VILLAGE·OF·WINNETKA

Incorporated in 1869

WINNETKA ZONING BOARD OF APPEALS
NOTICE OF MEETING
April 11, 2016
7:00 p.m.

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

AGENDA

1. Case No. 16-06-V2: 719 Foxdale Ave.
   Demetrae and Antony DeMonte
   Variations by Ordinance
   1. Maximum Building Size
   2. Side Yard Setback

2. 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

Village of Winnetka

Memo

To: ZBA members

From: Ann Klaassen, Planning Assistant

Date: April 4, 2016

Re: Application Updates

- Case No. 16-01-V2: 523 Hoyt, permitted uses and front yard setback variations to allow an area well and A/C units to encroach the required front yard. Due to the unanimous positive recommendations from the Board, the Village Council waived introduction and adopted Ordinance M-3-2016 granting the variations at its meeting March 17, 2016.

- Case No. 16-02-SU: Faith, Hope and Charity, SUP and variations to allow a Parish Center addition and installation of a synthetic turf athletic field. Ordinance M-6-2016 granting the SUP and variations is scheduled for consideration by the Village Council at its meeting April 5, 2016.

- Case No. 16-05-SU: Crow Island School, SUP and side yard variation to allow modular classrooms that would encroach the west side yard setback. Subsequent to the Board's consideration of this application, the DRB voted to recommend approval of the proposal as well. The Village Council is tentatively scheduled to consider on ordinance granting the SUP and variation at its meeting April 19, 2016.

- Case No. 15-27-V2: 5 Indian Hill Rd., variation for minimum required lot depth for a proposed subdivision. The Village Council is tentatively scheduled to consider this case for policy direction at its meeting May 3, 2016.

ZONING BOARD OF APPEALS
AGENDA REPORT

SUBJECT: 719 Foxdale Ave., Case No. 16-06-V2
(1) Maximum Building Size
(2) Side Yard Setback

DATE: April 4, 2016

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

The petitioners, Demetrae and Antony DeMonte, are requesting variations by Ordinance from Sections 17.30.040 [Maximum Building Size] and 17.30.060 [Side Yard Setback] of the Winnetka Zoning Ordinance to permit a two-story addition that would result in a gross floor area of 2,892.83 s.f., whereas a maximum of 2,800 s.f. is permitted, a variation of 92.83 s.f. (3.31%) and a north side yard setback of 3.47 ft., whereas a minimum of 8 ft. is required, a variation of 4.53 ft. (56.62%).

The variations are being requested in order to expand the existing one-car attached garage into a tandem two-car garage. The existing garage measures 9.9 ft. x 18.07 ft. (179 s.f.). The addition to the garage would be approximately 217 s.f., bringing the total area of the garage to 396 s.f. Above the proposed garage addition would be a walk-in closet for the master suite, adding 194 s.f. In total, the proposed addition would add approximately 411 s.f. of gross floor area (GFA).

In addition to the GFA variation, the proposed addition requires relief from the side yard setback regulations. The addition would provide a north side yard setback of 3.47 ft., whereas a minimum of 8 ft. is required. As identified on the attached plat of survey, the existing attached garage is setback 5.87 ft. from the north property line.

The property is located on the east side of Foxdale Ave. between Humboldt Ave. and Summit St. in the R-4 Single Family Residential District.

The residence was built in 1924. Subsequent building permits were issued in 1945 to repair fire damage to the residence and in 1987 to construct a family room addition. The petitioners acquired the property in 2015.

There is one previous zoning case for this property. In August 2007, the ZBA recommended denial of Case No. 07-31-V2. At that time a detached two-car garage was proposed in the rear of the property with the existing attached garage being converted into a porte-cochere in order to maintain the bedroom and bath above the garage. This case required an intensity of use of lot variation, for roofed lot coverage, and a north side yard setback variation. After receiving a negative recommendation from the ZBA, the case was considered by the Village Council for policy direction and was denied.

The attached zoning matrix summarizes the work proposed under this variation request.

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: Excerpt of August 13, 2007 ZBA meeting minutes
Attachment E: Excerpt of September 18, 2007 VC meeting minutes

ZONING MATRIX

ADDRESS: 719 Foxdale Ave.
CASE NO: 16-06-V2
ZONING: R-4

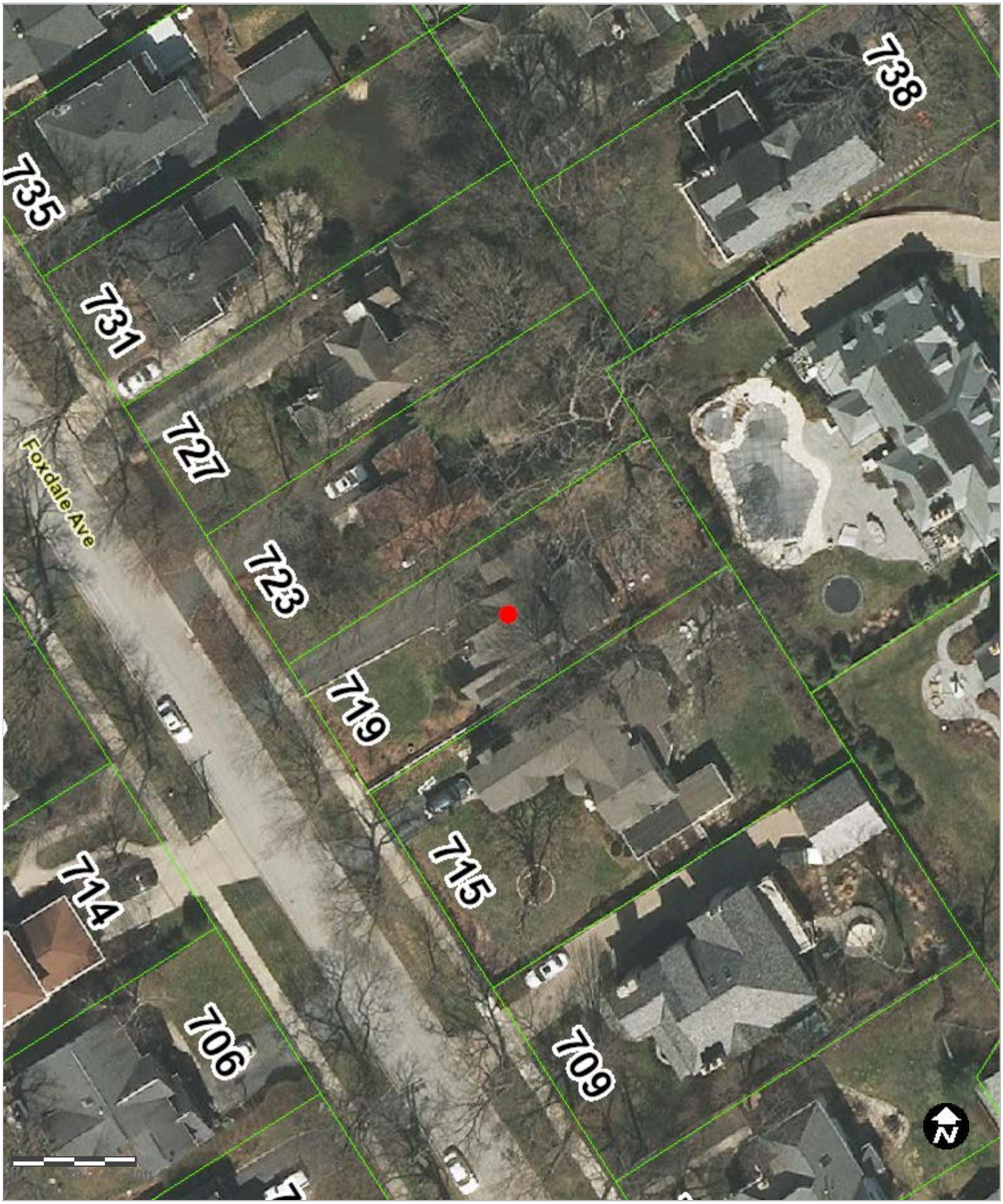
ITEM	REQUIREMENT	EXISTING	PROPOSED	TOTAL	STATUS
Min. Lot Size	12,600 SF	7,000 SF	N/A	N/A	EXISTING NONCONFORMING
Min. Average Lot Width	60 FT	50 FT	N/A	N/A	EXISTING NONCONFORMING
Max. Roofed Lot Coverage	1,890 SF (1)	1,484.99 SF	216.67 SF	1,701.66 SF	OK
Max. Gross Floor Area	2,800 SF (1)	2,482.14 SF	410.69 SF	2,892.83 SF	**92.83 SF (3.31%) VARIATION**
Max. Impermeable Lot Coverage	3,500 SF (1)	2,511.64 SF	(0.6) SF	2,511.04 SF	OK
Min. Front Yard (Foxdale/West)	30 FT	47.87 FT	55.72 FT	N/A	OK
Min. Side Yard (South)	6 FT	6.09 FT	N/A	N/A	OK
Min. Remaining Side Yard (North)	8 FT	5.87 FT	3.47 FT	N/A	**4.53 FT (56.62%) VARIATION**
Min. Rear Yard (East)	21 FT	38.47 FT	N/A	N/A	OK

NOTES: (1) Based on lot area of 7,000 s.f.

