

**WINNETKA ZONING BOARD OF APPEALS MEETING MINUTES
SEPTEMBER 12, 2022**

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

Zoning Board Members Absent: None

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

Call to Order:

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

Approval of Minutes:

a. August 15, 2022 Special Meeting Minutes

Chairman Bradley asked for a motion to approve the August 15, 2022, meeting minutes. A motion was made by Ms. Hanley and seconded by Mr. Weigandt. A vote was taken and the motion unanimously passed, 6 to 0:

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

NAYS: None

Community Development Report:

a. Comprehensive Plan Open House - Thursday, September 22, 2022, from 6:00 to 8:00 pm.

Mr. Schoon informed the Board that on September 22, 2022, there will be an Open House with regard to the Comprehensive Plan to obtain input on the vision statements and goals which the Plan Commission worked on for several months and presented to the Village Council in July 2022. Board members were invited to attend.

New Cases:

a. Case No. 22-19-V2 - 644 Pine Lane: An application submitted by Doug Minahan seeking approval of a zoning variation to allow alterations to the existing coach house at 644 Pine Lane. The requested variation would permit garage space at 644 Pine Lane to exceed the maximum permitted garage capacity of four vehicles in the R-2 Single Family Residential District. The Village Council has final jurisdiction on this request.

Ms. Klaassen stated the requested variation is necessary in order to maintain the existing garage space in the coach house noting there is a new home currently under construction. She identified the property's location, zoning classification and photos. Ms. Klaassen also stated approved plans for the new house being constructed on the property included replacing the garage parking spaces with property maintenance storage space. She then referred to the existing site plan, proposed plans that include replacing the garage doors on the carriage house with 6'-wide non-motorized carriage doors on its front elevation.

1 Ms. Klaassen noted the Zoning Ordinance has a four vehicle capacity in terms of garage space, which
2 applied to all single family residential districts. She referred to the draft motion on page nos. 10 and 11
3 and asked if there were any questions.
4

5 Ms. Casale MacNally asked if the variation is granted and the motorized doors are allowed to remain, is
6 there anything which would prevent the applicant from parking vehicles in that space. Ms. Klaassen
7 responded the proposed door width prevented vehicular access. Ms. Hanley then asked what would
8 prevent the next owner from replacing the 6-foot doors with doors wide enough to allow vehicular access
9 and Ms. Klaassen responded a permit would be required which would require a zoning review. She also
10 stated zoning limited vehicle capacity in order to keep the structure as an accessory use. Ms. Klaassen
11 indicated there may not have been anything in particular which drove the ordinance adoption. Ms. Hanley
12 asked what is the zoning requirement which allowed carriage homes. Ms. Klaassen responded the coach
13 house was built in the 1920's; however, the Zoning Ordinance does not allow new accessory dwelling units
14 to be built today.
15

16 Ms. Casale MacNally asked if the two current doors were kept motorized with the current width, the four
17 parking spaces in the main home would not have been approved, and Ms. Klaassen confirmed that is
18 correct. A Board Member questioned the rationale behind changing the doors. Ms. Klaassen explained
19 the reasoning behind the applicant's door replacement request. Ms. Hanley asked if the variation is
20 allowed, the applicant would be able to park six vehicles and Ms. Klaassen confirmed that is correct. Mr.
21 Schoon further explained the reasoning behind the code limitation which is to limit the number of vehicles
22 within a structure on a lot. Chairman Bradley asked if there is any precedent, and Ms. Klaassen responded
23 that in the last 20 years she cannot recall such a request. No additional questions were raised at this time.
24

25 Chairman Bradley swore in those speaking at this time. Doug Minahan stated the property initially had six
26 garage spaces before the building permit was issued. Ms. Klaassen clarified that the approved building
27 permit for the new home included the alteration to the existing coach house to eliminate the garage in
28 the coach house so that the four spaces in the new home were permitted. Mr. Minahan stated the intent
29 is not to have six garage spaces. Since the building is currently there, the intent is for it to be used for a
30 golf cart and lawn equipment, and the design would have a courtyard effect. He informed the Board he
31 did not plans to have six vehicles and the unique circumstances standard related to the structure currently
32 being there. Mr. Minahan stated since it is a private road, the structure would not be visible from the
33 street noting a neighbor is in support of the request. He further addressed how the remaining standards
34 would not be affected. Ms. Hanley asked how many garage spaces the previous home had, and Mr.
35 Minahan responded the house itself had none; the carriage house had two.
36

