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WINNETKA ZONING BOARD OF APPEALS NOTICE OF MEETING

July 11, 2016

7:00 p.m.

The Winnetka Zoning Board of Appeals regular scheduled meeting will convene on Monday, July 11, 2016 in the Council Chamber at the Winnetka Village Hall, 510 Green Bay Road, Winnetka, Illinois, at 7:00 p.m.

AGENDA

1. Approval of June 13, 2016 meeting minutes.
2. Case No. 16-07-V2: 277 Poplar St. Amended Application
Joe and Lisa McGowan
Variations by Zoning Board of Appeals
 1. Rear Yard Setback
 2. Garages
3. Other Business

Note: Public comment is permitted on all agenda items.

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

510 Green Bay Road, Winnetka, Illinois 60093

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Memo

To: ZBA members
From: Ann Klaassen, Planning Assistant
Date: July 5, 2016
Re: Application Updates

- Case No. 15-27-V2: 5 Indian Hill Rd., variation for minimum required lot depth for a proposed subdivision. This case is scheduled for policy direction from the Village Council at its meeting July 5, 2016.
- Case No. 16-09-V2: 657 Sheridan Rd., variations for front yard setback and attached garage width for a new single-family residence. Ordinance M-9-2016 granting the variations is scheduled for consideration by the Village Council at its meeting July 19, 2016.
- Case No. 16-10-V2: 1088 Mt. Pleasant Rd., front and rear yard setback variations to allow additions to the existing nonconforming residence. Ordinance M-10-2016 granting the variations is scheduled for consideration by the Village Council at its meeting July 19, 2016.

DRAFT

**WINNETKA ZONING BOARD OF APPEALS
JUNE 13, 2016**

- Zoning Board Members Present:** Joni Johnson, Chairperson
Mary Hickey
Thomas Kehoe
Carl Lane
Mark Naumann
- Zoning Board Members Absent:** Chris Blum
Kathleen Kumer
- Village Staff:** Michael D’Onofrio, Director of Community
Development
Ann Klaassen, Planning Assistant
- Agenda Items:**
- Case No. 16-09-V2:** 657 Sheridan Rd.
Lester and Rebecca Knight
Variations by Ordinance
1. Front Yard Setback
2. Garages
- Case No. 16-10-V2:** 1088 Mt. Pleasant Rd.
Bill and Jody Savino
Variations by Ordinance
1. Front Yard Setback
2. Rear Yard Setback

**Minutes of the Zoning Board of Appeals
June 13, 2016**

Call to Order:

Chairperson Johnson called the meeting to order at 7:00 p.m.

Approval of Minutes:

Chairperson Johnson stated that the Board would now review the April 11, 2016 meeting minutes. She noted that she submitted her changes via email to Mr. D’Onofrio.

Ms. Hickey stated that she also submitted her changes to Ms. Klaassen.

Chairperson Johnson asked if there were any other comments. No comments were made at this time. Chairperson Johnson then asked for a motion.

A motion was made by Ms. Hickey to approve the minutes and findings from the April 11, 2016 meeting, as amended. The motion was seconded by Mr. Lane. A vote was taken and the motion was unanimously passed.

Chairperson Johnson stated that the Board would now review the May 9, 2016 meeting minutes. She noted that she submitted her changes via email to Mr. D'Onofrio.

Ms. Hickey stated that she also submitted her changes to Ms. Klaassen.

Chairperson Johnson asked if there were any other comments. No comments were made at this time. Chairperson Johnson then asked for a motion.

A motion was made by Mr. Kehoe to approve the minutes and findings from the May 9, 2016 meeting, as amended. The motion was seconded by Mr. Naumann. A vote was taken and the motion was passed.

657 Sheridan Road, Case No. 16-09-V2, Lester and Rebecca Knight, Variations by Ordinance - Front Yard Setback and Garages

Mr. D'Onofrio read the public notice. The purpose of this hearing is to hear testimony and receive public comment regarding a request by Lester and Rebecca Knight concerning variations by Ordinance from Sections 17.30.050 [Front Yard Setbacks] and 17.30.110 [Garages] of the Winnetka Zoning Ordinance to permit the construction of a new single-family residence that would result in a west front yard setback of 27.37 ft., whereas a minimum of 50 ft. is required, a variation of 22.63 ft. (45.26%) and a front-facing attached garage width of 23 ft., whereas a maximum of 22 ft. is permitted, a variation of 1 ft. (4.54%).

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

Lester Knight and Randy Correll of Robert A.M. Stern Architects introduced themselves to the Board.

Lester Knight stated that he and his wife have been residents for 24 years at 155 Thorntree. He stated that they are asking for zoning relief for a new empty nester home to be built at 657 Sheridan Road. Mr. Knight then stated that he knew that the Village is reluctant to grant variations for new construction but that they feel that there is a hardship specific to the property that they would like the Board to consider. He stated that they have been working with Randy Correll who is a partner at Robert A.M. Stern Architects to design the home. Mr. Knight noted that they have designed several homes in Winnetka and the north shore and have significant experience trying to preserve homes in Winnetka. He also stated that he is pleased that several of their neighbors have voiced their support for the project who include Rick Fox, Pete McNerney and Paul Konstant. Mr. Knight stated that Mr. Correll would now go through the details of the proposal.

Randy Correll referred the Board to a presentation on PowerPoint which was put together in booklet form for the Board as well. He identified the first illustration as part of the official submission to the Board. Mr. Correll stated that it shows the proposal of the home on the property. He informed the Board that this lot was part of a four lot subdivision entitled the Harza Subdivision. He then stated that there are two lots facing Sheridan Road and two which face the lake. Mr. Correll informed the Board that when the subdivision was made before any of the new homes were built, an easement was created along the north border of the southwest lot and that it made a "T" shape onto the lake facing lots. He also stated that each leg of the "T" is 30 feet x 45 feet as the properties were developed and that the easement on the applicant's lot is nonfunctional since it does not create access to any other lot. Mr. Correll noted that their access is along the long west easement and that it crosses the corner of the neighbor's lot to the south.

Mr. Correll referred to what this nonfunctional easement did to the home and that they want to make the home so that the garage is as inconspicuous as possible with a wing like those of the other homes. He then referred to the protrusion into the 50 foot radius of the easement. Mr. Correll also stated that the landscape plan was created after the submission and shown as information as to how the driveway and parking will be landscaped.

Mr. Correll then referred the Board to an illustration which shows on the left the existing home to be removed. He noted that this home conformed to the 50 foot radius and that the result in his view is that it is not great result since there are three garage doors facing the front. He stated that in their plan, they are striving to minimize the presence of the garage doors and that two of them would face the service court and one would face the entry court. Mr. Correll then referred the Board to a rendering of the proposed home where you can see one garage door instead of three as you come down the access easement.

Mr. Correll stated that they created diagrams to show that strict adherence to the 50 foot radius setback would affect the siting of the home on the lot. He stated that the first illustration showed how the home would be sited and that on the lake side to the east, there is a flat area for use as a backyard. Mr. Correll stated that strict adherence to the 50 foot radius would put the home at the bluff and slightly over the bluff and would result in the elimination of all of the backyard space. He then referred the Board to an illustration of the applicant's property versus the neighbor to the south who requested a similar variation of 30 feet when their home was proposed 6 or 7 years ago. Mr. Correll noted that a variation was granted to them and that the home next to the requested variation is shown in the illustration and indicated that it is very similar and a little smaller. He also stated that the configuration of both homes is also very similar in size and footprint.

Mr. Correll then referred the Board to aerial views of the existing home with a 50 foot radius showing how the home conformed. He also stated that at the lakefront, it is showing contours at 5 foot intervals at the lakefront portion of the home. Mr. Correll then stated that the second illustration showed the proposed home with the garage wing coming into the 50 foot radius. He indicated that he would like to point out an important point which is the relationship of the proposal to the homes north and south and that the homes would be pretty much aligned. Mr. Correll stated that the proposed is slightly landward of the home to the north and slightly lakeward of the home to the south.

Chairperson Johnson stated that she cannot see the home to the north and asked if it is new construction.

Mr. Correll indicated that it may be.

Mr. Knight confirmed that the home is 10 years old and that it did not have an easement.

Mr. Correll then referred the Board to an illustration which showed the strict adherence to the 50 foot setback moving the home towards the lake and it being forward of the home to the south and forward of the home to the north making it not in a great position in terms of lake views from those two homes.

Mr. Correll stated that in summary, they feel that this unique situation is having an easement on the lot and having an easement that is nonfunctional. He stated that you can see from the home that exists that strict adherence to the setback produced an undesirable result with three garage doors facing the front and the easement. Mr. Correll then stated that the proposal would be a much improved situation and that he would submit it to the Board.

Mr. Correll then stated that the second request is to make the garage width 23 feet instead of 22 feet. He informed the Board that the home is proposed to be mostly veneered in stone which added 6 inches in dimension to the exterior which is why they are asking for a variation to accommodate the stone veneer. Mr. Correll noted that the walls with the stone veneer are 15 inches for each wall and 2 feet 6 inches total, which results in 19 1/2 feet which is substandard since there would be less than a 10 foot garage bay for each car.

Mr. Naumann asked Mr. Correll if he would characterize a three car garage as being the standard in the neighborhood.

Mr. Correll stated that he cannot answer that.

Chairperson Johnson asked what 655 Sheridan Road has in terms of garage space.

Mr. Knight stated that they have a two garage.

Chairperson Johnson asked if there were any other questions.

Mr. Lane stated that on the garage, garage doors are fairly standard but that the pillar is causing the width to be wide. He then asked why did the walls outside have an impact on the garage doors.

Mr. Correll informed the Board that the doors would have the standard width but that the space inside is squeezed down.

Mr. Lane asked if there is a garage door width issue.

Mr. D'Onofrio stated that the issue is the width of the garage and not the garage door width.

Chairperson Johnson stated that with a front facing two car garage, even though they are planning to do separate doors, she asked if they would be required to do them per code.

Mr. D'Onofrio and Ms. Klaassen confirmed that is correct.

