to surrounding properties would not be impaired and that it did not seem to be an issue and the fact that although the home would be further in the side yard, it would not impact the neighbors' light and air. He stated that the hazard from fire would not be increased and that the taxable value of the land would not diminish. He then stated that congestion would not increase and that the public health, safety, comfort, morals and welfare of the Village will not be impaired.

The motion was seconded by Mr. McCoy. A vote was taken and the motion was unanimously passed, 6 to 0.

AYES: Blum, Cripe, Hickey, Johnson, Lane, McCoy
NAYS: None

FINDINGS OF THE ZONING BOARD OF APPEALS

1. The requested variation is within the final jurisdiction of the Zoning Board of Appeals.
2. The requested variation is in harmony with the general purpose and intent of the Winnetka Zoning Ordinance. The proposal is compatible, in general, with the character of existing development within the immediate neighborhood with respect to architectural scale and other site improvements.
3. There are practical difficulties or a particular hardship which prevents strict application of Section 17.30.060 of the Winnetka Zoning Ordinance which is related to the use or the construction or alteration of buildings or structures.

The evidence in the judgment of the Zoning Board of Appeals has established:

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. The size of the existing kitchen does not meet Winnetka standards. The existing kitchen is extremely tight, which does not allow for it to utilize and take advantage of modern appliances and kitchen design. Additionally, the location of the existing exterior wall and adjacent room configuration prohibits full modernization of the existing kitchen without encroaching the side yard.
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. The existing exterior wall is nonconforming where the kitchen is located. Expanding to the north is the only reasonable option to enhance the size of the unusually small kitchen.
3. The variation, if granted, will not alter the essential character of the locality. The proposed bay window will be compatible in proportion, scale, and detailing to the existing house. The proposed shape of the bay window is used to minimize the impact of the expansion. The detailing utilized creates a more delicate composition, as well, which will be less obtrusive than a masonry addition. Also, a letter was received from the adjacent neighbor to the north in support of the proposed bay window.
4. An adequate supply of light and air to the adjacent property will not be impaired. The proposed addition will not impair the amount of light and air to the adjacent property as it is a one story bay window.
5. The hazard from fire or other damages to the property will not be increased as the proposed improvements shall comply with building code standards, including fire and life safety requirements.
6. The taxable value of land and buildings throughout the Village will not diminish. The bay window addition, along with the renovation and modernization of the kitchen as a whole, will enhance the taxable value of the land.
7. The congestion in the public street will not increase. The structure will continue to be used as a single-family residence.
8. The public health, safety, comfort, morals and welfare of the inhabitants of the Village will not otherwise be impaired. No evidence to the contrary was provided.

**ATTACHMENT D
RESOLUTION NO. ZBA-2-2019**

**VILLAGE OF WINNETKA
ZONING BOARD OF APPEALS**

APPROVAL OF ZBA CASE NO. 19-27-V – 551 MEADOW ROAD

WHEREAS, Ann and Daniel Carroll (collectively, the “Applicant”) are the owners of the property commonly known as 551 Meadow 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-5 Single Family Residential District; and

WHEREAS, the Subject Property is improved with a single family residence that is nonconforming with respect to (i) the maximum permitted building size and (ii) the building line articulation requirement (**“Building”**); and

WHEREAS, the Applicant desires to construct on the Subject Property (i) a second floor addition to the Building measuring approximately 148 square feet above the existing attached garage and (ii) unarticulated north side building walls 47.88 feet in length on the Subject Property (**“Proposed Improvement”**); and

WHEREAS, pursuant to Section 17.30.040 of the Winnetka Zoning Ordinance (**“Zoning Ordinance”**), the Subject Property is permitted a maximum building size of 2,082.49 square feet; and

WHEREAS, pursuant to Section 17.30.090 of the Zoning Ordinance, the Subject Property is required to provide articulation if any of the side building walls is at least 40 feet long; and

WHEREAS, the Applicant desires to construct the Proposed Improvement on the Subject Property with (i) a maximum building size that exceeds the maximum permitted 2,082.49 square feet of the R-5 Single Family Residential District, a violation of Section 17.30.040 of the Zoning Ordinance and (ii) unarticulated north side building walls longer than the 40 feet allowed of the R-5 Single Family Residential District, a violation of Section 17.30.090 of the Zoning Ordinance; and

WHEREAS, the Applicant filed an application for variations from Sections 17.30.040 and 17.30.090 of the Zoning Ordinance to permit construction of the Proposed Improvement on the Subject Property (i) with a maximum building size of 2,291.27 square feet to accommodate the addition and (ii) unarticulated north side building walls 47.88 feet in length (**“Requested Variations”**); and

WHEREAS, a public notice for the Requested Variations was duly published on September 26, 2019 in the “Winnetka Current” and notice was mailed to the owners of record of all properties within 250 feet of the Subject Property as required by the Zoning Ordinance; and

WHEREAS, a public hearing was held by the Winnetka Zoning Board of Appeals during a meeting held on October 14, 2019 for the purpose of considering the Requested Variations with the final decision being rendered at the Zoning Board of Appeal’s Regular Meeting on October 14, 2019; and

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

1. Application for the Requested Variations submitted by the Applicant, dated September 10, 2019, 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 Variations do satisfy the standards for a variation provided in Sections 17.60.040 and 17.60.050 of the Winnetka Zoning Ordinance; and

WHEREAS, the Zoning Board of Appeals has determined that the requested variations to provide (i) more than the maximum permitted building size and (ii) unarticulated north side building walls do satisfy the standards for variations provided in Sections 17.60.040 and 17.60.050 of the Winnetka Zoning Ordinance; and

WHEREAS, the Zoning Board of Appeals has determined that it will serve and be in the best interest of the Village and its residents to grant the application for the (i) maximum building size variation and (ii) building line articulation 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 (i) maximum building size variation from Section 17.30.040 of the Zoning Ordinance and (ii) building line articulation variation from Section 17.30.090 of the Zoning Ordinance to permit the construction of the proposed second floor addition on the Subject Property is hereby granted, in accordance with and pursuant to Chapter 17.60 of the Zoning Ordinance and the home rule powers of the Village.

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

- A. Compliance with Plans. Except for minor changes and site work approved by the Director of Community Development in accordance with all applicable Village standards, the development, use, operation, and maintenance of the Subject Property, shall comply with those certain plans attached hereto as **Exhibit B**.
- B. Compliance with Regulations. The construction, development, use, operation, and maintenance of the Proposed Improvement and the Subject Property must comply with all applicable Village codes and ordinances, as the same may be amended from time to time, except to the extent specifically provided otherwise in this Resolution.

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

SECTION 5. FAILURE TO COMPLY WITH CONDITIONS. Upon the failure or refusal of the Applicant to comply with any or all of the conditions, restrictions, or provisions of this Resolution, the approval granted in Section Two of this Resolution will, at the sole discretion of the Zoning Board of Appeals, by Resolution duly adopted, be revoked and become null and void; provided, however, that the Zoning Board of Appeals may not so revoke the approval granted in Section Two of this Resolution unless it first provides the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Zoning Board of Appeals. In the event of revocation, the development and use of the Subject Property will be governed solely by the applicable regulations of the Winnetka Zoning Ordinance, including, without limitation, (i) the maximum building size requirement set forth in Section 17.30.040 of the Winnetka Zoning Ordinance and (ii) the building line articulation requirement set forth in Section 17.30.090 of the Winnetka Zoning Ordinance. Further, in the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances.

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

SECTION 7. EFFECTIVE DATE.

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

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

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

[SIGNATURE PAGE FOLLOWS]

ADOPTED this 14th day of October, 2019, 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 11 in Block 3 in Manus Indian Hill Subdivision of part of the North ½ of Section 28, Township 42 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

Commonly known as 551 Meadow Road, Winnetka, Illinois.

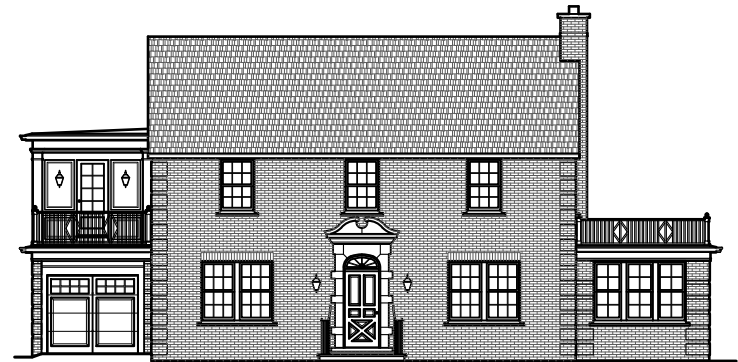
Parcel Index Number: 05-28-101-015-0000

EXHIBIT B
PLANS
(SEE ATTACHED EXHIBIT B)

