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WINNETKA ZONING BOARD OF APPEALS NOTICE OF MEETING October 10, 2016 7:00 p.m.

The Winnetka Zoning Board of Appeals regular scheduled meeting will convene on Monday, October 10, 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 July 11, 2016 meeting minutes.
2. Case No. 16-15-SU: 521 Birch St., Dwyer Park
 Winnetka Park District
 Special Use Permit
 To allow a gazebo, expanded and updated playground, and various
 modifications to the pathways and landscaping.
 Variations by Ordinance
 1. Front and Corner Yard Setbacks
3. Case No. 16-19-V: 812 Lincoln Ave.
 Andrew and Natalie Hamm
 Variations by Zoning Board of Appeals
 1. Intensity of Use of Lot
 2. Maximum Building Size
4. 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

Administration and Finance (847) 501-6000 Fire (847) 501-6029 Police (847) 501-6034

Community Development (847) 716-3520

Public Works (847) 716-3568 Water and Electric (847) 716-3558

DRAFT

**WINNETKA ZONING BOARD OF APPEALS
JULY 11, 2016**

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

Zoning Board Members Absent: Kathleen Kumer

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

Agenda Items:

Case No. 16-07-V2 277 Poplar St. Amended Application
Joe McGowan and Lisa McGowan
Variations by Zoning Board of Appeals
1. Rear Yard Setback
2. Garages

**Summary Minutes of the Zoning Board of Appeals
July 11, 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 review the June 13, 2016 meeting minutes. She noted that she submitted her changes to Mr. D’Onofrio. Chairperson Johnson asked if there were any other comments.

There were no other comments or changes.

Chairperson Johnson then asked for a motion.

A motion was made by Mr. Lane, and seconded by Ms. Hickey, to approve the June 13, 2016 meeting minutes, as amended. A vote was taken and the motion was unanimously passed.

Case No. 16-07-V2 Amended Application, 277 Poplar St., Joe and Lisa McGowan –

Variations by Zoning Board of Appeals: (1) Rear Yard Setback and (2) 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 and Lisa McGowan concerning 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%).

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

Healy Rice, 934 Elmwood Ave., Wilmette, introduce herself as the architect for the project. Ms. Rice explained that the original request considered by the Board in May was for a 1 foot setback from the east property line. She stated that since the meeting they have revised the plans and are now proposing a 5 ft. setback. Ms. Rice explained that the reason for locating the garage where they are proposing is to keep the garage within the rear quarter of the lot so they can take advantage of the 400 s.f. gross floor area allowance. She explained that the stairs that were originally located on the exterior of the garage are now completely located within the interior of the garage. Ms. Rice explained that they have discussed the proposal with the neighbors and they are happy to work with them to revise the east dormer to please the neighbors.

Joe McGowan, the property owner, stated that the upper level would be used for storage at first because they do not have enough storage space in their existing residence and the addition they are proposing wouldn't provide additional storage space, and then it would be used as a place for him to play his music. He explained that they aren't proposing the space to have anyone live up there but he would like to have outlets.

Discussion ensued between the Board, Ms. Rice and Mr. D'Onofrio regarding the attic space above the garage and whether or not it is considered habitable space and if the space complies with the building code.

Mr. D'Onofrio read sections of the building code to help explain the requirements for habitable space.

Ms. Rice explained that they would comply with the code.

Mr. D'Onofrio explained that compliance with the building code will be verified when a building permit is submitted.

The Board asked Ms. Rice why they couldn't build a garage 19 ft. in depth, so that the garage would still be located within the rear quarter of the lot, and comply with the setback.

Ms. Rice stated that they felt that a 19 ft. deep garage was substandard so they are proposing a depth of 20 ft.

Mr. D'Onofrio explained that the smallest garage generally built in the village is 20 x 20. He explained that most garage builders would suggest a 22 x 22 or 22 x 24 garage.

There was discussion about the amount of GFA available for a possible addition to the house, even if the garage allowance does not apply, especially in light of the fact that the lot area was increased significantly with the recently approved subdivision.

Chairperson Johnson asked if there any comments from the public.

Bridget Orsic, 524 Hawthorn, stated that she and her husband just moved into the house next door to the subject site. She stated that they are great neighbors, but when they saw how big the proposed garage is they felt that they had to come to the meeting to speak up. Ms. Orsic explained that the proposed garage would be located right outside their windows and it will block their light and air. She explained that they are very concerned about the height of the garage and the close proximity to their side yard. Ms. Orsic provided the Board pictures she took from her property in the direction of the proposed garage.

There were no additional public comments.

The Board then discussed the request. The consensus of the Board was that the GFA allowance for the detached garage was not a reason to grant a variation. The Board found that no evidence or testimony was provided representing that the standards for granting a variation are met.

Chairperson Johnson then asked for a motion.

Mr. Blum moved to deny the variations requested based on the testimony and materials provided. He stated the standards for granting the variations have not been met. 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 explained that a conforming garage 19 ft. in depth could be constructed to comply with the 6 ft. setback and still receive the 400 s.f. GFA allowance. Mr. Blum stated that the property's status as a corner lot and not being able to take advantage of the GFA allowance because complying with the setback would push the garage out of the rear quarter are not unique circumstances. He stated the fact is there are conforming alternatives: 1) a 19 ft. deep garage; or 2) a garage located outside of the rear quarter, the Board cannot approve the requested variations.

Ms. Hickey seconded the motion. A vote was taken and the motion as unanimously passed, 6 to 0.

AYES: Blum, 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 Zoning Board of Appeals.
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. Sufficient testimony was not provided explaining why the garage cannot be moved 1 ft. west to comply with the setback. Not being able to take advantage of the gross floor area allowance for a detached garage is not a hardship. Additionally, a garage 19 ft. in depth could be built to comply with the 6 ft. setback and still be within the rear quarter of the lot so that the allowance would apply.
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. Being a corner lot is not unique and not being able to take advantage of an allowance is not a unique circumstance.
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.

Chairperson Johnson asked if there was any other business. No additional business was discussed by the Board at this time.

Adjournment:

The meeting was adjourned at 7:30 p.m.

**ZONING BOARD OF APPEALS
AGENDA REPORT**

SUBJECT: 521 Birch St., Dwyer Park
Case No. 16-15-SU
(1) Special Use Permit
(2) Variations: Front and Corner Yard Setbacks

DATE: September 29, 2016

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

The Winnetka Park District is requesting a Special Use Permit in accordance with Section 17.56.010 and variations by Ordinance from Section 17.30.050 [Front and Corner Yard Setbacks] of the Winnetka Zoning Ordinance to permit the installation of a gaga ball pit that would result in a front yard setback of 13.23 ft. from Birch St., whereas a minimum of 28.74 ft. is required, a variation of 15.51 ft. (53.97%) and the installation of a baggo court that would result in a front yard setback of 16.98 ft. from Dwyer Ct., whereas a minimum of 28.74 ft. is required, a variation of 11.76 ft. (40.92%), as well as a new gazebo, an expanded and updated playground, and various modifications to the pathways and landscaping of Dwyer Park at 521 Birch St.

Dwyer Park is located in the R-5 Single Family Residential zoning district, on the western edge of the Elm Street business district on a 1.23 acre parcel. There is on-street parking on the park's north, east and west boundaries. With street frontage on all four sides of the property, front yard setbacks are required from all four property lines.

The Park District's application materials describe plans as dependent on funding and contractor bids, with work outlined as a base level plan with a series of possible options and/or phases. Specific proposed modifications include the following:

Base plan:

1. Expansion of existing play area. According to the application materials, the play area will be expanded by 50%. New play equipment will be supplemented by refurbishment of existing equipment. Poured-in-place play surfacing will be replaced and expanded in size;
2. New concrete sidewalk along the entire eastern edge of the park, connecting the Elm St. sidewalk to the Oak St. sidewalk. The proposed walk would replace an existing brick paver walk which extends only a portion of the park's length;
3. "Pedestrian amenities" including five (5) trash and recycling containers and ten (10) benches surrounding the playground;
4. Bicycle facilities including a bike repair station near Elm St., and two (2) bike racks adjacent to the northeast corner of the play area;

5. New concrete picnic area with three (3) picnic tables, located south of the play area.

Option 1

1. Expanded picnic plaza, seat walls and terrace steps located south of the play area;
2. Gazebo. Open sided 18 ft. tall structure;
3. Light poles. Three (3) decorative light poles along the north/south walk;

Option 2

1. Expansion of existing north garden area (along Elm St.), with addition of a sculpture, seat wall and gravel pathway.

Option 3

1. New woodland garden on south park perimeter (along Oak St.), with a sculpture, seat wall and gravel pathway.

In addition to the items described above, plans also call for two new features near the southern boundary of the park. These features include two (2) precast concrete baggo courts and an octagonal Gaga ball pit measuring 20 ft. in diameter. Photo examples of such equipment are included the Park District's application materials (Attachment C).

Variations are required to allow the baggo courts and Gaga ball pit to encroach the required front setbacks of 28.74 ft. from the east (Dwyer Ct.) and west (Birch St.) property lines. The baggo courts would be setback 16.98 ft. from the east property line and the Gaga ball pit would be setback 13.23 ft. from the west property line. As represented on the attached zoning matrix (Attachment A), all of the other improvements comply with the zoning regulations.

Consideration by other Advisory Boards

Parks are permitted as a "Special Use" in the R-5 Single Family Residential zoning district, and as such are subject to review by the Plan Commission, Zoning Board of Appeals, and the Design Review Board.

The Design Review Board (DRB) considered the application at its meeting September 15, 2016 and requested further study of the gazebo's scale and height. The DRB also requested consideration of alternatives to concrete for sidewalk and/or patio areas. Further consideration of the application is scheduled for the next DRB meeting October 20, 2016.

At the Plan Commission's (PC) September 28, 2016 meeting an initial motion to recommend approval subject to elimination of the gazebo and adjacent concrete terrace area failed with a 4 to 4 vote. Subsequently, the PC ultimately voted to recommend approval of the project as proposed with one dissenting vote.

The Village Council has final jurisdiction on this request.

Attachments

- Attachment A: Zoning Matrix
- Attachment B: GIS Aerial Map
- Attachment C: Application Materials
- Attachment D: Public Correspondence

ATTACHMENT A

ZONING MATRIX

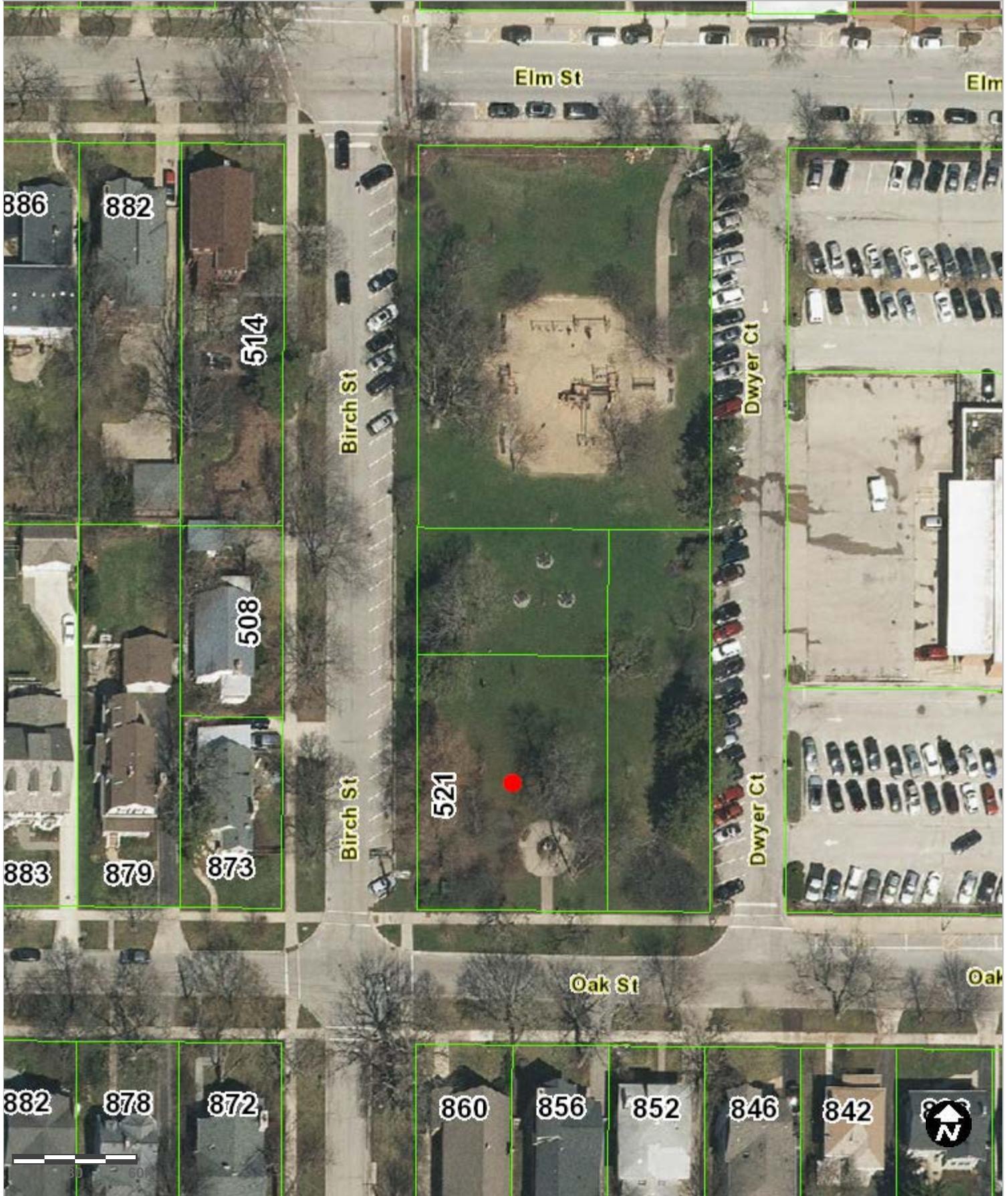
ADDRESS: 521 Birch St. (Dwyer Park)
CASE NO: 16-15-SU
ZONING: R-5

| ITEM | REQUIREMENT | EXISTING | PROPOSED | TOTAL | STATUS |
|---------------------------------------|--------------------|-----------------|-----------------|--------------|------------------------------------|
| Min. Lot Size | 8,900 SF | 53,745.59 SF | N/A | N/A | OK |
| Min. Average Lot Width | 70 FT | 143.7 FT | N/A | N/A | OK |
| Max. Roofed Lot Coverage | 13,436.4 SF (1) | 0 SF | 682 SF | 682 SF | OK |
| Max. Gross Floor Area | 14,176.48 SF (1) | 0 SF | 0 SF | 0 SF | OK |
| Max. Impermeable Surface | 26,872.79 SF (1) | 3,860 SF | 9,885 SF | 13,745 SF | OK |
| Min. Front Yard (Elm/North) | 30 FT | (+) 30 FT | (+) 30 FT | N/A | OK |
| Min. Corner (Front) Yard (Birch/West) | 28.74 FT | (+) 28.74 FT | 13.23 FT (2) | N/A | 15.51 FT (53.97%) VARIATION |
| Min. Through Lot (Oak/South) | 30 FT | (+) 30 FT | (+) 30 FT | N/A | OK |
| Min. Third Street (Dwyer/West) | 28.74 FT | 27.09 FT (3) | 16.98 FT (4) | N/A | 11.76 FT (40.92%) VARIATION |

NOTES:

- (1) Based on actual lot area of 53,745.59 s.f.
- (2) Setback to Gaga ball pit.
- (3) Setback to existing play equipment.
- (4) Setback to baggo courts.