Chairperson Johnson again asked if there were any other questions. No additional questions were raised by the Board at this time. She then asked if there were any questions from the audience.

Peter McNerney, 655 Sheridan Road, stated that he lived right to the south and informed the Board that he asked for a similar variation. He stated that an important point was already made and that pushing the home forward would get in the way of the north view from their home. Mr. McNerney stated that clearly, they want to avoid that.

Mr. McNerney stated that second, they make a point going to the west and that there is a lot of room. He indicated that there is a good 75 feet from the property line and that while it would not encroach, he would let the other neighbors speak to that. Mr. McNerney also stated that the home would sit much better on the property as it is proposed.

Chairperson Johnson commented that he did a beautiful job with his home. She then asked if there were any other questions.

Paul Konstant, 653 Sheridan Road, informed the Board that he is very much in support of the applicant's request. He stated that the front yard request is unique in its location relative to Sheridan Road and referred to the effect with the ordinance and original address. Mr. Konstant described it as a good proposal and that it would be a real favor to them and to the Village which is an improvement of the architecture as well.

Rick Fox, 661 Sheridan Road, stated that he lived in the home immediately to the west and is the most directly impacted by the request. He stated that his residence was built in 1970 and he has lived there since 1989. Mr. Fox stated that he has seen the teardown and rebuilding of this home and that he would support the request strongly. He then stated that between their home and the applicants' home, there is a half acre of land which is their backyard and trees and stated that they have total privacy from that property. Mr. Fox then stated that they do not want to look at three garage doors and to give up 20 feet of property; they would give it up for that.

Chairperson Johnson asked if there were any other questions. She then asked if the home they are tearing down was built in 1998.

Ms. Klaassen confirmed that is correct and added that no variation is needed.

Chairperson Johnson called the matter in for discussion.

Ms. Hickey began by stating that she is in favor of the request. She then stated that for the reasons stated, the home would be coming into alignment along the lake. Ms. Hickey also stated that going into the easement would be creating more unobtrusiveness at the southwest corner and

that they would be minimizing the garage door exposure. She concluded by stating that she liked the way they are protecting the bluff and that she is in favor of the request.

Mr. Kehoe stated that his comment related to the 2009 variation and it seems like déjà vu all over again. He then asked how does that differ between that and this case.

Mr. D'Onofrio described them as almost mirror cases and that the other case was in 2011. He then stated that there is the same layout of the land for both properties and that they have a 30 foot x 40 foot hammerhead easement on the property to allow ingress and egress. Mr. D'Onofrio also stated that with regard to the way in which the ordinance was written, it established the setback from the outermost portion of the easement the same as if it were a private road regardless of where the pavement is. He also stated that the biggest difference is that one is asking for a 30 foot setback and that they are asking for 20 feet in setback relief. Mr. D'Onofrio added that it is as close to the same request as you can get.

Chairperson Johnson asked if there were any other comments.

Mr. Naumann stated that he would like to commend the applicant on the proposal which he described as very thoughtful, comprehensive and well done which makes it easy on the Board. He then stated that while he is in support of the request, he struggled with reasonable return and that since they have a precedent, it guides their thinking and that a three car garage is a replacement which is commensurate with what you see in the neighborhood. Mr. Naumann concluded by stating that he had no objection.

Mr. Lane stated that he had nothing to add but stated that the standards have been met based on the presentation given with regard to the easement and the necessity of a three car garage. He then stated that he was on the Board at the time of the last variation request. Mr. Lane stated that he remembered it and is in favor now as he was then.

Chairperson Johnson noted that the Board is a recommending body to the Village Council. She then asked for a motion.

Mr. Lane moved to recommend approval of the two variations based on the presentation materials provided by the applicants and the following circumstances. He stated that with regard to reasonable return, if they had to build a garage and the home being pushed back, either home would be smaller than it could have been or the number of garage bays would be affected. Mr. Lane then stated that pushing the home against the bluff would result in the applicant having no backyard.

Mr. Lane stated that with regard to unique circumstances, the applicants are bounded by the bluff on one side making construction prohibitive and a hammerhead easement in the front yard from which the setback is calculated from making it difficult to build in the front portion. He then stated that it would be consistent with the neighborhood and that it would not alter the character of the locality. Mr. Lane stated that the home would have a reasonable size and that there would be no impact on light and air. He concluded by stating that the other standards are either not applicable or would not be affected.

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

AYES: Hickey, Johnson, Kehoe, Lane, Naumann
NAYES: None

FINDINGS OF THE ZONING BOARD OF APPEALS

1. The requested variations are within the final jurisdiction of the Village Council.
2. The requested variations are 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 17.30.050 [Front Yard Setback] and Section 17.30.0110 [Garages] 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. Strict adherence to the front yard setback would push the proposed residence to the edge of the bluff, which would eliminate any customary rear yard space and have a negative impact on lake views for both of the properties north and south of the subject site. Additionally, the proposed garage configuration is an improvement on the existing condition. The variation for the garage width is driven by the exterior stone veneer. The proposed garage width is not excessive.
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 private road easement in the southwest corner of the property, measuring approximately 30 ft. by 40 ft. from which the front setback is measured, is a unique circumstance.
3. The variations, if granted, will not alter the essential character of the locality. The proposed construction is consistent with the neighborhood. In fact, a very similar variation was granted for the adjacent property to the south and the proposed location will put the proposed residence in line with the neighboring home.
4. An adequate supply of light and air to the adjacent property will not be impaired. The proposed 2½-story residence is a reasonable size and will comply with the side yard setbacks.

5. The hazard from fire or other damages to the property will not be increased as the proposed construct shall comply with building code standards, including fire and life safety requirements.
6. The taxable value of the land and buildings throughout the Village will not diminish. The proposed construction will result in a residence consistent with the area and will not diminish the taxable value of property.
7. The congestion in the public street will not increase. The property will continue to be used for 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 was provided to the contrary.

1088 Mt. Pleasant, Case No. 16-10-V2, Bill and Jody Savino, Variations by Ordinance - Front Yard Setback and Rear 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 Bill and Jody Savino concerning variations by Ordinance from Sections 17.30.050 [Front Yard Setbacks] and 17.30.070 [Rear Yard Setback] of the Winnetka Zoning Ordinance to permit additions to the existing nonconforming residence that would result in a front yard setback of 18.54 ft., whereas a minimum of 50 ft. is required, a variation of 31.46 ft. (62.92%) and a rear yard setback of 16.52 ft., whereas a minimum of 17.85 ft. is required, a variation of 1.33 ft. (7.45%).

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

Douglas Reynolds introduced himself to the Board as the architect on the project. He described the request as fairly simple and stated that the setbacks are an existing condition with the site. Mr. Reynolds stated that the applicants are looking to expand the home by changing the roof pitch. He informed the Board that they have a California style ranch home which was built in 1960. Mr. Reynolds then stated that in 2012, there was the substantial remodel of the interior of the home and that the interior is completely up to date but insufficient with regard to the number of bedrooms. He informed the Board that they looked at ways to improve the home but that with such a low roof line now and very large eaves and the fact that the home also has a heavy stone veneer; the only way to work with the home is to change the vocabulary of the exterior and adding on to it. Mr. Reynolds also stated that since the roof pitch is so low, it would be similar to setting a box on top of what is there. He stated that they would be able to control the massing and volume by tipping the roof pitch up to a style which is more consistent with the area which is a 12:12 pitch. Mr. Reynolds also stated that they would be able to change the language and usage of the home and window proportions to make them more vertical. He then stated that with regard to the home massing at the front door, it does not draw the eye to anything but the garage to the left which they fought as well and that it would create elements to draw the eye and balance the L-shape of the home.

Mr. Reynolds stated that the request would achieve two things, the first of which is to have extra space on the second floor for their children. He stated that it would be kept over the existing

bedroom wing of the home and noted that the other wing is the kitchen, mudroom and garage. Mr. Reynolds also stated that it would solve the exterior issues of breaking up the mass of the home and create visual interest.

Mr. Reynolds then noted that the proposal is within zoning in terms of square footage. He indicated that they have a situation where it is much like the last case in that the 50 foot setback overlapped 50% of the current footprint. Mr. Reynolds stated that there is no way to add onto the home in a logical way and not encroach the rear yard or front yard setback. He also stated that with regard to the interior, he informed the Board that over the existing living room is all vaulted which would represent a substantial change to the existing home. Mr. Reynolds concluded by stating that being at the north end of the home makes the most sense from all sides and asked the Board if they had any questions.

Chairperson Johnson asked Mr. D'Onofrio that there is a statement in the materials in the second paragraph on page 7 and referred to the way that the flag lot is created is different than other flag lots.

Ms. Klaassen stated that is what makes it interesting with flag lots is that to a certain degree it is unique. She stated that this may seem unique compared to other flag lots based on the fact that the front yard is from the north and that it is shorter than it is wide. Ms. Klaassen also stated that a lot of flag lots are unique in how the yards are situated. She added that this is a replica of the lot to the east.

Mr. Reynolds stated that on DeWindt Road, they did that home and that the setbacks are completely switched 90 degrees.

Ms. Klaassen noted that one had two front yards so it doesn't compare to this lot.

Chairperson Johnson stated that one of the issues also is that the home is slanted and angled on the lot and that it creates other issues.

Mr. Reynolds noted that they would not be getting closer to the lot lines with the proposal. He also stated that they are trying to stay in and not exacerbate but expand by a minimal amount and not get closer to the north lot line.

Ms. Hickey asked if they would be maintaining the existing nonconformity.

Mr. Reynolds confirmed that is correct.

Ms. Hickey stated that they are not asking for a greater variation and that it looks from the numbers that it is the same amount.

Mr. Reynolds confirmed that is also correct.

Mr. Lane asked why the home is existing nonconforming when it is not extremely old. He then stated that if the front yard was in a different spot, it would still not be 50 feet.

Mr. D'Onofrio noted that the home was built in 1961 and that the regulations have changed since then. He also stated that he is not sure when the flag lot was created. Mr. D'Onofrio added that there have been a number of changes and that the flag lot regulations predated him. He stated that there were not a lot of issues with flag lots until the past 25 years when people subdivided larger lots into smaller lots. Mr. D'Onofrio also stated that he did not know what subdivision regulations were in place in 1961.