EXHIBIT B

CARROLL RESIDENCE

VARIANCE DOCUMENTS



551 MEADOW ROAD
PROJECT: 18009

WINNETKA, IL 60093
SEPTEMBER 10, 2019

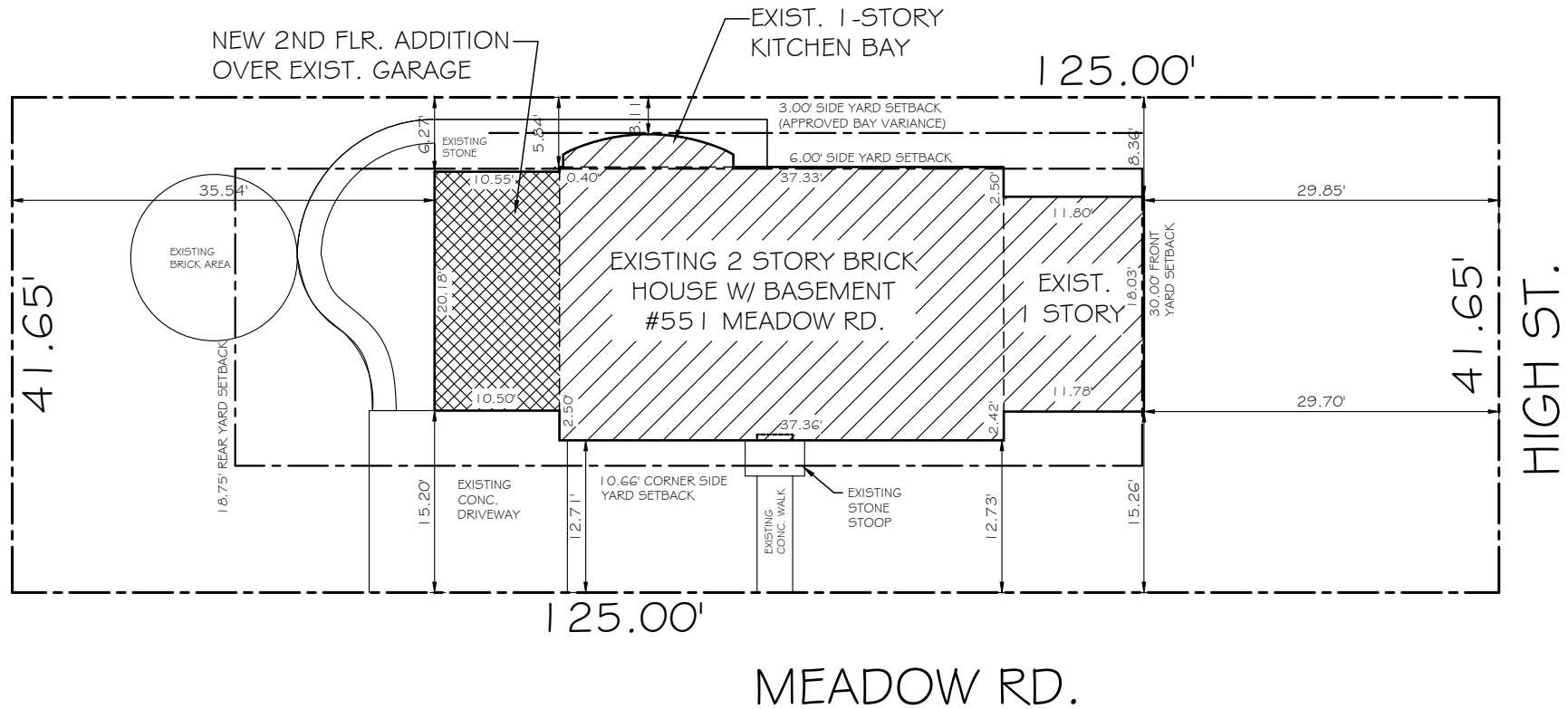
CHKD BY RSJ



R. SCOTT JAVORE & ASSOCIATES, LTD.
ARCHITECTURE ■ HISTORIC PRESERVATION ■ NEW CONSTRUCTION

333 PARK AVENUE GLENCOE, IL 60022 847.835.4442 FAX 847.835.4044

1 PROPOSED SITE PLAN
1" = 10'



SHEET NO.

V1

SCALE

1" = 10'

PROJECT NO.

18009

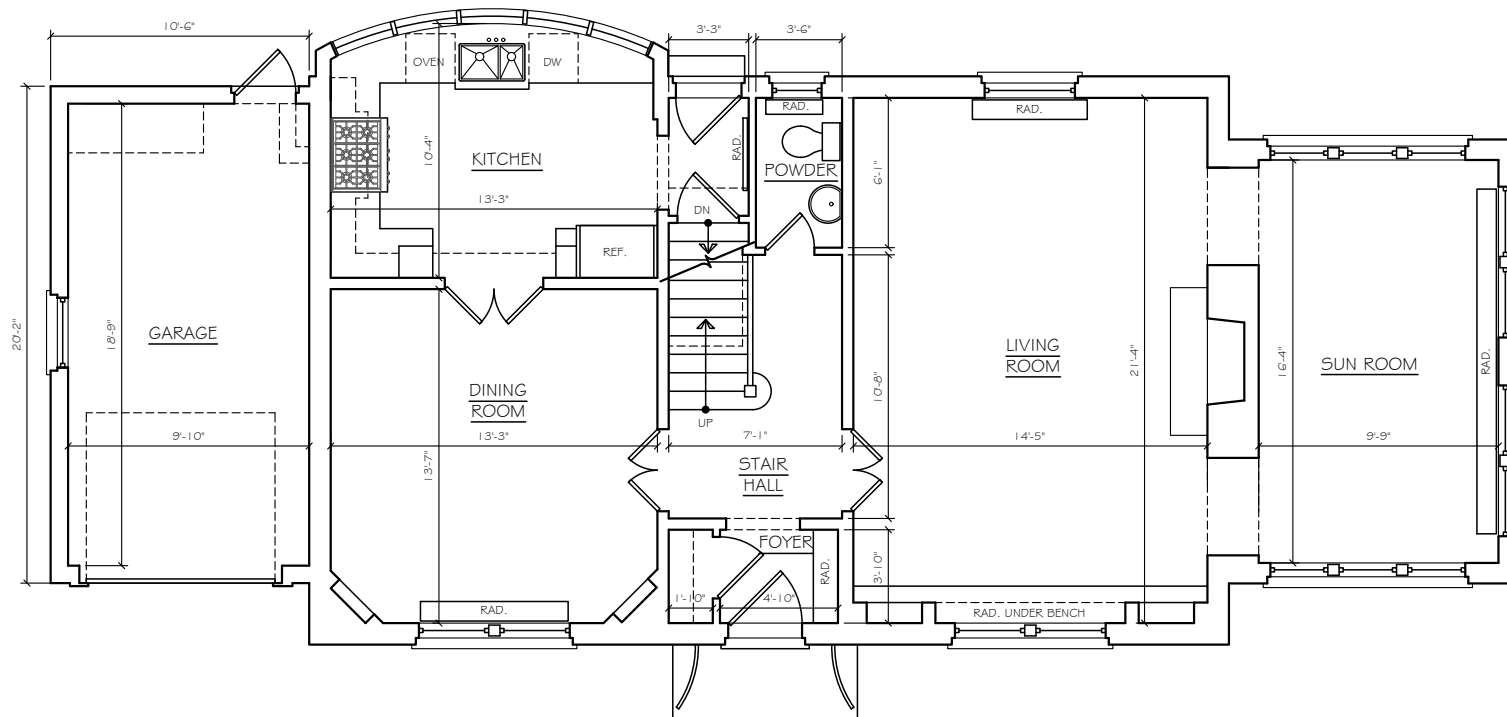
DATE

2019-09-10

CARROLL
RESIDENCE
551 MEADOW ROAD
WINNEKA, IL 60093

R. SCOTT JAVORE & ASSOCIATES, LTD.
ARCHITECTURE • HISTORIC PRESERVATION • NEW CONSTRUCTION
300 PAINE AVENUE
CHICAGO, IL 60602
TEL: 312.464.4444 FAX: 312.464.4044





1 EXISTING FIRST FLOOR PLAN
3/16" = 1'-0"



SHEET NO.

V2

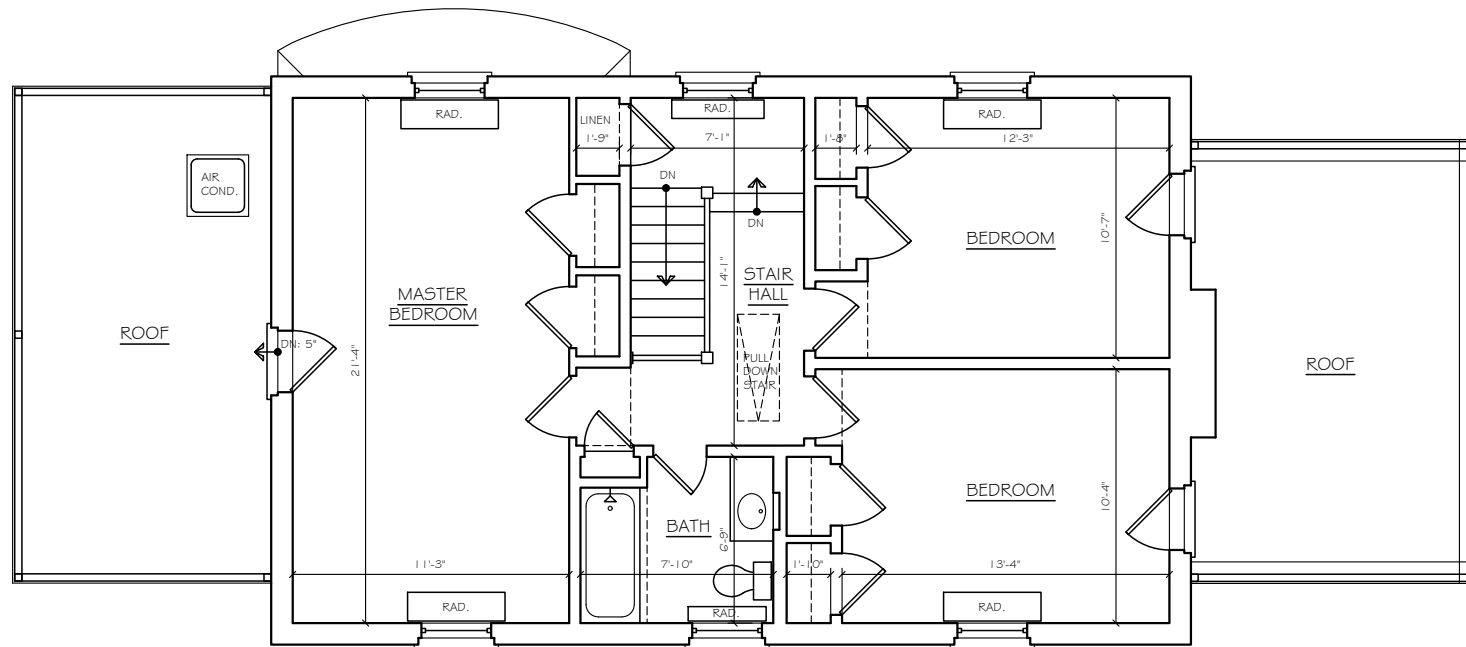
SCALE 3/16" = 1'-0"

PROJECT NO. 18009

DATE 2019-09-10

CARROLL
RESIDENCE
551 MEADOW ROAD
WINNEKA, IL 60093

R. SCOTT JAVORE & ASSOCIATES, LTD.
ARCHITECTURE • HISTORIC PRESERVATION • NEW CONSTRUCTION
300 PAINE AVENUE CHICAGO, IL 60606 847.266.4448 FAX 847.266.4044



1 EXISTING SECOND FLOOR PLAN
3/16" = 1'-0"



SHEET NO.