37 Chairman Bradley stated when the initial plans were approved for the new house, the coach house was
38 to remain and the garage door change allowed the building permit to be approved. He asked Mr. Minahan
39 if there is a way to design the courtyard symmetry with motorized doors. Mr. Minahan responded the
40 doors can be non-motorized and explained the architect's plans to the Board. He added he would also like
41 for the doors on the carriage house to match the garage doors on the house. He identified the new side
42 lights to be installed on either side of the doors which did not have to be motorized. Mr. Minahan
43 reiterated it is not his intent to park vehicles in the coach house. Ms. Casale MacNally reiterated Ms.
44 Hanley's concern relating to a future owners' ability to park vehicles inside. Chairman Bradley stated his
45 concern related to precedent setting and suggested the applicant and their architect consider a different
46 alternative. No additional questions were raised at this time.
47

1 Chairman Bradley asked if there were any comments from the audience. No comments were made at this
2 time. He then called the matter in for discussion and identified the standards which could not be met
3 noting the unique circumstances standard has not been met. Chairman Bradley suggested the applicant
4 either be allowed to go forward with a vote or hold the matter to a future meeting until the application
5 has been modified. He stated he would vote against the request as currently presented.

6
7 Mr. Nielsen stated another reason for limiting the number of garage spaces is to prevent the building from
8 being dominated by garage doors and the carriage house façade as approved as part of the building permit
9 already looks like there are garage doors there. Mr. Vender stated the precedent issue did not matter to
10 him as much since the applicant's concern related to appearance. He also referred to other homes with
11 numerous vehicles on properties. Chairman Bradley then referred to the initial property's approval. Mr.
12 Vender referred to the scope of the property and that the home is going to remain there. He also stated
13 with regard to precedent, he referred to the specifics of this requires being taken into account. Mr.
14 Weigandt and Mr. Vender then stated they would be in favor of the request. Ms. Hanley agreed the first
15 standard cannot be met and commented making two garage doors not look like garage doors is silly. She
16 then stated the ordinance would still limit the number of garage spaces to four. Chairman Bradley noted
17 six foot doors were initially approved. Ms. Hanley then stated the plight of the owner is due to his own
18 making.

19
20 Ms. Casale MacNally referred to page 14 and the language relating to the variance approval language and
21 that the modification proposal would not have otherwise been approved if these doors were proposed at
22 8 feet. She then stated while taking the applicant at his word, it appeared as though the system is being
23 gamed. Ms. Casale MacNally agreed with Chairman Bradley's comments and stated she would vote
24 against the request.

25
26 Chairman Bradley asked for a motion to recommend approval as noted on page 7. A motion was made by
27 Ms. Hanley and seconded by Mr. Weigandt seconded the motion. A vote was taken and the motion
28 passed, 4 to 2:

29 AYES: Hanley, Nielsen, Vender, Weigandt

30 NAYS: Bradley, Casale MacNally

31
32 Mr. Minahan responded to the Board member's comment regarding gaming the system, and he stated
33 that was not his intent.

34
35 **b. Case No. 22-21-V - 1550 Edgewood Lane - Nick Corwin Park: An application submitted**
36 **by the Winnetka Park District seeking approval of a zoning variation to allow improvements to an**
37 **existing playground located at 1550 Edgewood Lane. The requested variation would permit the**
38 **playground equipment to exceed the maximum permitted height. The Zoning Board of Appeals has final**
39 **jurisdiction on this request.**

40 Ms. Klaassen stated the request related to proposed improvements to the park which was last updated in
41 1999 and described the proposed equipment. She identified the property's location, amenities and zoning
42 classification. Ms. Klaassen noted the project would include tree removals and would include new
43 landscaping and new surfacing. She then referred to the proposed rendering noting the Design Review
44 Board considered a Certificate of Appropriateness in August 2022 and mentioned their concerns regarding
45 the loss of trees. She also explained the Village Forester's response to the proposed tree removals with
46 the proposal requiring replacement trees. Ms. Klaassen stated no written comments were received and
47 noted the Board has final jurisdiction. She then referred to the draft motion in the agenda packet.
48 Chairman Bradley asked if there were any questions.