Chairperson Johnson asked if there were any other questions.

Mr. Lane stated that the materials were pretty explanatory.

Mr. Kehoe stated that the flag lot question he had was answered.

Mr. Naumann stated that he had nothing to add.

Chairperson Johnson stated that to clarify, she asked if the existing second floor is attic space.

Mr. Reynolds confirmed that is correct and indicated that it may be 4 feet tall above the current ceiling.

Chairperson Johnson also asked if all of the living space is on the first floor.

Mr. Reynolds confirmed that is also correct.

Chairperson Johnson then referred to the cupola and asked if they are not seeking a height variation and that they are unique. She asked if it complied with the height requirement.

Ms. Klaassen confirmed that it does comply.

Chairperson Johnson asked if there were any questions from the audience.

Jack MacKay stated that he and his wife live at 1078 Mt. Pleasant in the home immediately to the northeast. He stated that his first comment related to the way in which the project described the improvements which he fully endorsed. Mr. MacKay described it as a wonderful addition to the home. He then stated that he is confused about whether the footprint of the home would be increasing or not and that from the description given, he remained confused. Mr. MacKay also stated that his comment included that there would not be an expansion from the existing setback variation and that the public notice stated that there will be an increase from the existing nonconforming setback. He added that it is not clear whether the footprint of the home would increase or not.

Chairperson Johnson stated that she had the same question and that she went to the home.

Ms. Hickey stated that it might be a little on the north.

Mr. Lane asked if the footprint would be increasing 477 square feet.

Mr. MacKay stated that gets to the reason for him to raise his question. He informed the Board that that particular area and the backyard is susceptible to flooding and that 477 square feet would give them an extra 200 to 300 gallons of water per inch of rain not being absorbed. Mr. MacKay noted that their backyard floods with a few inches of rain and that in 2011, after the rain, they had 2 feet of standing water. He also informed the Board that they have catch basins which go to the storm sewer but stated that it is inadequate and that the water flows into their yard which is at grade from both the southeast and from the east. Mr. MacKay then stated that in the immediate area, an expansion of the footprint would likely have an impact on them and their backyard which is a concern to them unless there would be adequate compensatory storage.

Chairperson Johnson stated that she would like to point out that the applicants are well within the impermeable lot coverage requirements. She stated that the question is with regard to there being no way to deny the request based on the issue of increased flooding to the neighbors. Chairperson Johnson then stated that whenever there is building, the applicants have to satisfy the Public Works Department and not exacerbate the situation and make it worse. She stated that in this case, with 477 square feet, she is not sure what sort of compensatory storage would be required.

Mr. D'Onofrio stated that he would not comment on whether compensatory storage would be required, but that when a property is located in the flood plain, they have to comply with those guidelines and cannot increase the flow of water onto neighboring properties. He also stated that any plans would require fully engineered and detailed plans to address the draining issues and that no permit would be issued until it met the Village and other governmental requirements.

Mr. MacKay stated that response satisfied him completely.

Ms. Hickey stated that since the setbacks are not changing, she asked where is the 477 square feet coming from.

Mr. Reynolds stated that it only related to the footprint addition and referred to the addition to the front of the home toward the front and the addition of the master bedroom to the back. He noted that they would not be increasing the variation by getting closer to the lot line, but that they would be increasing the footprint of the home. Mr. Reynolds also stated that a bedroom poked out in the front.

Mr. D'Onofrio informed the Board that it is described in the agenda report and that on page 10 is the site plan which has an illustration showing the condition.

Mr. Reynolds stated that with regard to the proposed site plan, it is a confusing drawing. He then identified the proposed additions for the Board.

Chairperson Johnson stated that the variation would not be increasing but that the footprint would be increasing by 477 square feet and is still within the requirement.

Mr. Lane asked if the setbacks are at the corner of the home.

Mr. Reynolds confirmed that is correct. He informed the Board that was a very conscious decision on their part to not get closer to the lot line.

Chairperson Johnson asked if there were any other questions. No additional questions were raised by the Board at this time. She then called the matter in for discussion and noted that the Board is a recommending body to the Village Council.

Mr. Kehoe stated that he is in favor of the request and that he did not see how it is expanding the footprint of the building at all within the permissible allowances.

Chairperson Johnson stated that when people have nonconforming homes, if they want to do anything that is not going to correct the nonconformity, they have to come in for a variation. She also stated that although they are not making it worse, they need a variation. Chairperson Johnson described the request as straightforward but that it still has to go to the Board and the Village Council. She reiterated that they would not be exacerbating the nonconformity and would not be removing it.

Ms. Hickey stated that they would be increasing the amount of square feet but not the nonconformity. She then stated that she is in support of the request. Ms. Hickey also commented that the aesthetics are very nice and referred to the pitch of the roof. She concluded by stating that she is okay with supporting the existing nonconformity.

Mr. Lane stated that he is also generally in favor of the request. He also stated that he agreed with Ms. Hickey in that it is a nice design and that they would take a 1961 ranch home and convert it to something which is what the Village encouraged. Mr. Lane then stated that he struggled with where the nonconformity is the issue which is why he asked how did it end up like this. He stated that at the end of the day, it is a big square piece that could result in them having a front yard but no front yard with a 50 foot setback.

Mr. Lane stated that he also struggled with the standards if they were to apply strictly to this situation. He then stated that with regard to reasonable return, clearly, the home is usable and has multiple bedrooms and bathrooms and things they expect with a home of that square footage. Mr. Lane stated that they are pushing the limits and that it is not a small home and that at the end of the day, it is being built upwards and the fact that the home is built on an angle on the property and the fact that they would have to tear down the home in order to comply with the standards which would be extremely expensive. He stated that is why on the reasonable return issue, they are trying to remodel and refurbish the home and that if they had to tear down and rebuild it so that it is conforming with the setbacks, that would be extremely expensive.

Mr. Lane then stated that with regard to unique circumstances, it is a flag lot but that is not extremely unique. He then stated that the home being built at an angle is somewhat unique to the property but that it is hard to get around standard no. 2. Mr. Lane went on to state that the variation would make the character of the locality better and result in it being more consistent with what you see in Winnetka. He then stated that despite the home being fairly large, it is located far from the neighbors' homes. He concluded by stating that he is generally in favor of the request but when you apply the standards, it cannot be a strict application of the standards.

Mr. Naumann also stated that he struggled with reasonable return if you were to look at the standards at face value. He then stated that given the circumstances of the flag lot, there are a couple of things to take into consideration. Mr. Naumann stated that first, the complete mitigation of the nonconforming variations is not viable and would result in the applicants having to raze the home and start over. He also stated that the fact that there would not be any increase in the variations should be seriously considered and that he is generally in favor of the request.

Mr. Lane added that if you look at a flag lot, he questioned what it does versus a home with multiple access points and referred to the limited ability to place a home on the property. He stated that there is one way in to the home and stated that with regard to the prior variation request, they put the garage in one spot. Mr. Lane stated that it does dictate where you would put the home on the lot which is somewhat unique given that it is a flag lot.

Mr. Naumann asked if for 1086 Mt. Pleasant, were there any changes for that property.

Ms. Klaassen confirmed that there was no variation for 1086 Mt. Pleasant.

Chairperson Johnson stated that she would like to add that with regard to the guidelines and several aspects of the guidelines, she referred to paragraph no. 5 applying here. She stated that no. 6 also applies and referred to the lack of available alternatives and additional nonconformities created. Chairperson Johnson then stated that she agreed that the angle of the home and the interpretation of where the home is and the flag lot all create unique circumstances. She noted that although their plans would be bringing them close to the maximum GFA, the existing lot size is roughly 5,000 square feet smaller than what is required in the area and that the allowable GFA is based on the existing lot size. Chairperson Johnson stated that she is not concerned about that.

Chairperson Johnson also stated the fact that they would be under by about 250 square feet. She then stated that whether these kinds of homes fit in with the Winnetka lifestyle standards, there are some areas where this home would be coveted like California. Chairperson Johnson stated that ranch homes are not the norm in Winnetka and that they would be creating a two story home with living space on the second floor which is more consistent with the prevailing architectural neighborhood style of Winnetka. She then asked for a motion and noted that the Board is a recommending body.

Ms. Hickey moved to recommend approval of the variations requested for 1088 Mt. Pleasant. She stated that with regard to reasonable return, the home is currently built on an angle and that it is a flag lot. She also stated that while they are maintaining the existing nonconformity, they would not be increasing it. Ms. Hickey stated that having a two story home is compatible with the neighborhood and Winnetka standards.

Ms. Hickey stated that with regard to unique circumstances, she referred to the way in which the home is situated on the flag lot and that having a rear yard and front yard that are considered the front. She stated that the request would not alter the character of the locality and that the light and air to surrounding properties would not be affected. Ms. Hickey stated that there would be no

hazard from fire and that the taxable value of the land would not be affected. She concluded by stating that congestion would not increase and that the public health, comfort, morals, welfare and safety of the Village would not be impaired.

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

AYES: Hickey, Johnson, Kehoe, Lane, Naumann
NAYS: None

FINDINGS OF THE ZONING BOARD OF APPEALS

1. The requested variations are within the final jurisdiction of the Village Council.
2. The requested variations are 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 17.30.050 [Front Yard Setback] and Section 17.30.070 [Rear Yard Setback] 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 proposed additions to the existing nonconforming residence will result in a home more typical in the Village and will not increase or create additional nonconformities.
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 residence was built at an angle on a flag lot and is considered to be existing legal nonconforming with respect to both the front and rear yard setbacks. The proposed additions will not increase the degree of nonconformity.
3. The variations, if granted, will not alter the essential character of the locality. The proposed additions will in fact make the home more consistent with the prevailing architectural style in the neighborhood and throughout the Village.
4. An adequate supply of light and air to the adjacent property will not be impaired. The existing residence, as well as the proposed additions, is quite a distance from neighboring homes. Therefore, the supply of light and air to the adjacent properties will not be impaired.