ATTACHMENT B

GIS consortium MapOffice™ *719 Foxdale Ave.*

Created By mgp inc



ATTACHMENT C

RECEIVED
MAR 31 2016

CASE NO. 16-06-VA
VA2016-138

APPLICATION FOR VARIATION
WINNETKA ZONING BOARD OF APPEALS

Owner Information:

Name: DEMETRA & ANTHONY DEMONTE

Property Address: 719 FOXDALE

Home and Work Telephone Number: [redacted]

E-mail: [redacted]

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

LANCE A. SHALZI - AIROOM ARCHITECTS
6825 N. LINCOLN AVE, LINCOLNWOOD, IL. 60712
PERMITS@AIROOM.COM · 847-213-5293 (F) 847-763-1100

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

N/A

Date Property Acquired by Owner: 12/3/2015

Nature of Any Restrictions on Property:

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

1. DECREASE NORTH S.Y. SETBACK
EXISTING S.Y. IS NONCONFORMING (5.87')
WE ARE REQUESTING THE S.Y. REDUCTION DOWN TO (3.50')
REQUIRED IS (8.0'). 2. REQUEST FOR AN INCREASE IN GFA
OF (92.83 S.F.) (3.31%). LOT AREA = 7000 S.F. ⇒ MAX GFA = 2800 S.F.
THE PROPOSED GFA = (2892.83 S.F)

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: [redacted] Date: 3/8/16

(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.

March 15, 2016

Application for Variation – 719 Foxdale

STANDARDS FOR GRANTING of ZONING VARIATIONS

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.
   The property can not yield a reasonable return because the existing residence is nonconforming. This nonconformity prevents the home owner from modernizing their existing garage to meet today's standards. Existing house has a very narrow one car garage. The existing residence currently does not have a "Master Bedroom/Bath"

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 attached garage currently does not comply with the zoning ordinance side yard setbacks The existing home was built in 1920's. The existing ordinance was adopted in the year 2000. Existing home was built without a Master Bedroom/Bath

3. The variation, if granted, will not alter the essential character of the locality.
   The proposed remodel project of the existing structure (which includes a new one car tandem attached garage to the existing one car attached garage and a second floor Master Bedroom) will not affect the adjacent property. As proposed the setback to the new garage is 3.5' The visual impact of the proposed remodel and garage attachment and second floor addition will not alter the essential character of the locality.

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

   An adequate supply of light and air will not be impaired as it will be in character with neighboring properties.

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

   The hazard from fire and other damages will not increase as the proposed improvements will comply with the current village building code standards, including fire and life safety requirements.

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

   The proposed remodel to the residence will be an improvement to the property, which will increase the taxable value of the property.

7. Congestion in the public streets will not increase.

   The structure will continue to be used as a single-family residence and would decrease the congestion due to another enclosed parking space on the property.

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

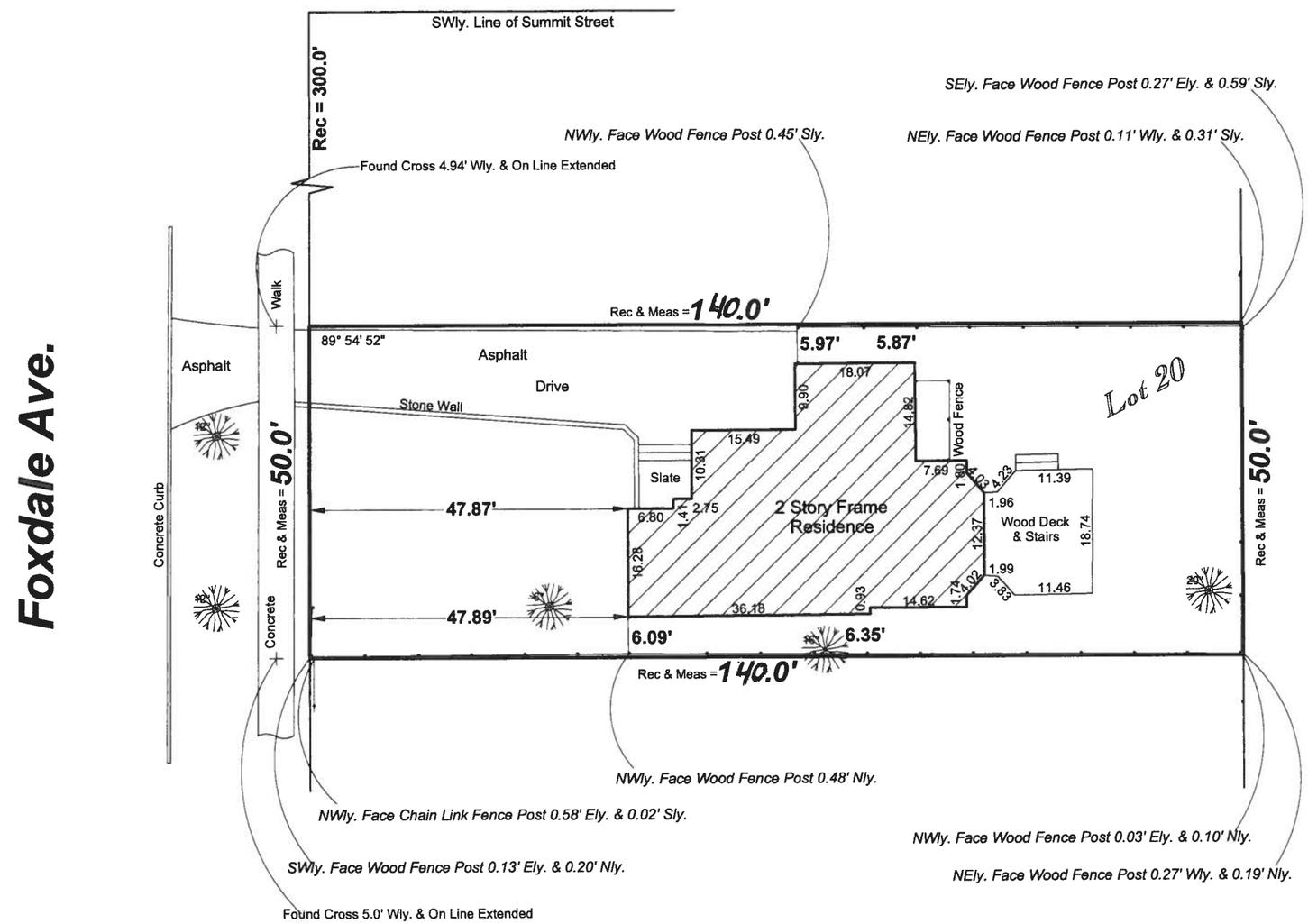
   This is correct.

Plat of Survey

Central Survey Company, Inc., 6415 N. Caldwell Ave., Chicago, Illinois 60646-2713
Phone (773) 631-5285 www.Centralsurvey.com Fax (773) 775-2071

Legal Description

Lot 20 (except the Northeasterly 10 feet thereof) in Block 11 in Winnetka Park Bluffs, being a Subdivision of part of Sections 16, 17 and 20, Township 42 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois
Commonly Known as: 719 Foxdale Ave., Winnetka, Illinois
Area of Land Described: 7,002 Sq. Ft.



Legend

N.	=	North
S.	=	South
E.	=	East
W.	=	West
(TYP)	=	Typical
Rec	=	Record
Meas	=	Measure
St.	=	Street
Ave.	=	Avenue

	Decimal/Inch Conversions	
0.01' = 1/8"		
0.02' = 1/4"	0.08' = 1"	0.58' = 7"
0.03' = 3/8"	0.17' = 2"	0.67' = 8"
0.04' = 1/2"	0.25' = 3"	0.75' = 9"
0.05' = 5/8"	0.33' = 4"	0.83' = 10"
0.06' = 3/4"	0.42' = 5"	0.92' = 11"
0.07' = 7/8"	0.50' = 6"	1.00' = 12"

NOTE: Property corners were NOT staked per customer.
Scale: 1 Inch equals 20 Feet
Ordered By: Airoom
Order Number: 719D

Assume no dimension from scaling upon this plat. Compare all points before building and report any difference at once. For building restrictions refer to your abstract, deed, contract and local ordinances.