Ms. Hanley questioned the amount of proposed tree replacements and Ms. Klaassen identified the replacement trees on the site plan with the Village Forester making the final determination. Ms. Casale MacNally referred to page 38 and questioned whether the ground material to be installed would comply with ADA accessibility requirements. She also questioned how that material is feasible and Ms. Klaassen stated the applicant can further explain the material's function. Ms. Casale MacNally then asked if there would be any ADA accessible swings.

Chairman Bradley swore in those speaking to this matter. Costa Kutulus from the Park District began by noting one swing would be changed out to be ADA accessible. He then explained how the use of the wood fiber material is easier to install, maintain over the long term and would meet ADA accessibility requirements. Mr. Kutulas also explained the rationale behind the need for the tree removals as well as the caliper tree inches to be installed. He referred to similar equipment being used at other parks and noted the reason for the variation is due to the equipment's height and the need to comply with fall zone components and shade requirements. Mr. Kutulas then asked if there were any questions.

Chairman Bradley questioned the equipment height variances at other parks. Mr. Kutulas responded at Hubbard Woods Park the equipment height is at 16 feet 7 inches with 15 feet 10-inch equipment heights at Dwyer Park. Chairman Bradley questioned what is triggering the percentage overage in terms of height. Mr. Kutulas explained the single story structure height limitation requirement which is maximized at 15 feet. Ms. Casale MacNally referred to the equipment's visibility and questioned whether there is room for planting to the north and south due to the playfield locations. Mr. Kutulas referred to the visibility from Grove Street and explained the location of some of the obscured views. He then stated the proposed height would not be an issue and the canopy color would be similar to that of the trees. Mr. Nielsen referred to Figure 7 of the proposed play equipment and asked if some of the higher elements can be reduced in height. Mr. Kutulas explained it is based on the highest platform height element and the canopy has to be 84 inches above that to meet the standard. No additional questions were raised at this time.

Chairman Bradley swore in those speaking to this matter. Dan Blau introduced himself and his wife, Jean, to the Board and stated his concern related to the location of the play area and he was concerned that the plan was changing the location of the playground. He informed the Board they own the property at the northwest corner and questioned whether the illustration in the public notice they received accurately depicted the location. No additional comments were made at this time. Chairman Bradley then called the matter in for discussion.

Several Board Members stated they had no problem with the request noting approvals were given for similar projects. Chairman Bradley agreed with the comments made and suggested more shade be incorporated into the proposal. He then asked for a motion to approve the request as noted on page 63. A motion was made by Ms. Hanley and seconded by Ms. Casale MacNally. A vote was taken and the motion unanimously passed, 6 to 0:

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

NAYS: None

c. Case No. 22-22-V2 - 1122 Gage Street: An application submitted by Iretta Brennan seeking approval of zoning variations to allow construction of an addition to the existing residence at 1122 Gage Street. The requested variations would permit the addition to (i) provide less than the minimum required front yard setback from Gage Street and (ii) provide less than the minimum required rear yard setback from the south property line. The Village Council has final jurisdiction on this request.

1 Ms. Klaassen first described the lot configuration for the Board as well as its location and zoning
2 classification. She referred to the site's photos and stated the variations are necessary to convert the
3 existing one-stall car garage into a family room and add an addition on the west side, which would include
4 a two-stall garage. Ms. Klaassen then identified the GFA and rear yard setback calculations along with the
5 proposed floor plan and front, rear and west elevations. She noted no written comments have been
6 received and asked if there were any questions.

7
8 Chairman Bradley asked if the proposed garage would be oversized and Ms. Klaassen responded it is a
9 little larger than what is typically being built. Ms. Hanley asked if two garage doors are required on a 20x20
10 square foot garage. Ms. Klaassen stated two 9-foot garage doors are required in this instance because the
11 garage is attached and facing the street. A Board Member asked if the existing garage is being removed
12 and Ms. Klaassen stated it is being converted to a family room. Ms. Hanley asked if there would not be a
13 side yard on the side with the triangle and Ms. Klaassen identified it as the rear yard. Ms. Casale MacNally
14 questioned how parking would be configured on the property due to the lot shape as well as
15 ingress/egress from the lot. Ms. Klaassen stated the applicant can respond to that question. The driveway
16 is represented on the site plan. No additional questions were raised at this time.