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 the land and buildings throughout the Village will not diminish. The proposed construction is generally an improvement to the property.
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 was provided to the contrary.

Adjournment:

The meeting was adjourned at 7:58 p.m.

Respectfully submitted,

Antionette Johnson

**ZONING BOARD OF APPEALS
AGENDA REPORT**

SUBJECT: 277 Poplar St., Case No. 16-07-V2 Amended Application
(1) Rear Yard Setback
(2) Garages

DATE: June 28, 2016

PREPARED BY: Michael D'Onofrio, Director of Community Development

The petitioners, Joe and Lisa McGowan, are requesting variations by the Zoning Board of Appeals from Sections 17.30.070 [Rear Yard Setback] and 17.30.110 [Garages] of the Winnetka Zoning Ordinance to permit the construction of a detached garage that would provide a rear yard setback of 5 ft. from the east property line, whereas a minimum of 6 ft. is required, a variation of 1 ft. (16.67%).

This case was originally heard by the Board at its meeting May 9, 2016 (Attachment E). At that time the proposed setback for the detached garage was 1 ft. from the east property. The Board voted 5 to 0 to recommend denial of the request to the Village Council. Subsequent to the May meeting, the petitioners submitted a revised plan increasing the setback of the detached garage to 5 ft. and enclosing the stairs that were previously proposed on the exterior of the garage. The requested relief is now within final jurisdiction of the Board.

The variations are being requested in order to build a two-car garage measuring approximately 24.67 ft. x 20 ft. The proposed garage is one-story, with an attic, 18 ft. in height, which complies and doesn't require zoning relief. The existing one-car attached garage, at the basement level, on the north side of the residence accessed from Hawthorn Ln., is to remain (Attachment C). Because the rear yard of the subject site is abutting the side yard of the adjacent property to the east, the proposed garage is required to provide a 6 ft. setback.

It should be noted the proposed garage will be located in approximately the same location, but further south, of the former garage at 271 Poplar St., which was recently demolished along with the residence. On October 7, 2014 the Village Council adopted Ordinance M-9-2014 approving a subdivision and related variations for 265, 271, and 277 Poplar St. The subdivision evenly divided the center lot, 271 Poplar St., between 277 and 265 Poplar St.

The property is located at the southeast corner of Poplar St. and Hawthorn Ln. in the R-5 Single Family Residential District. The residence was built in 1915. The petitioners acquired the property in 2002.

There are two previous zoning cases for this property. At its meeting June 9, 2014, the Board recommended approval of Case No. 14-15-V2 to permit a nonconforming corner yard setback from Hawthorn Ln. for the existing residence, which was created due to the subdivision mentioned above. Then at the August 11, 2014 meeting, the Board recommended approval of Case No. 14-20-V2 to allow the existing residence at 271

Poplar St. to remain temporarily during construction of additions to 265 Poplar St. subsequent to the proposed resubdivision of the three lots known as 265, 271, and 277 Poplar St. into two lots, whereas only one dwelling unit is permitted on each lot. Both variation requests and the subdivision were approved by the Village Council with the adoption of Ord. M-9-2014.

Attachments:

Attachment A: Zoning Matrix

Attachment B: GIS Aerial Map

Attachment C: North elevation of existing residence (Google Maps)

Attachment D: Variation Application

Attachment E: Excerpt of May 9, 2016 ZBA minutes

ATTACHMENT A

ZONING MATRIX
(Revised 06.27.2016)

ADDRESS: 277 Poplar St.
CASE NO: 16-07-V2
ZONING: R-5

ITEM	REQUIREMENT	EXISTING	PROPOSED	TOTAL	STATUS
Min. Lot Size	8,900 SF	7,521.01 SF	N/A	N/A	EXISTING NONCONFORMING
Min. Average Lot Width	70 FT	75.12 FT	N/A	N/A	OK
Max. Roofed Lot Coverage	2,030.67 SF (1)	1,203.5 SF	287.27 SF	1,490.77 SF	OK
Max. Gross Floor Area	3,008.4 SF (1)	2,180.09 SF	87.27 SF	2,267.36 SF	OK
Max. Impermeable Lot Coverage	3,760.5 SF (1)	1,673.98 SF	1,242.21 SF	2,916.19 SF	OK
Min. Front Yard (Poplar)	30 FT	17.5 FT (2)	N/A	N/A	EXISTING NONCONFORMING
Min. Corner (Front) Yard (Hawthorn)	22.54 FT	9.84 FT (3)	N/A	N/A	EXISTING NONCONFORMING
Min. Side Yard (South)	7.51 FT (5)	13.12 FT (3)	2 FT (4)	N/A	OK
Min. Rear Yard (East)	15.02 FT (6)	27.97 FT (3)	5 FT (4)	N/A	1 FT (16.67%) VARIATION

NOTES:

- (1) Based on lot area of 7,521.01 s.f.
- (2) Setback to porch.
- (3) Setback to excessive eave on residence.
- (4) Setback to proposed detached garage.
- (5) The garage is permitted a 2 ft. setback from the south property line because the garage is located within the rear quarter of the lot and adjoins the rear quarter of the adjacent property to the south.
- (6) The detached garage is required to provide a 6 ft. setback because it is abutting the neighboring side yard.

ATTACHMENT B



Google Maps Hawthorn Ln



Image capture: Sep 2011 © 2016 Google

Winnetka, Illinois

Street View - Sep 2011



Google Maps

ATTACHMENT D

CASE NO. 116-07-V2
VA2016-229

APPLICATION FOR VARIATION
WINNETKA ZONING BOARD OF APPEALS

Owner Information:

Name: Lisa and Joe McGowan

Property Address: 277 Poplar St., Winnetka, IL 60093

Home and Work Telephone Number: [REDACTED]

E-mail: [REDACTED]

Architect Information: Name, Address, Telephone, E-mail:

Healy M. Rice 847-853-0824

934 Elmwood Ave. 847-853-0132 (fax)

Wilmette, IL 60091 healyrice@comcast.net

Attorney Information: Name, Address, Telephone, E-mail:

Date Property Acquired by Owner: 1/2002

Nature of Any Restrictions on Property: none known

Explanation of Variation Requested: rear yard setback to permit construction
(Attach separate sheet if necessary) of new detached garage

OFFICE USE ONLY

Variation Requested Under Ordinance Section(s): _____

Staff Contact: _____ Date: _____

STANDARDS FOR GRANTING OF ZONING VARIATIONS

Applications must provide evidence and explain in detail the manner wherein the strict application of the provisions of the zoning regulations would result in a clearly demonstrated practical difficulty or particular hardship. In demonstrating the existence of a particular difficulty or a particular hardship, please direct your comments and evidence to each of the following items:

1. The property in question can not 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 circumstance. 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.

For your convenience, you will find attached examples of general findings, for and against the granting of a variation, which have been made by the Zoning Board of Appeals and Village Council in prior cases.

NOTE: The Zoning Board of Appeals or the Village Council, depending on which body has final jurisdiction, must make a finding that a practical difficulty or a particular hardship exists in order to grant a variation request.

Property Owner's Signature:  Date: 3/16/16

(Proof of Ownership is required)

Variations, if granted, require initiation of construction activity within 12 months of final approval. Consider your ability to commence construction within this 12 month time period to avoid lapse of approvals.

**Lisa and Joe McGowan
277 Poplar Street
Winnetka, Illinois 60093**

Request for Variation

Our home, 277 Poplar Street, is located on the ~~northeast~~^{southeast} corner of Poplar and Hawthorn Lane. We are seeking a 1.00' rear yard setback variation in order to construct a new garage on the southeast corner of our property. All remaining setbacks, floor area and lot coverage requirements are compliant with required.

We seek this variation due to unique circumstances, practical difficulty and hardship for the following reasons. We have purchased 25.0' of the lot adjacent to ours, along with our neighbors at 265 Poplar who now own the other half of this original 50.0' lot. Our desire is to build a new garage and driveway on this piece of the property.

The hardship for our property is that we are a smaller lot, (75' x 100'), a corner lot, and we have a neighbor to the east whose property extends beyond ours. The ordinance requiring us to maintain a 6.0' setback is makes it impossible to install a standard depth garage (20') and be in the rear quarter of our lot because the rear quarter is very limited. As such we are requesting permission to build to a 5.0' setback in lieu of the 6.0' setback required.

We are proposing to build our new garage almost exactly where the existing detached garage already is located, on the property being split between us and our neighbors at 265 Poplar. This original garage will be torn down along with the existing house; this has already been approved by the Village. The existing garage is in poor shape and not economically practical to rehab. Similarly, the driveway will be basically where the current driveway exists, but will be replaced with new asphalt.

At present our existing "garage" is below grade under our eating area and family room. It is 9.0' wide and as such is not truly a functioning garage as you can barely open the car doors if you were to actually drive into it. It will become storage space, as it truly has been used by us and previous owners. It is our desire to have a 2 car garage so that we can put our family vehicles, bicycles, yard equipment, etc. in the garage. We considered all location options on the property and feel this is the best solution with the least impact.

The only homes affected by the variation are our neighbors to the south and east. To the east, the driveway and a carport run along their west side of their property. This maintains a large separation between their house and our proposed garage. Our neighbors at 265 Poplar are aware of our plans and support this location. As noted above, the new garage and driveway will be in the same location as the existing garage and as such any impact to the neighborhood is minimal.

The proposed variation does not alter the essential character of the neighborhood and will be consistent with the goals, objectives, and policies established in the zoning ordinance. The proposed variation will not impair an adequate supply of light and air to the adjacent properties, will not injure other property and its use, will not substantially increase the danger of fire or otherwise endanger public health, safety and welfare, and will not substantially diminish or impair property values within the neighborhood.

Thank you for your consideration.