ATTACHMENT B



ATTACHMENT C

CASE NO. 16-15-SU

APPLICATION FOR SPECIAL USE

Name of Applicant Winnetka Park District

Property Address Dwyer Park (521 Birch Street)

Home and Work Telephone Number 847/501-2040

Fax and Email 847/501-5779, info@winpark.org

Architect Information: Name, Address, Telephone, Fax & Email
Winnetka Park District

540 Hibbard Road, Winnetka, IL 60093

Attn.: Richard Schram 847/501-2055, Fax 847/441-5711, rschram@winpark.org

Attorney Information: Name, Address, Telephone, Fax & Email
Steven B. Adams, Attorney

Robbins Schwartz, 55 W. Monroe St., Suite 800, Chicago, IL 60603-5144

312/332-7760, Fax 312/332-7768, sadams@robbins-schwartz.com

Date Property Acquired by Owner March 19, 1941; Feb. 4, 1944; Feb. 26, 1952; May 14, 1959

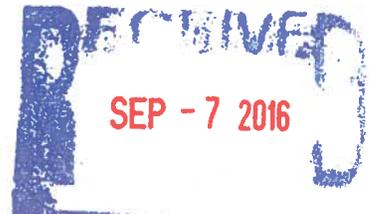
Nature of Any Restrictions on Property None

Explanation of Special Use Requested Park renovation (please see attached narrative)

OFFICE USE ONLY

Special Use Requested under Ordinance Section(s) _____

Staff Contact: _____ Date: _____



Explain in detail how the proposed Special Use meets the following standard. Under the terms of the Zoning Ordinance, no Special Use Permit shall be granted unless it is found:

1. That the establishment, maintenance, and operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort, morals, or general welfare;
2. That the Special Use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity;
3. That the establishment of Special Use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern;
4. That adequate measures have been or will be taken to provide ingress and egress in a manner which minimize pedestrian and vehicular traffic congestion in the public ways;
5. That adequate parking, utilities, access roads, drainage, and other facilities necessary to the operation of the Special Use exists or are to be provided; and
6. That the Special Use in all other respects conforms to the applicable regulations of this and other village ordinances and codes.

Respectfully Submitted,

Winnetka Park District

Property Owner

September 6, 2016

Date

540 Hibbard Rd., Winnetka, IL 60093

Address

**Hubbard Woods Park
Special Use Permit
Narrative**



Dwyer Park is located on the west side of the Village of Winnetka Central Business District. It abuts Dwyer Court, the downtown post office and village parking lot property on its eastern boundary. Elm Street, Oak Street, and Birch Street front the 1.23 acre park site on its northern, southern, and western boundaries, respectively.

The current park development includes a grassy open space to the north which sits a few feet higher than the more wooded southern end. A butterfly garden and park sign sit adjacent to Oak Street. A paver path connects Oak Street, a bench, and a drinking fountain to a playground located just south of the lawn. The playpit includes a large playstructure to the east, a swing structure to the north, a tot playstructure to the west, and bouncers and a digger to the south. Three (3) sitting areas with six (6) benches surround the playpit. A cluster of three (3) picnic tables is located in the center of the wooded southern end of the site. A small patio surrounding a bronze sculpture of children connects to Oak Street and includes a couple of benches.

The Winnetka Park District intends to renovate Dwyer Park to provide an improved and feature rich open recreational space for residents and visitors to the Central Business District of all ages. Some features of the master plan may be deferred depending on final bids from contractors.

The playground will be expanded by approximately 50% in the park redevelopment. This enlarged playpit will accommodate additional play features for both preschool aged and grade school aged children. The majority of the existing play equipment will remain and be refurbished, eliminating potential safety and accessibility issues. The large playstructure to the east will be expanded with nets, a slide, and climbing apparatus. A new swing structure will add additional belt swings to the north. The existing tot playstructure will be relocated and enlarged with ground level activities including a play house. New spinners, bouncers and a seesaw will be installed. Two fabric roofs (approximately 8' x 8' each) will be installed over the playstructures to provide shade for the children. The existing sand surfacing will be removed and replaced with wood fiber except for a small sand play area adjacent to the tot playstructure. The existing permeable poured-in-place synthetic surfacing will be resurfaced and enlarged to provide increased accessibility and reduce maintenance under heavily used play features. Colors will be similar to the current playground: pine green posts and major beams (current color is bright green), tan slides and climbing components, blue plastic panels and components, lime green plastic components, red accents, brown decks, green fabric roofs, black nets, and beige play surfacing.

A new concrete sidewalk, replacing a shorter brick paver walkway, will be installed along the eastern side of the park to connect Elm Street and Oak Street to make the playground and park site more easily accessible. Waste and recycling receptacles (5 pairs) will be added along this path as well as a bike repair station and bike racks. Three (3) decorative lightpoles along this path will provide illumination to the park. Ten (10) benches will surround playground. Some of these benches will be located on concrete paver patios. All of these amenities will be the styles and materials adopted by the Winnetka Park District as their standard, such as those installed at Skokie Playfield and Hubbard Woods Park.

A gazebo in the center of the park, just south of the playground, will provide a performance area for community events and a western locus for a future pedestrian spine leading from the Village Hall to the park. The octagonal gazebo will also shelter portable picnic tables. The gazebo will utilize round metal posts with decorative bands at the base and capital that echo the round columns of Village Hall and the Winnetka Bible Church to the north of the park. The roof will have a clerestory opening with decorative infill and a matching ornamentation will be installed under the roof line. Cedar colored architectural asphalt shingles will be placed over the tongue and grooved decking, colored, like the metal posts and beams, an ivory.

An adjacent concrete patio area is designed for three (3) permanent picnic tables (same manufacturer as Skokie Playfield and Hubbard Woods Park) and a concrete ping pong table. A series of cut fieldstone terrace steps will lead from the patio to the lower south side of the park and provide additional seating.

Curved stone seat walls are proposed for both the north and south ends of the park, each facing the center of the park and the gazebo. The northern one will provide a backdrop for an enlarged butterfly garden, a potential location for piece of artwork, two (2) new benches, and an edge for a crushed granite path that will provide park access from the northeast corner of the site. The southern seat wall will include a new pedestal in the seatwall for the relocated children's sculpture and a cluster of four (4) benches in the quiet side of the park. All seat walls will match the ones installed at Skokie Playfield and Hubbard Woods Park. A crushed granite pathway also borders the southern wall to allow pedestrian access from the southwest corner of the site. A new woodland garden between the seat wall and Oak Street is also proposed.

Additional amenities for the park include two (2) precast concrete bag courts and two (2) benches adjacent to the new concrete path, as well as an octagonal Gaga ball court at the southwest corner of the site. New landscaping is proposed for the park including adding new shade trees and perennial beds around the playground. Stone walls will also be located around the central patio area.

1. *That the establishment, maintenance, and operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort, morals, or general welfare;*

The renovation of Dwyer Park will bring the playground, which was built in 1997, up to current safety standards. In addition, the inclusion of additional pathways, relocation of site furniture, and increased playground features will make the site completely accessible in the spirit of the Americans with Disabilities Act. The location of the planting beds and bench placements will discourage children using the playground from running into the nearby parking areas paralleling the east and west sides of the park. The final proposed plan has received substantial input from the community during the design phase (six (6) public meetings on- and off-site plus one (1) meeting focusing on tween users), business owners (two (2) meetings), and internet surveys (160 respondents).

2. *That the Special Use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity;*

The general layout of the Dwyer Park renovation follows closely the existing use patterns in the site. The lawn area to the north side of the park, which is used by children for games, is maintained. The playground has not been relocated from its current location, although its footprint has been expanded to accommodate additional equipment safety zones. The southern wooded portion of the site is minimally disturbed in deference to the nearby residences.

3. *That the establishment of Special Use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern;*

The proposed redesign of Dwyer Park takes into consideration the possible future development of the village's post office property to the east by locating the gazebo and central patio in the center of the park, lined up with the center of Village Hall, Moffat Mall, Chestnut Court, and early proposed renderings of the post office site to provide a westerly anchor to a possible pedestrian pathway. Linkages to the business district are maintained along Elm Street and Oak Street sidewalks.

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

The entire park will be accessible for pedestrians via the new concrete pathway connecting Elm Street and Oak Street on the east side of the park. New crushed granite pathways will provide additional pedestrian access to the park for residents to the west of the park while reducing impermeable surfacing. No vehicular traffic on Elm Street and Oak Street or future modifications to the parking provided along Dwyer Court and Birch Street are affected.

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

Additional utilities will be provided as needed for the renovation, including expanded underground drainage for the playground and surrounding area and underground electric to the lightpoles and gazebo.

6. *That the Special Use in all other respects conforms to the applicable regulations of this and other village ordinances and codes.*

All regulations and other village ordinances and codes will be followed. Any trees around the playground and proposed gazebo patio that must be removed for construction will be either transplanted or replaced per the requirements of the village forester.



CASE NO. 16-15-SU

**APPLICATION FOR VARIATION
WINNETKA ZONING BOARD OF APPEALS**

Owner Information:

Name: Winnetka Park District
Property Address: Dwyer Park (521 Birch Street)
Home and Work Telephone Number: 847/501-2040
E-mail: info@winpark.org

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

Winnetka Park District
540 Hibbard Road, Winnetka, IL 60093
Attn.: Richard Schram, 847/501-2055, rschram@winpark.org

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

Steven B. Adams, Attorney c/o Robbins Schwartz
55 W. Monroe St., Suite 800, Chicago, IL 60603-5144, 312/332-7760, sadams@robbins-schwartz.com

Date Property Acquired by Owner: 3/19/41, 2/4/44, 2/26/52, 5/14/59

Nature of Any Restrictions on Property: None

Explanation of Variation Requested: Park renovation (please see attached narrative)
(Attach separate sheet if necessary)

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: September 14, 2016
(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.

Dwyer Park
Standards for Granting Zoning Variations
Narrative

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 location at the southwest corner of Dwyer Park of the GaGa Ball Pit, an activity that is attractive to pre-teens and is a variation of dodgeball within an approximate 20.0' wall-to-wall octagonal enclosure, was chosen for its separation from other park activities. It was located within a cluster of shrubs and trees to make it less intrusive in the open lawn area at the south end of the park and away from the sitting area proposed along the seat wall. This location will cause the outer edge of the enclosure to be setback 13.23' instead of the 28.74' required setback off of Birch Street, a variation of 15.51'. Relocating the GaGa Ball Pit so it does not require a zoning variation will place it within the open lawn south of the proposed gazebo or in the grass to the north of the proposed enlarged playground. The former location is intended to remain open for picnics, free play, and lawn seating for public performances at the proposed gazebo. The latter location has been set aside for current lawn games and possible future development of other park amenities.

The location along the proposed sidewalk of one of the two (2) proposed Baggo Courts causes the setback from the edge of the east court target to be 16.98' instead of the 28.74' required off of Dwyer Court, a variation of 11.76'. To avoid the zoning variation, this court could be relocated immediately west of the court on the west side of the sidewalk, but this would negatively impact the open lawn space, would not make the court accessible for the disabled, and would require the relocation of an existing tree. Moving the court to the north is not possible due to slope constraints. Moving it to the gazebo patio creates conflicts with picnic tables and other activities. Moving it to the area north of the playground will, like the GaGa Ball Pit discussed above, interfere with future development of the park. Eliminating one of the two courts would reduce the opportunities for multiple group use and possible tournaments. The precast concrete targets are also, theoretically, moveable since they just sit on the concrete pad.

The setback of the existing arch bridge in the existing playground, which was originally installed in 1999, is 27.09' to its east edge instead of the 28.74' required off of Dwyer Court, a variation of 1.65'. This item will not be relocated in the proposed playground redevelopment as it forms an entrance into the playground and is a popular piece of equipment based on input from users. Moving the arch bridge to the west to keep it out

of the required roadway setback would impact the use zones of the other existing play apparatus that is required by safety standards in the playground industry.

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.*

Dwyer Park, with dimensions of approximately 143.13' x 375.75', occupies a site bounded on all four (4) sides by roads. Thus the dimensions of the site within which play equipment, of any variety, can be installed based on the setbacks, is roughly 85.64' x 315.67'. This creates problems for siting amenities without impacting other site features. The GaGa Ball Pit and the Baggo Court cannot fit within the setback footprint without substantially impacting the grassy open space in the center of the south end of the park. The existing arch bridge in the playground would need to be relocated and that would impact the rest of the playground equipment safety zones.

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

The proposed locations of the GaGa Ball Pit and Baggo Court are close to the western and eastern edges, respectively, of the site. Birch Street and Dwyer Court, which parallel, respectively, these western and eastern property lines, are currently used for angled public parking. The addition of the above two (2) proposed park amenities will have less impact on the visual aesthetics of the park than the parked cars do. The existing arch bridge in the main playground, installed in 1999, will remain. Its minimal current encroachment into the setback of 1.65' will not change in the redesign of the playground, and thus, not alter the current character of Dwyer Park.

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

The height of the GaGa Ball Pit is 30 inches. The height of the Baggo Court target is 14 inches. The height of the 5" diameter posts and railings at the end of the arch bridge is 40 inches. None of these items will be prominent visually nor will they cast shadows that will affect adjacent properties.

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

The GaGa Ball Pit will be constructed of metal corner brackets and recycled plastic board walls. The interior of the pit will be poured-in-place synthetic surfacing (the same material which will be used in the playground). The surrounding pathway will be crushed granite. The Baggo Court targets will be 55" long x 31" wide precast concrete

forms sitting on concrete pads. The arch bridge is manufactured of steel and aluminum. All the proposed features are durable and resistant to fire and vandalism.

