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## WINNETKA ZONING BOARD OF APPEALS NOTICE OF MEETING

**June 13, 2016**

**7:00 p.m.**

The Winnetka Zoning Board of Appeals regular scheduled meeting will convene on Monday, June 13, 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 April 11, 2016 meeting minutes.
2. Approval of May 9, 2016 meeting minutes.
3. Case No. 16-09-V2:           657 Sheridan Rd.  
Lester and Rebecca Knight  
Variations by Ordinance
  1. Front Yard Setback
  2. Garages
4. Case No. 16-10-V2:        1088 Mt. Pleasant Rd.  
Bill and Jody Savino  
Variations by Ordinance
  1. Front Yard Setback
  2. Rear Yard Setback
5. 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

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# Memo

To: ZBA members  
From: Ann Klaassen, Planning Assistant  
Date: June 6, 2016  
Re: Application Updates

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- Case No. 15-27-V2: 5 Indian Hill Rd., variation for minimum required lot depth for a proposed subdivision. Due to schedule conflicts, the applicant has requested the Village Council consider this case for policy direction at its meeting June 21, 2016.
- Case No. 16-06-V2: 719 Foxdale, maximum building size and side yard setback variations to allow a two-story addition. A building permit for interior remodeling, which does not require zoning relief, was submitted May 23, 2016. We are waiting for a response on whether the applicants intend to withdraw the variation application.
- Case No. 16-07-V2: 277 Poplar, rear yard setback and garages to allow a detached garage to provide a reduced rear yard setback. This case is scheduled for policy direction from the Village Council at its meeting June 21, 2016.

**DRAFT**

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

**Zoning Board Members Present:** Joni Johnson, Chairperson  
Mary Hickey  
Thomas Kehoe  
Kathleen Kumer  
Carl Lane  
Mark Naumann

**Zoning Board Members Absent:** Chris Blum

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

**Agenda Items:**

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

**Minutes of the Zoning Board of Appeals  
April 11, 2016**

**Call to Order:**

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

**719 Foxdale Avenue, Demetra and Antony DeMonte, Variations by Ordinance – Maximum Building Size 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 Demetra and Anthony DeMonte concerning 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%).

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

Lance Shalzi of Airoom Architects stated that he would present the request to the Board on

behalf of the owner of 719 Foxdale. He stated that with regard to the scope of work for the project, they plan on doing a one car addition and that with the restrictions of the property, it would end up being a tandem attached garage. Mr. Shalzi stated that they are also proposing a second floor master bedroom conversion suite over the one car garage addition which would become part of the master suite and which would encompass a walk-in closet.

Mr. Shalzi stated that with regard to the reason that they need the variation, the hardships have nothing to do with the current owners but that the garage is only a little over more than 9 feet on the interior which makes it difficult to maneuver in the garage. He stated that they also have children and that it is a very difficult situation. Mr. Shalzi also stated that with regard to the existing residence, there is no existing master bedroom suite. He then referred the Board to the existing second floor plan which has three bedrooms, none of which by today's standards would be considered a master bedroom suite.

Mr. Shalzi stated that they are proposing to take a portion of the existing bedroom in the front and expanding it into a master bedroom suite as well as taking an existing bathroom and converting it into a master bath. He also stated that they plan to build out over the existing garage with walk-in closets. Mr. Shalzi then referred to the fact that there is not a lot of existing storage space. He stated that the minimally sized closets are not enough to raise a family in the home.

Mr. Shalzi stated that the hardship that they are challenged with is due to the restrictions of the property and not the owners and the fact that it is existing nonconforming with setbacks of 8 feet on one side and 6 feet on the other. He stated that the location where they propose the tandem garage structure is in the location of the nonconforming setback.

Mr. Shalzi then stated that anything less than 12 feet as an interior space for a garage for ample room to open the doors, etc. is what they are asking for. He stated that brings them to the reduction in the side yard setback request. Mr. Shalzi then asked if there were any questions.

Chairperson Johnson stated that she wanted to point out that on page nos. 14 and 15, the bedrooms are incorrectly numbered and suggested that it be corrected. She also asked if there were any questions.

A Board Member asked if the bathroom on the back corner of the home is the bathroom which is used by existing bedroom nos. 1 and 2. He then referred to page no. 14 of the materials.

Demetra DeMonte introduced herself to the Board and stated that all three bedrooms use the one bathroom. She stated that as you can see in the corner, there is an existing bathroom which she described as quirky. Ms. DeMonte informed the Board that there are stairs in that location and that it will be unusable for bedroom no. 3 at night and described it as hazardous.

Mr. Lane stated that to get to that bathroom, you would have to down stairs to go into it.

Ms. DeMonte confirmed that is correct and added that the stairs are narrow.

Chairperson Johnson stated that she visited the property yesterday and that the applicant may want to point out that with regard to the bathroom, there is no entrance to it from any of the bedrooms.

Ms. DeMonte confirmed that is correct and described it as a very small bathroom with a small sink and tub and which is the only bathroom upstairs.

Mr. Lane asked why did it drop down.

Ms. DeMonte stated that there are very narrow stairs that lead from the kitchen up and that it may have been servants' quarters at one point.

Mr. Lane stated that with regard to the space which is off of the existing master bedroom and which is attic access, he asked if that is currently a closet.

Ms. DeMonte confirmed that it is an old cedar closet. She reiterated that they have very little space.

Chairperson Johnson asked if they planned to take the cedar closet and convert it into the bathroom.

Ms. DeMonte and Mr. Shalzi confirmed that is correct. She added that they are not asking for anything grand but only the ability to have a master bath.

Chairperson Johnson asked if there were any other questions from the Board.

Ms. Kumer asked if they considered expanding off of the back where the deck is or if there were other alternatives.

Ms. DeMonte responded that alternative would have been very expensive. She also stated that it would have altered the foundations which would not have been sufficient for that and that it would have been impossible.

Chairperson Johnson asked Mr. Shalzi if he would like to comment.

Mr. Shalzi stated that they are asking for 92 square feet over the requirement. He stated that they wanted to expand the garage space and that another addition off of the back of the home would have made their far exceed more than what they are asking for now. Mr. Shalzi described the proposed addition as a 10 x 10 room.

Mr. Kehoe asked the applicant if they discussed the request with the neighbor to the north.

Ms. DeMonte confirmed that is correct and stated that their son-in-law has had many discussions with them as well as showed them the diagrams. She also stated that they added a window to the garage so that it would be more attractive. Ms. DeMonte stated that he is fine with it and is present and may have questions.

Ms. Hickey asked if they considered adding onto the back of the existing garage so that the new addition and the extension would have extended the garage back.

Ms. DeMonte responded that the backyard is very small. She also stated that would not have helped them in getting a bathroom with the master suite and that the whole idea was to use the new space over the new garage in order to get a bathroom there.