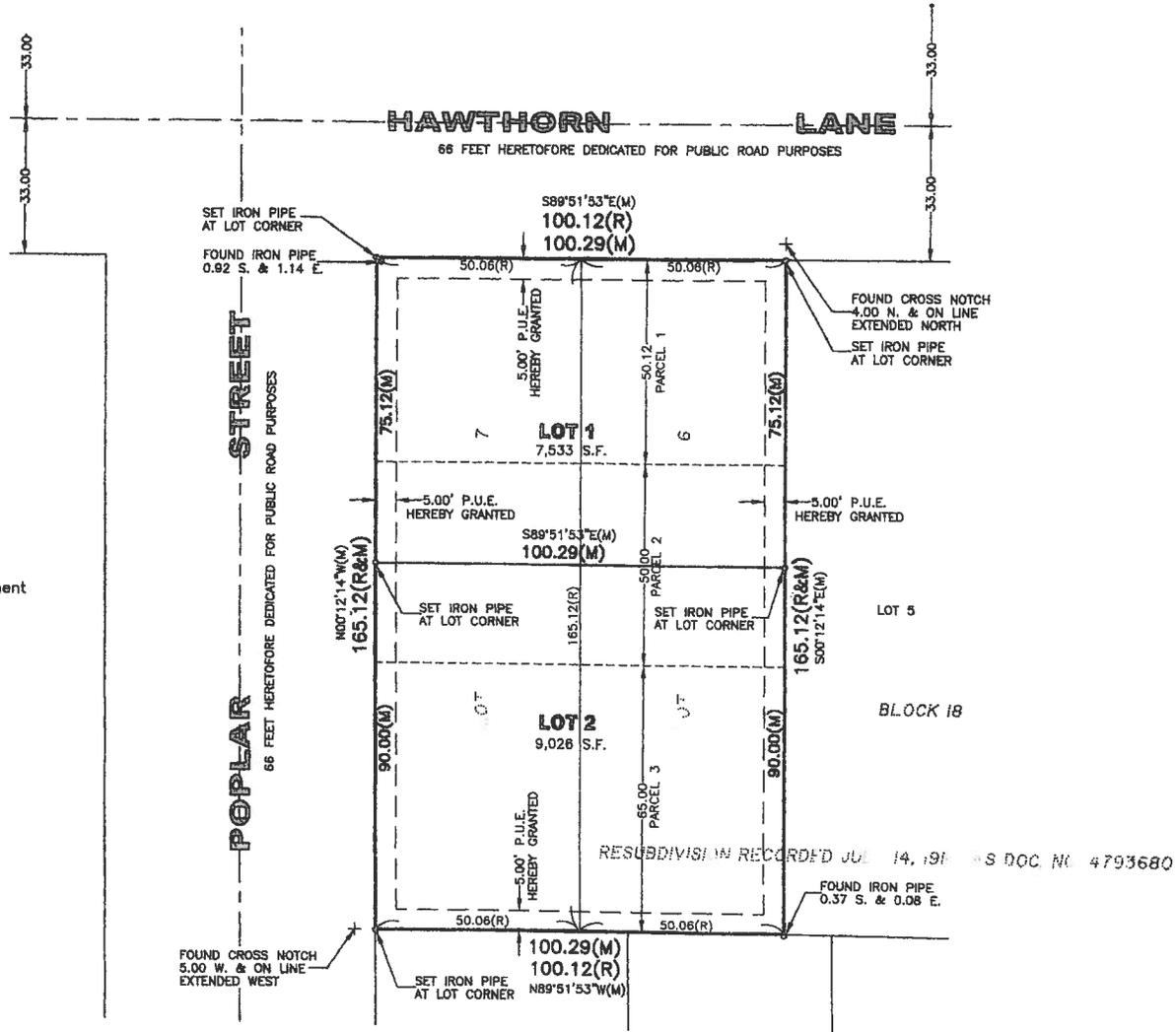


EXHIBIT A

FINAL PLAT OF WABOZO SUBDIVISION

BEING A SUBDIVISION OF PART OF THE EAST ½ OF THE SOUTHWEST ¼ OF SECTION 21, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

- LEGEND:**
 (R) = Subdivision Record
 (M) = Measured
 (D) = Deed
 N. = North
 S. = South
 W. = West
 E. = East
 P.U.E. = Public Utility Easement



This plat is
 Village of
 510 Green
 Winnetka,
 Tel. 1-847-

State of Ill
 County of
 I, Thomas
 do hereby
 this Plat
 Dated this

Public Utilit;

An easement
 over and ut
 install, cone
 public utility
 the right to
 required in

NEW DETACHED GARAGE
McGOWAN RESIDENCE

277 POPLAR ST.
WINNETKA, IL 60093

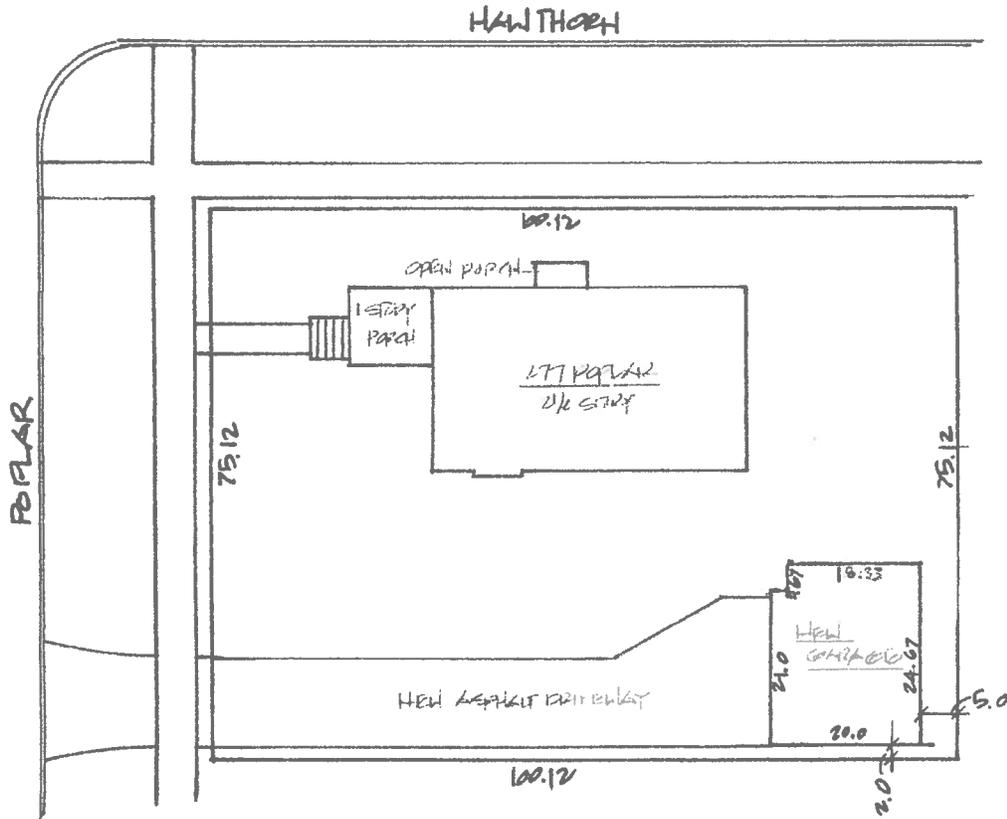


HEALY M. RICE, P.C.

934 ELMWOOD AVE.
WILMETTE, IL 60091
847-853-0824
847-853-0132 (FAX)
healyrice@comcast.net

ISSUED FOR ZONING REVIEW

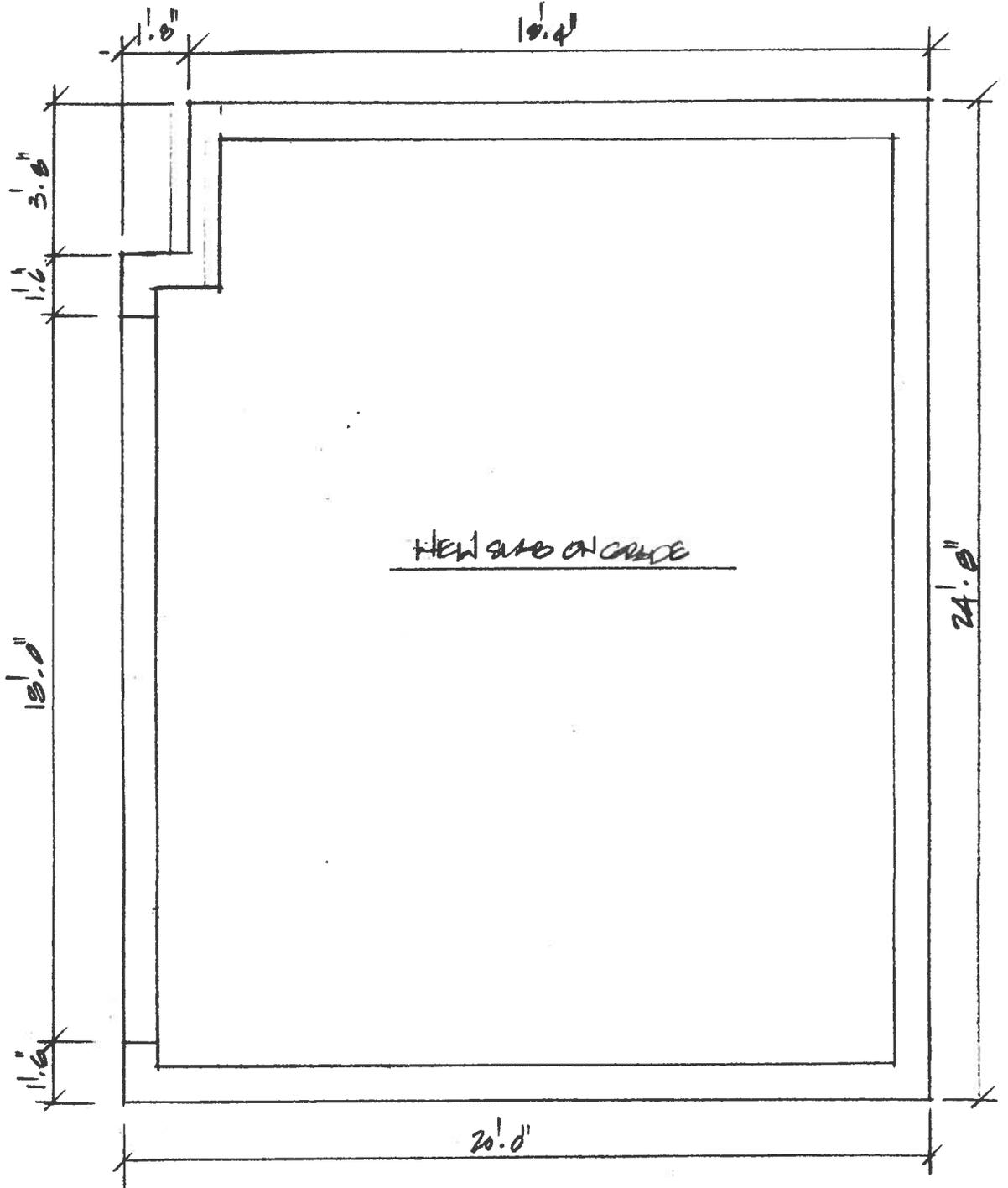
10 JUNE 16



PROPOSED SITE PLAN N

1" = 20'-0"