17
18 Chairman Bradley swore in those speaking to this matter. Iretta Brennan, the property owner, and Chip
19 Hackley, the architect, introduced themselves to the Board. Mr. Hackley stated in terms of the front
20 pavement, maneuverability is an issue with regard to the project. He noted there are no permeability
21 issues and vehicular safety would be taken into consideration. Mr. Hackley also stated they considered a
22 Winnetka size standard garage and provided a summary of the home's condition to the Board which drove
23 the request. He also described how any alteration is challenging on the lot and relief from the floor area,
24 roofed lot coverage or impermeable surface is not necessary with their request as it would be below the
25 maximum requirements. Mr. Hackley described the one story addition, mudroom and conversion of the
26 garage to a small family room. He then stated with regard to hardship, relief is necessary to make the
27 modifications due to the home's placement on the lot, the floor plan orientation, the lot's irregular shape
28 and the ordinance setback requirements for the R-5 district noting the existing home is legal
29 nonconforming.

30
31 Mr. Hackley then stated the immediate neighborhood was evaluated in terms of designing the proposal
32 and determined that most homes have two car garages and provided an illustration demonstrating the
33 number of two car and one car garages in the neighborhood, to the Board for their review. He then
34 referred to the standards addressed in the application and asked if there were any questions. Ms. Brennan
35 described the limited amount of parking available for their family due to the school across the street and
36 stated they consulted the neighbors who have no issue with the request. She also stated it is very difficult
37 to get a vehicle in the existing one car garage. Chairman Bradley asked if there were any questions.

38
39 Ms. Hanley asked the applicant if they considered removing the mudroom from the request in an attempt
40 to minimize the amount of the variation. Ms. Brennan noted there is no basement. Mr. Hackley described
41 the home as very small and the variation would still be significant without the mudroom. Ms. Hanley asked
42 if any trees would be removed and Mr. Hackley and Ms. Brennan confirmed there would not. Chairman
43 Bradley asked the applicant if they were aware of the Board's duty to make recommendations to the
44 Village Council on variation requests larger than 50%, and Mr. Hackley responded he is aware. He stated
45 their attempt is to modernize the home for today's families. Chairman Bradley asked if there were any
46 other questions from the Board or the audience. No additional questions were raised at this time. He then
47 called the matter in for discussion.

48

Mr. Vender referred to the lack of sidewalk on that side of the street, the school's proximity and vehicular safety concerns. Mr. Weigandt stated the overage is similar to what exists and he would be in favor of the request. Ms. Hanley referred to the lot's small size and the ability to reduce the front yard although she is sympathetic to the side yard issue. Mr. Nielsen referred to the "small lot, small home" statement. Ms. Casale MacNally stated she would be in favor of the request and was swayed by the lot's size being a unique circumstance. She also stated the proposal made sense in the neighborhood's context although she is concerned with the number of vehicles in the driveway exiting the property near the school. Chairman Bradley commented the front yard setback is the most important of all setbacks and that he is concerned with front yard encroachments in terms of the ability to exit the property safely. He stated there are features for a home which are not a requirement such as a mudroom or two car garage, and he questioned whether the project could be revised to fall under the 50% threshold which would allow the ZBA to grant the variation.

The Board Members and the applicant discussed the front yard setback and those of surrounding homes as well as design alternatives to reduce the variation amount. Chairman Bradley identified several of the standards which have not been met. He referred to the Board Members' positions on the request and offered the applicant the option to come back with a revised proposal or move forward with a vote. Mr. Nielsen stated a compromise may be able to be reached and agreed with Chairman Bradley's comments. Mr. Hackley discussed with the applicant whether a 2 foot shorter garage to the south would be acceptable. The applicant agreed to reduce the depth of the garage to mitigate the front yard setback variation.

Chairman Bradley then asked for a motion to recommend approval as noted on page 7 with the condition that the garage be reduced to 22x20 square feet with the 2 feet reduction being on the front of the property to reduce the front yard encroachment. A motion was made by Ms. Casale MacNally and seconded by Mr. Nielsen. A vote was taken and the motion unanimously passed, 6 to 0:

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

NAYS: None

New Business:

a. October 10, 2022 Meeting - Quorum Check.

The Board Members discussed their availability.

Public Comments.

No comments were made at this time.

Adjournment:

Chairman Bradley asked for a motion to adjourn. A motion to adjourn was made by Ms. Casale MacNally and seconded by Mr. Nielsen. A vote was taken and the motion unanimously passed, 6 to 0:

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

NAYS: None

The meeting adjourned at 9:05 p.m.

Respectfully submitted,

Antionette Johnson

Recording Secretary