V3

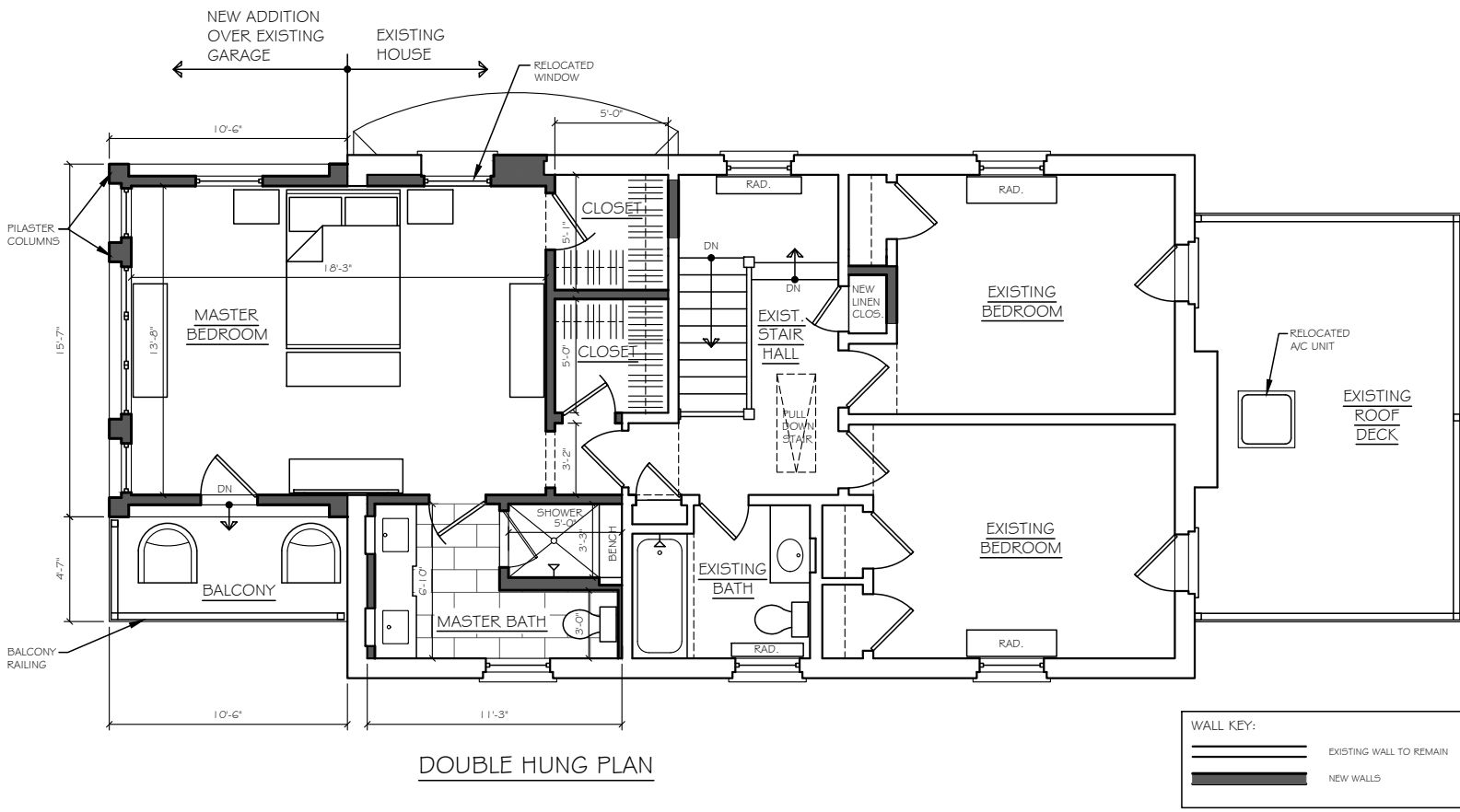
SCALE 3/16" = 1'-0"

PROJECT NO. 18009

DATE 2019-09-10

CARROLL
RESIDENCE
551 MEADOW ROAD
WINNEKA, IL 60093

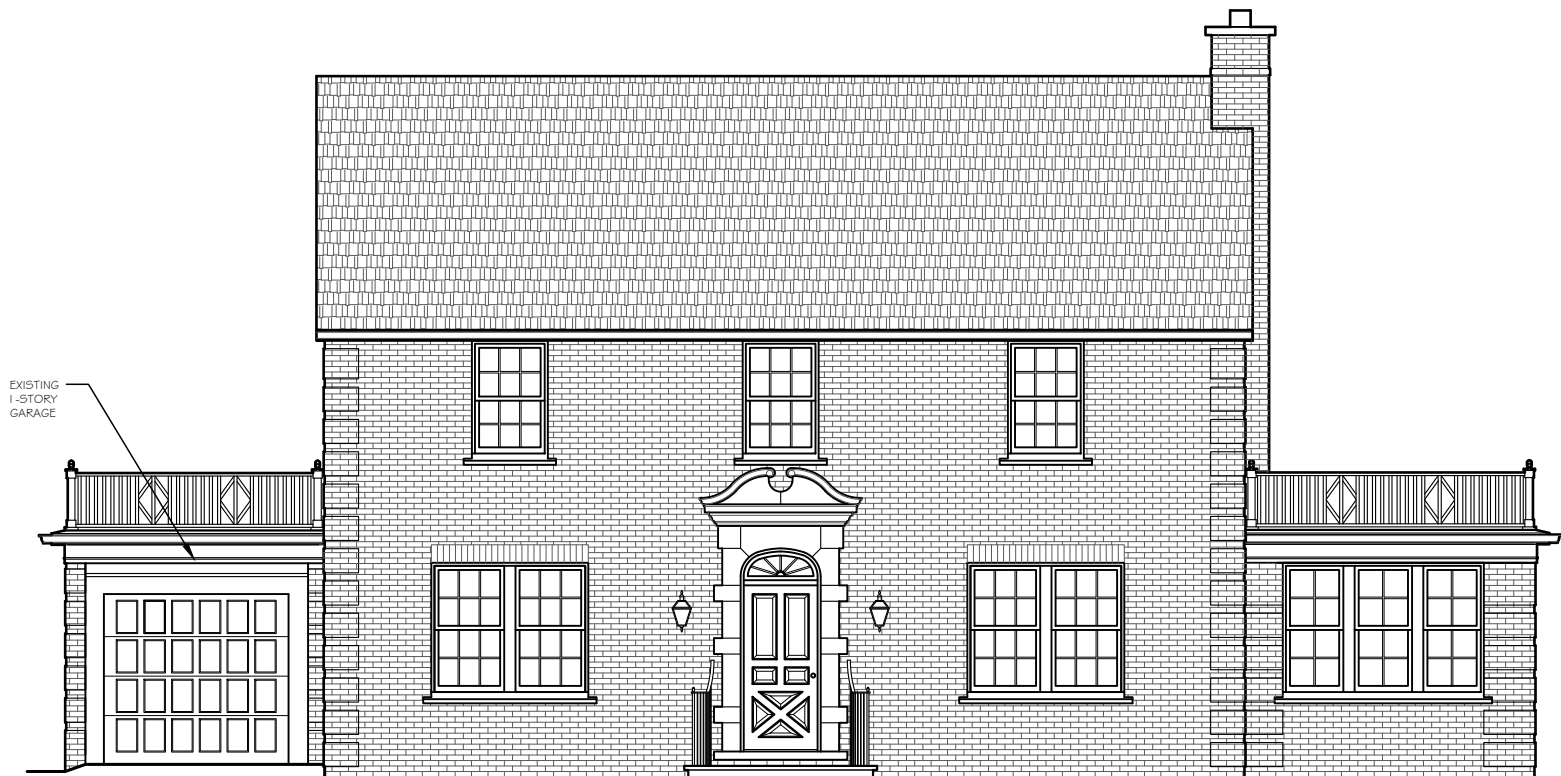
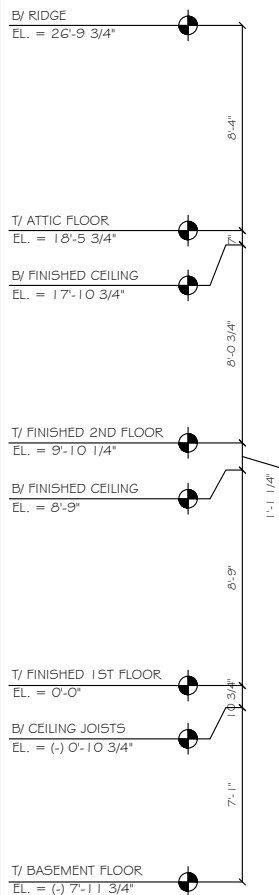
R. SCOTT JAVORE & ASSOCIATES, LTD.
ARCHITECTURE • HISTORIC PRESERVATION • NEW CONSTRUCTION
300 PAINE AVENUE CHICAGO, IL 60606 847.266.4448 FAX 847.266.4044



DOUBLE HUNG PLAN

1 PROPOSED SECOND FLOOR PLAN
3/16" = 1'-0"

SHEET NO. V4	
SCALE 3/16" = 1'-0"	PROJECT NO. 18009
DATE 2019-09-10	
CARROLL RESIDENCE 551 MEADOW ROAD WINNEKA, IL 60093	
R. SCOTT JAVORE & ASSOCIATES, LTD. ARCHITECTURE • HISTORIC PRESERVATION • NEW CONSTRUCTION 380 PAINE AVENUE CLARKSBURG, IL 60008 TEL 815-286-4448 FAX 815-286-4044	



1 EXISTING SOUTH ELEVATION
 3/16" = 1'-0"

SHEET NO.
 V5

SCALE 3/16" = 1'-0"
 PROJECT NO. 18009
 DATE 2019-09-10

CARROLL
 RESIDENCE
 551 MEADOW ROAD
 WINNEKA, IL 60093

R. SCOTT JAVORE & ASSOCIATES, LTD.
 ARCHITECTURE • HISTORIC PRESERVATION • NEW CONSTRUCTION
 300 PAINE AVENUE
 CHICAGO, IL 60606
 TEL 312.466.4444 FAX 312.466.4044