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

The proposed amenities that require the zoning variation will actually make Dwyer Park a more attractive destination in the Village and for the neighboring community, and the Central Business District. These items have been requested by different users in the public meetings and online surveys conducted by the Winnetka Park District during the design of Dwyer Park. A more attractive park that attracts a variety of users of different ages will not negatively affect property values. An upgraded park may also attract potential developers of the old post office site immediately east of Dwyer Court.

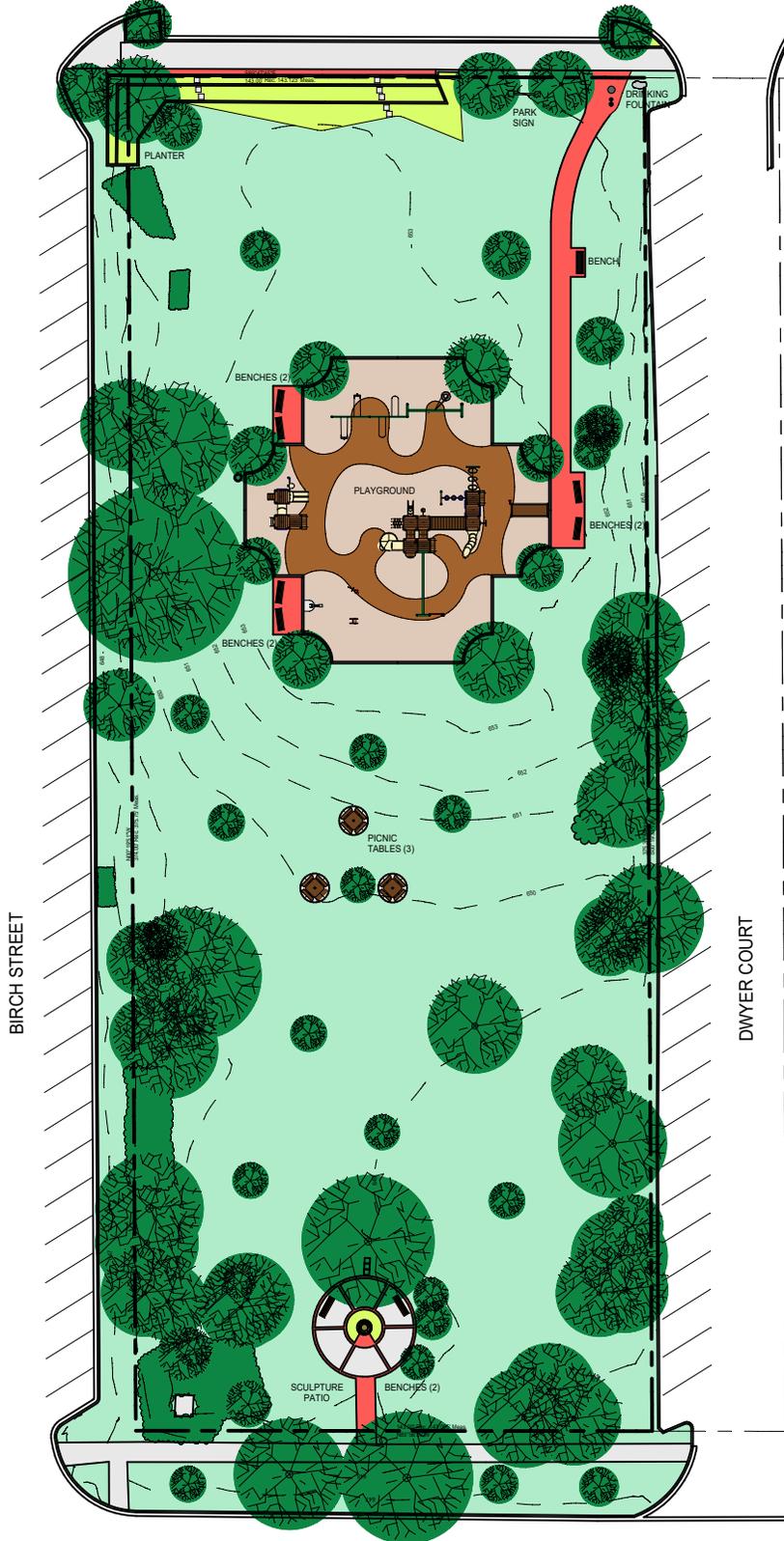
7. *The congestion in the public street will not increase.*

None of the proposed amenities will negatively affect traffic on Birch Street and Dwyer Court. Access to the GaGa Ball Pit, Baggio Court, and arch bridge are all from new concrete and gravel walkways within the park itself.

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

The proposed improvements planned for Dwyer Park will create varied recreational amenities for a wide age range of residents. The addition of the GaGa Ball Pit and Baggio Court will directly benefit pre-teen users, a demographic that has been underserved in Winnetka based on feedback from residents during the park design development. The proposed park design attempts to balance features offered with citizen's input to create a site that offers increased fitness opportunities, event programming, unstructured use, and aesthetics.

ELM STREET



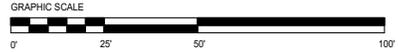
BIRCH STREET

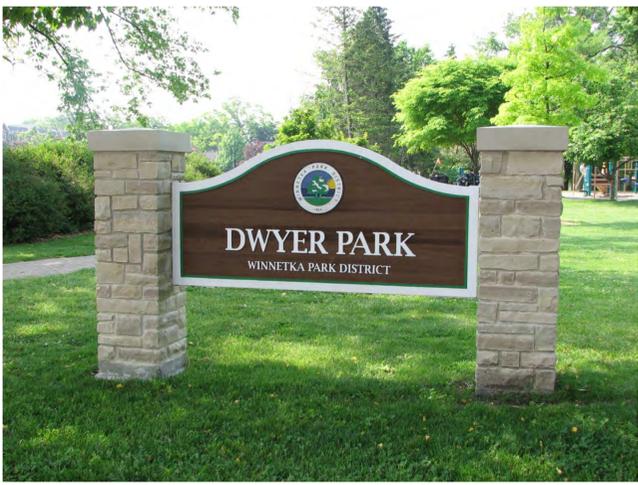
DWYER COURT

OAK STREET

DWYER PARK
 521 Birch St., Winnetka, IL 60093
 WINNETKA PARK DISTRICT
 EXISTING SITE PLAN

8/23/2016





PARK SIGN



BUTTERFLY GARDEN



PLAYGROUND



PLAYGROUND



PLAYGROUND



PLAYGROUND



BENCH



VIEW FROM ELM STREET



PLAYGROUND



DRINKING FOUNTAIN



VIEW FROM OAK STREET



PLAYGROUND



SCULPTURE PATIO



PLAYGROUND



PICNIC TABLES



BUTTERFLY GARDEN

DWYER PARK EXISTING SITE PHOTOS



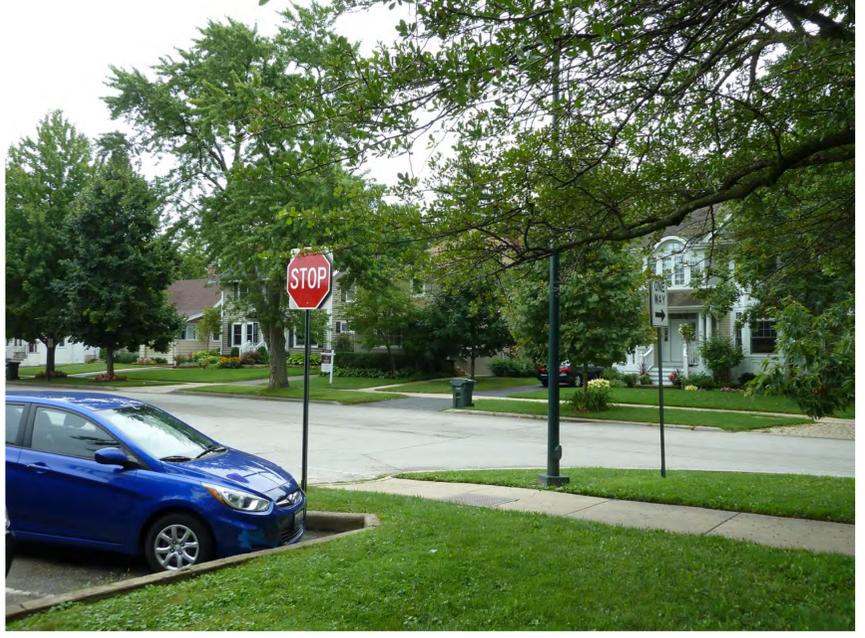
VIEW TO NORTH



VIEW TO NORTHEAST



VIEW TO EAST



VIEW TO SOUTHEAST



VIEW TO SOUTH



VIEW TO SOUTHWEST

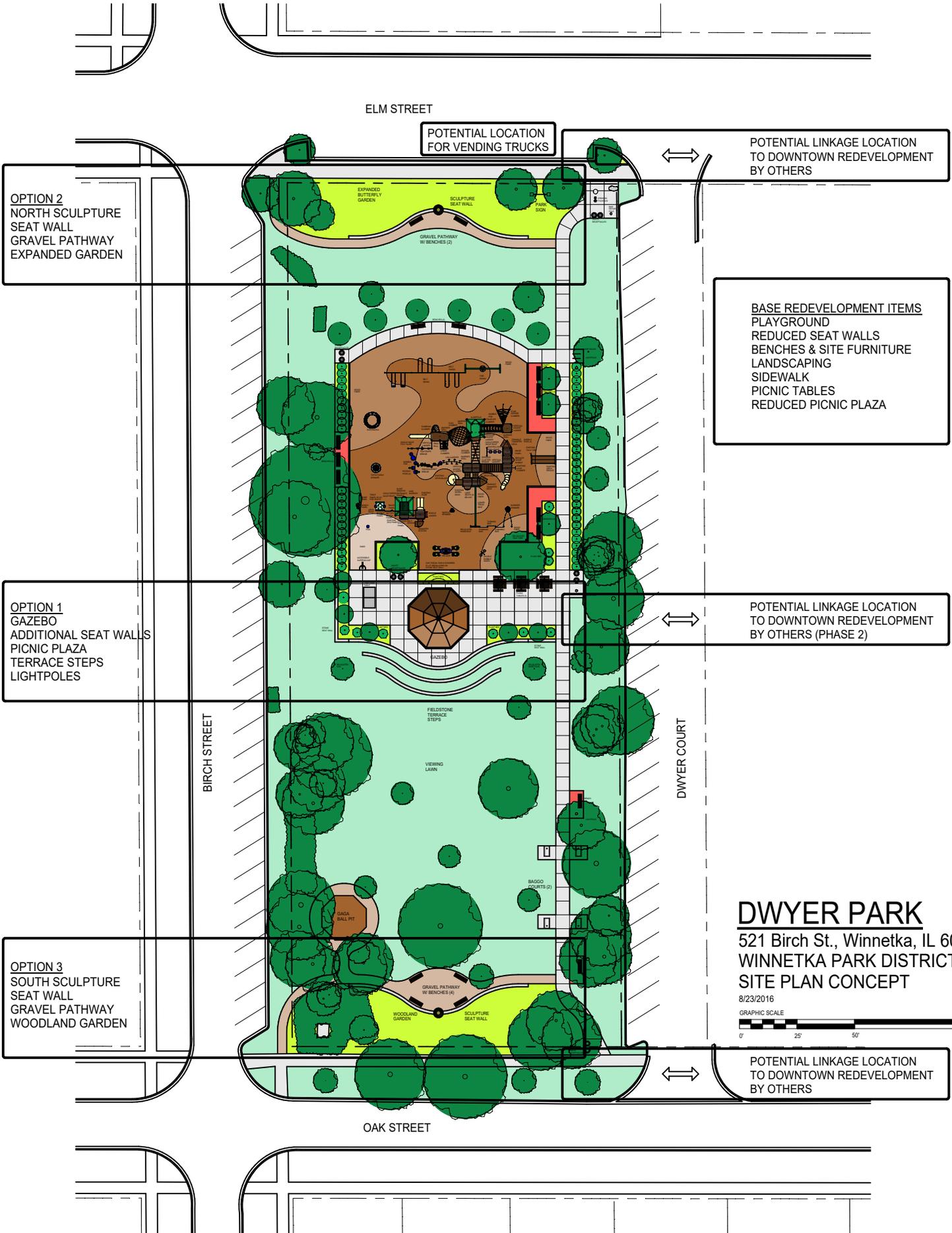


VIEW TO WEST



VIEW TO NORTHWEST

DWYER PARK ADJACENT PROPERTY PHOTOS



BASE REDEVELOPMENT ITEMS
 PLAYGROUND
 REDUCED SEAT WALLS
 BENCHES & SITE FURNITURE
 LANDSCAPING
 SIDEWALK
 PICNIC TABLES
 REDUCED PICNIC PLAZA

OPTION 1
 GAZEBO
 ADDITIONAL SEAT WALLS
 PICNIC PLAZA
 TERRACE STEPS
 LIGHTPOLES

OPTION 3
 SOUTH SCULPTURE SEAT WALL
 GRAVEL PATHWAY
 WOODLAND GARDEN

DWYER PARK
 521 Birch St., Winnetka, IL 60093
 WINNETKA PARK DISTRICT
 SITE PLAN CONCEPT

8/23/2016
 GRAPHIC SCALE
 0' 25' 50' 100'