William R. Webb
2190
Professional Land Surveyor
State of Illinois
Chicago, Illinois

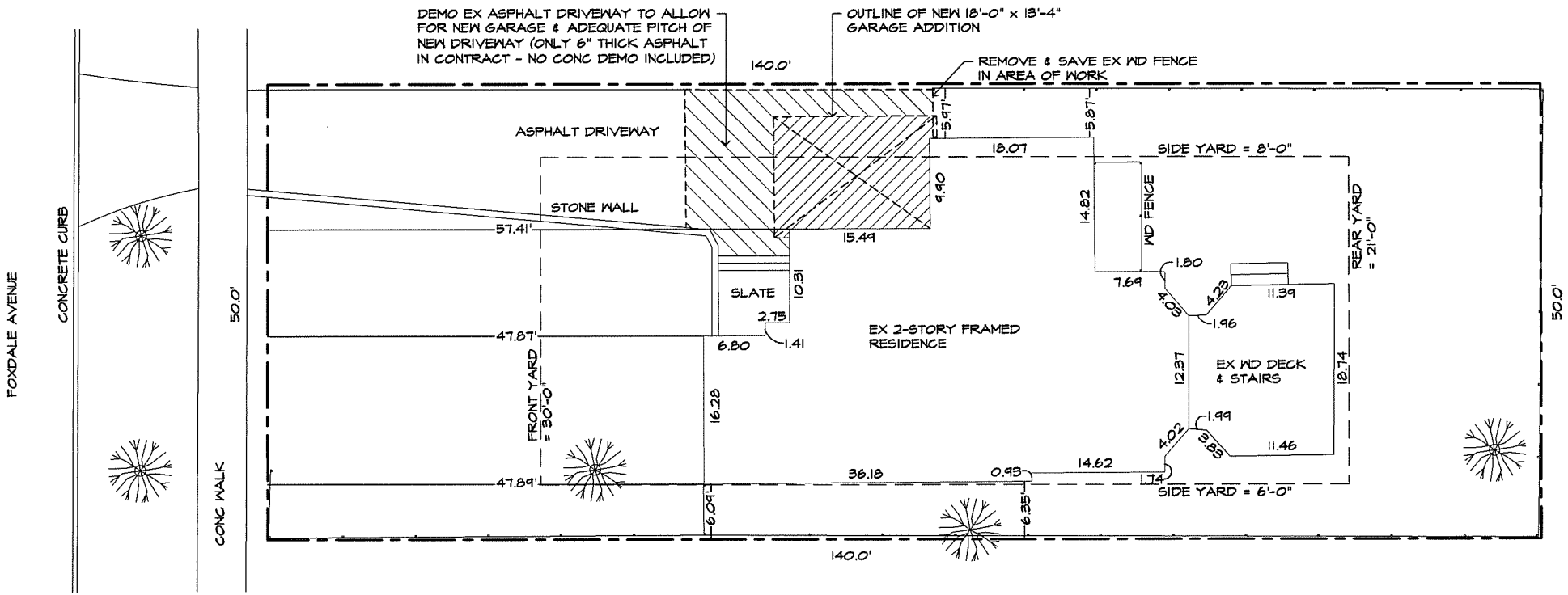
This professional service conforms to current Illinois minimum standards for a boundary survey.

State of Illinois)
)S.S.
County of Cook)

Central Survey LLC does hereby certify that an on the ground survey per record description of the land shown hereon was performed on January 29, 2016 and that the map or plat hereon drawn is a correct representation of said survey. When bearings are shown the bearing base is assumed. Dimensions are shown in feet and hundredths and are correct at a temperature of 68° Fahrenheit.

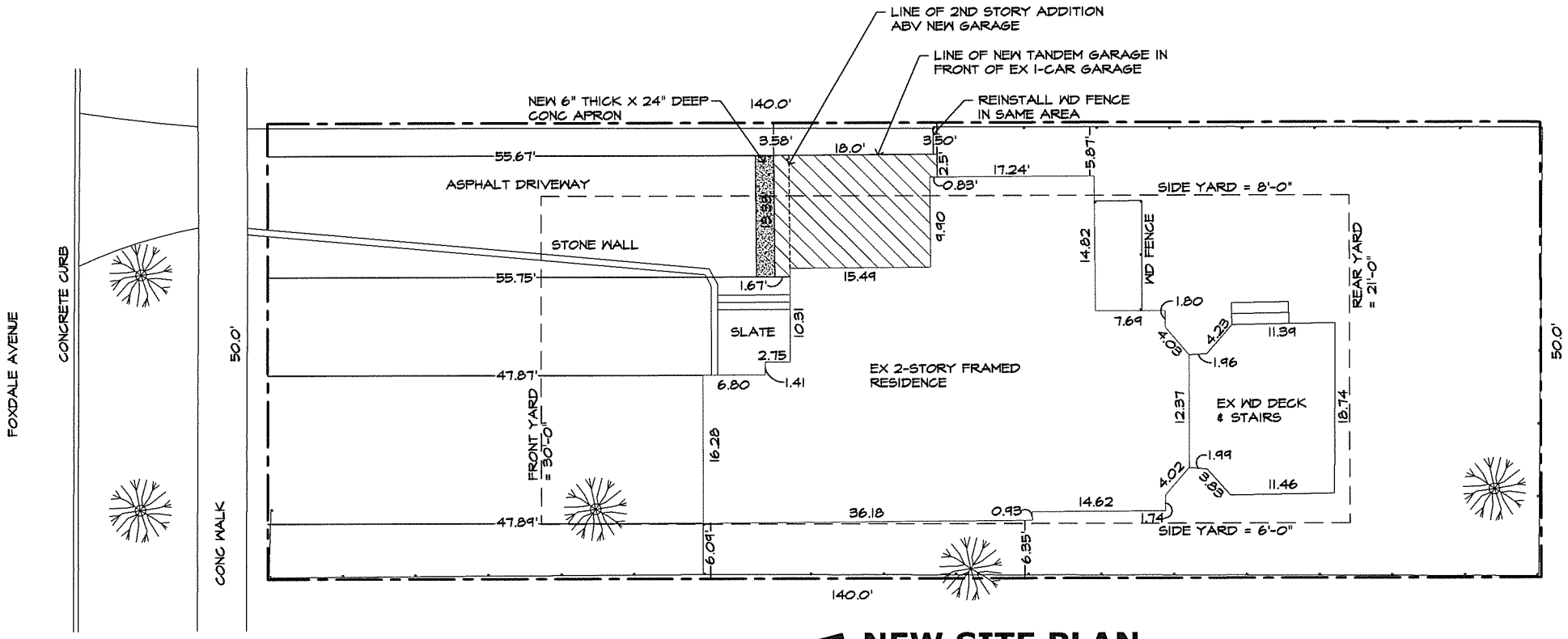
Dated this 29th day of January 2016 William R. Webb

William R. Webb P.L.S. #2190 (exp.11/30/2014) Professional Design Firm Land Surveying LLC (#184-004113)