Ms. Hickey then asked if in the new plans which were presented, if the new garage would come out further than the front of the residence.

Mr. Shalzi responded that they would be 1 foot 8 inches in front of the existing wall which he identified for the Board.

Ms. Hickey asked if it would extend out to the area near the front door.

Mr. Shalzi stated that it would be off to the side of the front door. He added that the front door is approximately 5 or 6 feet away from that.

Ms. DeMonte also stated that the new garage would be 5 to 6 feet behind and to the east of the front door.

Mr. Shalzi referred the Board to sheet A12.

Mr. D'Onofrio then referred the Board to page 13 and stated that you will see the proposed new garage which would extend out past the adjacent wall approximately 1 foot 8 inches.

Ms. Hickey asked if it would be in front of the front door.

Ms. DeMonte confirmed that is correct.

Mr. D'Onofrio confirmed that it would be 5 to 6 feet north of the front door.

Ms. Hickey stated that her concern related to whether the applicant looked at options of extending the existing garage back and not having the new garage come out so prominently in front.

Ms. DeMonte stated that if you look at the photograph of the home, she commented that it would be much more beautiful and attractive and referred the Board to an illustration of the front elevation. She then identified the existing elevation for the Board. Ms. DeMonte also stated that it would be much more appealing from the street.

Chairperson Johnson stated that it is not aesthetically what it would look like but that it is a lot of structure encroaching the setback. She stated that they would be quite close to the neighboring home which is the problem she had with the request. Chairperson Johnson then stated that in the zoning packet there is information with regard to the previous zoning case for the porte-cochere. She stated that what the previous owner wanted to do was to extend the garage to the rear.

Ms. DeMonte confirmed that is correct and that it would have been a pass-through for a double garage in the rear. She noted that request was denied.

Chairperson Johnson stated that was going to include a bedroom addition over the porte-cochere.

Ms. DeMonte stated that it was not for a bedroom addition but that it would have kept what she saw yesterday.

Chairperson Johnson stated that plan did not solve the master bathroom issue.

Ms. DeMonte confirmed that is correct.

Chairperson Johnson stated that one issue is that they are not going to get the room to put on an addition and a master bath and closet unless they were to move the bedrooms around.

Ms. DeMonte responded that there is no room and that it is a small home. She also stated that the only way to do another bathroom would be to take the cedar closet. Ms. DeMonte informed the Board that they have worked it all the way around and that they purchased the home for their daughter and son-in-law who are 30 years old and that they planned to live there for the rest of their lives and start a family here and added that they need a bathroom on the second floor so that they can live and be a part of Winnetka. She added that they are not asking for anything grandiose.

Chairperson Johnson asked if there were any other questions.

Mr. Kehoe asked the applicant to explain the plight of the applicants not being attributable when they just bought the property. He then asked the applicants when did they purchase the property.

Ms. DeMonte responded that they bought the property in December.

Mr. Kehoe stated that it is hard for him to understand the plight of the owner concept when they knew these were the conditions when they bought the property.

Ms. DeMonte agreed that they knew but that they felt that there was an opportunity and that they thought coming before the Board that a couple coming into an area and moving into a home and allow them to have a little more space in order to raise a family there.

Ms. DeMonte then stated that they decided to buy the home and described it as a lovely little home. She stated that all they need is one extra bathroom. Ms. DeMonte also stated that she is positive that her daughter and family will not be using the garage since it is too small to be used as a garage and that they would use it as storage. She then stated that they are using the best quality firm and that it would be an asset to the community.

Mr. Kehoe stated that it is difficult for the Board to consider granting a variation when they have this exacerbating existing condition even though it is small.

Ms. DeMonte then suggested that they ask the neighbors if they would object to it.

Chairperson Johnson stated that is not the only reason and referred to other families and that the Board has to protect the zoning integrity and the standards in terms of setting a precedent. She then referred to the previous owner who lived in the home since 2007 which she described as quite a while. Chairperson Johnson reiterated that whether the neighbors did not object is not the only consideration and that otherwise they would not be here.

Ms. DeMonte stated that the reason she brought that up is that their son-in-law has been in communication with the neighbors next door throughout the whole process.

Chairperson Johnson stated that hopefully the Board read the agenda report and that some of these issues were brought up before. She stated that the Chair of the Board at that time suggested that they just have a smaller car. Chairperson Johnson then stated that while they did not necessarily have to agree with that, they have to consider whether conforming alternatives were explored which is why she asked if instead of the current master bedroom and the existing bedroom in the rear of the home instead to convert it to a master bedroom suite and to have the garage in the rear so they would not be putting another building so close to the north property line. Chairperson Johnson then asked the architect to address that.

Mr. Shalzi stated that one of the issues related to the stairs going down to the bedroom in the back of the home and that they would have to lift that structure up in order to get it on the same floor. He then referred to the height of the structure for which there may be an objection to. Mr. Shalzi stated that they considered all of the alternatives and that in working with the client, this is where they ended. Mr. Shalzi added that they kept the garage at the same elevation since they did not want to increase the height and that they thought about scale. He agreed that a tandem garage itself is an inconvenience and that they are doing everything they can to satisfy the program.

Chairperson Johnson asked if there were any other questions.

Mr. Naumann asked Mr. D'Onofrio if there were any other similar cases which were brought before the Board in close proximity.

Mr. D'Onofrio stated that he cannot recall and that there was a previous case for the property and that these lots are not very deep in that they are 140 feet deep whereas a typical tree street lot has a typical width of 50 feet and is 187 feet deep. He stated that the issue with these lots is that they are shorter. Mr. D'Onofrio then stated that the width is not all that unusual.

Chairperson Johnson noted that this is in the R-4 district and asked if that based on the requirements for the actual lot size, she did not see it on the zoning matrix, approximately 7,000 square feet is the existing lot size and that the current requirement in the R-4 district is 12,600 square feet.

Mr. D'Onofrio informed the Board that lot coverage and GFA are based upon a percentage of the lot and the size itself and not what is allowed in the zoning district.

Chairperson Johnson stated that they are not being penalized by being in the R-4 district.

Mr. D'Onofrio confirmed that is correct.

Chairperson Johnson 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 comments from the audience.

Daniel Kielson introduced himself to the Board and stated that he lives to the north of the applicants' property and that he and his wife are the co-owners of the home on the north side. He stated that his questions relate more about the construction phase than the outcome. Mr. Kielson then asked the architect would the asphalt driveway which runs east and west be dug up and replaced with cement.

Mr. Shalzi responded that they would be digging in enough to get the foundation in for the new garage.

Mr. Kielson then stated that his concern is that with the current asphalt driveway, it is only one or two feet from his property line and that there is currently an elm tree and two hemlock trees which are right on the border line. He then asked Mr. Shalzi if he would be overseeing all of the construction.