STONE & GRASS TERRACES



STONE & GRASS TERRACES



STONE & GRASS TERRACES



STONE SEATWALL



BIKE RACKS



BENCH



PICNIC TABLE



BAGGO COURT



PING PONG TABLE



GAGA COURT



LIGHTPOLE



WASTE RECEPCTACLES



BIKE REPAIR POLE

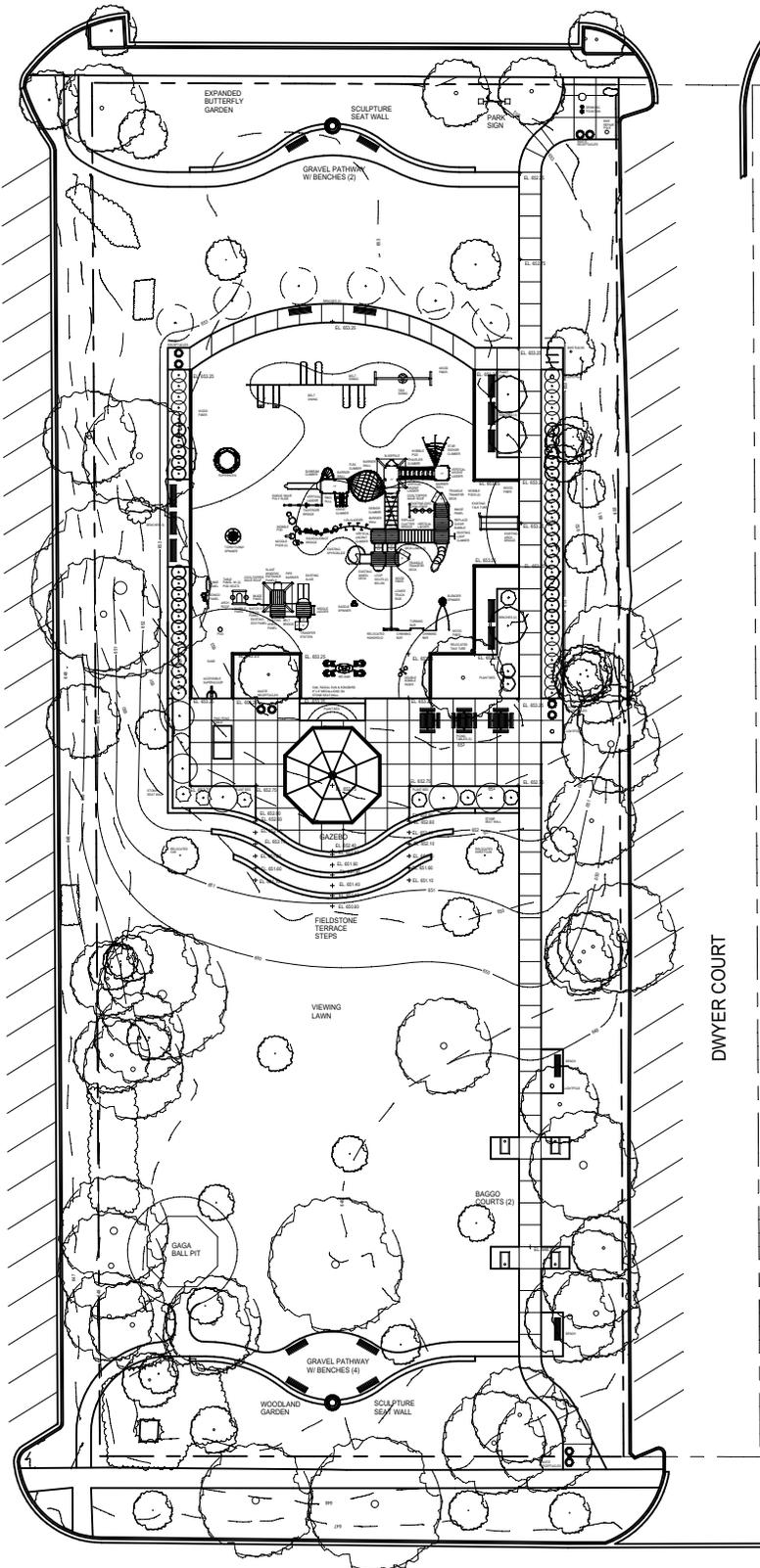
**DWYER PARK PROPOSED
SITE AMENITIES**

ELM STREET

BIRCH STREET

DWYER COURT

OAK STREET



DWYER PARK
 521 Birch St., Winnetka, IL 60093
 WINNETKA PARK DISTRICT
 GRADING PLAN CONCEPT
 8/23/2016

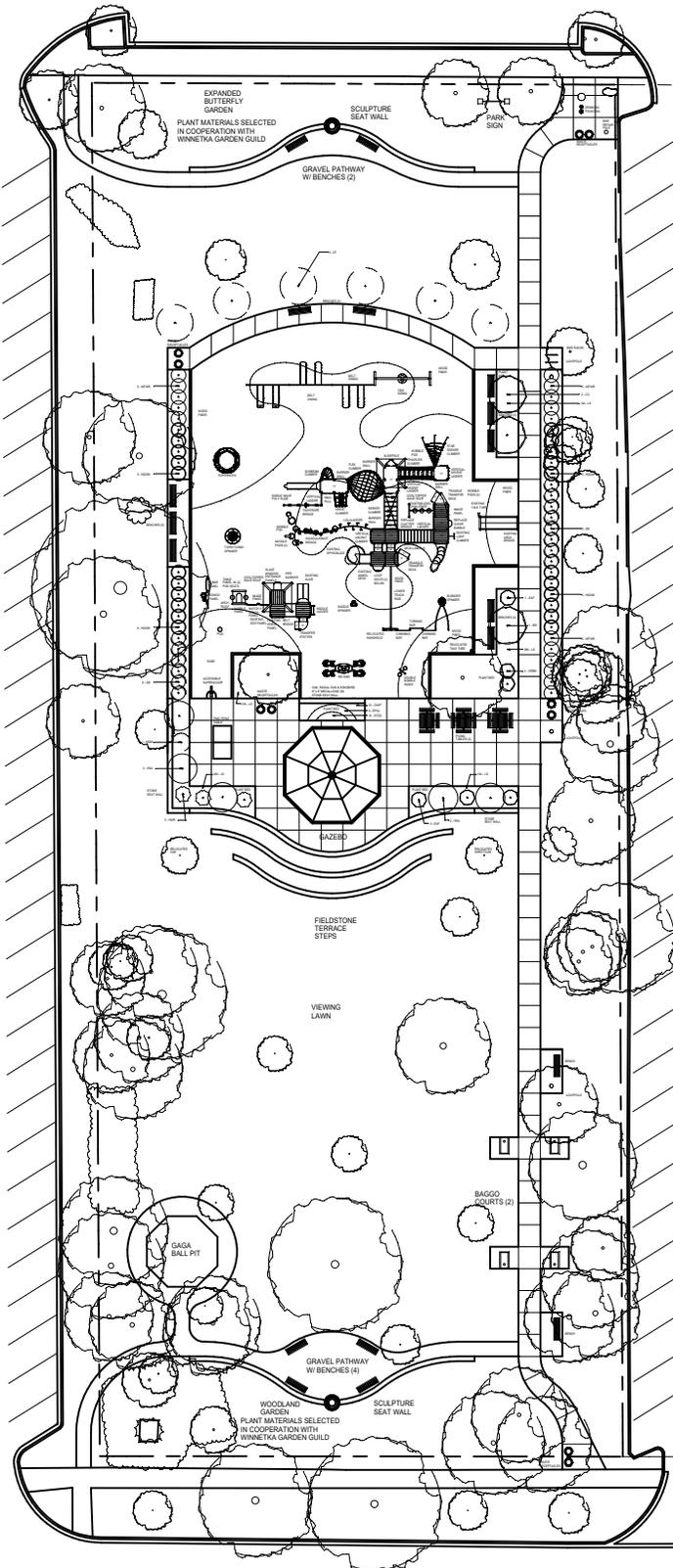


ELM STREET

BIRCH STREET

DWYER COURT

OAK STREET



PLANT SCHEDULE

| DECIDUOUS TREES | | RED FLOWERING DOGWOOD | |
|---|------|------------------------------------|----------------------------|
| CF | 2 | REDBUD | 3' CALIPER B & B TREE FORM |
| CC | 2 | APPROXIMATE ROSE OF SHARON | 3' CALIPER B & B TREE FORM |
| HSA | 6 | STAR MAGNOLIA | 3' CALIPER B & B TREE FORM |
| MS | 1 | | |
| CORNUS FLORIDA | | | |
| CERCIS CANADENSIS | | | |
| HIBISCUS SYRACUSUS 'MIRRODITE' | | | |
| MAGNOLIA STELLATA | | | |
| DECIDUOUS SHRUBS | | FIREBALL BURNINGBUSH | |
| EAF | 4 | BLUE SATIN ROSE OF SHARON | 30'-30" HT. |
| HSSB | 1 | CAT'S PAW MOON CRAWLEAF HYDRANGEA | 30'-30" HT. |
| HOGM | 22 | RUBY INVICIBELLE HYDRANGEA | 30'-30" HT. |
| HAIR | 3 | BLOOMERANG LILAC | 30'-30" HT. |
| SB | 14 | BLUE MUFFIN VIBURNUM | 30'-30" HT. |
| VGBM | 2 | WINE & ROSES WEGELA | 30'-30" HT. |
| WPKR | 16 | | |
| EUNYMUS ALATUS 'FIREBALL' | | | |
| HIBISCUS SYRACUSUS 'BLUE SATIN' | | | |
| HYDRANGEA QUERCIFOLIA 'SATINBY MOON' | | | |
| HYDRANGEA ARBORESCENS 'INVINCIBELLE RUBY' | | | |
| 'SYRINGA' 'BLOOMERANG' | | | |
| VIBURNUM DENTATUM 'BLUE MUFFIN' | | | |
| WEGELA FLORIDA 'WINE & ROSES' | | | |
| PERENNIALS, ORNAMENTAL GRASSES | | KARL FOERSTER FEATHER REED GRASS | |
| CANF | 12 | | 1 GAL @ 24" O.C. |
| ERSU | 9 | ECHINACEA 'PINKEREA' (GREEN JEWEL) | 1 GAL @ 18" O.C. |
| STCD | 15 | SEDUM TELEPHUM 'CHOCOLATE DROP' | 1 GAL @ 12" O.C. |
| CHOCOLATE DROP SEDUM | | | |
| GROUNDCOVERS | | CREEPING LILYTURF | |
| LS | 120' | | QUART @ 12" O.C. |
| LIRIOPE SPICATA | | | |

DWYER PARK
 521 Birch St., Winnetka, IL 60093
 WINNETKA PARK DISTRICT
 LANDSCAPE PLAN CONCEPT

8/23/2016





CORNUS FLORIDA



CERCIS CANADENSIS



**HIBISCUS SYRIACUS
'APHRODITE'**



MAGNOLIA STELLATA



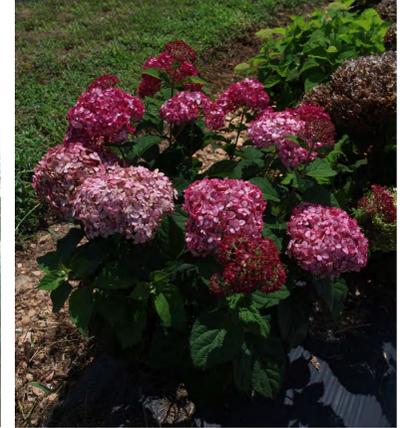
**EUONYMUS ALATUS
'FIREBALL'**



**HIBISCUS SYRIACUS
'BLUE SATIN'**



**HYDRANGEA QUERCIFOLIA
'GATSBY MOON'**



**HYDRANGEA ARBORESCENS
'INVINCABELLE RUBY'**



SYRINGA x BLOOMERANG



**VIBURNUM DENTATUM
'BLUE MUFFIN'**



**WEIGELA FLORIDA
'WINE & ROSES'**



**CALAMAGROSTIS x ACUTIFLORA
'KARL FOERSTER'**



**ECHINACEA PURPUREA
'GREEN JEWEL'**



**SEDUM TELEPHIUM
'CHOCOLATE DROP'**



LIRIOPE SPICATA

PLANT SCHEDULE

DECIDUOUS TREES

CF 6
CC 2
HSA 5
MS 1

CORNUS FLORIDA
CERCIS CANADENSIS
HIBISCUS SYRIACUS 'APHRODITE'
MAGNOLIA STELLATA

HYDRANGEA ARBORESCENS
REDBUD
APHRODITE ROSE OF SHARON
STAR MAGNOLIA

3" CALIPER B & B TREE FORM
3" CALIPER B & B TREE FORM
3" CALIPER B & B TREE FORM
3" CALIPER B & B TREE FORM

DECIDUOUS SHRUBS

EAF 4
HSBS 1
HQGM 22
HAIR 3
SB 14
VDBM 2
WFWR 16

EUONYMUS ALATUS 'FIREBALL'
HIBISCUS SYRIACUS 'BLUE SATIN'
HYDRANGEA QUERCIFOLIA 'GATSBY MOON'
HYDRANGEA ARBORESCENS 'INVINCABELLE RUBY'
SYRINGA x 'BLOOMERANG'
VIBURNUM DENTATUM 'BLUE MUFFIN'
WEIGELA FLORIDA 'WINE & ROSES'

FIREBALL BURNINGBUSH
BLUE SATIN ROSE OF SHARON
GATSBY MOON OAKLEAF HYDRANGEA
RUBY INVINCABELLE HYDRANGEA
BLOOMERANG LILAC
BLUE MUFFIN VIBURNUM
WINE & ROSES WEIGELA

30"-36" HT.
30"-36" HT.
30"-36" HT.
30"-36" HT.
30"-36" HT.
30"-36" HT.
30"-36" HT.

PERENNIALS, ORNAMENTAL GRASSES

CAKF 12
EPGD 9
STCD 15

CALAMAGROSTIS x ACUTIFLORA 'KARL FOERSTER'
ECHINACEA PURPUREA 'GREEN JEWEL'
SEDUM TELEPHIUM 'CHOCOLATE DROP'

KARL FOERSTER FEATHER REED GRASS
GREEN JEWEL CONEFLOWER
CHOCOLATE DROP SEDUM

1 GAL. @ 24" O.C.
1 GAL. @ 18" O.C.
1 GAL. @ 12" O.C.

GROUNDCOVERS

LS 1210

LIRIOPE SPICATA

CREeping LILYTURF

QUART @ 12" O.C.