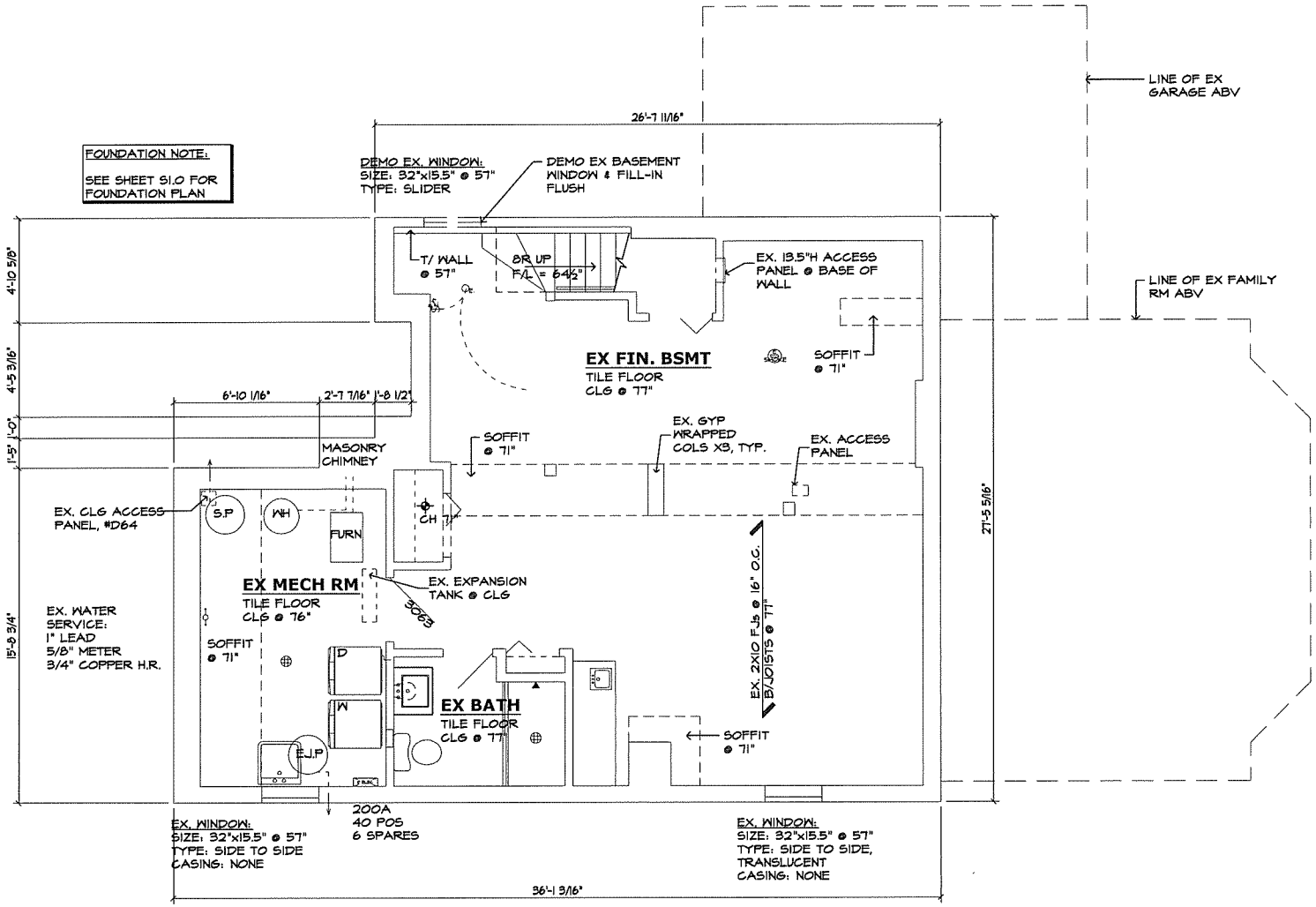
1 DEMO SITE PLAN

1" = 15'-0"



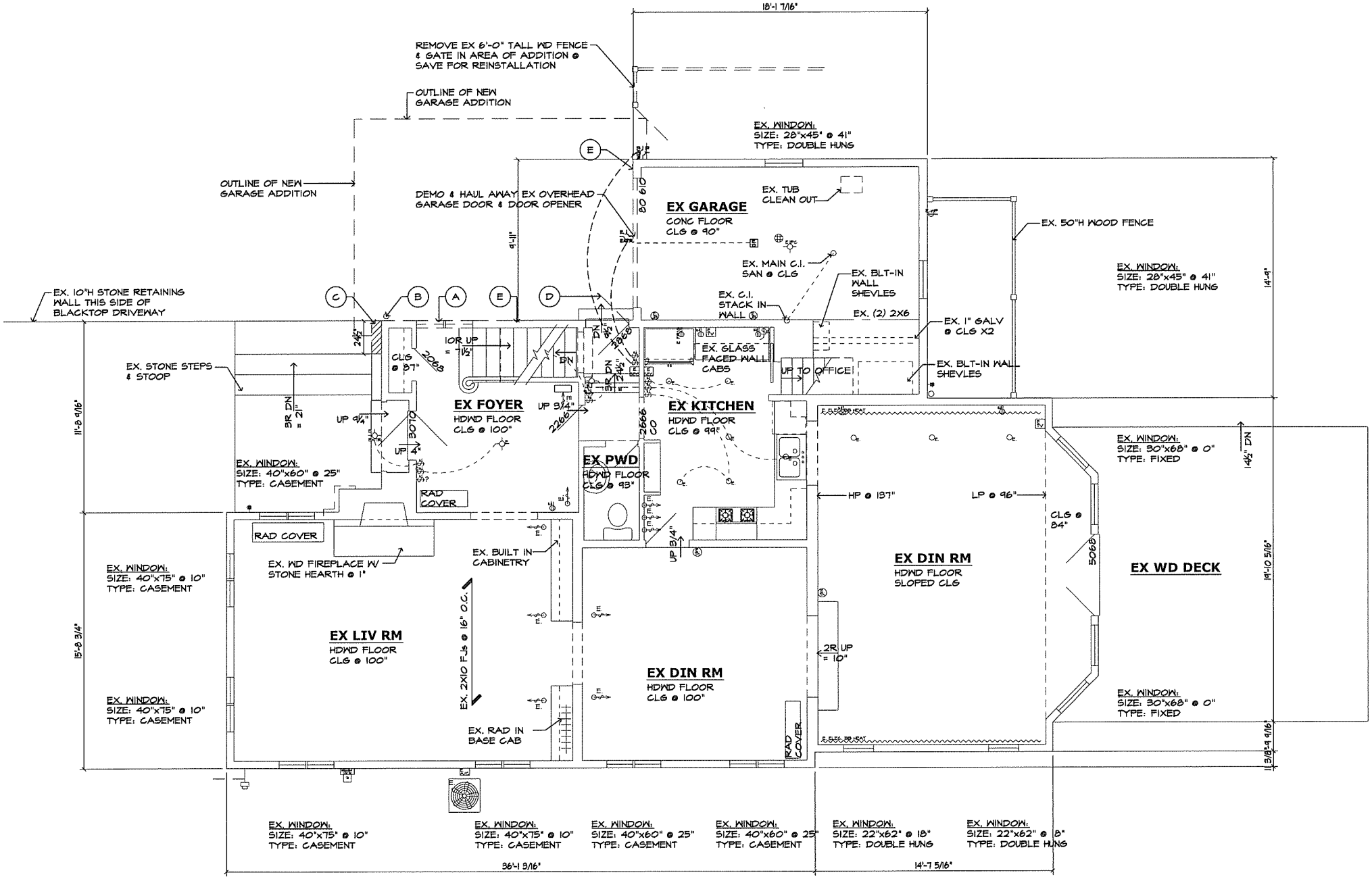
2 NEW SITE PLAN

1" = 20'-0"



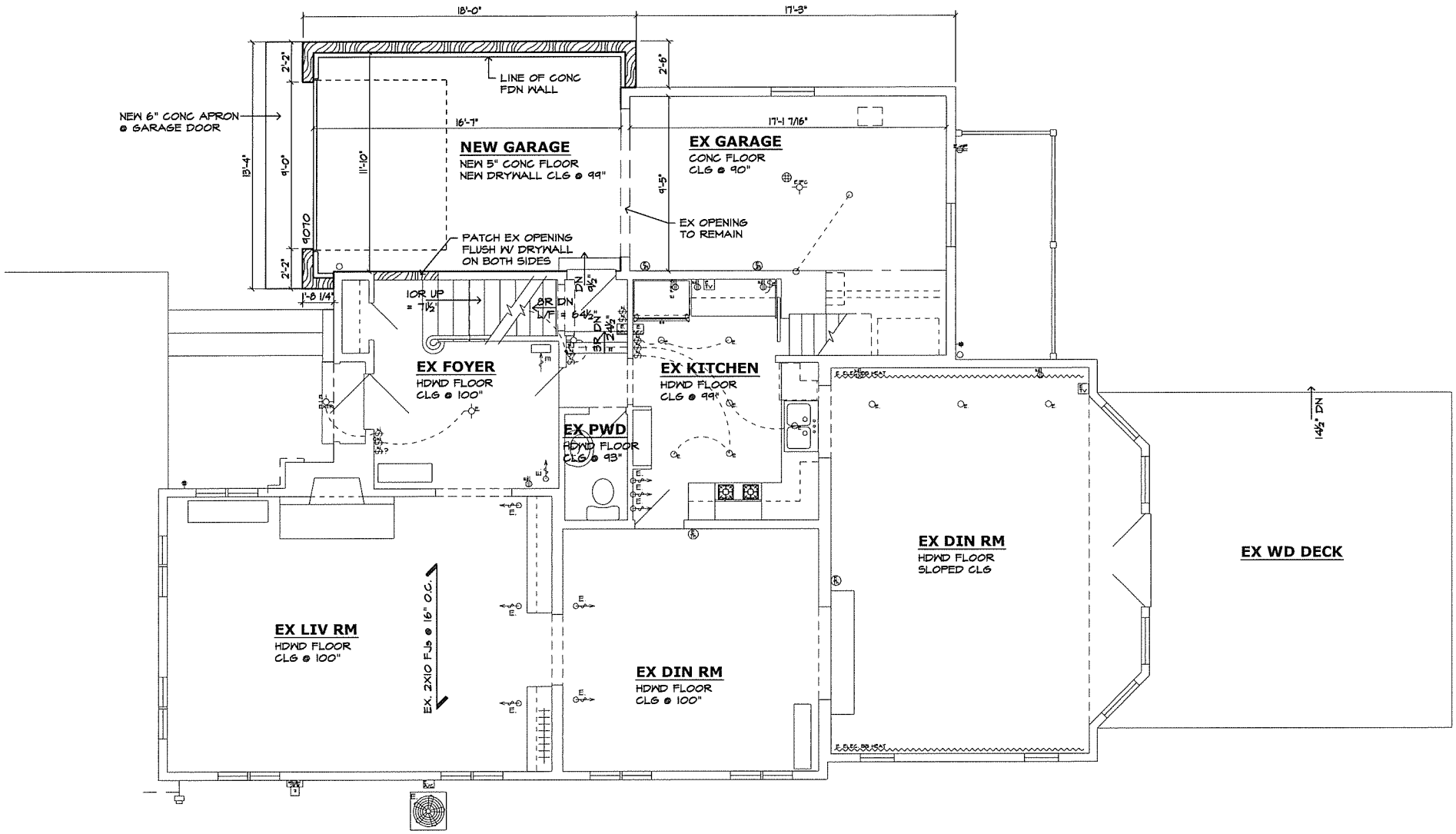
A EX/DEMO BASEMENT PLAN

1/4"=1'-0"