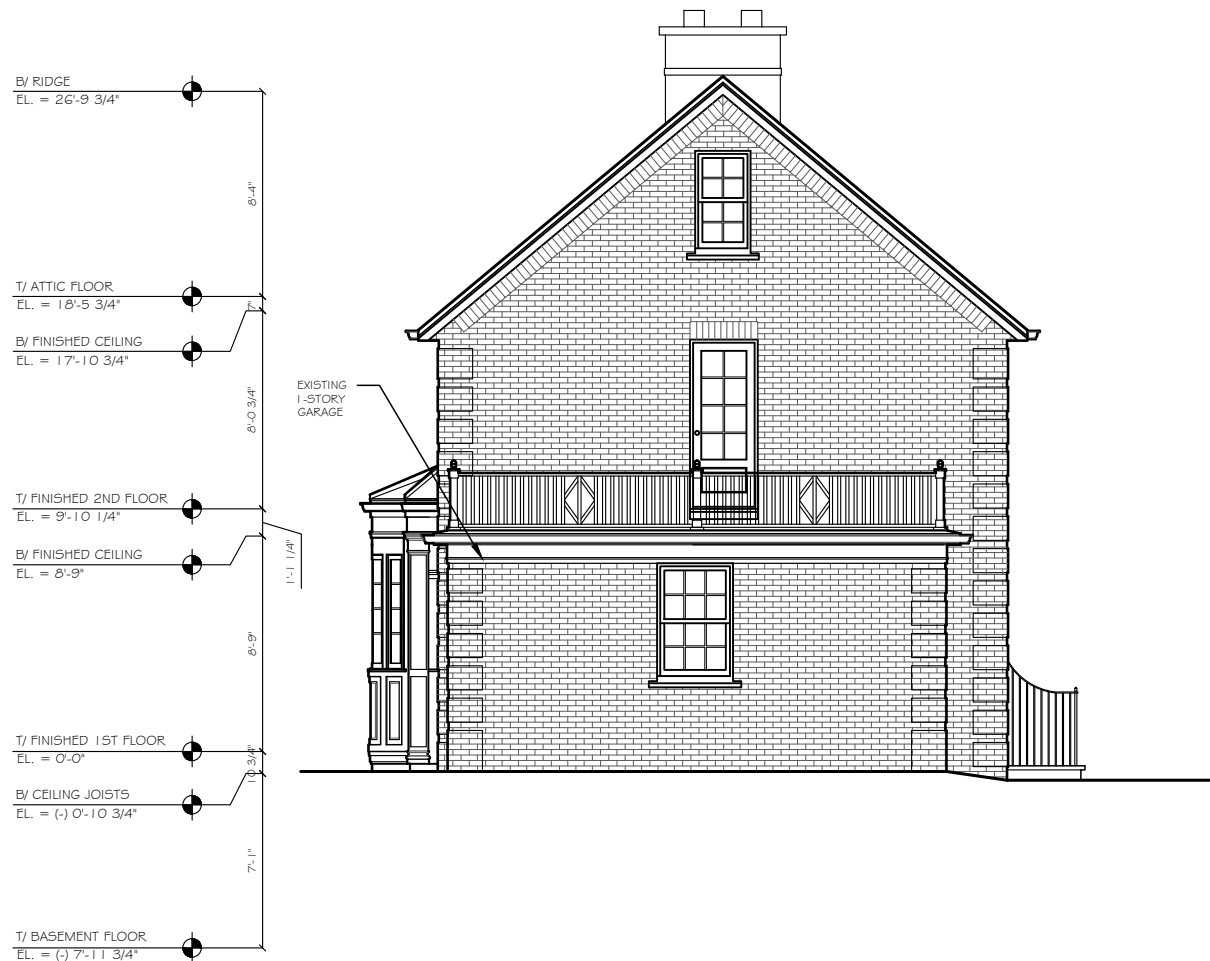


SHEET NO.
V6

SCALE	3/16" = 1'-0"
PROJECT NO.	18009
DATE	2019-09-10

CARROLL RESIDENCE
551 MEADOW ROAD
WINNEKA, IL 60093

R. SCOTT JAVORE & ASSOCIATES, LTD.
ARCHITECTURE • HISTORIC PRESERVATION • NEW CONSTRUCTION
300 PAINE AVENUE
CHICAGO, IL 60606
TEL: 847.386.4444 FAX: 847.386.4044



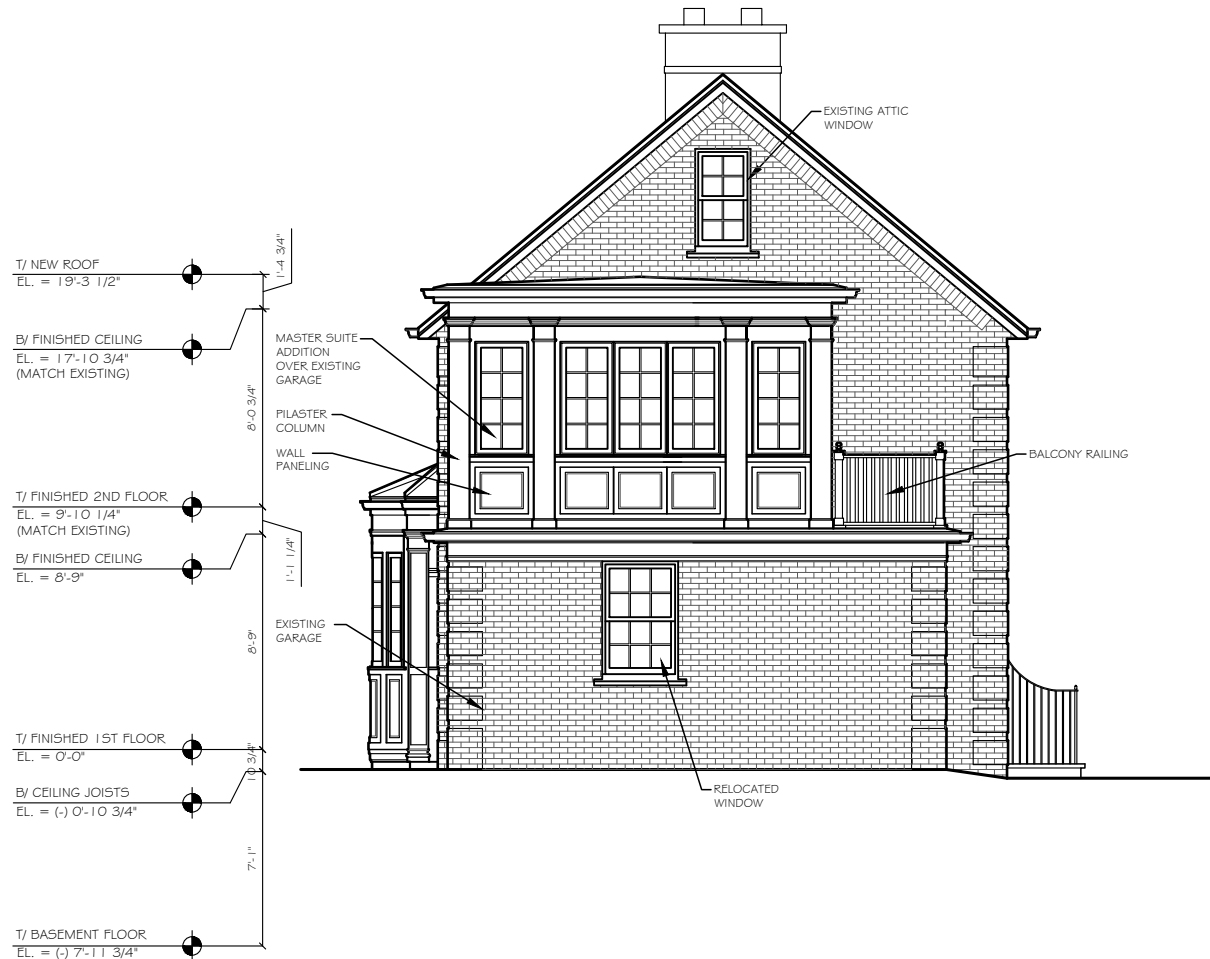
1 EXISTING WEST ELEVATION
3/16" = 1'-0"

SHEET NO.
V7

SCALE 3/16" = 1'-0"
PROJECT NO. 18009
DATE 2019-09-10

CARROLL
RESIDENCE
551 MEADOW ROAD
WINNEKA, IL 60093

R. SCOTT JAVORE & ASSOCIATES, LTD.
ARCHITECTURE • HISTORIC PRESERVATION • NEW CONSTRUCTION
300 PAINE AVENUE CHICAGO, IL 60602 847.266.4448 FAX 847.266.4044



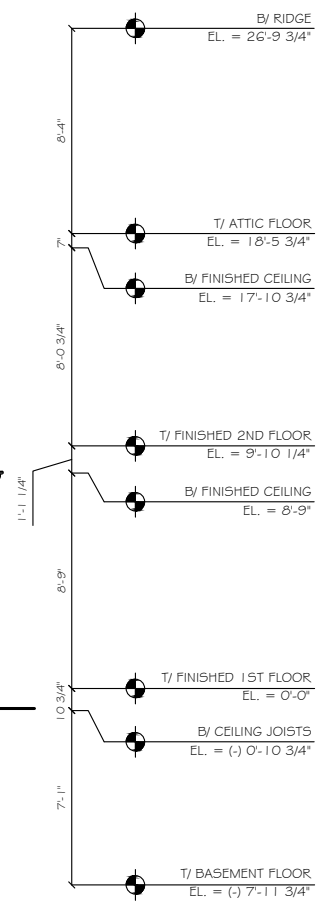
1 PROPOSED WEST ELEVATION
3/16" = 1'-0"

SHEET NO.
V8

SCALE 3/16" = 1'-0"
PROJECT NO. 18009
DATE 2019-09-10

CARROLL
RESIDENCE
551 MEADOW ROAD
WINNEKA, IL 60093

R. SCOTT JAVORE & ASSOCIATES, LTD.
ARCHITECTURE • HISTORIC PRESERVATION • NEW CONSTRUCTION
300 PAINE AVENUE CHICAGO, IL 60606 847.266.4444 FAX 847.266.4044