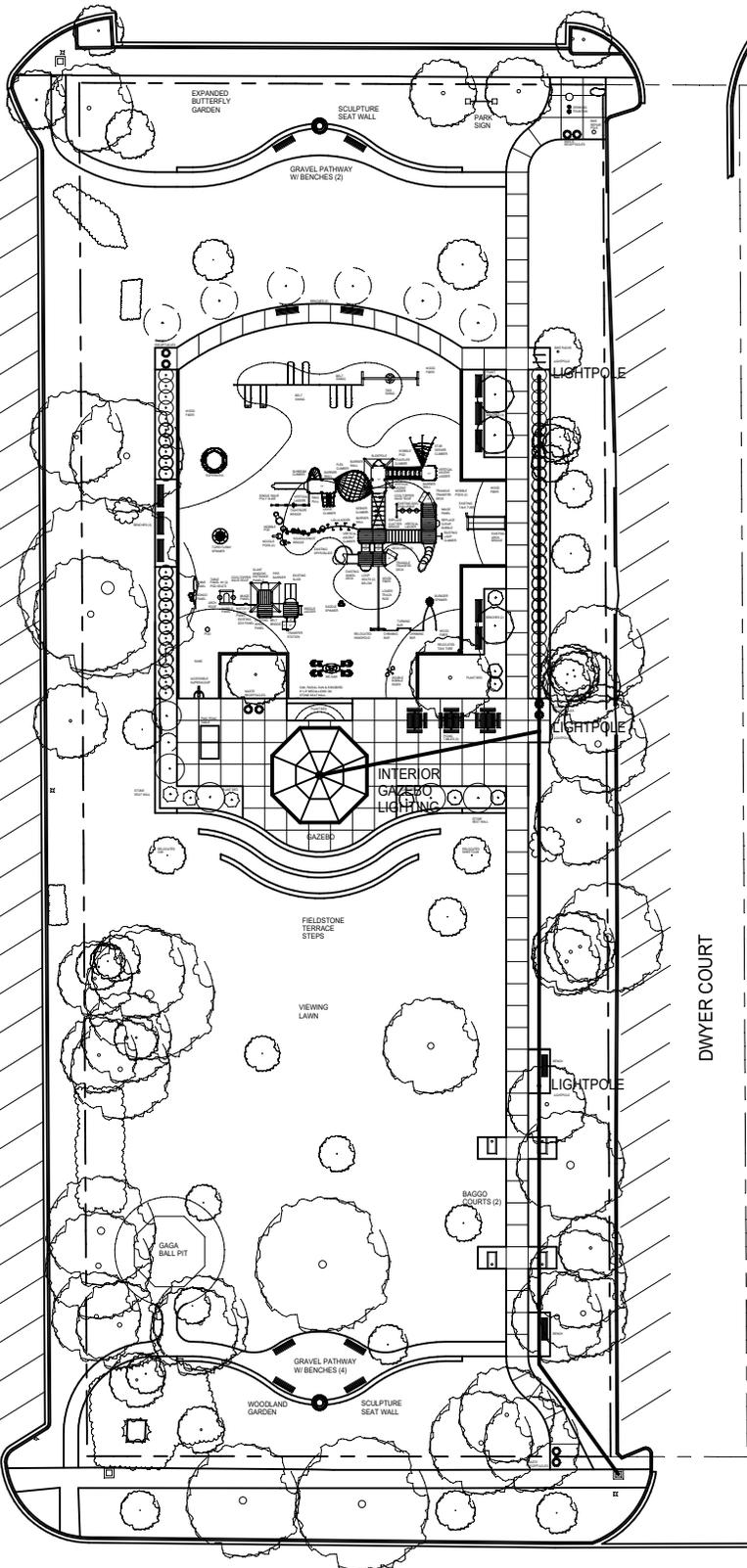
**DWYER PARK PROPOSED
PLANT SCHEDULE**

ELM STREET

BIRCH STREET

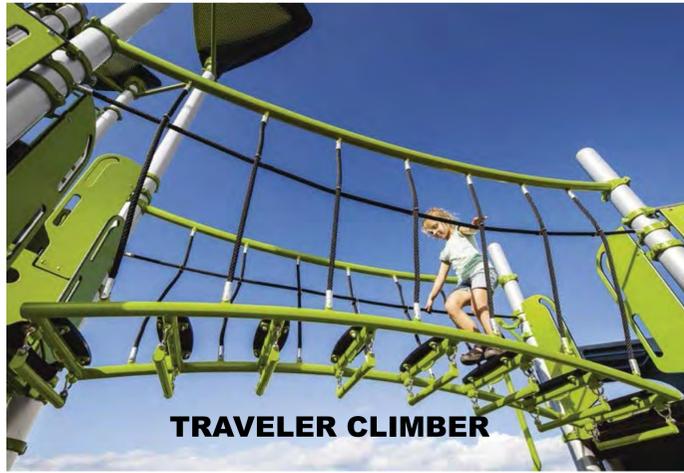
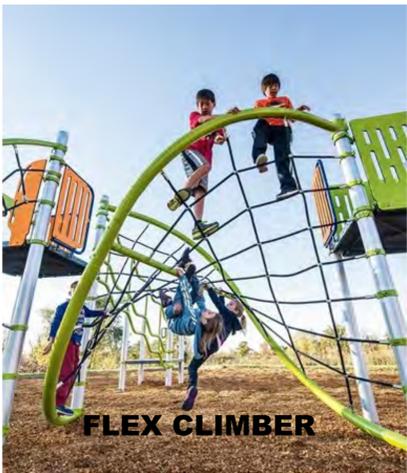
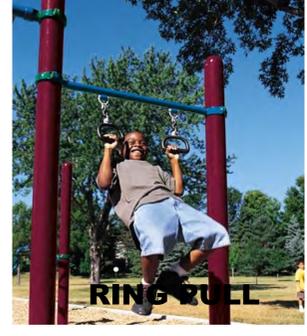
DWYER COURT

OAK STREET



DWYER PARK
 521 Birch St., Winnetka, IL 60093
 WINNETKA PARK DISTRICT
 LIGHTING PLAN CONCEPT
 8/23/2016





PROPOSED NEW EQUIPMENT FOR LARGE PLAYSTRUCTURE



EXISTING TOT PLAYSTRUCTURE



EXISTING TOT PLAYSTRUCTURE



EXISTING TOT PLAYSTRUCTURE



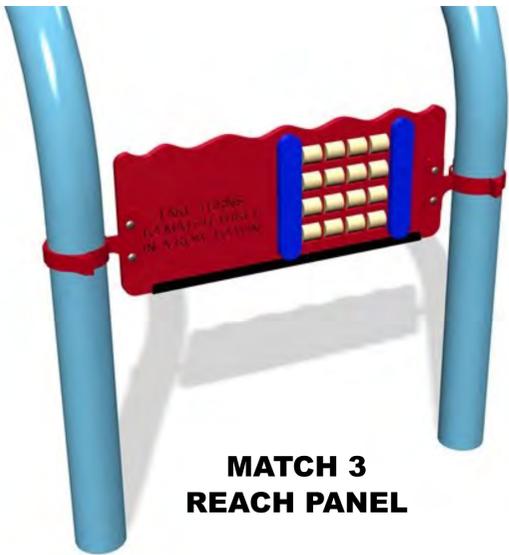
**COOLTOPPER
WAVE ROOF**



**TRANSFER
STATION**



WE-SAW



**MATCH 3
REACH PANEL**



BELT BRIDGE



ARCH ROOF



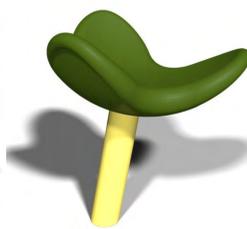
PODS



DOUBLE BOBBLE RIDER



TABLE PANEL



**SADDLE
SPINNER**



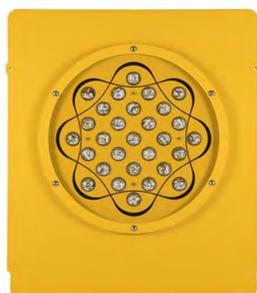
**ACCESSIBLE
SUPERSCOOP**



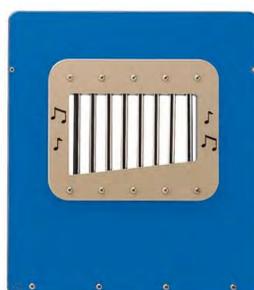
**SLANT
WINDOW
PANEL**



BONGO PANEL



**MARBLE
PANEL**



**CHIME
PANEL**

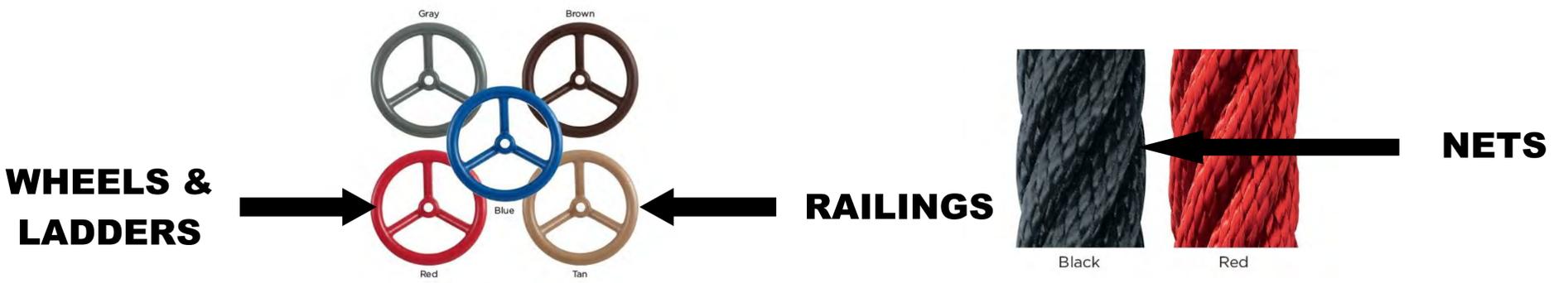
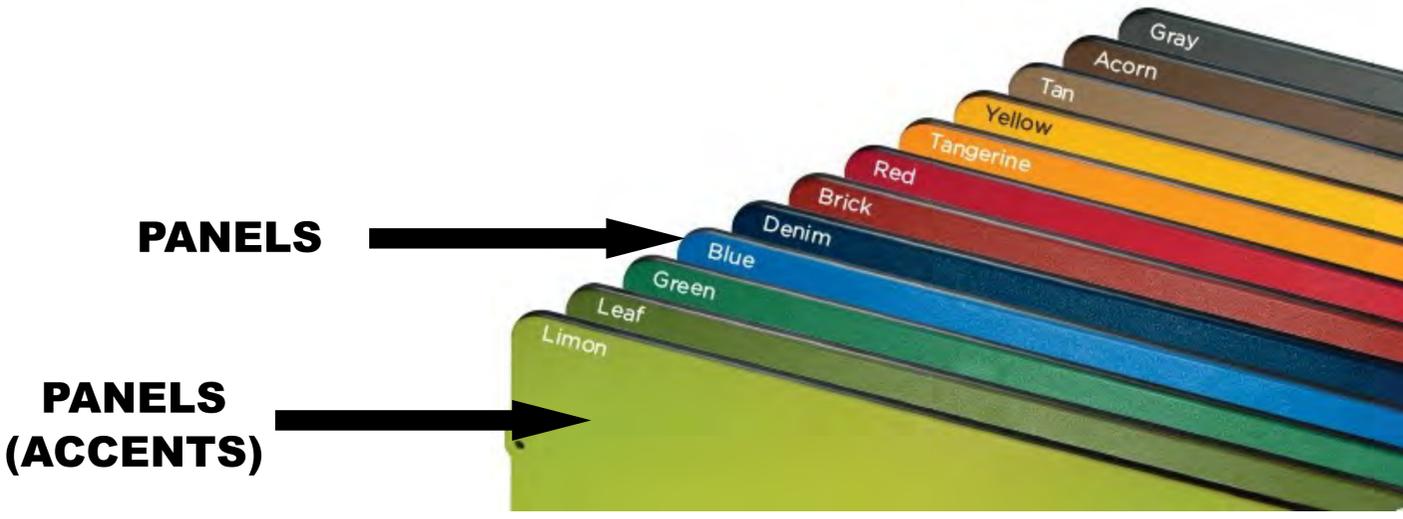


**IMAGE
PANEL**

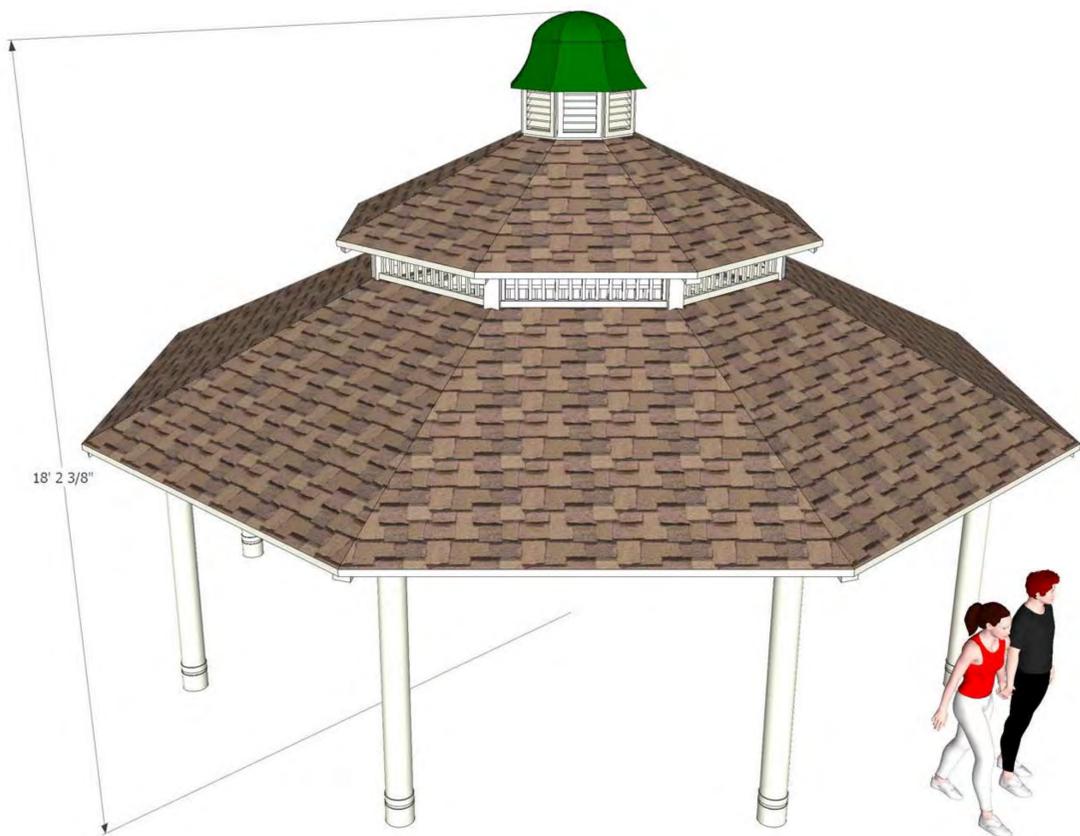


**SLANT ENTRANCE
PANEL**

PROPOSED NEW EQUIPMENT FOR TOT PLAYSTRUCTURE



DWYER PARK PLAYGROUND COLORS



ALTERNATE CUPOLA



DWYER PARK PROPOSED GAZEBO

ATTACHMENT D

September 27, 2016

VIA EMAIL AT BNORKUS@WINNETKA.ORG

Plan Commission
Village of Winnetka
510 Green Bay Road
Winnetka, Illinois 60093

Re: **Case Number: 16-15-SU**

Dear Members:

I am counsel to the residents of 856, 860, 872 and 873 Oak Street ("Interested Parties") who are interested parties in connection with Case Number: 16-15-SU. This correspondence objects to certain aspects of the Special Use Permit application by Winnetka Park District ("WPD") for the property known as Dwyer Park at 521 Birch Street ("Dwyer Park"). Specifically, objection is made to WPD's response in the permit application that the "Special Use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right, nor substantially diminish or impair property values in the immediate vicinity."