Mr. Shalzi stated that Airoom is a design construction firm and that they oversee all of the project in that they do all of the designs as well as the construction. He also stated that they are well aware of protections and things like that.

Chairperson Johnson informed the Board and Mr. Kielson that the Village Forester would have to approve the plans and that protections would be put in place according to the code with regard to the existing trees. She then asked if they planned on taking out any trees on their property.

Mr. Shalzi responded that they would not.

Chairperson Johnson then stated that if there was some damage to the root system, they would have to deal with it even if it is on the neighbors' property.

Mr. D'Onofrio informed the Board that trees that are within 15 feet of the property line are identified and that before they issue a permit and construction, the Village Forester has to approve the plan with regard to tree preservation.

Mr. Kielson stated that he is comfortable with that and reiterated that he is concerned with the construction phase. He then asked if the new foundation would be at a higher level than the current one.

Mr. Shalzi stated that there is a frost line that they have to take down to according to code and referred to the concern with regard to the water level. He then stated that they would have to go down to 42 inches below grade to reach that frost level. Mr. Shalzi confirmed that they would not be going any higher up than what is there right now.

Mr. Kielson stated that is fine with him.

Chairperson Johnson asked if there were any other comments. No additional comments were made at this time. She then called the matter in for discussion.

Chairperson Johnson stated that she would like to mention in order to get a sense of where people are, she asked if it would be helpful to have the applicants come back and give an explanation as to why they cannot put the second garage structure on the rear.

Ms. DeMonte stated that they cannot do that. She stated that it would be too expensive and that there would not be any backyard for their grandchildren. Ms. DeMonte added that is a very small backyard.

Chairperson Johnson then noted that the Board is a recommending body and that the Village Council has final jurisdiction.

Mr. Naumann stated that he is struggling with the first standard of reasonable return and unique circumstances particularly that the transaction recently took place. He stated that there is a compelling argument in this case.

Ms. Kumer stated that she is also struggling with standard nos. 1 and 2 and that the remaining standards have been met in her opinion. She stated that in her own personal situation, they have a two car garage and that they park the third vehicle in the front. Ms. Kumer stated that she did not go into the home and that the front of the home is relatively sizable. She noted that she lives around the corner. Ms. Kumer then asked if they considered at least making the garage flush.

Chairperson Johnson noted that they called the matter in for discussion and that they can reopen it for discussion.

Ms. Kumer stated that the plans show that there is a bump out and asked if that is for extra storage space.

Mr. Shalzi stated that currently, the garage is not wide enough to open the door to get out and that they wanted a more comfortable garage size in order for them to open the door in terms of convenience. He stated that they would not want to build a garage which is just as tight as the one they have now.

Ms. Kumer asked if he thought that the garage was never used as a garage or if they thought that vehicles were smaller.

Chairperson Johnson stated that people did see the home and that you can see the garage and that there is a vehicle there. She also stated that the garage is not in great condition either.

Ms. DeMonte stated that as far as building off of the back, it is at a lower level and that it stepped down. She then stated that in order for them to expand, it would not help them in any way and that it would not give them an additional bathroom.

Chairperson Johnson stated that they realize that since the architect mentioned that they might have to go higher and that she did not know what that would look like and referred to whether there is attic space above there.

Ms. DeMonte stated that there is a very small attic.

Chairperson Johnson then stated that is why she asked if the applicants wanted to come back and show the Board why that would not work to do a master bathroom addition with the bedroom that currently has the steps.

Mr. Shalzi stated that the attic space is more of a collar tie area that is about 1/3 going down and tied the rafters down. He stated that the attic is where the existing master bedroom is already and that above that is the ceiling which creates the collar tie.

Chairperson Johnson stated that she remembered that it is a very small room and that she is not an architect and was not looking at it from that perspective.

Ms. DeMonte stated that with regard to the fourth bedroom that they are talking about, it is exceedingly small and that it would be used as an office.

Chairperson Johnson then called the matter back in for discussion. She stated that to frame the discussion, they talked about reasonable return in terms of the one car garage and that they have granted variances for garages even though the people who are making the application know that there was a one car garage when they bought the home. Chairperson Johnson stated that the other issue that they should not forget even though she was the only person to go inside of the home, there is no master bathroom or even a bathroom which is connected to a bedroom. She stated that there is one hall bathroom servicing the three bedrooms.

Chairperson Johnson then stated that it might be possible to break open a bedroom into that bathroom and asked if they considered that possibility and that there may be a bedroom on the other side. She then stated that the matter was called in for discussion and that the record is not clear in terms of other conforming alternatives. Chairperson Johnson stated that they have two things which are the master bathroom issue and having an existing garage which is not large enough and which may be fixed up and would only go to Mr. D'Onofrio in terms of any variation associated with that. She then asked Mr. Lane for his comments.

Mr. Lane stated that he had the same concerns which were raised. He then stated that with regard to reasonable return, they have frequently had the issue of a one car garage versus a two car garage or even a three car garage and that typically what the Board has discussed is to base it on the neighborhood. Mr. Lane then stated that if you go to the neighborhood and look at similarly sized lots, the range is from zero to a one car garage and that although there are a number of two car garages, those are on a lot which is wider or the garage is in the back quarter of the property. He also stated that while he is typically under the view that a two car garage is the standard or even a usable one car garage is the standard, he stated that in this neighborhood, that may not be the case and that there are homes which do not have garages at all.

Chairperson Johnson asked Mr. Kielson if his property had a one car garage.

Mr. Kielson confirmed that is correct.

Chairperson Johnson then referred to another neighbor to the north.

Ms. DeMonte informed the Board that many homes on the street have two car garages.

Mr. Lane stated that he drove down the street and is pretty confident in his observations. He stated that if there was a situation where they were making this one car garage more usable and the variation was less, he might feel more comfortable. Mr. Lane stated that for a two car garage even though it would be a tandem garage and the amount of the variation being asked for here, he cannot get comfortable with that based on his view of the other garages in the neighborhood.

Mr. Lane then stated that with regard to unique circumstances, he stated that it is pretty standard that a home being nonconforming is not a unique circumstance associated with the property and that it is an issue with the home and that in most situations, rebuilding or making changes are supposed to bring it into conformity. He stated that going out into the side yard is a fairly substantial addition to that nonconformity. Mr. Lane reiterated that he is not comfortable with regard to standard nos. 1 and 2 and that he agreed that it is a different situation to have a great master bedroom and a great garage. He also stated that it is a small home and that things are in smaller scale. Mr. Lane then stated that there are even bigger homes which do not have master bedrooms.