1 EXISTING NORTH ELEVATION
 3/16" = 1'-0"

SHEET NO.
 V9

SCALE 3/16" = 1'-0"
 PROJECT NO. 18009
 DATE 2019-09-10

CARROLL
 RESIDENCE
 551 MEADOW ROAD
 WINNEKA, IL 60093

R. SCOTT JAVORE & ASSOCIATES, LTD.
 ARCHITECTURE • HISTORIC PRESERVATION • NEW CONSTRUCTION
 300 PAINE AVENUE
 CHICAGO, IL 60602
 847.266.4444 FAX 847.266.4044



1 PROPOSED NORTH ELEVATION
3/16" = 1'-0"

SHEET NO.
V10

SCALE 3/16" = 1'-0"
PROJECT NO. 18009
DATE 2019-09-10

CARROLL
RESIDENCE
551 MEADOW ROAD
WINNEKA, IL 60093

R. SCOTT JAVORE & ASSOCIATES, LTD.
ARCHITECTURE • HISTORIC PRESERVATION • NEW CONSTRUCTION
300 PAINE AVENUE CHICAGO, IL 60606 TEL 847.386.4044 FAX 847.386.4044

EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

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

WHEREAS, Ann and Daniel Carroll (collectively, "**Owners**") are the owners of record of that certain real property located at 551 Meadow Road, Winnetka, Illinois ("**Property**"); and

WHEREAS, Resolution No. ZBA-2-2019, adopted by the Winnetka Zoning Board of Appeals on October 14, 2019 ("**Resolution**"), grants variations to construct a second floor addition above the existing attached garage 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 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 variations, and that the Village's approval of the variations 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 variations for the Property.

[SIGNATURES ON FOLLOWING PAGE]

Dated: _____, 2019.

ATTEST

By: _____

Name: _____

OWNERS

By: _____

Ann Carroll

By: _____

Daniel Carroll

RESOLUTION NO. ZBA-2-2019
VILLAGE OF WINNETKA
ZONING BOARD OF APPEALS
DENIAL OF ZBA CASE NO. 19-27-V – 551 MEADOW ROAD

WHEREAS, Ann and Daniel Carroll (collectively, the “Applicant”) are the owners of the property commonly known as 551 Meadow 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-5 Single Family Residential District; and

WHEREAS, the Subject Property is improved with a single family residence that is nonconforming with respect to (i) the maximum permitted building size and (ii) the building line articulation requirement (**“Building”**); and

WHEREAS, the Applicant desires to construct on the Subject Property (i) a second floor addition to the Building measuring approximately 148 square feet above the existing attached garage and (ii) unarticulated north side building walls 47.88 feet in length on the Subject Property (**“Proposed Improvement”**); and

WHEREAS, pursuant to Section 17.30.040 of the Winnetka Zoning Ordinance (**“Zoning Ordinance”**), the Subject Property is permitted a maximum building size of 2,082.49 square feet; and

WHEREAS, pursuant to Section 17.30.090 of the Zoning Ordinance, the Subject Property is required to provide articulation if any of the side building walls is at least 40 feet long; and

WHEREAS, the Applicant desires to construct the Proposed Improvement on the Subject Property with (i) a maximum building size that exceeds the maximum permitted 2,082.49 square feet of the R-5 Single Family Residential District, a violation of Section 17.30.040 of the Zoning Ordinance and (ii) unarticulated north side building walls longer than the 40 feet allowed of the R-5 Single Family Residential District, a violation of Section 17.30.090 of the Zoning Ordinance; and

WHEREAS, the Applicant filed an application for variations from Sections 17.30.040 and 17.30.090 of the Zoning Ordinance to permit construction of the Proposed Improvement on the Subject Property (i) with a maximum building size of 2,291.27 square feet to accommodate the addition and (ii) unarticulated north side building walls 47.88 feet in length (**“Requested Variations”**); and

WHEREAS, a public notice for the Requested Variations was duly published on September 26, 2019 in the “Winnetka Current” and notice was mailed to the owners of record of all properties within 250 feet of the Subject Property as required by the Zoning Ordinance; and

WHEREAS, a public hearing was held by the Winnetka Zoning Board of Appeals during a meeting held on October 14, 2019 for the purpose of considering the Requested Variations with the final decision being rendered at the Zoning Board of Appeal’s Regular Meeting on October 14, 2019; and

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

1. Application for the Requested Variations submitted by the Applicant, dated September 10, 2019, 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 Variations **do 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 Variations are not in harmony with the general purpose and intent of the Winnetka Zoning Ordinance; (ii) the Subject Property can yield a reasonable return if it is permitted to be used only under the conditions allowed for the R-5 Single Family Residential District; (iii) the plight of the Applicant is not due to unique circumstances; and

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

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

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

SECTION 2. DENIAL OF 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 Variations 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 October, 2019, 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 11 in Block 3 in Manus Indian Hill Subdivision of part of the North ½ of Section 28, Township 42 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

Commonly known as 551 Meadow Road, Winnetka, Illinois.

Parcel Index Number: 05-28-101-015-0000



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: ZONING BOARD OF APPEALS
FROM: ANN KLAASSEN, SENIOR PLANNER
DATE: OCTOBER 7, 2019
SUBJECT: CASE NO. 19-28-V2: 306 WALNUT STREET -VARIATIONS

INTRODUCTION

On October 7, 2019, the Zoning Board of Appeals will conduct a public hearing on an application filed by Terry Savage (the "Applicant") as the owner of the property at 306 Walnut Street (the "Subject Property"). The Applicant requests approval of the following zoning variations to allow the existing storage shed on the Subject Property, which is a through lot:

1. Gross Floor Area of 4,240.33 square feet, whereas a maximum of 2,857.55 square feet is permitted, a variation of 1,382.78 square feet (48.39%) [Section 17.30.040 – Maximum Building Size][Note: The site without the shed currently contains 4,187.19 square feet of gross floor area; the shed would add an additional 53.14 square feet];
2. Front yard setback of 10 feet from Wilson Street, whereas a minimum of 30 feet is required, a variation of 20 feet (66.67%) [Section 17.30.050 – Front and Corner Yard Setbacks];
3. Side yard setback of 4 feet from the north property line, whereas a minimum of 6 feet is required, a variation of 2 feet (33.33%) [Section 17.30.060 – Side Yard Setback]; and
4. A shed that is 8.58 feet in height, whereas a maximum of 7 feet is permitted, a variation of 1.58 feet (22.57%) [Section 17.30.080 – Height of Buildings and Structures].

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 Current* on September 26, 2019. 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 allow a zoning lot with a post-FAR building (constructed since 1989) to exceed the maximum permitted gross floor area.

PROPERTY DESCRIPTION

The Subject Property, which is approximately 0.17 acres in size, is located between Walnut Street and Wilson Street, north of Hawthorn Lane and south of Orchard Lane, and contains an existing two-story residence with an attached garage and a storage shed. The Subject Property is a through lot, and the front of the house faces Walnut Street. The neighboring lots are also through lots and each of the fronts of those houses also faces Walnut Street. Figures 1 through 3 on the following pages identify the Subject Property.

The property is zoned R-5 Single Family Residential, and it is surrounded by R-5 Single Family Residential (represented in Figure 4 later in this report). 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 1997. Subsequent minor building permits have been issued over the years since the residence was built for improvements such as a new roof, fencing, and replacement of air conditioning units and a furnace.

There is one previous zoning case on file for the Subject Property. Ordinance M-345-92 was adopted in June 1992 by the Village Council, granting a front yard setback variation to allow the replacement of a detached garage within the required front yard setback from Wilson Street. This ordinance is included in this report as Attachment D. The detached garage subject to this ordinance was torn down at the time the former residence was also torn down to accommodate construction of the existing residence and attached garage.

At the end of May 2019, it was brought to the Department's attention that a concrete pad and storage shed had been installed without a building permit. The Village's Code Enforcement Officer sent a violation notice to the owner of the Subject Property informing them of the code violations. After staff met with the owner, staff had further communication with the property owner (Applicant) and worked on coordinating an effort to correct the violation. A second violation notice was sent to the Applicant on July 2, 2019, because the Applicant had yet to take any action. Again, due to a lack of addressing the violation in a timely manner, a third violation notice was sent on August 30, 2019. Rather than remove shed, the Applicant has submitted the variation application that is currently before the Board.



Figure 1 – Subject Property – Looking North



Figure 2 – Subject Property – Looking East



Figure 3 – Aerial Map



Figure 4 – Zoning Map

PROPOSED PLAN

The variations are being requested in order to allow an existing storage shed to remain on the Subject Property. The shed measures 7.33 feet by 7.25 feet (approximately 53 square feet), and is 8.58 feet in height (This information comes from The Home Depot web page for the shed, which web page the Applicant had shared with staff). The Subject Property currently has an attached two-car garage with access from Wilson Street. The shed is intended to provide bicycle storage. The shed is identified in Figures 1 and 2 earlier in this report. An excerpt of the site plan is also provided below as Figure 5.

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 6 on the following page 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.