WPD's answer is inaccurate. WPD states, "the general layout of the Dwyer Park renovation follows closely the existing use patterns in the site." In fact, WPD intends to dramatically alter the existing use patterns of Dwyer Park, particularly the central and southern portion. Further, WPD's actual design plans are inconsistent with WPD's response that "*the southern wooded portion of the site is minimally disturbed in deference to the nearby residences.*" WPD notes that it met with two (2) business owners in its public comment period, but never personally met with the Interested Parties. In actuality, WPD seeks approval of the following elements in their re-development plan that do not closely match existing use patterns:

- (a) Expanded picnic plaza, seat walls and terrace steps located *south* of expanded play area;
- (b) Open sided 18' tall gazebo structure (*again south of the expanded play area*);
- (c) Three (3) pedestrian scale light poles along north-south sidewalk (creating light pollution for residents emanating from a previously un-illuminated park); and
- (d) Two (2) precast-concrete bag courts and an octagonal Gaga ball court measuring 20 feet in diameter in southern portion of the park (destroying the wood area in the southern portion).

WPD seeks to expand Dwyer Park's playground structure area by "50%" and WPD further intends to have "community events" utilizing the gazebo similar to those held at Hubbard Woods. There is no study as to the ancillary effects, such as noise, traffic, and litter of any such community events by WPD in their proposal.

WPD's present proposal, in part, fails to distinguish between the residential and open space nature of Dwyer Park compared to Hubbard Woods Park. Hubbard Woods Park is completely surrounded by non-residential property – commercial buildings, Green Bay Road and a Metra station. WPD, as presented in the submitted plans, seeks to re-develop Dwyer Park without consideration of unique residential characteristics of the area and its residents, particularly the southern portion. In particular, the areas to the west and south of Dwyer Park are entirely residential, as distinct from the areas to the east and the north of the park. WPD proposes that Dwyer Park (now a children's park) become a park that holds community events as well. This is a dramatic change in long-term historical use patterns.

Ultimately, WPD's current plan will dramatically curtail the open space in the central and southern portions of Dwyer Park to the detriment of adjacent residents. WPD would destroy the wooded area in the southern portion, construct a large structure in the current open space in the central and southern portion, and introduce undefined "community events" at this very quiet residential park surrounded by homes on west and south sides. This is a dramatic change in use pattern to anyone familiar with Dwyer Park and is inconsistent with the open space and wooded area that, in the central and south portion, both characterize and comprise the key buffer between Winnetka's most populous residential "tree street" neighborhood and downtown. This is injurious to my clients' enjoyment of their property and will substantially diminish and/or impair their property values in violation of the zoning ordinance requirements for a special use permit.

Additionally, given that the area to the east of Dwyer Park is made up almost entirely of impermeable surface, i.e., a parking lot, the open, grassy areas of the park are a critical source of storm water absorption and abatement. Residents to the west and the south of the park – whose homes are situated at an elevation either at or below the elevation of the park – will be prejudiced by any increase in runoff from the park as a result of increasing the impermeable surface area of the park, as WPD's plans would do. Therefore, WPD's plans would only exacerbate the most pressing challenge facing the village today. Accordingly, the special use permit should be denied.

The Plan Commission, consistent with the policies and objectives contained within the Village 2020 Comprehensive Plan, must not approve the Special Use Permit for the factual reasons discussed above because WPD does not meet or is inconsistent, in part, with the following criteria of the Village 2020 Comprehensive Plan:

- (1) *"Preserve or expand the quantity, quality and distribution of open space and recreational opportunities."*
- (2) *"Protect the Village's natural features and environmental resources."*
- (7) *"Preserve or expand the quantity, quality and distribution of open space and recreational opportunities."*
- (9) *"Engage in a public process that balances institutional goals and minimizes any adverse impact to the character of the adjacent residential neighborhood."*
- (11) *"Cooperate with the Winnetka Park District in achieving the District's goal of providing Village residents with high quality recreational programs and open space."*
- (12) *"Work with the Park District to minimize the impact of existing programs on adjacent neighborhoods."*
- (13) *"Coordinate planning for any new facilities and programs to balance recreational needs of the community with the residential character of the surrounding neighborhood."*
- (14) *"Ensure that street and parking infrastructure are adequate and that other ancillary effects such as artificial lighting, noise and water runoff are held to acceptable levels."*

[Emphasis added]

Petition is made that Plan Commission approval be subject to modification of WPD's re-development plans to (1) preserve the wooded space of the southern portion of Dwyer Park without further development (excluding the creation of expanded garden areas and other appropriate landscaping improvements without large shrubs or additional trees), (2) remove reference to any gazebo-like structure in the central portion and any park lighting, and (3) and make adequate provision for storm water retention.

Without modification, WPD's current re-development plan does not meet the policies and objectives of the Village 2020 Comprehensive Plan discussed above and the requirements of the zoning ordinance for a Special Use Permit. Additionally, WPD's plans do not adequately address storm water abatement and the special use permit should be separately denied.

Very sincerely yours,

A large black rectangular redaction box covers the signature and name of the sender.

Philip S. Brewster, Esq.

To: Winnetka Village Council
Winnetka Plan Commission
Winnetka Design Review Board/Sign Board of Appeals

VILLAGE OF WINNETKA

CASE NUMBER: 16-15-SU

APPEARANCE

Special Use Permit Requested by Winnetka Park District

Dwyer Park at 521 Birch Street

The undersigned hereby enter his/her appearance as an interested party and property owner within 250 feet of the above proposed Special Use Permit.

Name: CHARLES T. BURGOON

Signature: 

Address:  Oak Street

Email: 

Date: September 26, 2016

The undersigned demand notice by email of all subsequent submissions and all documents filed in the matter of the proposed special use permit.

To: Winnetka Village Council
Winnetka Plan Commission
Winnetka Design Review Board/Sign Board of Appeals

VILLAGE OF WINNETKA

CASE NUMBER: 16-15-SU

APPEARANCE

Special Use Permit Requested by Winnetka Park District

Dwyer Park at 521 Birch Street

The undersigned hereby enter his/her appearance as an interested party and property owner within 250 feet of the above proposed Special Use Permit.

Name: Brenda Kessler

Signature: 

Address:  Oak Street

Email: 

Date: September 26, 2016

The undersigned demand notice by email of all subsequent submissions and all documents filed in the matter of the proposed special use permit.

To: Winnetka Village Council
Winnetka Plan Commission
Winnetka Design Review Board/Sign Board of Appeals

VILLAGE OF WINNETKA

CASE NUMBER: 16-15-SU

APPEARANCE

Special Use Permit Requested by Winnetka Park District

Dwyer Park at 521 Birch Street

The undersigned hereby enter his/her appearance as an interested party and property owner within 250 feet of the above proposed Special Use Permit.

Name: Philip & Susan Brewster

Signature:  

Address:  Oak Street

Email: @gmail.com

Date: September 8, 2016

The undersigned demand notice by email of all subsequent submissions and all documents filed in the matter of the proposed special use permit.

To: Winnetka Village Council
Winnetka Plan Commission
Winnetka Design Review Board/Sign Board of Appeals

VILLAGE OF WINNETKA

CASE NUMBER: 16-15-SU

APPEARANCE

Special Use Permit Requested by Winnetka Park District

Dwyer Park at 521 Birch Street

The undersigned hereby enter his/her appearance as an interested party and property owner within 250 feet of the above proposed Special Use Permit.

Name: Jack Snyder

Signature: 

Address:  Oak Street

Email: 

Date: September 26, 2016

The undersigned demand notice by email of all subsequent submissions and all documents filed in the matter of the proposed special use permit.

From: [Kesslermfj](#)
To: [OneWinnetka](#)
Subject: DWYER PARK RENOVATIUON
Date: Friday, September 16, 2016 11:35:36 AM

YES -- I HAVE AN OPINION THAT NO ONE APPEARS TO EVEN WANT TO "LISTEN TO:"
I AM [REDACTED] OAK ST ACROSS FROM THE PARK. TO PUT UP MORE BUSHES SO
PEOPLE CAN BE UNDETECTED AND HIDE, IS LOOKING FOR TROUBLES.
TO BUILD A "HOUSE" THAT WILL ENCOURAGE PARTIES AND NOISE TO THE
NEIGHBORHOOD IS DEPLORABLE.
AND TO SPEND THE \$500,000. JUST BECAUSE YOU HAVE IT IS SINFUL "SHOWOFF"
AND THE MONIES SHOULD GO TO BETTER AND NEEDED CAUSES.
THE COMMON SENSE APPROACH IS: DO NOT FIX IT IF NOT BROKEN.
SO GOES THE THINKING OF :JOHN KESSLER WHO HOPES TO BE ABLE TO ATTEND

**ZONING BOARD OF APPEALS
AGENDA REPORT**

SUBJECT: 812 Lincoln Ave., Case No. 16-19-V
(1) Intensity of Use of Lot
(2) Maximum Building Size

DATE: September 28, 2016

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

The petitioners, Andrew and Natalie Hamm, are requesting variations by the Zoning Board of Appeals from Sections 17.30.030 [Intensity of Use of Lot] and 17.30.040 [Maximum Building Size] to permit the construction of a detached garage that will result in a roofed lot coverage of 2,245.4 s.f., whereas a maximum of 2,025 s.f. is permitted, a variation of 220.4 s.f. (10.88%) and a gross floor area of 3,142.43 s.f., whereas a maximum of 3,000 s.f. is permitted, a variation of 142.43 s.f. (4.75%).

The variations are being requested in order to replace the existing nonconforming detached garage with a new detached garage in a conforming location. The existing garage measures 18 ft. by 20 ft. and is nonconforming with respect to the front setback along Eldorado (8.77 ft.) and the rear setback from the west property line (1.71 ft.). The proposed garage would measure 20 ft. by 24 ft. and comply with the required setbacks. Because the garage would be located within the rear quarter of the lot depth and abut both neighbors' rear yards, 2 ft. setbacks from both the south and west property line are permitted.

In addition to the nonconformities specifically related to the garage, there are other existing nonconformities associated with the overall improvements on the lot. The existing roofed lot coverage (2,126.94 s.f.) exceeds the maximum permitted and the existing gross floor area (3,062.43 s.f.) also exceeds the maximum permitted. Therefore, the increased size of the garage expands these nonconformities. After taking the roofed lot coverage (200 s.f.) and gross floor area (400 s.f.) allowances available for detached garages located in the rear quarter of a lot, the proposed garage would add 80 s.f. of calculable gross floor area and 118.46 s.f. of roofed lot coverage.

The property is located at the southwest corner of Lincoln Ave. and Eldorado St. in the R-5 Single Family Residential District.

The residence was built in 1916. Subsequent building permits were issued in 1929 to build the existing garage, in 1955 to construct a screened porch, and in 1986 to enclose a porch. The petitioners acquired the property in 2012.

There are no previous zoning cases for this property.

The ZBA has final jurisdiction on this request.

Attachments:

Attachment A: Zoning Matrix

812 Lincoln Ave.
Sept. 28, 2016
Page 2 of 2

Attachment B: GIS Aerial Map
Attachment C: Application Materials

ATTACHMENT A

ZONING MATRIX

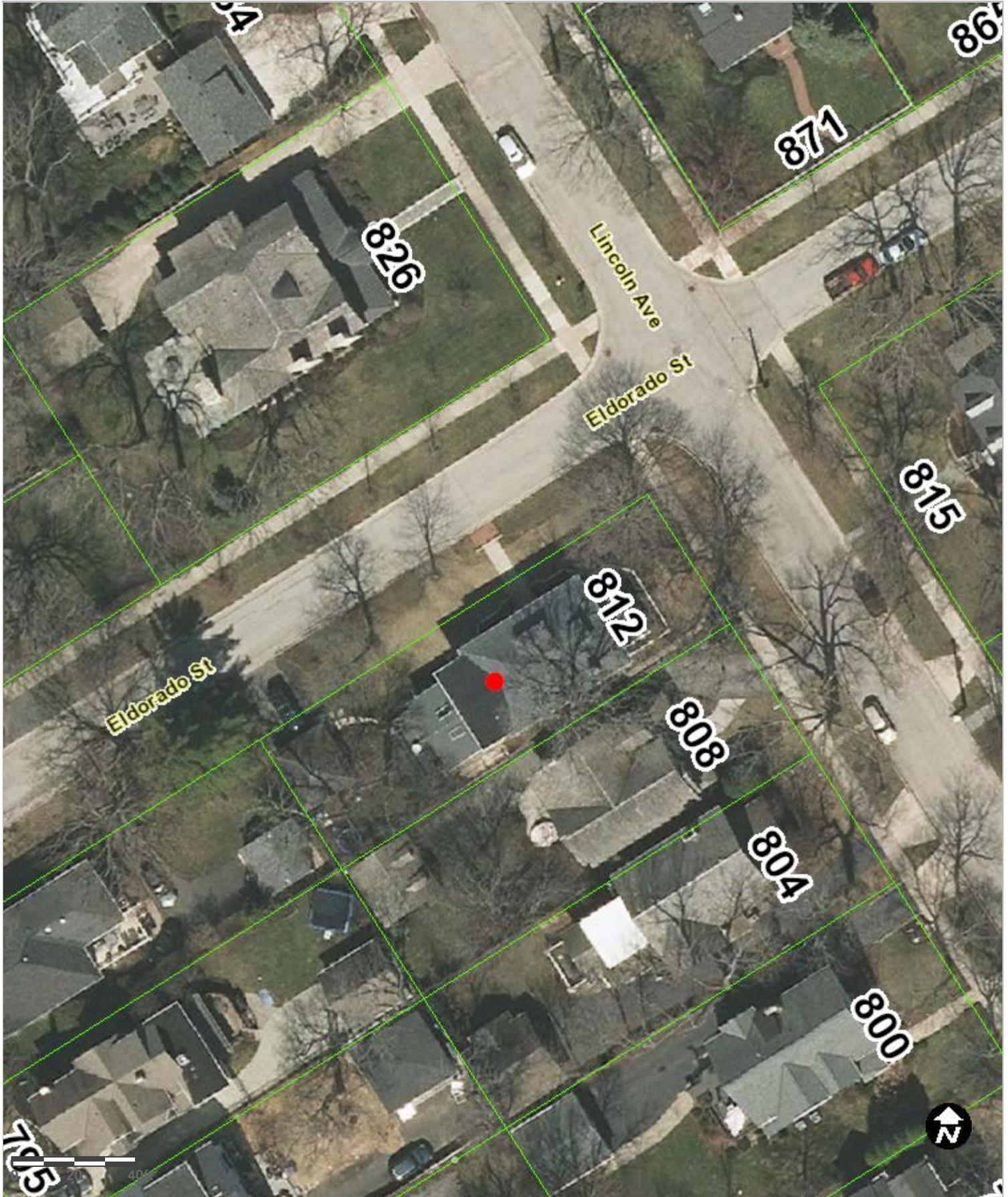
ADDRESS: 812 Lincoln Ave.
CASE NO: 16-19-V
ZONING: R-5

| ITEM | REQUIREMENT | EXISTING | PROPOSED | TOTAL | STATUS |
|---|--------------|-------------|-----------|-------------|------------------------------------|
| Min. Lot Size | 8,900 SF | 7,500 SF | N/A | N/A | EXISTING NONCONFORMING |
| Min. Average Lot Width | 70 FT | 50 FT | N/A | N/A | EXISTING NONCONFORMING |
| Max. Roofed Lot Coverage | 2,025 SF (1) | 2,126.94 SF | 118.46 SF | 2,245.4 SF | 220.4 SF (10.88%) VARIATION |
| Max. Gross Floor Area | 3,000 SF (1) | 3,062.43 SF | 80 SF | 3,142.43 SF | 142.43 SF (4.75%) VARIATION |
| Max. Impermeable Surface | 3,750 SF (1) | 2,879.8 SF | 387.78 SF | 3,267.58 SF | OK |
| Min. Front Yard (Lincoln/East) | 30 FT | 24.79 FT | N/A | N/A | EXISTING NONCONFORMING |
| Min. Corner (Front) Yard (Eldorado/North) | 20 FT (2) | 8.77 FT (3) | 24 FT | N/A | OK |
| Min. Side Yard (South) | 2 FT (2) | 21.2 FT (3) | 2 FT | N/A | OK |
| Min. Rear Yard (West) | 2 FT (2) | 1.71 FT (3) | 2 FT | N/A | OK |

NOTES:

- (1) Based on actual lot area of 7,500 s.f.
- (2) Minimum required setback for detached garage.
- (3) Setback to existing garage.