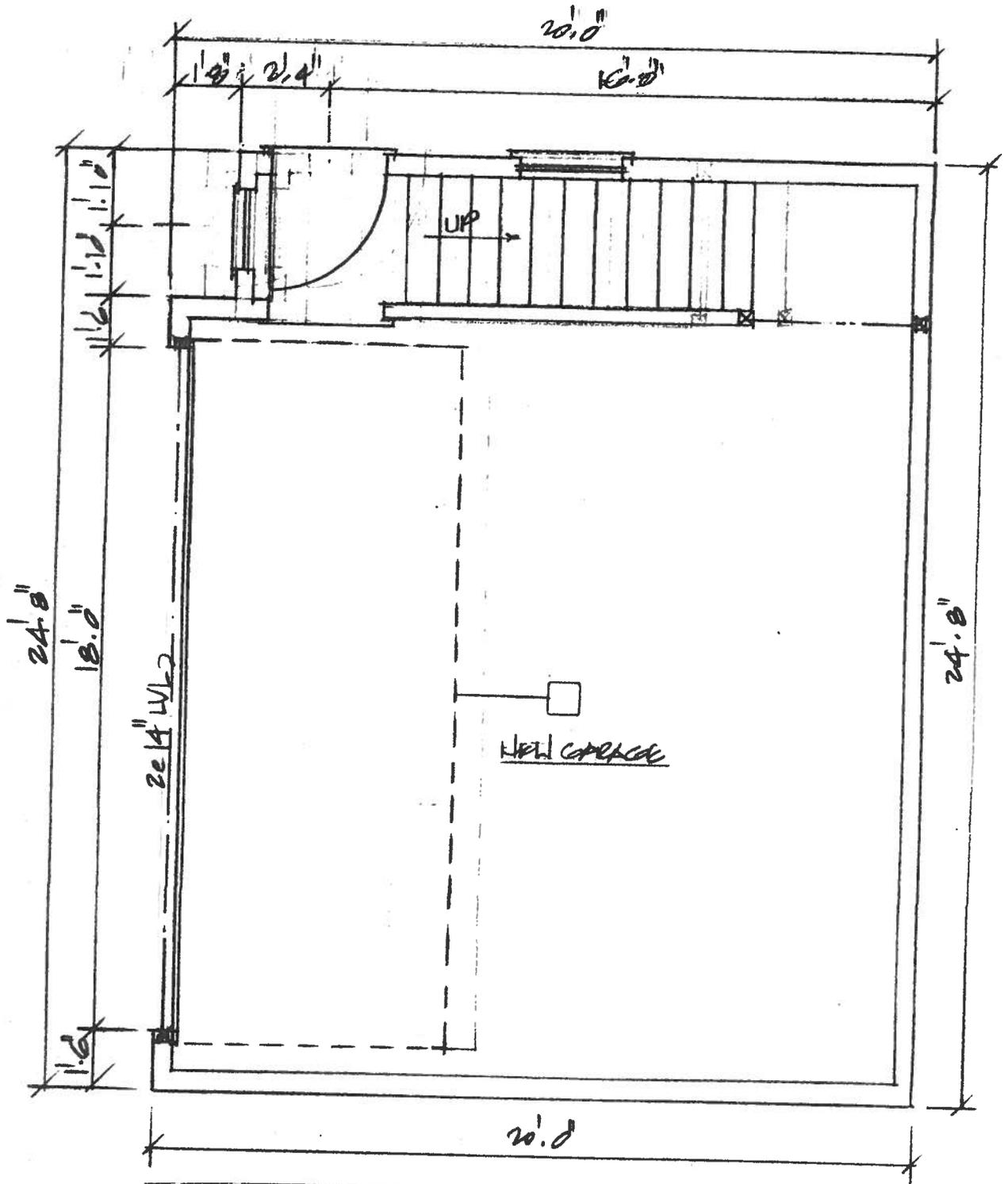




FOUNDATION PLAN

1/4" = 1'-0"

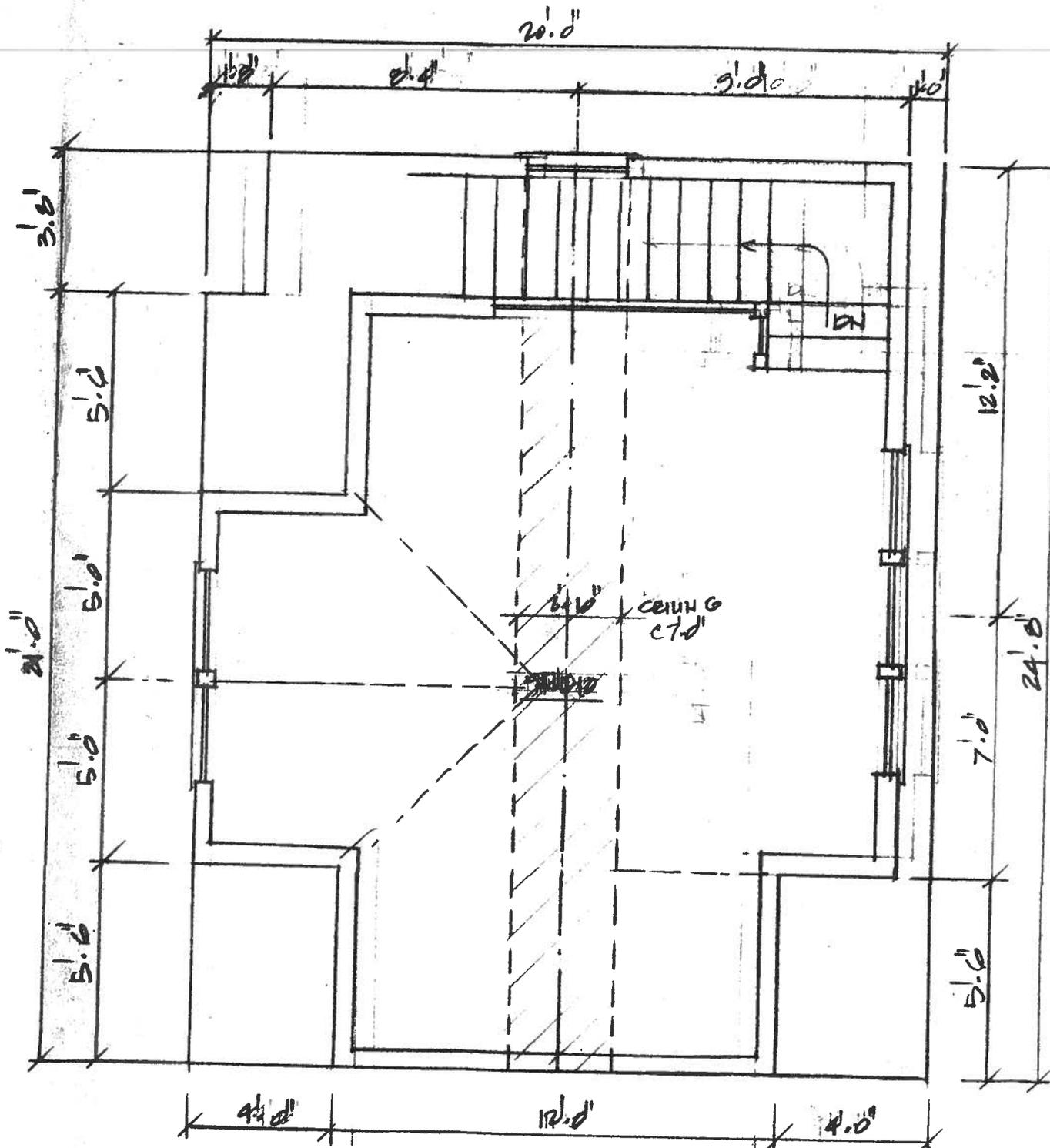
NEW CONSTRUCTION



GARAGE PLAN

$\frac{1}{4}'' = 1'-0''$

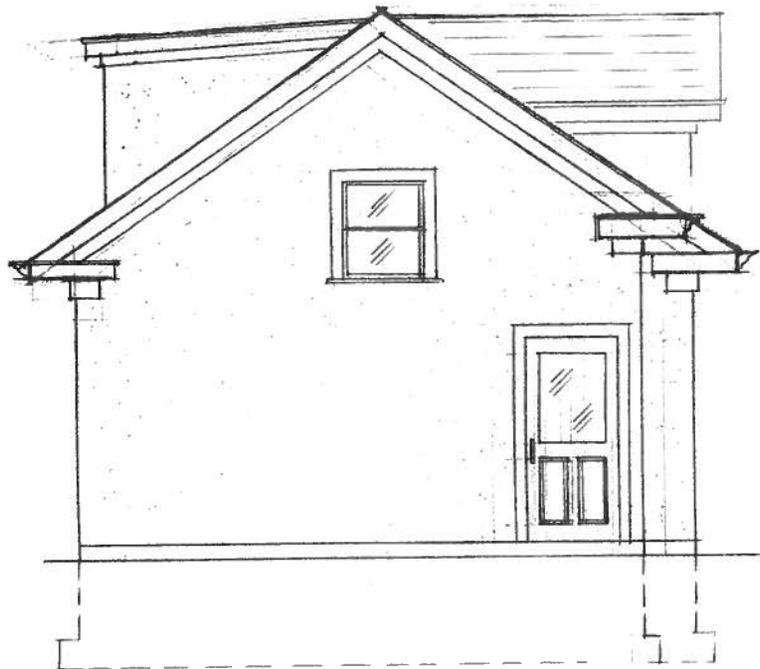
NEW CONSTRUCTION



2ND FLOOR PLAN

1/4" = 1'-0"