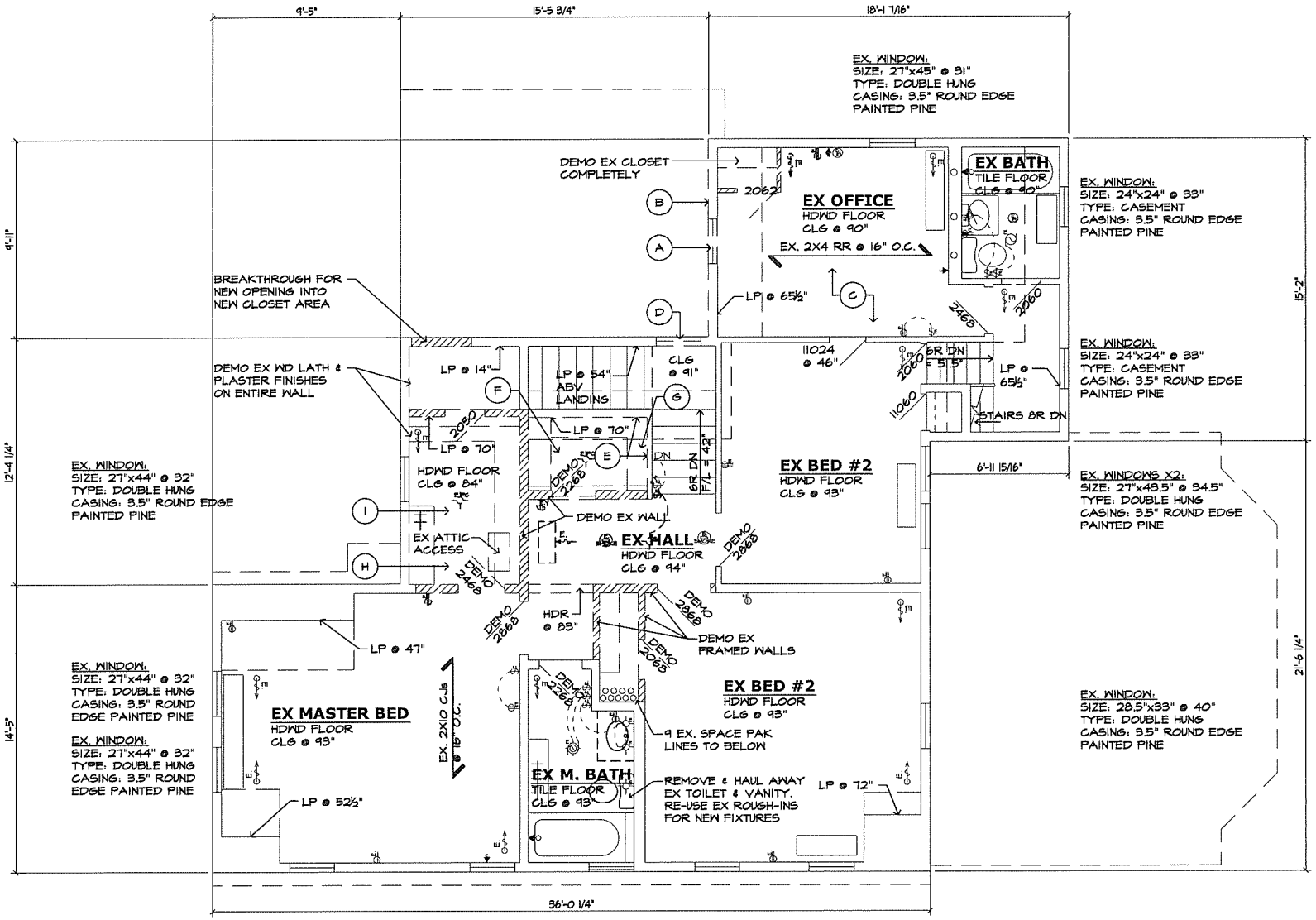
A EX/DEMO FIRST FLOOR PLAN

1/4"=1'-0"



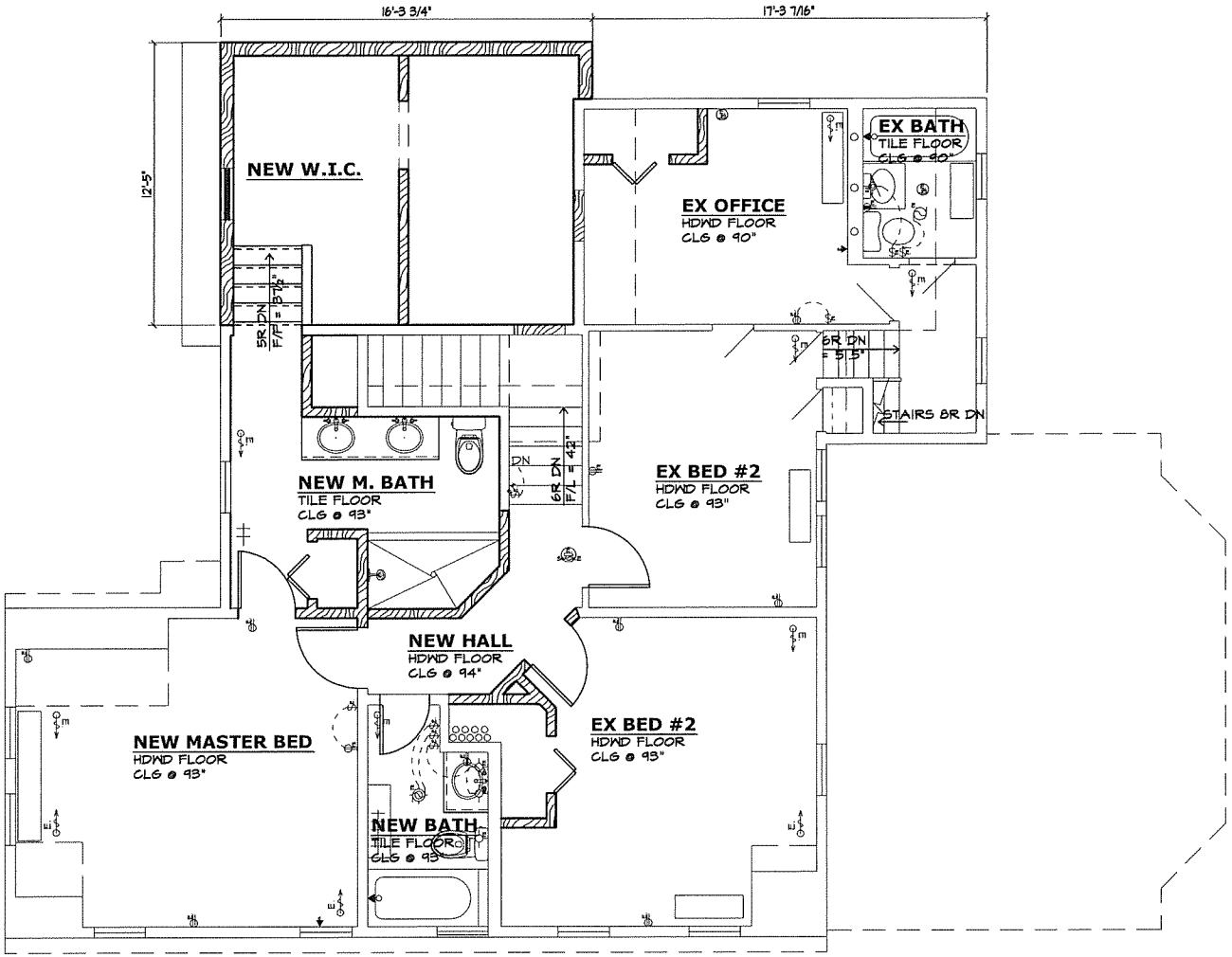
A **NEW FIRST FLOOR PLAN**

1/4"=1'-0"