Mr. Lane went on to state that with regard to the third standard, he commented that the design is nice and that he did not have an issue with it sticking out a little bit. He stated that with regard to standard no. 4 in connection with the light and air to adjacent properties, they did not have a lot of testimony on that but that standard nos. 1 and 2 are the driving factors.

Chairperson Johnson stated that she appreciated the comments in connection with the neighborhood context and that she visited the neighborhood and did not do a survey of whether the other homes had one or two car garages.

Mr. Lane stated that there is a big mix.

Mr. Kehoe informed the Board that he did a survey and identified the homes at 735, 727, 723 and 715 Foxdale have one car garages and that 731 and 734 Foxdale have no garages. He stated that the homes on the other side of the street are ranch style homes on wider lots with more two car garages. Mr. Kehoe then stated that although they are right across the street, it is another neighborhood.

Mr. Lane then stated that he agreed with Chairperson Johnson's comment that they did not have a lot of great conforming alternatives and that he assumed that this is an expensive project and stated that if they were to get rid of the rear stairs and raised up that space a little bit, they may be able to get something there that is conforming. He stated that based on looking at the prior situation, a drive-through is probably not the easiest architecturally speaking.

Chairperson Johnson informed the applicant that the drawing shows two dining rooms and that there might be the possibility of doing a master bedroom suite on the first floor.

Ms. DeMonte confirmed that there is one dining room and identified the other room as a family room.

Chairperson Johnson then referred to the deck and stated that they might be able to do a first floor master suite. She also stated that it was not noted in the record that alternative was considered. Chairperson Johnson asked if there were any other comments.

Ms. Hickey stated that she is in agreement with the comments made and that with the addition coming forward, she had an issue with that and that it would impede the light to the property to the north. She then stated that she is very sympathetic to what the applicants are attempting to do. Ms. Hickey stated that the Board members are not architects and suggested that they consider expanding the current garage with storage so that it is consistent with the neighborhood. She stated that she is concerned that it will be out of character. Ms. Hickey also stated that it would become very dense for a small home. She also stated that the design on the second floor is great and that this is a dilemma.

Chairperson Johnson asked if there were any other comments.

Mr. Kehoe stated that to summarize, if you do not have the facts, you argue the law and that if you do not have the law, you argue the facts. He stated that the applicants do have a good argument and that they are attempting to build their home which was left behind from the times. Mr. Kehoe stated that he hoped that the applicants can take another crack at it and come back to the Board since what they are attempting to do is exciting.

Ms. Kumer stated that she had nothing else to add.

Chairperson Johnson informed the applicants that the Board did not have final jurisdiction and that they can go to the Village Council with a negative recommendation or they can continue the case and come back with an alternative plan that might involve a variation or less of a variation.

Ms. DeMonte stated that she did not know what to do and that they have to discuss it.

Chairperson Johnson suggested that they discuss it in the hallway.

Mr. Shalzi stated that he would like to ask if they did explore other options, one of which would mean expanding the existing garage width by another foot to make it roomier and then coming up with some sort of a master suite on the back of the home. He stated that they would be asking for another variation for the side yard since they would be extending the width of the garage and that they would still need the FAR increase variation.

Chairperson Johnson stated that they cannot promise them that and that the Board would have to see it and that they cannot make any advance advisory opinion. She noted that there are six Board members present.

Several Board members stated that they would like to see it.

Mr. Lane stated that adding 400 square feet now would be compared to adding 300 square feet.

Mr. Shalzi stated that it would depend on how it would be configured and that they would have to add some sort of space on the first floor. He suggested that they could add something that would measure 10 x 12 feet which would be 120 square feet per floor.

Chairperson Johnson stated that it would be tucked behind the home.

Mr. Shalzi confirmed that is correct so that they would not extend into the side yard more than the proposed expanded width for the existing garage.

Mr. Lane stated that a two car garage would not pass based on the comments.

Ms. DeMonte asked if they could still do a tandem garage.

Mr. Lane and Chairperson Johnson stated that it did not seem that they could.

Mr. Lane added that there has not been enough testimony in that regard.

Chairperson Johnson then asked the applicants what they would like to do.

Mr. Shalzi responded that they would like to continue the request and come back before the Board.

No vote was taken on this matter at this time.

### **OTHER BUSINESS**

Chairperson Johnson stated that the One Winnetka proposal was made to the Village Council and that it was reported in the news that there might have been some changes and that she read the agenda report and asked Mr. D'Onofrio to outline what the changes were for the Board.

Mr. D'Onofrio informed the Board that there were no substantive changes whatsoever from what the Board took their action on. He stated that what Chairperson Johnson might have read in the press was that there was discussion of different plan iterations than what were submitted to the Plan Commission in February to what was presented to the Village Council last Tuesday. Mr. D'Onofrio stated that any of those changes were things that the Board looked at such as the number of residential units which was 70 and that the building heights were what they were and that the changes to the building and the site were the same. He stated that they might have identified certain things which were deemed an amenity but that basically, there were no changes from what the Board saw. Mr. D'Onofrio stated that at the Village Council meeting last Tuesday, he provided a presentation on the planned development process and that the applicant gave their presentation on the project itself and that there was approximately 45 minutes of questions from the public. He then stated that next Tuesday, they would begin again with public comment.

Chairperson Johnson asked Mr. D'Onofrio if the Village Council asked any questions or made any comments to the developer.

Mr. D'Onofrio responded that they did not. He informed the Board that it was almost 10:00 before they got to the public comment portion of the meeting and that there were other items on the agenda. Mr. D'Onofrio then stated that there may not be anything on May 3, 2016 and that it would probably pick up again on May 17, 2016. He then stated that there will be discussion on April 19, 2016 and informed the Board that the Village Council has hired a firm to do an economic analysis and that it would not be completed before the April 19<sup>th</sup> meeting.

Mr. Kehoe asked what is the name of the firm.

Mr. D'Onofrio responded CBRE.

Chairperson Johnson stated that they met at an executive session. She asked if the 20% is the percentage of the neighbors within 250 feet on the protest.

Mr. D'Onofrio confirmed that is correct and stated that the protest was filed and that those petitions are being reviewed by the Village Attorney. He noted that the petitions have not been ruled on yet and that there were a number of petitions filed.

Chairperson Johnson asked if that meant that if you have a joint tenancy in one condo, you would file separate petitions and that would be in the 20% threshold.

Mr. D'Onofrio confirmed that is correct.

Chairperson Johnson then asked if that was why the president, Gene Greable, did not vote or if there was some other reason.

Mr. D'Onofrio responded no and stated that when there is a petition that is filed, that means that there a supermajority of the Village Council is required, which meant four members. He stated that meant that you would have to have voted to approve something rather than without a petition three and then the Village Board President can break the tie. He stated that in the case when opposition petitions are filed, it required a supermajority of the Village Council. Mr. D'Onofrio then stated that the Village Council President does not vote in that case.