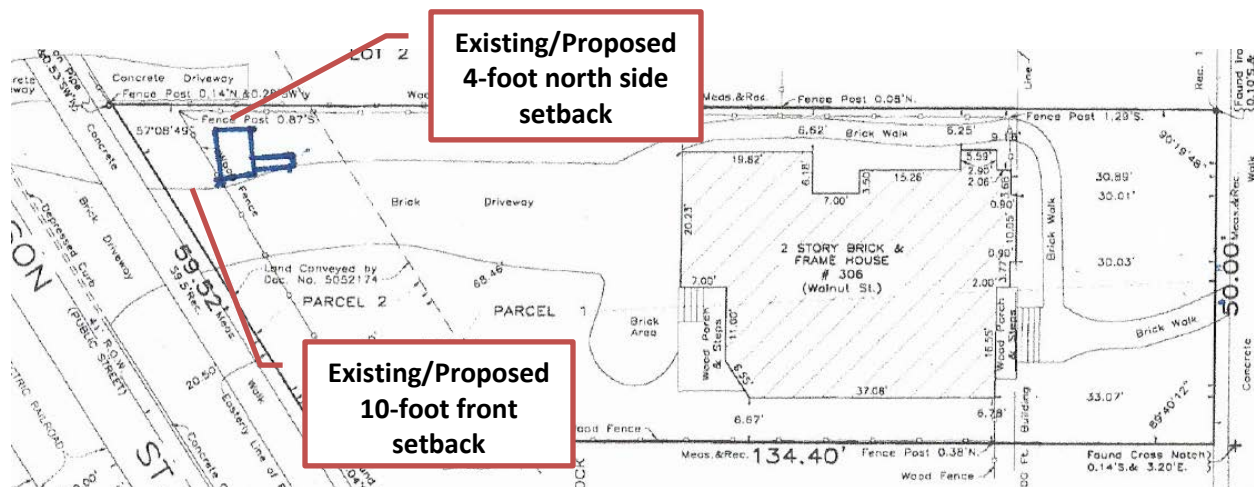


Figure 5 – Excerpt of Site Plan

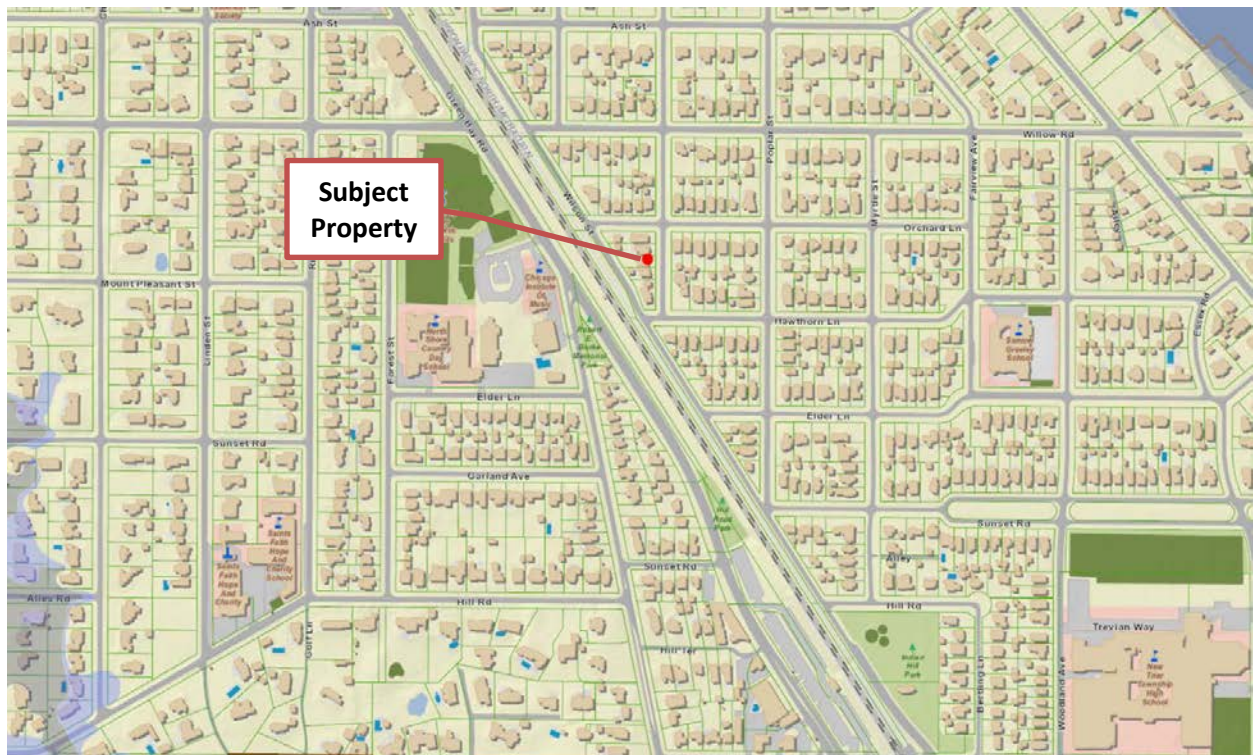


Figure 6 – GIS Floodplain Map

REQUESTED ZONING RELIEF

The attached zoning matrix highlights the existing lot and the improvements' compliance with the R-5 zoning district (Attachment A). Four variations are being requested: (1) Gross Floor Area (GFA); (2) Front Yard Setback; (3) Side Yard Setback; and (4) Height of Buildings and Structures.

Gross Floor Area. When the residence was built in 1997 the basement was not included in the GFA. At that time, the maximum allowed GFA was 3,008 square feet. The site had 3,003 square feet (excluding the basement) of GFA. In 2001, the Village Council adopted an amendment to the Zoning Ordinance that now requires the basement area, which is approximately 1,177 square feet, be included in the GFA. Including the basement, the site without the shed has 4,187.19 square feet of GFA. Given another amendment made to the Zoning Ordinance, the amount of GFA allowed on the site is now only 2,857.55 square feet. The existing improvements on the site without the shed are a legal non-conformity as the site contains approximately 1,330 square feet of gross floor area more than allowed under the current zoning regulations. The shed would increase the nonconforming GFA by approximately 53 square feet. Given the Applicant is requesting an increase in gross floor area to an existing nonconformity, the variation is for the total amount of gross floor area that exceeds the current amount allowed.

Front Yard Setback. A variation is also being requested to allow the shed to provide less than the minimum required front yard setback from Walnut Street. The Subject Property is a "through lot" with two lot lines along two more or less parallel streets; Walnut Street to the east and Wilson Street to the west. The minimum front yard setback from both Walnut and Wilson is 30 feet. The front yard setback from Wilson Street to the shed is 10 feet, whereas a minimum of 30 feet is required.

Side Yard Setback. The third variation being requested is to allow the shed to provide less than the minimum required side yard setback from the north property line. The side yard setback from the north property line to the shed is 4 feet, whereas a minimum of 6 feet is required.

Structure Height. Lastly, a variation is being requested to allow the shed, which measures 8.58 feet in height, to exceed the maximum permitted height of 7 feet. The Zoning Ordinance allows storage sheds, play houses, walled enclosures for refuse containers or swimming pool equipment, or any similar structure to be 7 feet in height.

REQUESTED ZONING CONSIDERATION

The Applicant is requesting approval of the following zoning variations to allow the existing storage shed on the Subject Property:

1. Gross Floor Area of 4,240.33 square feet, whereas a maximum of 2,857.55 square feet is permitted, a variation of 1,382.78 square feet (48.39%) [Section 17.30.040 – Maximum Building Size];
2. Front yard setback of 10 feet from Wilson Street, whereas a minimum of 30 feet is required, a variation of 20 feet (66.67%) [Section 17.30.050 – Front and Corner Yard Setbacks];
3. Side yard setback of 4 feet from the north property line, whereas a minimum of 6 feet is required, a variation of 2 feet (33.33%) [Section 17.30.060 – Side Yard Setback]; and
4. A shed that is 8.58 feet in height, whereas a maximum of 7 feet is permitted, a variation of 1.58 feet (22.57%) [Section 17.30.080 – Height of Buildings and Structures].

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 4,240.33 square feet, whereas a maximum of 2,857.55 square feet is permitted, a variation of 1,382.78 square feet (48.39%) [Section 17.30.040 – Maximum Building Size];
2. Front yard setback of 10 feet from Wilson Street, whereas a minimum of 30 feet is required, a variation of 20 feet (66.67%) [Section 17.30.050 – Front and Corner Yard Setbacks];
3. Side yard setback of 4 feet from the north property line, whereas a minimum of 6 feet is required, a variation of 2 feet (33.33%) [Section 17.30.060 – Side Yard Setback]; and
4. A shed that is 8.58 feet in height, whereas a maximum of 7 feet is permitted, a variation of 1.58 feet (22.57%) [Section 17.30.080 – Height of Buildings and Structures].

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

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

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

ATTACHMENTS

Attachment A: Zoning Matrix

Attachment B: Stormwater Matrix

Attachment C: Application Materials

Attachment D: Ordinance M-345-92, adopted on June 16, 1992

ATTACHMENT A

ZONING MATRIX

ADDRESS: 306 Walnut Street

CASE NO: 19-28-V2

ZONING: R-5

ITEM	MIN/MAX REQUIREMENT	EXISTING	PROPOSED	DIFFERENCE BETWEEN PROPOSED & EXISTING	ZONING CODE COMPLIANCE (2)
Min. Lot Size	8,400 SF	7,519.88 SF	N/A	N/A	EXISTING NONCONFORMING
Min. Average Lot Width	60 FT	45.19 FT	N/A	N/A	EXISTING NONCONFORMING
Max. Roofed Lot Coverage	1,879.97 SF (2)	1,605.88 SF	1,659.02 SF	53.14 SF	OK
Max. Gross Floor Area	2,857.55 SF (2)	4,187.19 SF	4,240.33 SF	53.14 SF	1,382.78 SF (48.39%) VARIATION
Max. Impermeable Lot Coverage	3,759.94 SF (2)	3,102.25 SF	3,210.25 SF	108 SF	OK
Min. Front Yard (Walnut/East)	30 FT	30.01 FT	30.01 FT	0 FT	OK
Min. Front Yard (Wilson/West)	30 FT	58.5 FT (3)	10 FT	(48.5) FT	20 FT (66.67%) VARIATION
Min. Side Yard (North)	6 FT	6.62 FT (3)	4 FT	(2.62) FT	2 FT (33.33%) VARIATION
Min. Side Yard (South)	8 FT	6.67 FT (3)	6.67 FT (3)	0 FT	EXISTING NONCONFORMING

NOTES:

(1) Based on lot area of 7,519.88 s.f.

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

(3) Setback to existing residence.

(4) A variation is also requested to allow a shed that is 8.58 ft. in height, whereas a maximum height of 7 ft. is permitted.