ATTACHMENT B



CASE NO. 16-19-V

APPLICATION FOR VARIATION
WINNETKA ZONING BOARD OF APPEALS

RECEIVED
SEP -7 2016
BY:

Owner Information:

Name: Andrew & Natalie Hamm

Property Address: 812 Lincoln Ave.

Home and Work Telephone Number: 

E-mail: 

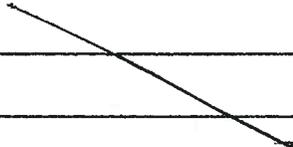
Architect Information: Name, Address, Telephone, E-mail:

Clark Architects - 847-828-0677

1013 Rosemary Terr.

Deerfield, IL 60015

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



Date Property Acquired by Owner: July 31st, 2012

Nature of Any Restrictions on Property: _____

Explanation of Variation Requested: See Attached
(Attach separate sheet if necessary)

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:

- See attached responses

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:

9/7/16

(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.



CLARK ARCHITECTS

1013 Rosemary Terr.
Deerfield, IL 60015
clarkarchitects@sbcglobal.net

Ph: 847-828-0622
Fax: 847-317-9092

9-6-16

Mr. Andrew & Mrs. Natalie Hamm
812 Lincoln Ave.
Winnetka, IL 60093
Re: Garage Zoning Variation in R5 Zone.

We are requesting a Zoning Variation for a new 2-car garage on the property at 812 Lincoln Ave.

At this time, we are requesting a Roofed or Building Lot Coverage variation of 232.21SF. This is for the addition of the new 2-car garage which is only 120.0SF larger than the exg. 1-car garage.

We are also requesting a Building Size variation of 142.16SF. This is also to allow for the new 2-car garage.

*Currently the existing garage is encroaching into the required corner front yard, the new garage would be in compliance.

Standards for Granting of Zoning Variations

Property: 812 Lincoln Avenue

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.

- Without a variance we would be forced to either (a) rebuild our garage on the existing footprint, which would maintain the existing legal non-conforming setback encroachment, or (b) construct a new undersized garage inconsistent with garages of similar homes in the neighborhood. Neither of those outcomes would yield a reasonable return.

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.

- Our property is a corner lot so we are subject to restrictive setbacks on two sides. In addition, there are no sidewalks along Eldorado. Our existing 1.5 car garage and short driveway requires us and our guests to have to park in the street along Eldorado.

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

- The variation will not alter the essential character of the locality. The size of the proposed garage is consistent with other garages in our neighborhood as well as the character of our home and the surrounding area. Also, the proposed garage would eliminate the need to build an additional standalone shed on our property to store typical garage items such as lawn equipment, bikes and toys. Standalone sheds are very uncommon in our neighborhood and would simply mean adding another structure on the property.

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

- The supply of light and air to the adjacent properties will not be impaired. The proposed garage will be bordered by existing garages on the properties to our South and the West, which also appear to be right along the 2-foot setback lines.

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

- The hazard from fire and other damages to the property will not be increased. The new location and size will comply with current zoning setbacks on all sides and the current building code.

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

- The value of the land in the Village will not diminish. Correcting the existing setback legal non-conformity and building an architecturally appropriate new 2-car garage in the rear corner of our lot will serve to increase the value of our property and surrounding homes. A standard 2-car garage will allow us to park both of our cars inside our garage, thus reducing unsightly street parking and overnight driveway parking.

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

- It will not increase congestion on the public street. In fact, it will be reduced because the proposed garage will allow us to park 2 cars inside, leaving room for family and friends to park in our driveway. As it is now, friends and family have to park on Eldorado when visiting – sometimes overnight. Given that Eldorado has a bridge over the Metra tracks and is used as a thru-street between Green Bay and Sheridan, reducing the number and frequency of cars parked in the street is particularly important.

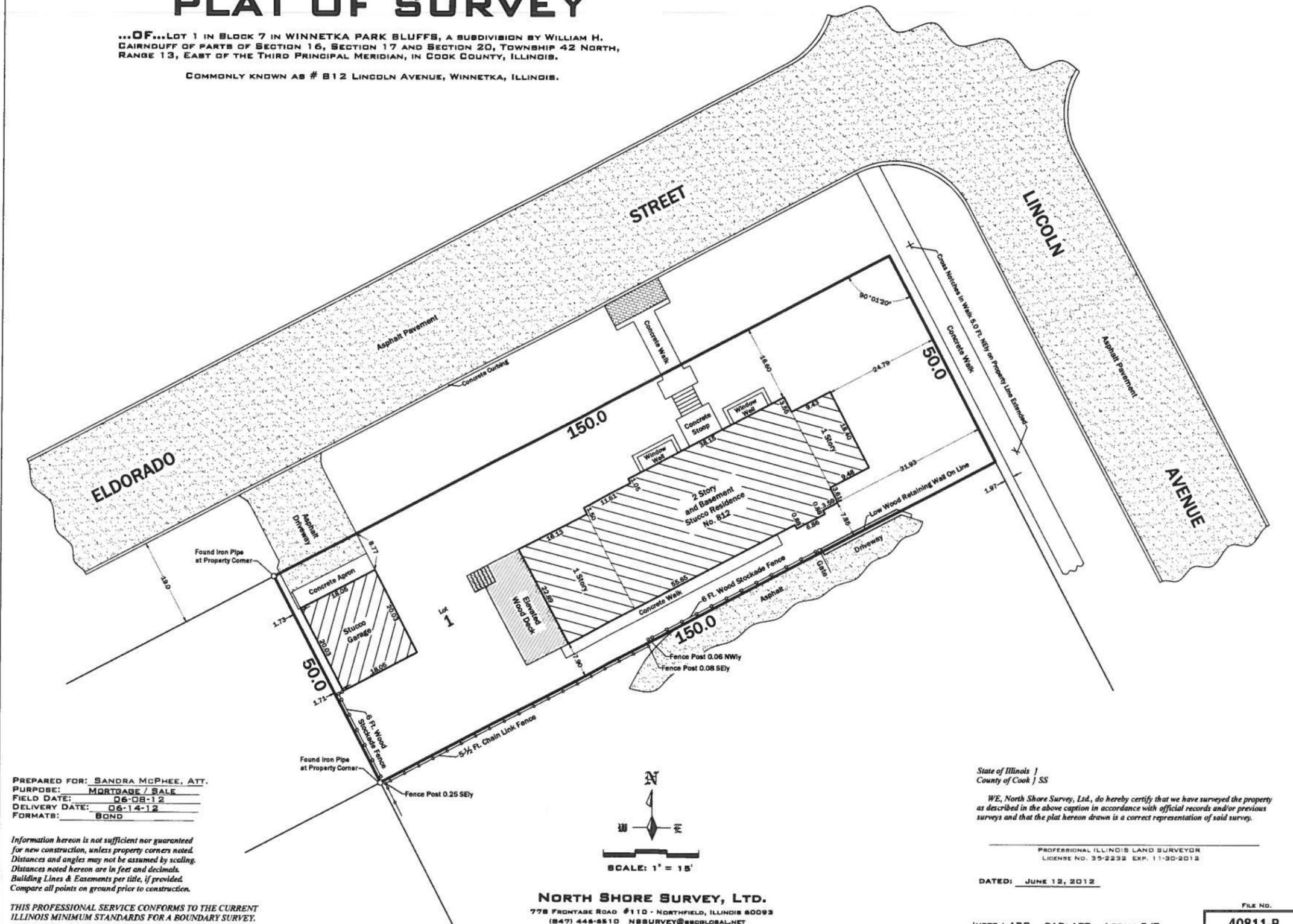
8. The public health, safety, comfort, morals, and welfare of the inhabitants of the Village will not otherwise be impaired.

- The public health, safety, comfort, morals, and welfare of the people of Winnetka will not be impaired. As noted above, this will reduce the number of cars parked on Eldorado and give our children a safe place to play in the driveway.

PLAT OF SURVEY

...OF...LOT 1 IN BLOCK 7 IN WINNETKA PARK BLUFFS, A SUBDIVISION BY WILLIAM H. CAIRNOUFF OF PARTS OF SECTION 16, SECTION 17 AND SECTION 20, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS # 812 LINCOLN AVENUE, WINNETKA, ILLINOIS.



PREPARED FOR: SANDRA MCPHEE, ATT.
 PURPOSE: MORTGAGE / SALE
 FIELD DATE: 06-08-12
 DELIVERY DATE: 06-14-12
 FORMATS: BOND

Information hereon is not sufficient nor guaranteed for new construction, unless property corners noted. Distances and angles may not be assumed by scaling. Distances noted hereon are in feet and decimals. Building Lines & Easements per title, if provided. Compare all points on ground prior to construction.

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



NORTH SHORE SURVEY, LTD.
 778 FRONTAGE ROAD #110 - NORTHFIELD, ILLINOIS 60093
 (847) 448-8510 NSSURVEY@BNDGLOBAL.NET

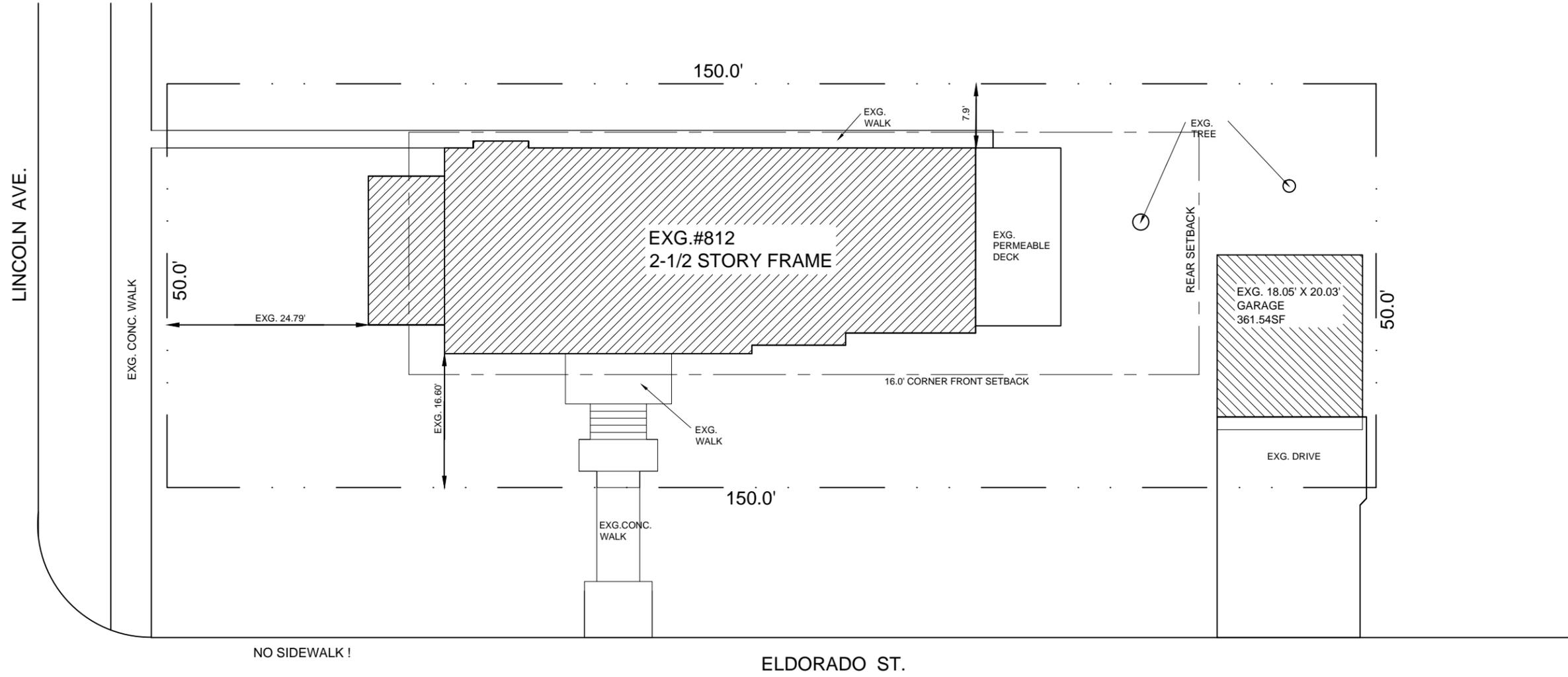
State of Illinois }
 County of Cook } SS
 WE, North Shore Survey, Ltd., do hereby certify that we have surveyed the property as described in the above caption in accordance with official records and/or previous surveys and that the plat hereon drawn is a correct representation of said survey.