Chairperson Johnson asked if there were any other questions. She informed the Board that she received an email from someone stating that there was a height change and that she did not see that at all which showed how very misinformed people are.

Mr. D'Onofrio noted that all of the information is on the website and asked all of the Board members to look at the poster downstairs and that they are having a quick poll as part of the downtown plan.

Chairperson Johnson stated that she has done it already. She asked if there were any other comments. No additional comments were made at this time.

The meeting adjourned at 8:09 p.m.

**DRAFT**

**WINNETKA ZONING BOARD OF APPEALS  
MAY 9, 2016**

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

**Zoning Board Members Absent:** Kathleen Kumer  
Carl Lane

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

**Agenda Items:**

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

**Minutes of the Zoning Board of Appeals  
May 9, 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 February 8, 2016 meeting minutes. She noted that she submitted her changes to Mr. D’Onofrio. Chairperson Johnson asked if there were any other comments.

Ms. Hickey stated that she also submitted her changes.

Chairperson Johnson then asked for a motion.

A motion was made by Ms. Hickey, and seconded by Mr. Kehoe, to approve the February 8, 2016 meeting minutes, as amended. A vote was taken and the motion was unanimously passed.

Chairperson Johnson stated that the Board would now review the March 14, 2016 meeting minutes. She stated that she submitted her changes to Mr. D'Onofrio and asked if there were any other comments.

Ms. Hickey stated that she also submitted her changes.

Chairperson Johnson then asked for a motion.

A motion was made by Ms. Hickey, and seconded by Mr. Naumann, to approve the March 14, 2016 meeting minutes, as amended. A vote was taken and the motion was unanimously passed.

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

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

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

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

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

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

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

Mr. McGowan then stated that with regard to what they would like to do, he asked the Board to recall that they came before the Board a couple of years ago with the permission of their neighbor located two homes to the south of theirs, Dave Bartels, and that they purchased the

property in between them. He informed the Board that the property should be demolished within the next two weeks and that the property contained a home and a separate garage. Mr. McGowan then stated that almost exactly where that garage is today is where they would like to build the new garage a bit to the south.

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

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

Mr. McGowan confirmed that is correct.

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

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

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

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

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

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

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

Ms. Klaassen confirmed that is correct.

Chairperson Johnson asked if there were any other questions.

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

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

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

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

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

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

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

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

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

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

Ms. Hickey stated that they did not request a variance to build their garage.

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

Chairperson Johnson stated that she did not believe that they needed any variance and referred to the subdivision.

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

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

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

Ms. Klaassen responded not necessarily.

Chairperson Johnson stated that they clearly have a new addition.

Mr. McGowan confirmed that is correct.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chairperson Johnson stated that it is an issue for her under the third standard and stated that even though they are not seeking a variation for the stair.

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

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

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

Chairperson Johnson informed the Board that she received a call from a neighbor who had a concern that it would be turned into more than a garage. She asked the applicant that even with the stairs on the exterior if they did not intend to use that space for an unplanned room or for children's space. Chairperson Johnson confirmed that they are allowed to have that space.

Chairperson Johnson then asked Mr. D'Onofrio and Ms. Klaassen that the zoning matrix was not clear in terms of whether the numbers exclude that part of the side lot that was deeded to their property from the subdivision. She questioned whether the subdivision did go through.

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

Chairperson Johnson asked if there were any other questions. No additional questions were raised by the Board at this time. She stated that their argument is that their hardship is the 400 square foot bonus and asked if there were any unique circumstances. Chairperson Johnson then stated that if there were no other questions, she would call the matter in for discussion and reiterated that since there are only four Board members present, they would need unanimity for a positive recommendation to the Village Council.

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

Mr. Blum stated that his concern was on the hardship here. He then stated that they have a wide open lot and that it is not a situation where there is an existing space which is tight and that they need a variation. Mr. Blum stated that it related to a substantial portion of the property and that

there are a lot of ways to go about this. He stated that in thinking about that, he was looking for a hardship.

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

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

Ms. Hickey stated that she agreed with Mr. Blum's comments. She then stated that with the height, it would become a larger building. Ms. Hickey also stated that she is thinking of the aesthetics of the property and that if it is further in the back and that they could grant the variance. She then stated that she wished that she had a scale drawing of the garage to the home and that she wondered what it is going to do to the 265 property with the height, although they are not considering height.

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

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

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

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

Chairperson Johnson stated that she agreed with all of the comments made and that she would like to add that concurrently without adding the 25 feet for the subdivision, they would have a large setback and that while they do not have a large lot, the applicants are choosing to put a two car garage although two car garages are customary in Winnetka and that there are many people who have one car garages still.

Chairperson Johnson then stated that is not the issue and that she did not see the hardship. She also stated that they would be creating so much density in keeping it so close to the next property line and

that she did not think that she could support it. Chairperson Johnson then stated that by having it so close, other than gaining the 400 square foot bonus, they would not be gaining any usable yard space and that by moving it 4 feet to the west, they would only be covering part of their proposed driveway.

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

Chairperson Johnson stated that because the Board is a recommending body and that there did not appear to be a favorable recommendation, she informed the applicants that they can go to the Village Council with an unfavorable recommendation or could resubmit and ask for a continuance to come back with a different plan and design that might satisfy some of the Board members. She stated that with regard to the integrity of the code, 6 feet is going to create a hardship and that it did not matter if there is a dilapidated, old garage within the setback. Chairperson Johnson stated that this represented an opportunity to correct it and make it right and that they obtained a larger property through a subdivision a couple of years ago and that it should not lead to the creation of all sorts of nonconformities. She then asked the applicants what they want to do.

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

Chairperson Johnson then asked for a motion.

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

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

Chairperson Johnson suggested that they mention the GFA bonus.

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

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

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

**FINDINGS OF THE ZONING BOARD OF APPEALS**

1. The requested variations are within the final jurisdiction of the Village Council.
2. The requested variations are not in harmony with the general purpose and intent of the Winnetka Zoning Ordinance. The proposal is not compatible, in general, with the character of existing development within the immediate neighborhood with respect to architectural scale and other site improvements.
3. There are no practical difficulties or a particular hardship which prevents strict application of 17.30.070 [Rear Yard Setback] and 17.30.110 [Garages] of the Winnetka Zoning Ordinance which is related to the use or the construction or alteration of buildings or structures.