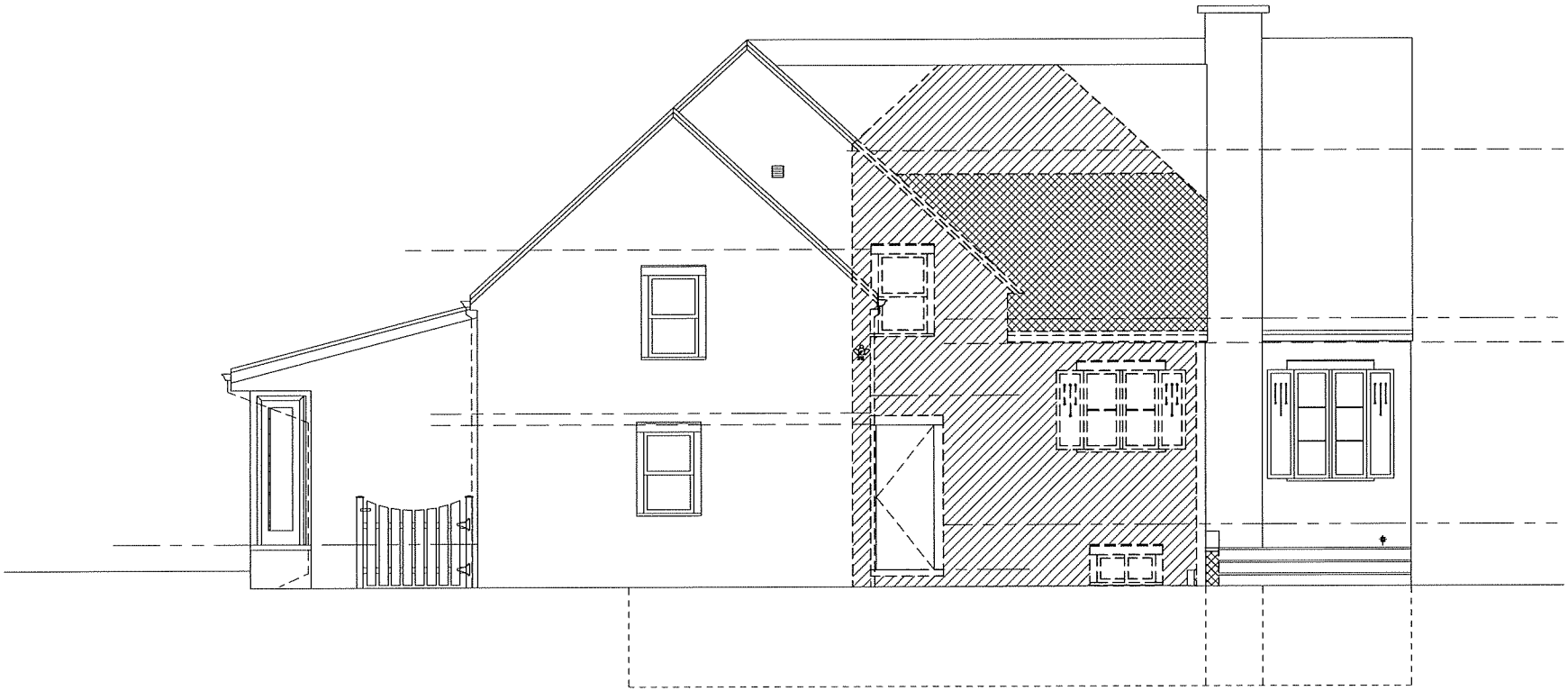
A EX/DEMO SECOND FLOOR PLAN

1/4"=1'-0"



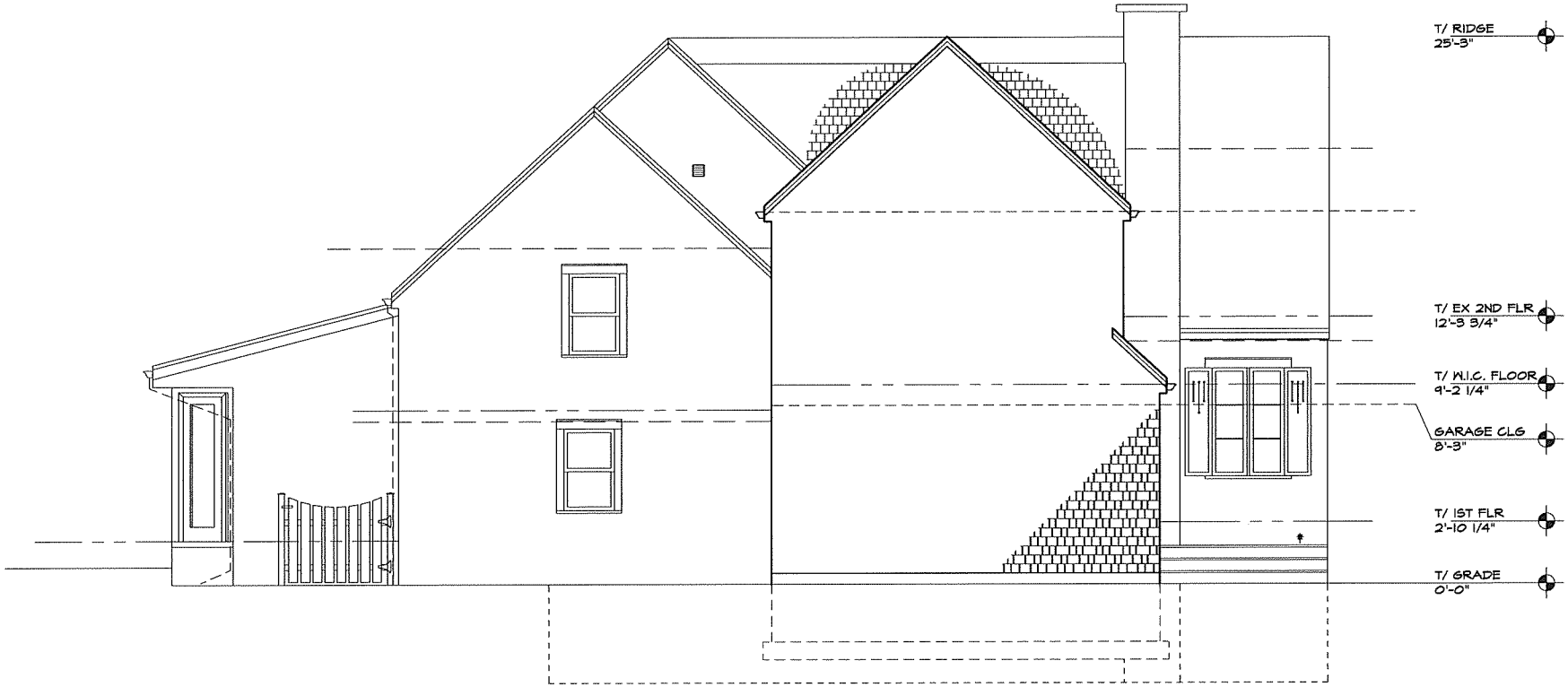
B NEW SECOND FLOOR PLAN

1/4"=1'-0"