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 306 Walnut Street</i> <i>Based upon preliminary review of information to date, it appears that 306 Walnut Street <u>would not</u> have to provide additional storm water detention volume. However, a final determination will be made by Village Engineering staff.</i>



ATTACHMENT C

Village of Winnetka
ZONING VARIATION APPLICATIONVILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT

ZONING VARIATION APPLICATION

Case No. 19-28-V2Property InformationSite Address: 306 Walnut StOwner InformationName: Terry SavageAddress: 306 WalnutCity, State, ZIP: Winnetka, ILEmail: 

Primary Contract: _____

Phone No. Date property acquired by owner: June 2017Architect InformationName: N/A

Primary Contact: _____

Address: _____

City, State, ZIP: _____

Phone No. _____

Email: _____

Attorney InformationName: N/A

Primary Contact: _____

Address: _____

City, State, Zip: _____

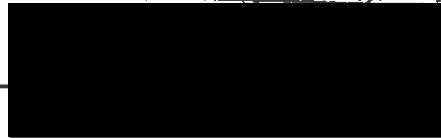
Phone No. _____

Email: _____

Nature of any restrictions on property: _____

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

a small shed (9x9) on corner of lot along driveway
behind fence - fencing to accomodate
garbage cans - sheds high quality Rubbermaid prod

Property Owner Signature: Date: 9/10/19

September 11, 2019

TO: Village of Winnetka Trustees

RE: Variance Request for 306 Walnut Street

We are requesting a variance for a small shed we have installed on the property at 306 Walnut Street. I have attached the survey of the property, with the shed and base clearly designated. Also attached are photos of the shed, a manufacturer's description of the shed and its dimensions. And, of particular interest, several pictures showing the location and setting of the shed, and comparison with neighboring properties' garages located proximately.

Please let me say that this installation was done as an attempt to improve the look and cleanliness of our property – and without any thought that a permit might be required. My sincere apologies for that omission.

Before the shed was installed this corner of the property was a mess from the previous owner, broken concrete, rubble, a giant and ugly cistern (which required several men to remove!) and in the winter it was a muddy mess! I wish I had "before" pictures.

Second, I should say that this is an unusual property, in that the front door faces on Walnut Street, but the rear of the property (and driveway) face on Wilson Street. There is a small 2-car garage built into the house, but because of the lot size there is no room inside the garage for bike storage. That's what is happening in the shed.

Third, please let me note that the both the neighbors to the North and to the South have large, two-car garages, placed in approximately the same location on their property, same distance to the sidewalk. Thus, I assumed (wrongly, I now know) that this far smaller shed would be no problem. The shed was installed professionally, after covering and extended the existing concrete rubble to create a platform for garbage cans, as you can see from the photos. Overall, the dimensions are roughly 9 feet square, with a small 3 foot wide extension along the driveway for garbage cans.

The overall intention was to bring the property UP to Winnetka standards, instead of the trashy corner of the property that then existed. The cement was properly poured, and drainage considered with the addition of tiles and river rock. (Although the North neighbor never mentioned it, I understand there was some small drainage into his property. That was remedied with the addition of more small river rock, redirecting water from the corner into the tree bed on our property.)

In short, I hope you will consider approving the 9' square shed, now placed on the property, because it vastly improves the look of the property and is far, far smaller than our neighbors two-car garages that flank it on either side. I look forward to appearing at your hearing and answering any of your questions.

Sincerely,

Terry Savage

TERRY SAVAGE

www.TerrySavage.com



Phone: 312 366 1717

7100 N. TRIPP AVENUE
LINCOLNWOOD, ILLINOIS 60712
www.professionalsassociated.com

PROFESSIONALS ASSOCIATED SURVEY, INC.

PROFESSIONAL DESIGN FIRM NO. 184-003023

TEL: (847) 675-3000
FAX: (847) 675-2167
e-mail: pa@professionalsassociated.com

PLAT OF SURVEY OF



GRAPHIC SCALE

0 16

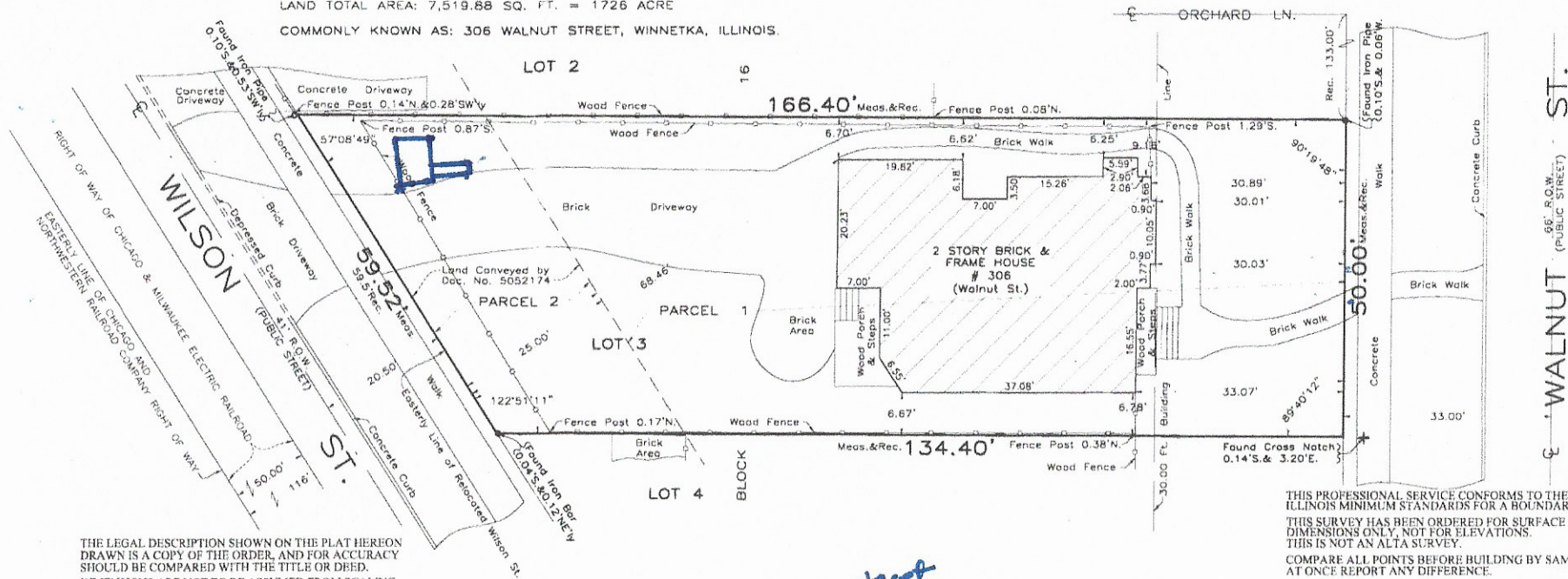
(IN FEET)
1 inch = 16 ft

PARCEL 1: LOT 3 IN McGUIRE AND ORR'S SUBDIVISION OF PART OF BLOCK 16 IN JOHN C. GARLAND'S ADDITION TO WINNETKA IN THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 11, 1916 AS DOCUMENT 5802853 (EXCEPTING FROM SAID LOT THAT PART THEREOF FALLING IN THE LANDS CONVEYED TO WILLIAM O. JOHNSON, AS RECEIVER OF CHICAGO MILWAUKEE ELECTRIC RAILROAD COMPANY BY DEED DATED JUNE 30, 1911 AND RECORDED SEPTEMBER 28, 1912 IN BOOK 12073, PAGE 396 AS DOCUMENT 5052174), IN COOK COUNTY, ILLINOIS

PARCEL 2: THAT PART OF BLOCK 16 IN JOHN C. GARLAND'S ADDITION TO WINNETKA, WHICH LIES WESTERLY OF A LINE DRAWN 116 FEET EASTERLY OF, MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH THE EASTERLY RIGHT OF WAY LINE OF THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY, AND EASTERLY OF THE EASTERLY LINE OF RELOCATED WILSON STREET, AND SOUTHERLY OF A LINE DRAWN 133 FEET SOUTHERLY OF, MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH THE NORTH LINE OF SAID BLOCK 16 AND NORTHERLY OF A LINE DRAWN 183 FEET SOUTHERLY OF, MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE NORTH LINE OF SAID BLOCK 16 AND SHOWN ON THE PLAT OF McGUIRE AND ORR'S SUBDIVISION OF A PART OF BLOCK 16 IN JOHN C. GARLAND'S ADDITION TO WINNETKA, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 11, 1916 AS DOCUMENT 5802853 AS PART OF LOT 3 OF SAID SUBDIVISION IN COOK COUNTY, ILLINOIS.

LAND TOTAL AREA: 7,519.88 SQ. FT. = 1726 ACRE

COMMONLY KNOWN AS: 306 WALNUT STREET, WINNETKA, ILLINOIS.



THE LEGAL DESCRIPTION SHOWN ON THE PLAT HEREON DRAWN IS A COPY OF THE ORDER, AND FOR ACCURACY SHOULD BE COMPARED WITH THE TITLE OR DEED. DIMENSIONS ARE NOT TO BE ASSUMED FROM SCALING. BUILDING LINES AND BASEMENTS ARE SHOWN ONLY WHERE THEY ARE SO RECORDED IN THE MAPS, OTHERWISE REFER TO YOUR DEED OR ABSTRACT.

Order No. 97-11835-D

Scale: 1 inch = 16 feet.

Date of Field Work: June 8, 2017.

Ordered by: KATHRYN HAMILTON FINK
Attorney at Law

*Shed is 2' from street
and 4' from neighbors property
Shed is 9' square on
cement pad w extension
for 3 garb. cans
cement pad is surrounded by river rock & drain tile*



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

THIS SURVEY HAS BEEN ORDERED FOR SURFACE DIMENSIONS ONLY, NOT FOR ELEVATIONS. THIS IS NOT AN ALTA SURVEY.