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

1. The property in question can yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone. No testimony was provided explaining why the garage cannot be moved 4 ft. west to comply with the setback. Additionally, there is no structure in the way of the proposed garage that would prevent the garage from complying with the required setback. Finally, not being able to take advantage of the gross floor area allowance for a detached garage is not a hardship.
2. The plight of the owner is not due to unique circumstances. Such circumstances must be associated with the characteristics of the property in question, rather than being related to the occupants. A rear yard abutting a side yard is not unique to this property.
3. The variation, if granted, may alter the essential character of the locality. A detached garage located within such close proximity to the adjacent side yard may alter the character.
4. An adequate supply of light and air to adjacent property may be impaired by the proposed variation. The required 6 ft. setback is intended to protect the side yard of the adjacent property.
5. The hazard from fire or other damages to the property will not be increased. The garage would be required to comply with all building codes.
6. The taxable value of the land and buildings throughout the Village will not diminish.
7. The congestion in the public street will not increase.
8. The public health, safety, comfort, morals and welfare of the inhabitants of the Village will not otherwise be impaired.

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 7:33 p.m.

Respectfully submitted,

Antionette Johnson

**ZONING BOARD OF APPEALS  
AGENDA REPORT**

**SUBJECT:** 657 Sheridan Rd., Case No. 16-09-V2  
(1) Front Yard Setback  
(2) Garages

**DATE:** June 6, 2016

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

The petitioners, Lester and Rebecca Knight, are requesting variations by Ordinance from Sections 17.30.050 [Front Yard Setbacks] and 17.30.110 [Garages] of the Winnetka Zoning Ordinance to permit the construction of a new single-family residence that would result in a west front yard setback of 28.41 ft., whereas a minimum of 50 ft. is required, a variation of 21.59 ft. (43.18%) and a front-facing attached garage width of 23 ft., whereas a maximum of 22 ft. is permitted, a variation of 1 ft. (4.54%).

The variations are being requested in order to construct a new residence that will not meet the minimum required 50 ft. front yard setback as measured from the ingress/egress easement. The proposed setback is 28.41 ft. from the outermost limits of the easement to the southwest corner of the attached garage. The ingress/egress easement, measuring 42.19 ft. by 30 ft. at the southwest corner of the subject property, is by definition a private street. According to the zoning ordinance a "private street" means the area lying within the described limits of a right-of-way or easement for vehicular traffic, created by virtue of a recorded or registered instrument for ingress and egress, which area the owners or occupants of three or more lots or parcels of land have the right to use. There are four lots in the case of this easement. The front yard setback is measured from the front street line, which is the outermost limit of a public or private street. On this lake front property the water's edge is also deemed a "front lot line."

It should be noted that the residence immediately to the south, 655 Sheridan, was built in 2011 and received a front yard setback variation to allow the new residence to provide a front yard setback of 20 ft. from the ingress/egress easement (Attachment G). For reference, a copy of the plat of survey of the foundation for 655 Sheridan is attached (Attachment H).

In addition to the setback variation, a variation from the garage regulations is also necessary to allow the front-facing attached garage width of 23 ft., whereas a maximum of 22 ft. is permitted.

The attached zoning matrix summarizes the work proposed with this variation request. Also attached are site plans illustrating the required setbacks for 657 Sheridan (Attachment C) and the setbacks required in 1991 for both 655 and 657 Sheridan when the original property was subdivided (Attachment D).

The subject site is located off of Sheridan Rd., between Maple St. and Pine St., in the R-2 Single Family Residential District. The petitioners purchased the property in 2015.

There are no previous zoning cases for this property.

The Village Council has final jurisdiction on this request.

**Attachments:**

- Attachment A: Zoning Matrix
- Attachment B: GIS Aerial Map
- Attachment C: Required setbacks for 657 Sheridan
- Attachment D: 1991 Subdivision with setbacks
- Attachment E: Application Materials
- Attachment F: Excerpt of December 14, 2009 ZBA minutes
- Attachment G: Ordinance No. M-2-2010
- Attachment H: 655 Sheridan 2010 Plat of Survey

**ATTACHMENT A**

**ZONING MATRIX**

**ADDRESS: 657 Sheridan Rd.**

**CASE NO: 16-09-V2**

**ZONING: R-2**

<b>ITEM</b>	<b>REQUIREMENT</b>	<b>EXISTING</b>	<b>PROPOSED</b>	<b>TOTAL</b>	<b>STATUS</b>
Min. Lot Size	24,000 SF	27,827.3 SF (1)	N/A	N/A	OK
Min. Average Lot Width	100 FT	105.81 FT	N/A	N/A	OK
Max. Roofed Lot Coverage	6,956.82 SF (2)	N/A	4,710.76 SF	4,710.76 SF	OK
Max. Gross Floor Area	8,215.28 SF (2)	N/A	8,195.03 SF	8,195.03 SF	OK
Max. Impervious Surface	13,913.65 SF (2)	N/A	10,653.5 SF	10,653.5 SF	OK
Min. Front Yard (West/private rd. easement)	50 FT	N/A	28.41 FT	28.41 FT	<b>21.59 FT (43.18%) VARIATION</b>
Min. Front Yard (East/Lake)	50 FT	N/A	(+) 50 FT	(+) 50 FT	OK
Min. Side Yard (South)	12 FT	N/A	15 FT	15 FT	OK
Min. Total Side Yards	31.74 FT	N/A	31.98 FT	31.98 FT	OK

**NOTES:**

(1) Excludes area of private road easement (1,265.7 s.f.).