PROFESSIONAL ILLINOIS LAND SURVEYOR
 LICENSE NO. 35-2232 EXP. 11-30-2012

DATED: JUNE 12, 2012

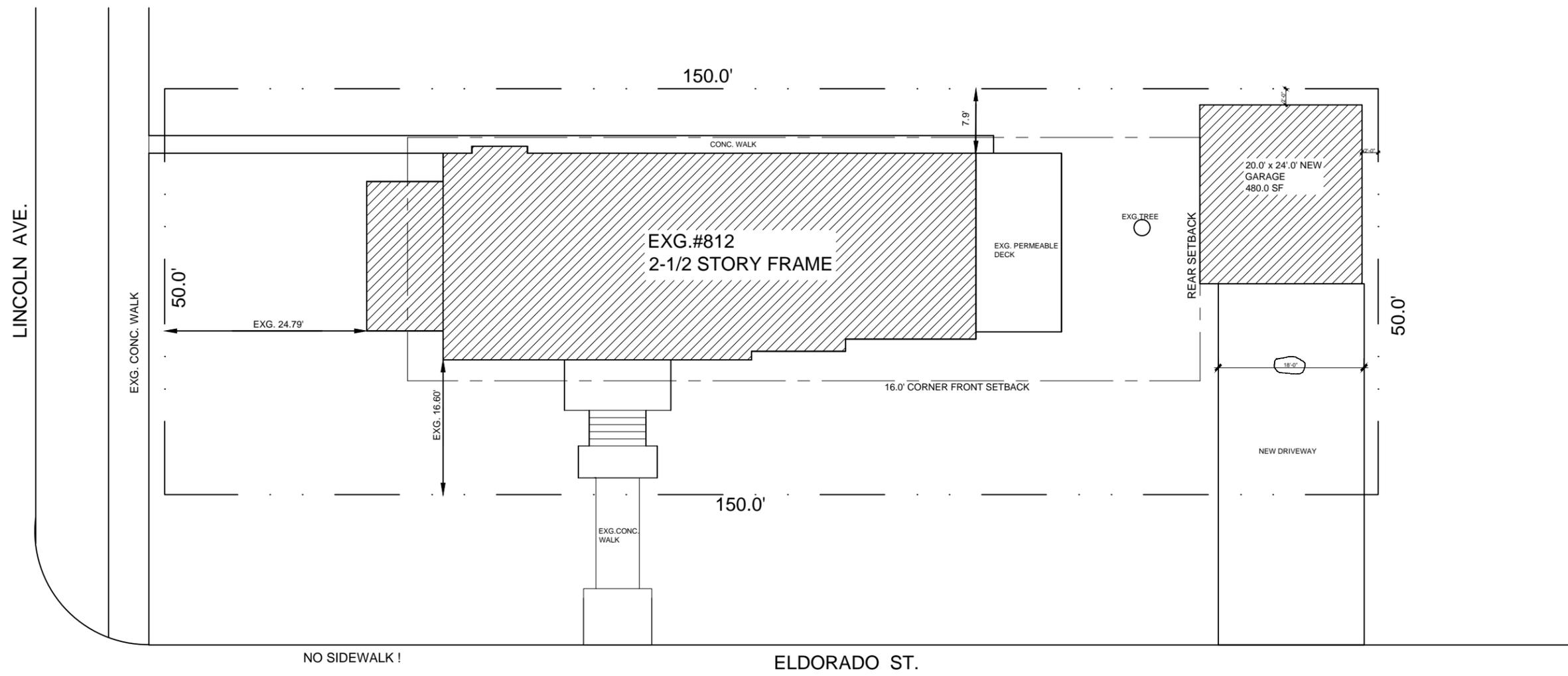
INSTR.: ARD CAD: ART LEGAL: BUT

FILE NO.
40811-R




SITE PLAN of existing conditions
 1"=15'

9/6/16
 CLARK ARCHITECTS
 1-847-828-0622
 clarkarchitects@sbcglobal.net
 HAMM RESIDENCE 812 LINCOLN AVE.

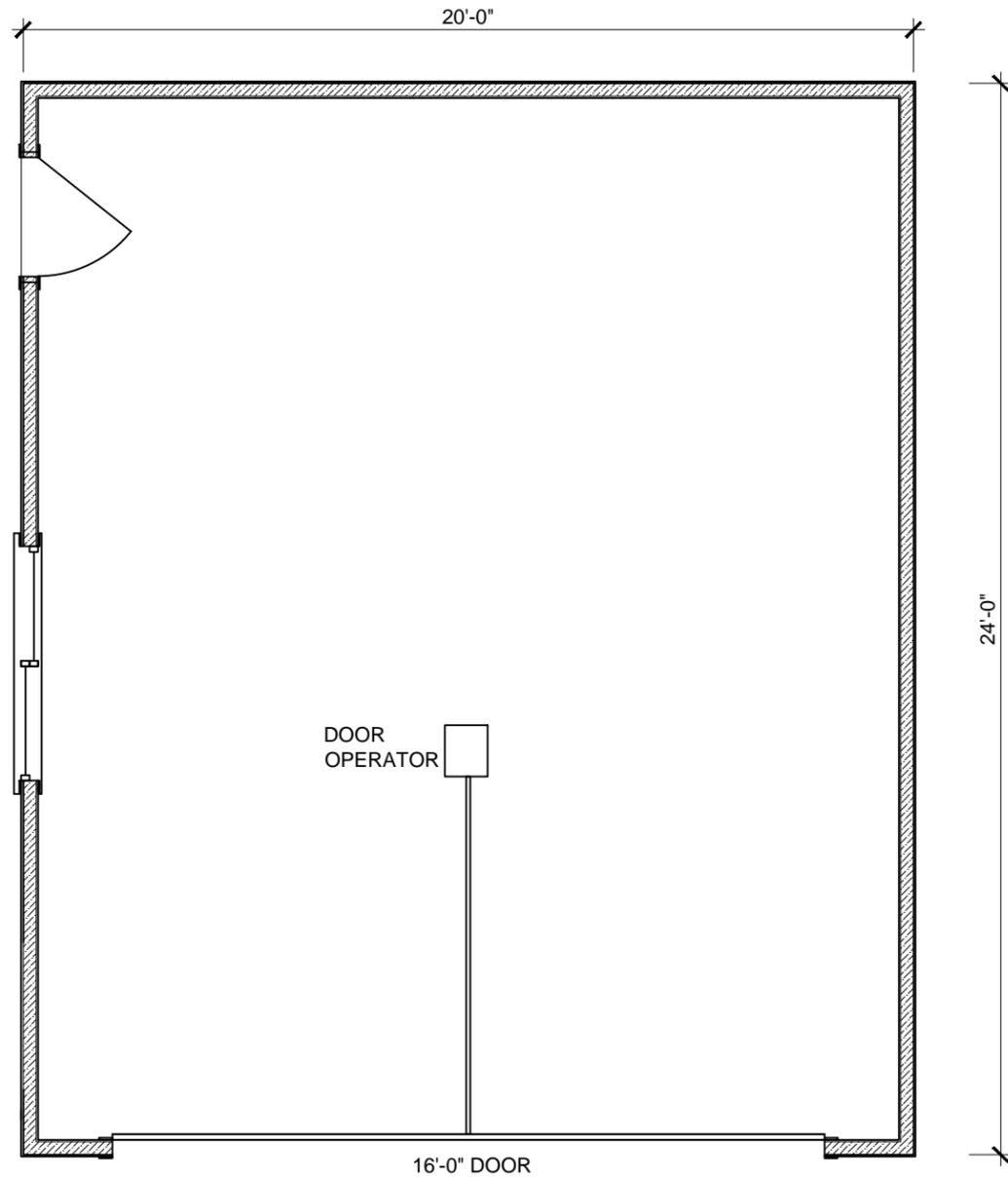



PROPOSED SITE PLAN
 NORTH 1"=15'

9/6/16

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 1-847-828-0622
 clarkarchitects@sbcglobal.net

HAMM RESIDENCE 812 LINCOLN AVE.



GARAGE PLAN

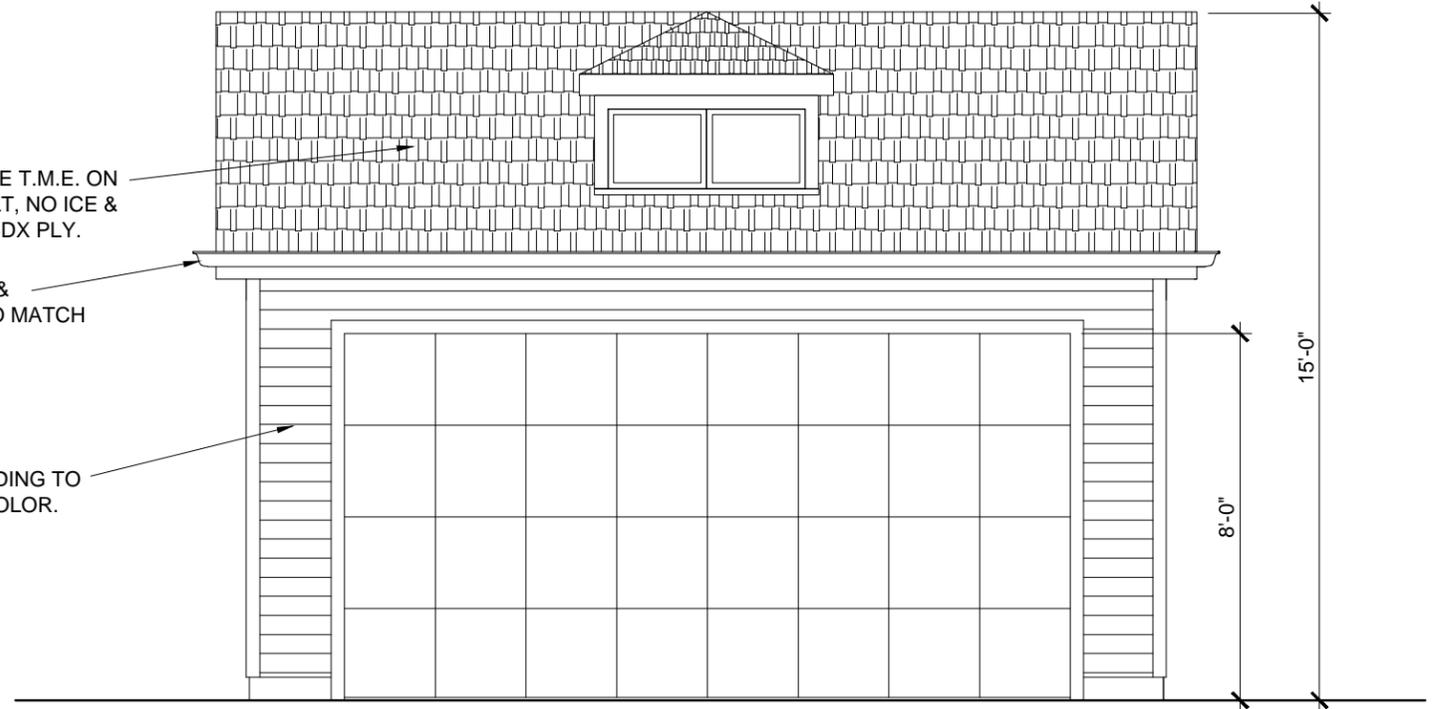
NORTH

1/4"

ASPHALT SHINGLE T.M.E. ON
15# BUILDING FELT, NO ICE &
WATER, ON 1/2" CDX PLY.

ALUM. GUTTERS &
DOWNSPOUTS TO MATCH
HOUSE.

FIBERCEMENT SIDING TO
MATCH HOUSE COLOR.



PROPOSED NORTH ELEVATION

1/4"

HAMM RESIDENCE 812 LINCOLN AVE.

9/6/16

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1-847-828-0622
clarkarchitects@sbcglobal.net



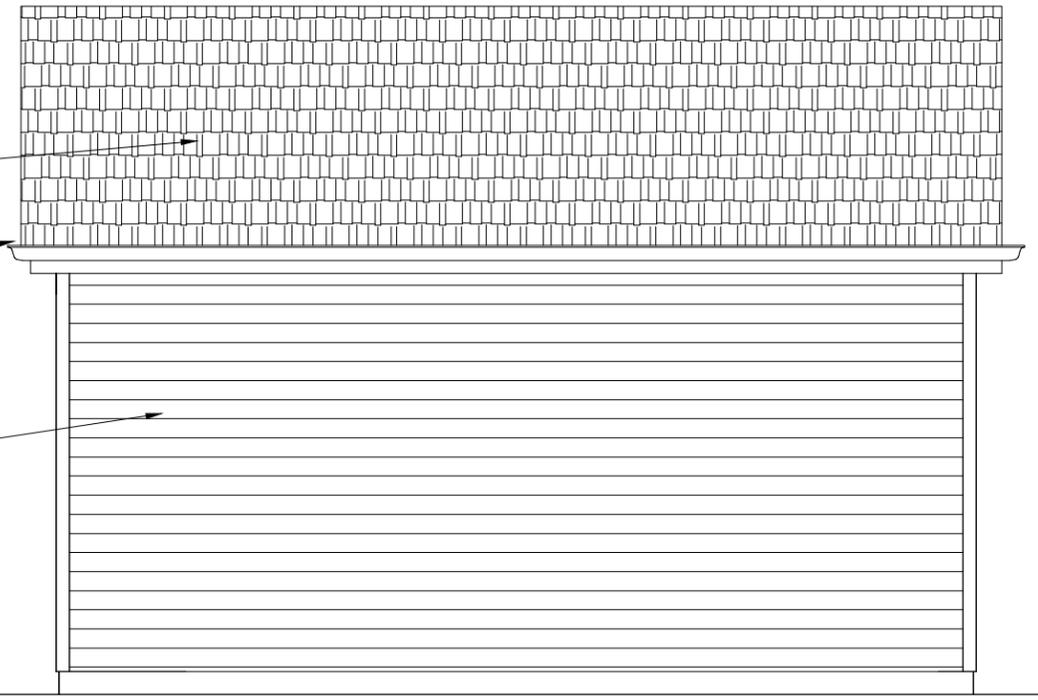
PROPOSED EAST ELEVATION

1/4"

ASPHALT SHINGLE T.M.E. ON
15# BUILDING FELT, NO ICE &
WATER, ON 1/2" CDX PLY.

ALUM. GUTTERS &
DOWNSPOUTS TO MATCH
HOUSE.

SIDING TO MATCH HOUSE
COLOR.



PROPOSED SOUTH ELEVATION

1/4"

HAMM RESIDENCE 812 LINCOLN AVE.

9/6/16

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1-847-828-0622
clarkarchitects@sbcglobal.net



PROPOSED WEST ELEVATION

1/4"

9/6/16

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1-847-828-0622
clarkarchitects@sbcglobal.net

HAMM RESIDENCE 812 LINCOLN AVE.

North Elevation
812 Lincoln Ave.



East Elevation
812 Lincoln Ave.



South Elevation
812 Lincoln Ave.



West Elevation
812 Lincoln Ave.



North East Elevation from front yard
812 Lincoln Ave.



North East Elevation from Street
812 Lincoln Ave.





South Elevation looking West
812 Lincoln Ave.



Backyard looking West at new garage footprint
812 Lincoln Ave.



Backyard looking South West at new garage footprint
812 Lincoln Ave.