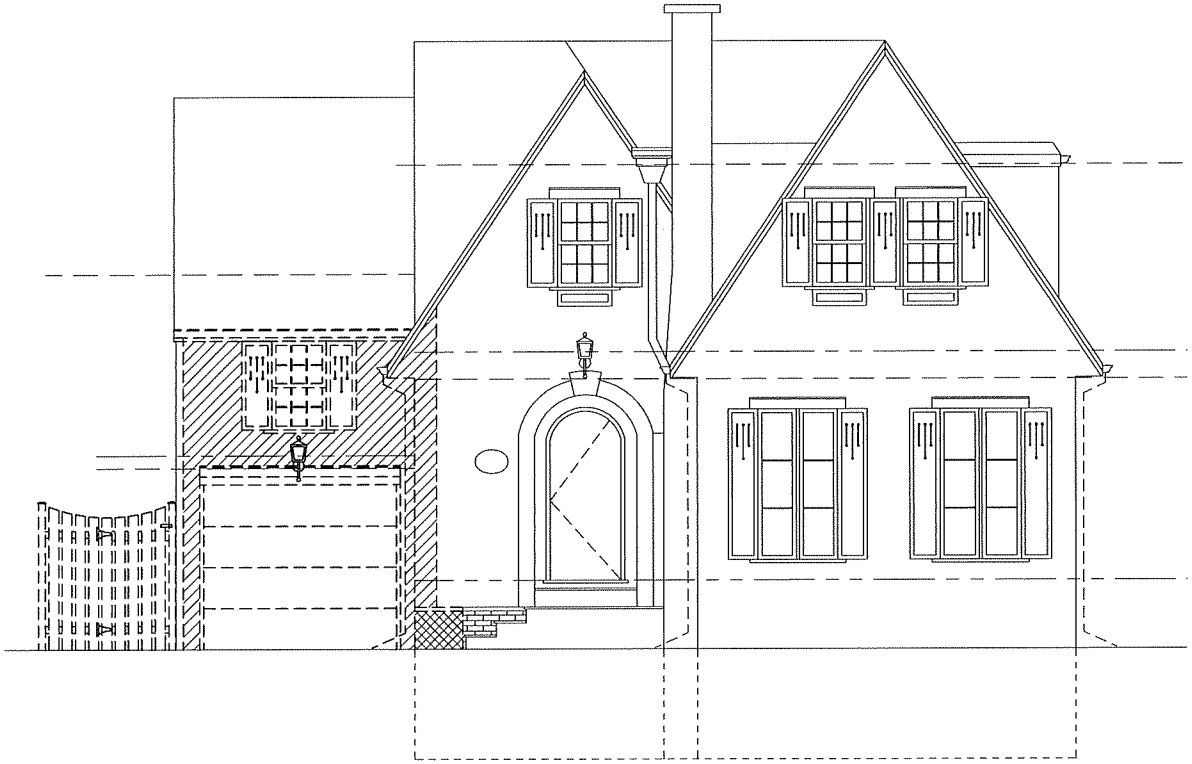
1 **EX/DEMO NORTH ELEVATION**

1/4"=1'-0"



2 NEW NORTH ELEVATION

1/4"=1'-0"



2 **EX/DEMO WEST ELEVATION**

1/4"=1'-0"

4 NEW WEST ELEVATION

1/4"=1'-0"

ATTACHMENT D

WINNETKA ZONING BOARD OF APPEALS
AUGUST 13, 2007
EXCERPT OF MINUTES

Zoning Board Members Present:	Molly Lien, Chairperson Joe Adams Gene Greable Tom Hermanson Suzanne Timble
Zoning Board Members Absent:	Litt Clark Hal Francke
Village Staff:	Michael D'Onofrio, Director of Community Development

***

Case No. 07-31-V2	719 Foxdale Timothy & Linda Fierce Variations by Ordinance 1. Intensity of Use of Lot 2. Side Yard Setback

719 Foxdale, 07-31-V2, Variations by Ordinance - Intensity of Use of Lot and Side Yard Setback

Mr. D'Onofrio read the public notice. The purpose of this hearing is to hear testimony and receive public comment regarding a request by Timothy and Linda Fierce concerning variations by Ordinance from Section 17.30.030 [Intensity of Use of Lot] and Section 17.30.060 [Side Yard Setback] of the Winnetka Zoning Ordinance to permit the construction of a two car detached garage and porte-cochere, that will result in a roofed lot coverage of 1,998.57 square feet, whereas a maximum of 1,750 square feet is permitted, a variation of 248.57 square feet (14.2%) and a side yard setback of 1.18 feet, whereas a minimum of 8 feet is required, a variation of 6.82 ft. (85.25%).

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

Thomas Cubic of Clark and Associates, 2425 W. Gunnison in Chicago introduced himself to the Board as the architect on the project representing the property owners. He then identified the existing elevations of the home for the Board including the front of the home, the garage and the narrow garage door which is close to the lot line. Mr. Cubic stated that they would like to create a driveway in an area which currently consists of the garage with a room over it. He stated that the hardship related to the fact that the area currently encroaches into the side yard setback. Mr.

Cubic stated that on the other side, there is a 6 foot side yard setback to the property line which made it impossible to gain access for a rear yard garage at that point. He stated that the size of the garage made it unusable and that the applicants would like to have a 2 car garage at the rear of the property.

Mr. Cubic then identified the proposed floor plan. He then referred to the drive through standards for a garage and that a 13 foot width is needed for access to a rear yard garage. Mr. Cubic stated that they are proposing 13.1 feet so that [a car passing through would not] strike the structure which held up the room above. He also stated that the 2 car garage would be 22 feet in width and would be wide enough for 2 vehicles. Mr. Cubic noted that the amount of impermeable surface would not be increased other than a small portion extending out beyond the existing garage.

Mr. Cubic identified the new front elevation in an illustration for the Board. He indicated that it would tie in with the character of the neighborhood and that [the supports would be] wrapped in brick [similar to the] front entry. He also identified the garage opening. Mr. Cubic noted that the 8 foot side yard setback is located within the home. He stated that there would be 2 arches in the rear and a 2 car garage at the rear of the home which would match the existing style of the home. Mr. Cubic added that it would be of a modest size and that there would be no room above the garage for storage.

Chairperson Lien then asked the Board if they had any questions.

Ms. Timble asked if the existing setback from the side yard is 4½ feet and that they are proposing to reduce it to 4 1/4 feet.

Mr. Cubic then identified the setback for the Board.

Ms. Timble then questioned the 13.1 foot opening.

Mr. Cubic indicated that it would be a new opening and that the dashed line in the illustration represented the second floor with a bedroom which would be supported with columns. He noted that the standard [for a drive through] is 12.8 feet for passage.

Ms. Timble asked if the pillars would face north or if it would be closed.

Mr. Cubic indicated that it would be completely open and reiterated that the columns would be wrapped in brick on 3 sides.

Mr. Hermanson questioned the 12 foot standard.

Mr. Cubic stated that with regard to vehicular traffic in a lane that is the minimum width recommended in order to avoid a collision. He indicated that it is the national architectural graphic standard.

Mr. D'Onofrio stated that is the standard for a standard lane width on a street.

Mr. Cubic referred to pulling in and out of a 9 foot spot and backing down the drive through.

Mr. Hermanson commented that he has never heard of this standard.

Mr. D'Onofrio noted that the standard Mr. Cubic is referring to are those found in the Architectural Graphic Standard, which is an industry standards document.

Mr. Adams asked if the family room in the rear of the home contained a foundation or if it is set on a slab.

Mr. Cubic stated that it is located on a foundation.

Mr. Adams asked if they could build the second floor on top of that.

Mr. Cubic agreed that is possible.

Mr. Adams then asked if they considered that alternative.

Mr. Cubic stated that alternative would be cost prohibitive for the project. He referred to the existing bathrooms and stated that there would be no effect on any of the mechanical elements on the existing home in connection with the proposal.

Mr. Greable asked if the proposal would result in a 1 foot side yard setback. He asked if another alternative consisted of not extending it that close to the property line. Mr. Greable also asked if the neighbors were consulted.

Mr. Cubic confirmed that the neighbors were notified and that the applicants have spoken with them. He stated that the property is currently located into the setback by 3 feet and that it would be increased to 7 feet in order to make the garage wide enough to be usable.

Mr. Greable stated that there is currently a 3 foot setback. He asked what the alternative is if the variation is not granted.

Mr. Cubic stated that the project would probably not be done.

Mr. Greable asked if the reason for the plans requiring a variation was that conforming alternatives would be too costly.

Mr. Cubic confirmed that is correct as well as with regard to site conditions.

Chairperson Lien stated that most of the Board members have gone to the site; she also stated that the Board is required to consider the alternatives. She stated that if they considered the possibility of constructing the garage in place of the rear porch, that option would involve

[additional] cost and would also remove one of the requested variations. Chairperson Lien questioned the calculation of that alternative in terms of the reduction to RLC.

Mr. Cubic stated that the roof would still be there and a variation would still be needed for the posts.

Mr. Hermanson referred to Mr. Adams' point and stated that if you were to look at the illustration showing the southern elevation, if you removed the garage and the structure above it to make the home clearly located inside of the setback, [they would be able to] build over the family room. He questioned whether that alternative would be conforming and if so, would it be cost prohibitive. Mr. Hermanson added that the family room currently counted toward RLC.

Chairperson Lien stated that one of the standards relates to unique circumstances. She then asked Mr. Cubic to explain why there is a unique circumstance.

Mr. Cubic stated that the addition currently exists and that the location of the garage created the hardship. He added that it is unusable in its current condition. Mr. Cubic also stated that there is not enough room on the other side of the property for a space which would allow a vehicle to pass through and that any travel to the backyard would have to go through this side of the property. He stated that they have to address supporting the structure above it.

Ms. Timble asked if there is any way that the width of the port-cochere could be reduced and still be safe.

Mr. Hermanson stated that a minimum of 12.8 feet would need to be maintained and that they are proposing 13.1 feet.

Ms. Timble asked if a turnaround was considered.

Mr. Cubic stated that it was not and that the rear yard is not that large. He added that the turning radius would not be feasible.

Mr. D'Onofrio stated that from a structural standpoint, they could reduce the port-cochere width to any amount and that the issue related to convenience and comfort in backing in and out of the driveway. He stated that they could have a wall directly under the existing second floor.