NEW CONSTRUCTION



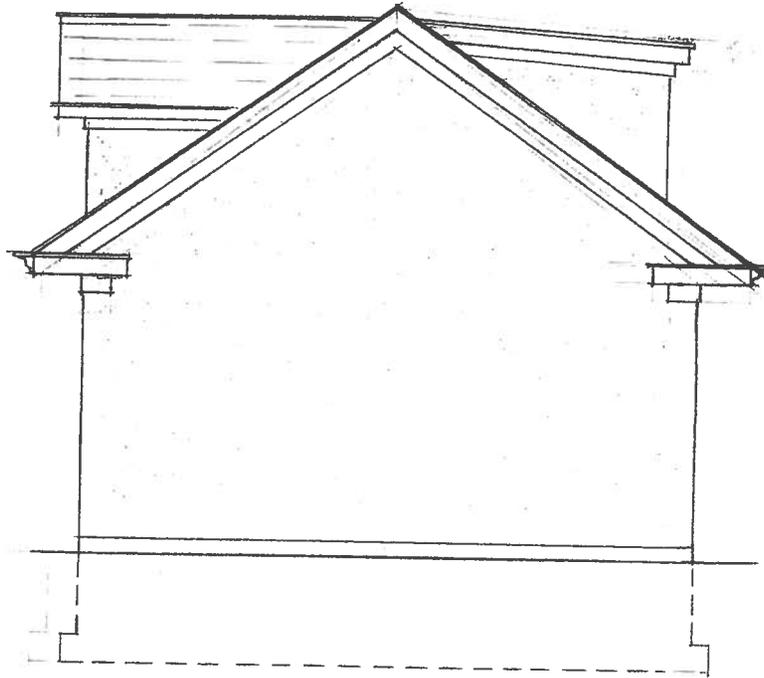
NORTH ELEVATION

1/4" = 1'-0"



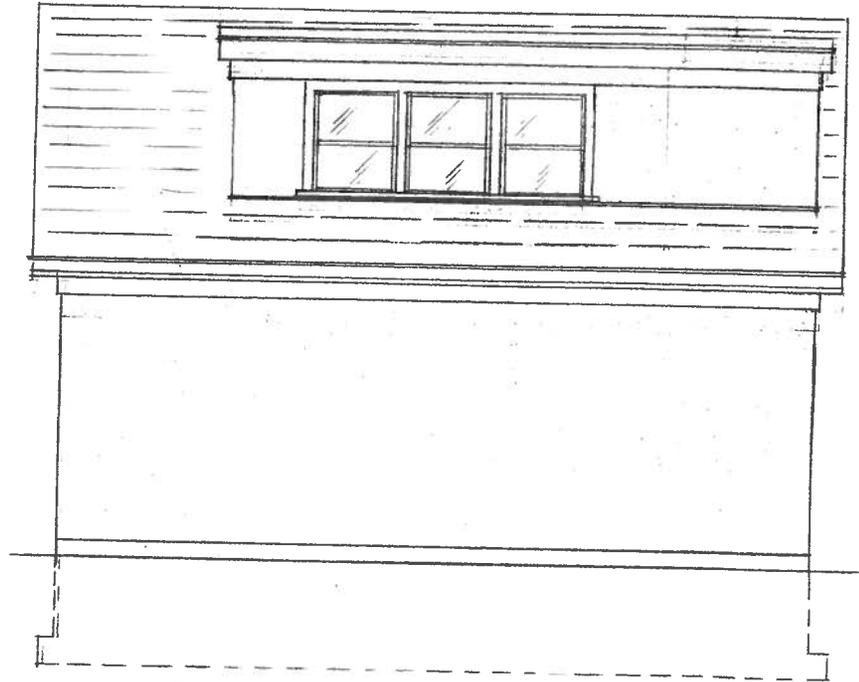
WEST ELEVATION

1/4" = 1'-0"



SOUTH ELEVATION

1/4" = 1'-0"



EAST ELEVATION

1/4" = 1'-0"

ATTACHMENT E

Minutes adopted 06.13.2016

WINNETKA ZONING BOARD OF APPEALS MAY 9, 2016 EXCERPT OF MINUTES

Zoning Board Members Present: Joni Johnson, Chairperson
Chris Blum
Mary Hickey
Thomas Kehoe
Mark Naumann

Zoning Board Members Absent: Kathleen Kumer
Carl Lane

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

Agenda Items:

Case No. 16-07-V2 277 Poplar St.
Joe McGowan and Lisa McGowan
Variations by Ordinance
Rear Yard Setback and Garages

Case No. 16-07-V2, 277 Poplar St., Joe McGowan and Lisa McGowan – Variations by Ordinance: (1) Rear Yard Setback and Garages

Mr. D’Onofrio read the public notice. The purpose of this hearing is to hear testimony and receive public comment regarding a request by Joe McGowan and Lisa McGowan concerning variations by Ordinance from Sections 17.30.070 [Rear Yard Setback] and 17.30.110 [Garages] of the Winnetka Zoning Ordinance to permit the construction of a detached garage that would provide a rear yard setback of 2 ft. from the east property line, whereas a minimum of 6 ft. is required, a variation of 4 ft. (66.67%).

Mr. D’Onofrio then stated that given the size of the variation, the Board is to make a recommendation to the Village Council and that the Village Council would have final jurisdiction.

Chairperson Johnson also stated that she would like to note that because there is a bare quorum of Board members present, the applicants would need unanimity on the variation request to the Village Council.

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

The applicant, Joe McGowan, stated that he and his wife have lived in Winnetka for 14 years and that during that time, they have raised three children. He then stated that they are at the point where they would like to continue living in the home until their 70's, 80's, etc. Mr. McGowan informed the Board that his wife has a bad knee and that they have to put a first floor addition onto the home which is part of the request.

Mr. McGowan informed the Board that they have a garage attached to the home currently which he described as a single car garage which is on a slope going down into the garage from the street level. He noted that they have never parked in the garage and that they park their two vehicles on the apron on the parkway. Mr. McGowan stated that they have been anxiously waiting to have a garage which would allow them to park two vehicles there and that with two teenage daughters driving by August, there is nowhere else to put vehicles.

Mr. McGowan then stated that with regard to what they would like to do, he asked the Board to recall that they came before the Board a couple of years ago with the permission of their neighbor located two homes to the south of theirs, Dave Bartels, and that they purchased the property in between them. He informed the Board that the property should be demolished within the next two weeks and that the property contained a home and a separate garage. Mr. McGowan then stated that almost exactly where that garage is today is where they would like to build the new garage a bit to the south.

Mr. McGowan stated that the garage is beyond repair and that it must be torn down. He stated that the hardship related to how close they are to the setback since they are on a corner lot and that it made a lot more sense for the garage to be located where they propose it to be. Mr. McGowan then asked if there were any questions from the Board.

Chairperson Johnson asked if the current garage beyond repair is a one car garage on the property being demolished.

Mr. McGowan confirmed that is correct.

Chairperson Johnson then asked what is the hardship having it located 6 feet from the east property line instead of 2 feet. She then referred to the impact on green space.

Mr. McGowan responded that the hardship is that even with the expansion of the lot, the rear quarter is limited being a corner lot and that the proposed location is the best location in order to minimize any impact.

Chairperson Johnson stated that it would mean making the driveway 4 feet shorter if they were to move it west into a compliant setback and asked why is that a hardship.

Mr. McGowan referred to the way in which they designed it and that it makes the most sense. He added that it is also not a very big lot and that he did not know how else to describe it.

Chairperson Johnson stated that typically, when you put a garage in the rear quadrant of the property, you get a 400 square foot GFA bonus and asked if they would lose that if they were to move the garage 4 feet.

Ms. Klaassen responded that they would be limited to having a garage depth of 19 feet because the lot has an approximate 100 foot depth making the rear quarter 25 feet. She then stated that if you were to subtract 6 feet from that, it would result in 19 feet for the garage in order for it to be located in the rear quarter.

Chairperson Johnson asked if they could still do it but that they would not get the bonus.

Ms. Klaassen confirmed that is correct.

Chairperson Johnson asked if there were any other questions.

Ms. Hickey stated that she is a visual person and referred to the map. She asked Mr. McGowan if they would be splitting 271 and questioned the location of the garage. Ms. Hickey then asked if the garage would be going over the south property line.

Mr. McGowan confirmed that it would not cross that line and that it would remain within their half of 271.

Mr. Blum asked if the driveway would still be off Poplar.

Mr. McGowan confirmed that is correct and stated that the existing driveway would be moved south. He then stated that if the garage was to be torn down and placed precisely in the same location that it is today, his understanding is that they would need a variance. Mr. McGowan then stated that because of how close it is to the east side property, that is what is driving the request.

Chairperson Johnson stated that the 6 feet is because it is a rear yard abutting a side yard and that normally, they have rear yards abutting rear yards. She stated that she did not know if the other Board members would like for an explanation to be given in connection with how the two zoning provisions work together and described them as a little convoluted.

Mr. Kehoe asked the applicant what if they were to leave one or two walls of the garage standing which would be akin to a remodel and asked how would that affect the request.

Mr. McGowan informed the Board that the garage is literally falling down.

Chairperson Johnson stated that no one is questioning whether the current garage is usable but that the issue is whether they have met the standards for a variance.

Ms. Hickey stated that the other issue is that for 265 Poplar, the garage on that property is conforming and that it is located 6 feet east.

Mr. McGowan confirmed that is correct and informed the Board that their garage is on the east side of the property and would not be located next to their garage.

Ms. Hickey asked if they requested a variance to build the garage at 265 Poplar.

Mr. McGowan stated that he could to speak to that.