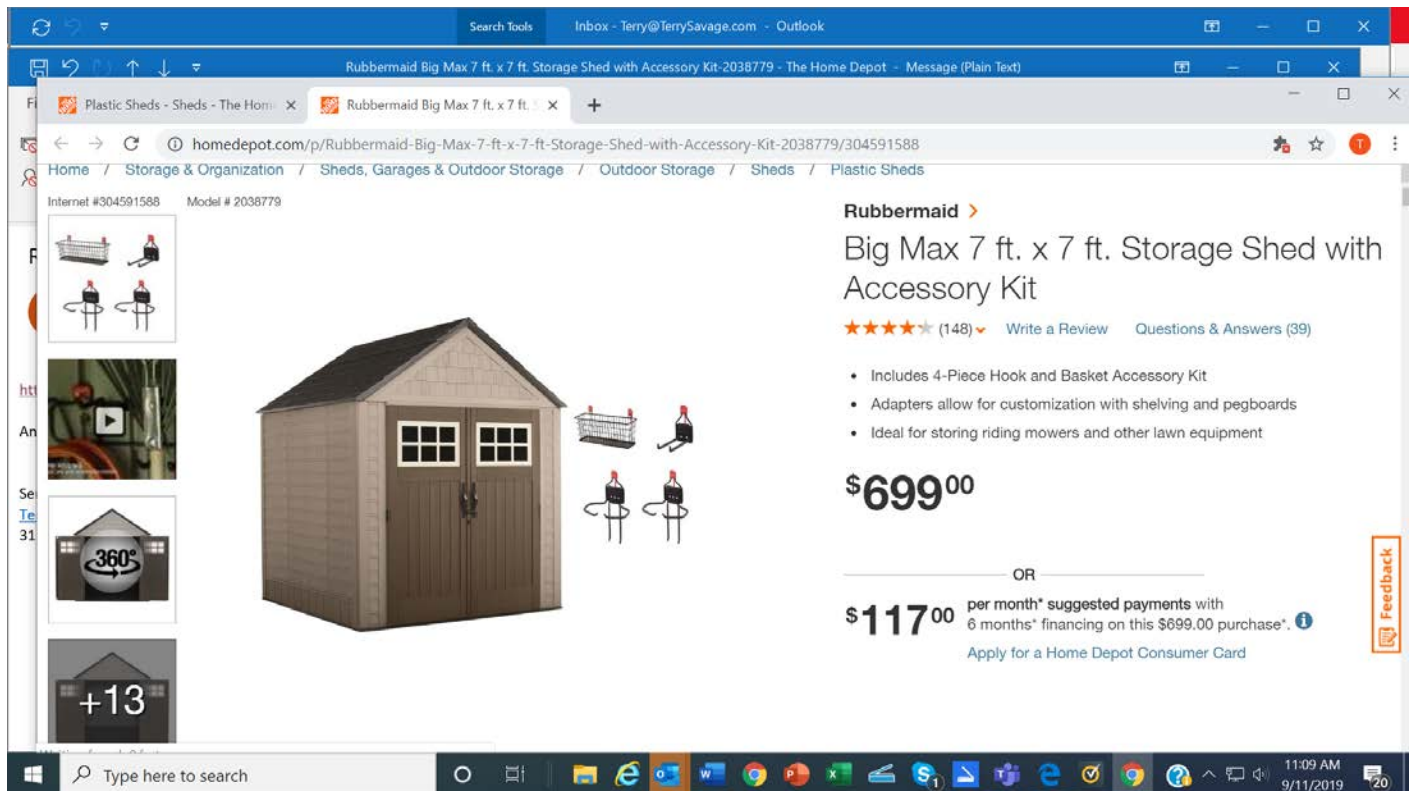
COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE.

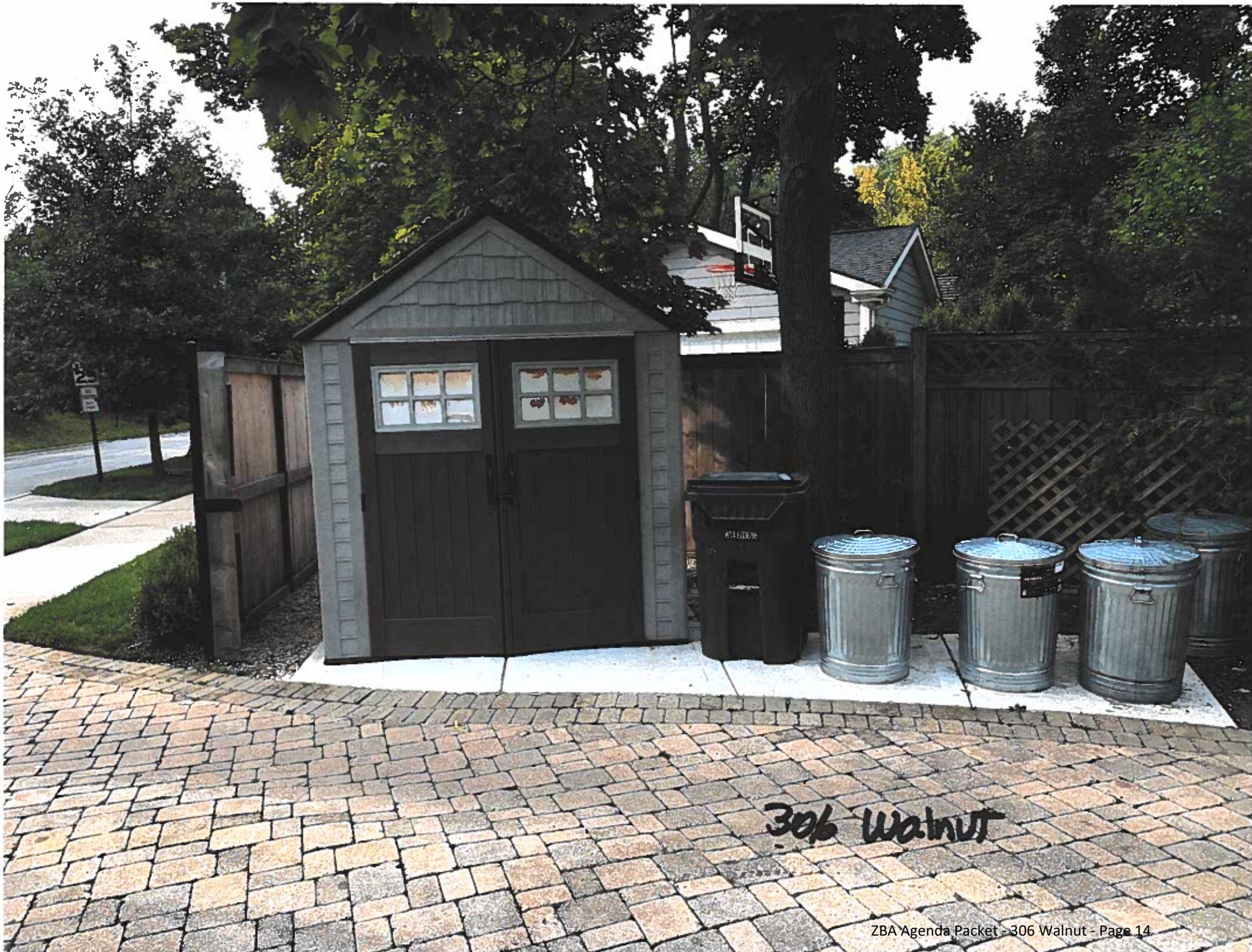
State of Illinois
County of Cook 4.8

We, PROFESSIONALS ASSOCIATED SURVEY, INC., do hereby certify that we have surveyed the above described property and that, to the best of our knowledge, the plat hereon drawn is an accurate representation of said survey.

By: *William E. Donaldson*
JUL 12 2017
ILL. PROF. LAND SURVEYOR LICENSE EXP. DATE NOV. 30, 2018
Drawn by: JR

306 Walnut Street Variance request actual shed description











NEIGHBOR TO NORTH
2 car garage
also near street
same location



Neighbor to South
Same location
near sidewalk
2 car garage!





ATTACHMENT D

5/26/92

AN ORDINANCE GRANTING A VARIATION IN
THE APPLICATION OF THE ZONING ORDINANCE
OF THE VILLAGE OF WINNETKA,
COOK COUNTY, ILLINOIS

WHEREAS there has been presented to the Council of the Village of Winnetka, Cook County, Illinois, the request of the owner of the following described real estate:

Lot 3 in McGuire and Orr's Subdivision of part of Block 16 in John C. Garland's Addition to Winnetka in the Southwest Quarter of Section 21, Township 42 North, Range 13 East of the Third Principal Meridian, according to the Plat thereof recorded February 11, 1916 as Document No. 5802853 (excepting from said Lot that part thereof falling in the lands conveyed to William O. Johnson, as receiver of Chicago Milwaukee Electric Railroad Company by Deed dated June 30, 1911 and recorded September 28, 1912 in Book 12073, page 396 as Document No. 5052174), in the Village of Winnetka, Cook County, Illinois,

commonly known as 306 Walnut Street and located in the "A-1" (One-Sixth Acre) Single-Family Residential District provided in the Zoning Ordinance of said Village, for a variation under the provisions of the Zoning Ordinance reducing the required average through-lot set-back from Wilson Avenue from approximately 40.66 to 5 feet to permit the construction of a detached garage opening on Wilson Avenue in accordance with the plans accompanying the application for variation; and

WHEREAS there are practical difficulties and particular hardship in the way of carrying out the strict letter of said Zoning Ordinance with respect to said premises in view of the irregular shape and dual street frontages of the lot, and the fact that the proposed construction will replace an existing garage located in approximately the same place;

WHEREAS said proposed construction will not impair an adequate supply of light and air to adjacent property; will not increase the hazard from fire and other dangers to said property; will not diminish the taxable value of land and buildings throughout said Village; will not increase congestion on the public streets; and will not otherwise impair the public health, safety, comfort, morals and welfare of the inhabitants of said Village; and

M-345-92

WHEREAS the Board of Appeals of the Village has conducted a public hearing on said requested variation, on due notice thereof, and has reported to the Council unanimously recommending that the requested variation be granted;

NOW, THEREFORE, the Council of the Village of Winnetka do ordain:

SECTION 1. That a variation from the through-lot set-back requirement of Section 5 of the Zoning Ordinance, adopted by the Council of the Village of Winnetka, Cook County, Illinois and now in effect, is granted with respect to the above-described real estate, which is located in the "A-1" (One-Sixth Acre) Single-Family Residential District provided in said Zoning Ordinance and is commonly known as 306 Walnut Street, reducing the required average through-lot set-back from Wilson Avenue from approximately 40.66 feet to 5 feet to permit the construction of a detached garage opening on Wilson Avenue in accordance with the plans accompanying the application for variation.

SECTION 2. That the variation hereby granted is conditioned upon the commencement of the proposed construction within 12 months after the effective date of this ordinance.

SECTION 3. That this ordinance shall be in full force and effect from and after its passage, approval and posting.

Signed:



Village President

COUNTERSIGNED:



Village Clerk

Read, ordered, engrossed and posted June 2, 1992

Posted June 3, 1992

Passed and approved June 16, 1992

Posted June 17, 1992

M-345-92