Ms. Timble asked if consideration was given to locating the garage on the southeast corner of the property.

Mr. Cubic stated that alternative would take up the rest of the backyard.

Chairperson Lien 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.

Chairperson Lien then swore in Daniel Kielson of 723 Foxdale. He stated that, although there

had been an earlier representation it was stated that there had been discussions with the neighbor, this is the first time he is seeing the request. Mr. Kielson noted that he did receive the public notice. He stated that if the variance is granted, given the entire backyard, driveway and garage, in addition to the expansion on the side of the home, would the Village guaranty that there would not be water runoff. Mr. Kielson noted that the applicants' property is located 1 foot higher than his property.

Chairperson Lien informed Mr. Kielson that the Board has no jurisdiction over drainage issues and that as part of the building permit process; the Village engineer considers the impact of any proposed construction to adjoining properties. She stated that while she understood his concerns, the Board's jurisdiction is limited to the setback variance and RLC.

Mr. D'Onofrio confirmed that the village engineer would review the plans to ensure that there is no drainage impact. He added that the applicants must submit topography and drainage plans and that they must build in accordance with those plans.

Mr. Kielson questioned if any land would be left for drainage mechanics.

Mr. Cubic stated that a graveled area would be included.

Mr. Kielson then asked if the driveway in the backyard would be asphalt.

Mr. Cubic stated that the area under the roofed area would be asphalt cement and that it would graveled after that point. He noted that there would be minimal impermeable surfaces. Mr. Cubic also informed the Board that the area of the garage would measure 19 feet by 22 feet and would be the only cemented area.

Mr. Kielson then asked what portion of the backyard would not be used for construction.

Mr. Cubic then identified the garage and the existing home, as well as the graveled area and grass. He also stated that the existing deck would be removed which created an obstruction.

Mr. Kielson asked with regard to the existing north side of the garage, if it would be moved 1 foot plus [toward the] property line.

Mr. Cubic confirmed that is correct and that a fence would also be removed in one location where the wall is currently located.

Chairperson Lien noted for the record that the exchange between Mr. Kielson and Mr. Cubic referred to C.10 of the site plan and A.10 for the floor plan in the application packet.

Mr. Kielson indicated that he is not adverse to the concept, but that he is concerned with water runoff.

Chairperson Lien asked if there were any other questions. No additional questions were raised

by the audience at this time. She asked if there were any other questions from the Board. No additional questions were raised by the Board at this time. Chairperson Lien then called the matter in for discussion.

Mr. Greable indicated that he is very concerned with regard to the reduction in the lot line from 5 feet to 1 foot. He stated that with regard to the RLC variance, he understood how it related to the garage and that from a practical standpoint; it would be tucked in back. Mr. Greable stated that the home currently took up a large portion of the lot and that he is struggling with the approval of a 1 foot setback.

Ms. Timble commented that it is a lovely home and agreed that there is currently a lot of home on the lot. She indicated that she appreciated the dilemma of a small garage, but stated that it came with the home and the lot. Ms. Timble stated that she is troubled with the extent of the variation being requested. She stated that she recognized that the north lot line would be somewhat opened up by having 3 posts as opposed to a fully enclosed one car garage, but that she is not convinced that there is not a more minimal plan which would satisfy the applicants' needs. Ms. Timble concluded by stating that the other alternative, although more expensive, would potentially solve the issues.

Mr. Adams stated that he agreed with Ms. Timble's comments and emphasized the need for the garage to be usable. He stated that the other conforming alternative would push too far into the setback as opposed to the variance [being requested].

Mr. Hermanson indicated that he agreed with all of the comments made. He stated that the standards must be unique to the property or to the house and that there is a conforming alternative. Mr. Hermanson stated that he also struggled as to how to get to an answer and that a 1 foot setback would not be his first choice.

Ms. Timble then referred to backing out and if that is seen as a safety hazard.

Mr. Hermanson stated that the issue related to backing up and the posts holding up the floor above.

Chairperson Lien stated that she agreed with Ms. Timble's comments. She commented that while a good idea in the abstract, the port cochere request did not seem to meet the standard that the ordinance imposed on the Board. Chairperson Lien also stated that she is sympathetic to having a workable garage but that although the garage is small; there are vehicles that are also small. She indicated that she might have felt differently if the record had been more complete in terms of every possible conforming alternative having been explored. Chairperson Lien stated that there may be some additional options to consider which would allow them to retain the character of the very attractive home, while still minimizing the extent of the variations being requested. She noted that the Village Council has final jurisdiction over the request. Chairperson Lien then asked for a motion and proposed findings.

Mr. Adams moved to recommend rejecting the requested application. He stated that with regard

to the findings, there has been no adequate testimony that the property cannot otherwise yield a reasonable return. Mr. Adams also stated that there are other conforming alternatives to be explored which would not require a variance. He stated that there was insufficient testimony with regard to the unique circumstance standard running with the property as opposed to unique circumstances relating to the applicants. Mr. Adams noted that with regard to the remaining standards, there have been specifics noted which doubt that they exist, but moved to recommend that the request should be denied based on the first two standards.

Ms. Timble seconded the motion.

Chairperson Lien asked if there was any other discussion. There was no additional discussion by the Board at this time.

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

AYES: Adams, Greable, Hermanson, Lien, Timble
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 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 Section 17.30.030 [Intensity of Use of Lot] and Section 17.30.060 [Side 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 can yield a reasonable return if permitted to be used only under the conditions allowed by the zoning regulations, in that there is already a one car attached garage.

2. The plight of the applicants is not due to unique circumstances which are related to the property and not the applicants.

3. The variation, if granted, may alter the essential character of the locality in that if approved the proposed port cochere, would have a side yard setback of 1.18 feet which is substantially less than other side yard setbacks throughout the neighborhood.

4. An adequate supply of light and air to adjacent property may be impaired by the proposed variations, as the proposed addition would only have a 1.18 foot side yard setback.

5. The hazard from fire or other damages to the property will not be increased as the proposed improvements shall comply with building code standards, including fire and life safety requirements.

6. The taxable value of land and buildings throughout the Village may not diminish. The proposed construction is generally an improvement to the property.

7. Congestion in the public streets will not increase. The structure will continue to be used as a single-family residence and no additional bedrooms are proposed.

8. The public health, safety, comfort, morals and welfare of the inhabitants of the Village may be otherwise impaired.

Mr. Greable commented that the application is not complete and that the Board should request that be done before the Board initially considers a request. He noted that the applicants did not answer the standards included in the packet of materials.

Chairperson Lien agreed that it would be helpful for the Board's deliberations if applications specifically addressed why the standards were met in particular cases.

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ATTACHMENT E

MINUTES
WINNETKA VILLAGE COUNCIL
REGULAR MEETING SEPTEMBER 18, 2007

EXCERPT OF MINUTES

(Approved: October 2, 2007)
A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, September 18, 2007, at 7:30 p.m.

1) Call to Order**.**

President Pro Tem Eilers called the meeting to order at 7:33 p.m. Present: Trustees King Poor, Ken Behles, Sandra Berger, Herb Ritchell and Jessica Tucker. Absent: President Woodbury. Also present: Village Manager Doug Williams, Village Attorney Katherine Janega, Director of Community Development Michael D'Onofrio, Finance Director Ed McKee, Police Chief Joe DeLopez, and approximately 30 persons in the audience.

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a) Policy Direction – Request for Two Zoning Variations – 719 Foxdale. Mr. D'Onofrio reported that the applicants are requesting side yard setback and roofed lot coverage variations in order to construct a two-car detached garage at the rear of the property, and a porte-cochere where the existing one-car garage is located. He said the ZBA voted unanimously to recommend denial of the variations at its August 13th meeting.

Mr. Daniel Kielson, a neighbor of the applicant, said his concern is with the disproportionate amount of cement that will be on the property as the result of building a two-car garage. He noted that although they are currently planning a gravel driveway, he expects it will be paved over once snow season comes, since gravel is extremely hard to shovel and plow. He added that so much new impermeable surface would add to storm runoff.

Trustee Poor agreed with the ZBA that there are no hardships, and said the proposal is far too intense and creates runoff issues. He indicated that he would be in favor of affirming the ZBA's recommendation.

Trustee Berger said she agreed with Trustee Poor.

Trustee Behles said he supported the findings of the ZBA, and noted that the side yard setback problem is self-created.

Trustee Tucker echoed the comments of the other Trustees and said she didn't see any reason to overturn the ZBA's recommendation.

Trustee Ritchell agreed with the rest of the Council and with Trustee Behles about the side yard issue.

Trustee Poor, seconded by Trustee Behles, moved to accept the ZBA's recommendation and to deny the variations request. By roll call vote, the motion carried. Ayes: Trustees Behles, Berger, Poor, Ritchell and Tucker. Nays: None. Absent: President Woodbury.

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