Chairperson Johnson stated that she did not believe that the owners of the property to the south needed any variance and referred to the subdivision.

Mr. Blum asked if they are doing a new garage.

Mr. McGowan confirmed that is correct and that it is not finished as far as he can tell.

Chairperson Johnson stated that their garage is on the southeast corner which would be abutting a side yard.

Ms. Klaassen responded not necessarily.

Chairperson Johnson stated that they clearly have a new addition.

Mr. McGowan confirmed that is correct.

Chairperson Johnson asked if there were any other questions. She then stated that she would like for an explanation of the two zoning provisions.

Mr. D'Onofrio stated that because of the proposed location of the new garage which would abut a side yard property, they would be required to have a 6 foot side yard setback. He then stated that as Ms. Klaassen mentioned earlier, if the applicant was held to a 6 foot setback, they would not get the 400 square foot allowance for locating the garage in the rear quarter and that all of the square footage of the garage would count toward GFA. Mr. D'Onofrio added that if any part of the garage is located out of the rear quarter of the lot, they would not get the allowance.

Mr. Kehoe asked that if they went with a 6 foot setback, they would lose the 400 square feet and referred to the amount of GFA on the property.

Chairperson Johnson stated that they also referred to other plans for their residence but that those plans are not before the Board now and that they cannot consider them because they have no idea what they are. She then asked if the subdivision changed anything in terms of rear yards and side yards.

Ms. Klaassen stated that it did and that it increased the required side and corner yard setbacks.

Ms. Hickey then questioned a white square on an illustration on the 524 Hawthorn property and asked if they observed the 6 foot setback.

Mr. Blum stated that there is a portico and drive-through.

Ms. Hickey then referred to the current garage which is located 6 inches from the fence and that she did not know whose fence it is.

Mr. D'Onofrio stated that they are only dealing with the proposed location.

Mr. McGowan stated that the fence may belong to the neighbor at 524 Hawthorn.

Chairperson Johnson referred to the home on Hawthorn and the portico and stated that the home is quite a large home.

Ms. Hickey stated that it appeared to be over the property line.

Chairperson Johnson asked Mr. Naumann if he had any other questions.

Mr. Naumann stated that he did not have any questions.

Chairperson Johnson then asked the applicant why the proposed garage is two stories with an outside staircase.

Mr. McGowan responded that the reason is that they wanted some room up there for extra storage and that the architect advised them that the external stairs leading up would mean more space than less space in the garage.

Chairperson Johnson stated that theoretically, they could put them in the garage and asked if it would make the garage too wide.

Mr. D'Onofrio informed the Board that the issue with the stairs is that in order to have a habitable room and referred to the 7 foot height requirement, he stated that they would not allow a permanent stair either up on the exterior or interior and that they could have a pull down stair. He stated that they did not allow that because at some point in time, a subsequent buyer may want to convert that into habitable space.

Mr. D'Onofrio stated that the other issue is that the interior height is 6 feet 10 inches and that they are going to a maximum of 18 feet to match the home and they cannot raise the roof any more.

Chairperson Johnson stated that they can only have storage with an interior pull down stair.

Mr. D'Onofrio stated that they can have storage up there but that they cannot have a permanent stair.

Chairperson Johnson informed the Board that she received a call from a neighbor who had a concern that it would be turned into more than a garage. She asked the applicant what they intend to use that space for. Chairperson Johnson confirmed that they are allowed to have that space. She is glad staff clarified that stairways are not allowed on the outside of garage.

Chairperson Johnson then asked Mr. D'Onofrio and Ms. Klaassen whether the zoning matrix included that part of the side lot that was deeded to their property from the subdivision. She questioned whether the subdivision did go through.

Ms. Klaassen stated that it did and the numbers reflect the larger lot size.

Chairperson Johnson asked if there were any other questions. No additional questions were raised by the Board at this time. She stated that their argument is that their hardship is their desire for the 400 square foot bonus and asked if there were any unique circumstances. Chairperson Johnson then stated that if there were no other questions, she would call the matter in for discussion. She stated though they started the meeting with only 4 members present, because they now have 5 members for the entire presentation, they did not need unanimity in their recommendation to the Village Council.

Chairperson Johnson then asked who would like to start the discussion.

Mr. Blum stated that his concern was on the hardship here. He then stated that they have a wide open lot and that it is not a situation where there is an existing space which is tight and that they need a variation. Mr. Blum stated that it related to a substantial portion of the property and that there are a lot of ways to go about this. He stated that in thinking about that, he was looking for a hardship.

Mr. Blum stated that with regard to the storage and studio, it would be a two story garage and if they are going to consider that, he referred to the 2 feet which he indicated mattered more to him that if there was a one story garage. He stated that if it was a lower height, he would be more inclined to go with thinking about it. Mr. Blum then stated that with regard to green space and 4 feet being next to a home, he commented that it would be a tough call and that it seemed as though the standards may not have been met.

Mr. Naumann stated that he appreciated the homeowners wanting and needing to make an investment and upgrade their car storage situation. He referred to the GFA and stated that he is struggling with this one a little more.

Ms. Hickey stated that she agreed with Mr. Blum's comments. She then stated that with the height, it would become a larger building. Ms. Hickey stated that while height is not in question here, if the garage were a lower height, she might consider the variance request and the proposed garage creates density. She then stated that she would have liked to have seen a scale drawing of the garage to the home and that she wondered about the impact of a 2-story or 1½-story garage on the existing house and the property to the south.

Chairperson Johnson then referred to the provision with regard to the essential character of the locality and that now that they know that the Village does not allow any exterior staircases, another question would be how many garages are there in the R-5 district, which is the smallest zoning district, with garages with a second half story.

Mr. McGowan responded that he did not know for sure and informed the Board that his neighbor did as well as another home a couple of homes away from them.

Ms. Hickey stated that if it is a story and a half, if they were to grant the variance, it would go further in the back and would minimize the change to the character of the neighborhood. She also stated that she is not seeing a hardship.

Mr. Kehoe stated that they have a chance to correct the nonconformity and that on the other hand, if they were to do nothing, there would still be a nonconformity. He then stated that he did not get the explanation with regard to green space and the intent of it being a hardship and that a slight change concurrent would solve the problems.

Chairperson Johnson stated that she agreed with all of the comments that had been made. She added that the subdivision added 25 feet to the width of the applicant's property, which was not insignificant. The increase in the size of their lot meant that without a variance, they could add about 800 square feet to their residence even with the proposed two-car garage and without the 400 square foot GFA bonus.

Chairperson Johnson then noted that this case was not about granting a variance so the homeowner could build a two-car garage instead of a one-car garage. She added that it did not arise from a desire to place the garage in a nonconforming location to afford the homeowner more usable yard space. Both of those scenarios would present easier cases. It was only about maximizing the amount of GFA they could use for future alterations to their residence. If the applicant determined that they couldn't achieve what they wanted for their home within the allowable GFA, they can always apply for a variance.

Chairperson Johnson also stated that although the neighbor to the east has a driveway along that side of the property and that although it is not living space, it would have an impact on all of the sight lines around the property. She stated that is why they have the special ordinance in connection with rear yards abutting side yards and that she did not see any hardship or unique circumstances.

Chairperson Johnson stated that because the Board is a recommending body and that there did not appear to be a favorable recommendation, she informed the applicants that they can go to the Village Council with an unfavorable recommendation or could resubmit and ask for a continuance to come back with a different plan and design that might satisfy some of the Board members. She stated that the current dilapidated garage was nonconforming. It seemed ill-advised to allow a variance so a new, nonconforming garage could be built. The subdivision created a larger property, which also should be factored into the decision whether to allow a new nonconformity to be created. She then asked the applicants what they want to do.

Mr. McGowan stated that they would go on to the Village Council.

Chairperson Johnson then asked for a motion.

Mr. Blum moved to recommend denial of the variation request based on the testimony of the applicant and the materials and that the Board did not see that the property could not yield a reasonable return if only allowed to be used under the conditions allowed by that zone. He stated that to be conforming, the garage would have to be moved 4 feet further away from the side yard and that there is no structure there and that there has been no testimony as to why that could not be

done.

Mr. Blum stated that the plight of the owners is not due to unique circumstances and that the side yard combination does not and is not absolutely unique to this property such as a triangle yard, etc. He then stated that for those reasons, the Board would recommend denial of the request.

Chairperson Johnson suggested that they mention the GFA bonus.

Mr. Blum added that they did consider the GFA bonus and that would not be a satisfactory reason to recommend a hardship or that the variation be approved, that there is ample room. He also stated that even if they were to move the garage, it would not result in the loss of the bonus or cause the need for a different variation due to GFA.

Ms. Hickey seconded the motion. A vote was taken and the motion as unanimously passed, 5 to 0.

AYES: Blum, Hickey, Johnson, Kehoe, Naumann

NAYES: None

FINDINGS OF THE ZONING BOARD OF APPEALS

1. The requested variations are within the final jurisdiction of the Village Council.
2. The requested variations are not in harmony with the general purpose and intent of the Winnetka Zoning Ordinance. The proposal is not 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 no practical difficulties or a particular hardship which prevents strict application of 17.30.070 [Rear Yard Setback] and 17.30.110 [Garages] 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 can yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone. No testimony was provided explaining why the garage cannot be moved 4 ft. west to comply with the setback. Additionally, there is no structure in the way of the proposed garage that would prevent the garage from complying with the required setback. Finally, not being able to take advantage of the gross floor area allowance for a detached garage is not a hardship.
2. The plight of the owner is not due to unique circumstances. Such circumstances must be associated with the characteristics of the property in question, rather than being related to the occupants. A rear yard abutting a side yard is not unique to this property.
3. The variation, if granted, may alter the essential character of the locality. A detached garage located within such close proximity to the adjacent side yard may alter the

character.

4. An adequate supply of light and air to adjacent property may be impaired by the proposed variation. The required 6 ft. setback is intended to protect the side yard of the adjacent property.
5. The hazard from fire or other damages to the property will not be increased. The garage would be required to comply with all building codes.
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.

Respectfully submitted,

Antionette Johnson