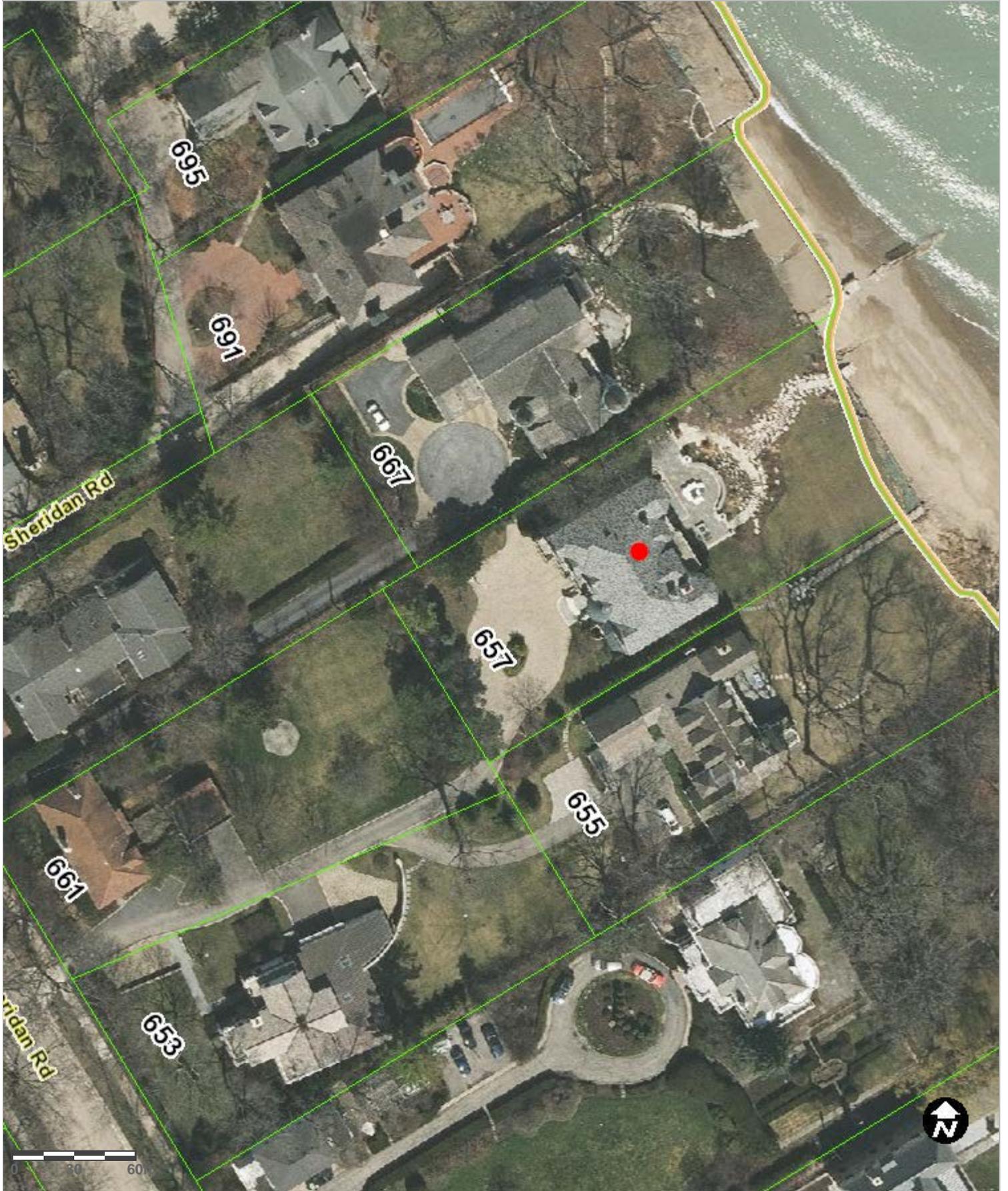
(2) Based on lot area of 27,827.3 s.f.

(3) Variation also required to allow a front-facing attached garage 23 ft. wide, whereas a maximum of 22 ft. is permitted a variation of 1 ft. (4.54%).

# ATTACHMENT B



MapOffice™ 657 Sheridan Rd.







ATTACHMENT E

CASE NO. 16-09-V2

APPLICATION FOR VARIATION  
WINNETKA ZONING BOARD OF APPEALS

Owner Information:

Name: Rebecca & Lester Knight, Lake Michigan LLC

Property Address: 657 Sheridan Road Winnetka, IL

Home and Work Telephone Number: [REDACTED]

E-mail: cchilds@rlkpartners.com

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

Randy Correll r.correll@ramsa.com

Robert A. M. Stern Architects

460 West 34th St. New York, NY 10001 (212) 967-5100

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Property Acquired by Owner: \_\_\_\_\_

Nature of Any Restrictions on Property: \_\_\_\_\_

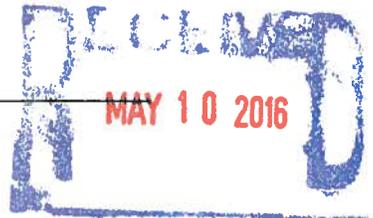
Explanation of Variation Requested: Please see Addendum 1.  
(Attach separate sheet if necessary)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OFFICE USE ONLY

Variation Requested Under Ordinance Section(s): \_\_\_\_\_

Staff Contact: \_\_\_\_\_ Date: \_\_\_\_\_



VA-2016-433

**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:  e: 5-9-16

(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.**

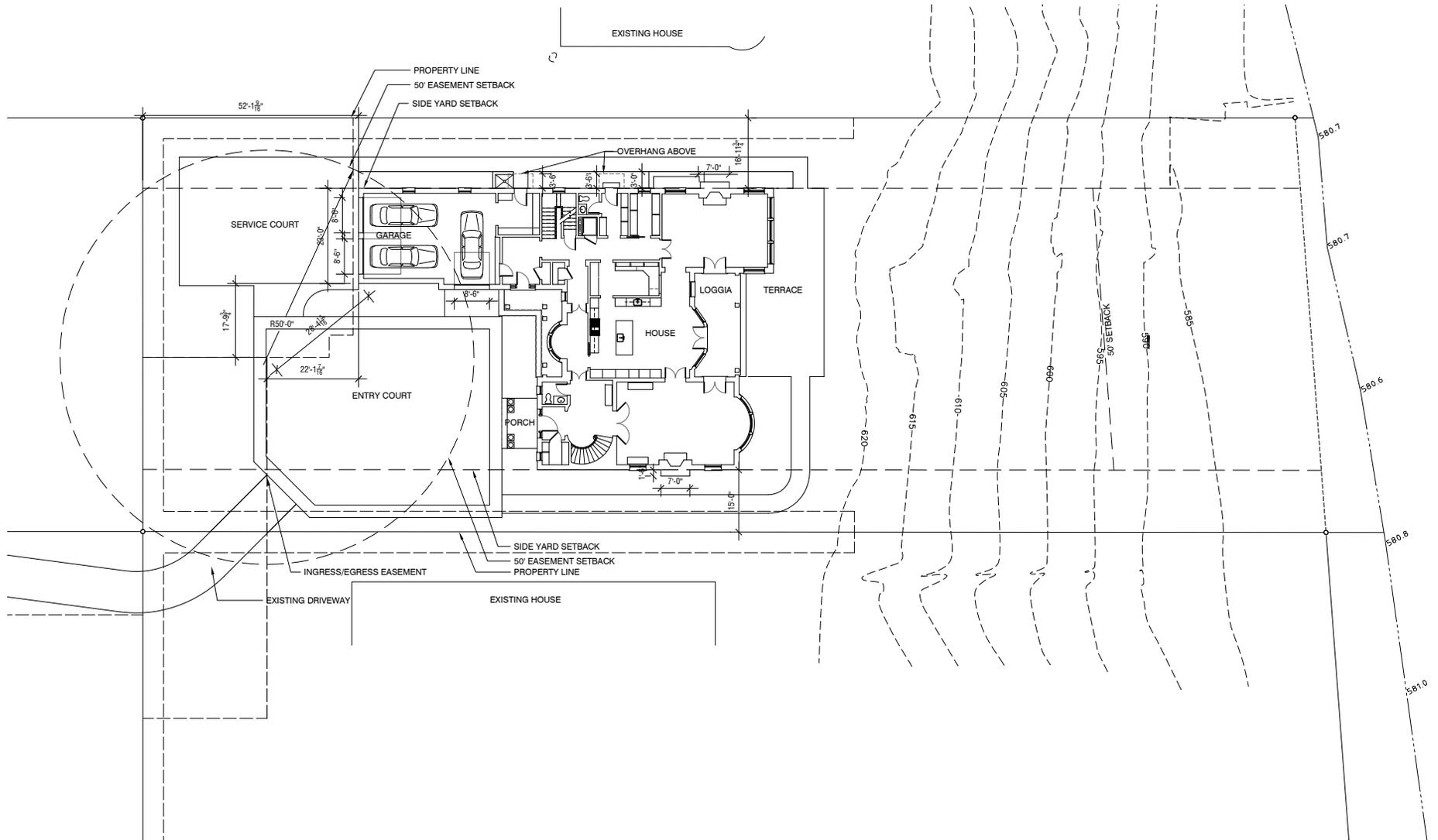
## Addendum 1:

### Explanation of Variation Requested

1. A variation of 21.12 feet is requested from the 50 foot radiused setback from the access easement at the southwest corner of the subject lot. The southwest corner of an attached garage would fall within the easement setback. The garage and house conform to required front, side and rear yard setbacks.  
We believe that the proposed garage configuration provides an improvement from that of the existing house which has three garage doors on the front elevation. The proposed attached garage removes the garage doors from the entry elevation and separates a single south facing door from two west facing doors. If this design conformed to the radiused setback, the house would need to move about 24 feet closer to Lake Michigan. The house would then be significantly forward of the neighboring houses to the south and north.  
The proposed siting of the house puts its Lake elevation in alignment with the neighboring house.  
We believe this variation is not detrimental to the neighboring properties. The proposed attached garage aligns with a similarly attached garage on the neighboring house to the south. It appears that this neighbor's garage does not conform to the radiused setback from a nearly identically configured access easement. The proposed garage aligns with a parking court on the neighboring property to the north.
2. A variation in garage width from 22' requirement to 23'. The house is to be built with 6" stone veneer on 2x8 framing making the exterior wall thicker than typical wall construction. The extra 12" is necessary for a comfortable functional width of a two-car bay. A third car bay has been placed at a side location so that the garage is minimized in the street presence.

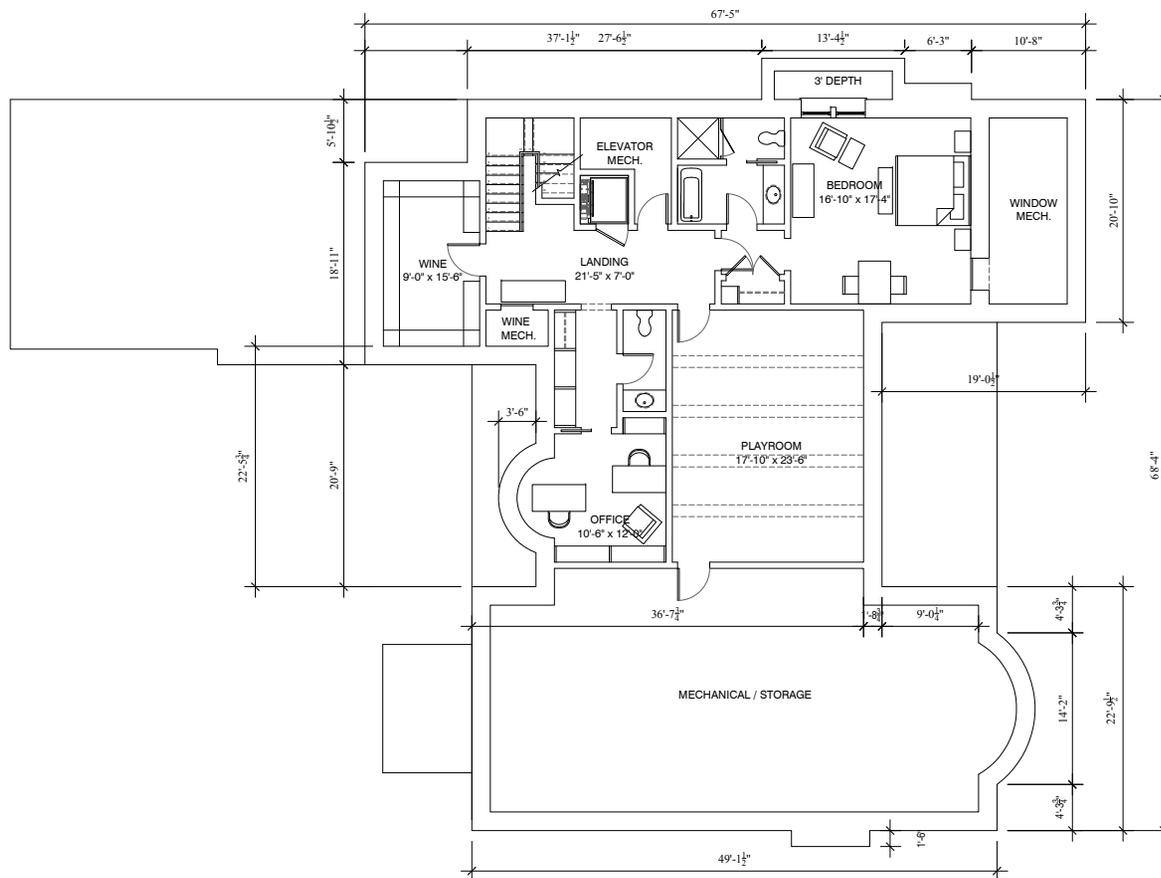
In response to the standards for granting of zoning variations, the following:

1. The existing house on the property demonstrates that strict adherence to the setback regulation yields an undesirable result: three front facing garage doors which extend across over 50 percent of the front façade. We believe that our proposal yields a preferable garage configuration that is in keeping with other houses in the neighborhood.
2. The substantial area (30 feet x 42 feet) of the access easement onto the south west corner of the lot is a unique circumstance that results in a setback from the front yard line up to 30 feet greater than the required 50 foot setback.
3. The variation, if granted, will in fact maintain the character of the neighborhood by keeping the alignment with neighboring houses as described above.
4. Variation will result in no effect to light and air on neighboring properties
5. Variation will not increase hazard from fire and other damages
6. We believe variation will result in a house consistent with the area and will not diminish taxable value of the area.
7. The variation has no impact on congestion
8. The public health, safety comfort and welfare of the inhabitants of Winnetka will not be impaired by this variation.



**SITE PLAN**  
 MAY 27, 2016  
**HOUSE ON SHERIDAN ROAD**  
 WINNETKA, ILLINOIS  
 ROBERT A.M. STERN ARCHITECTS

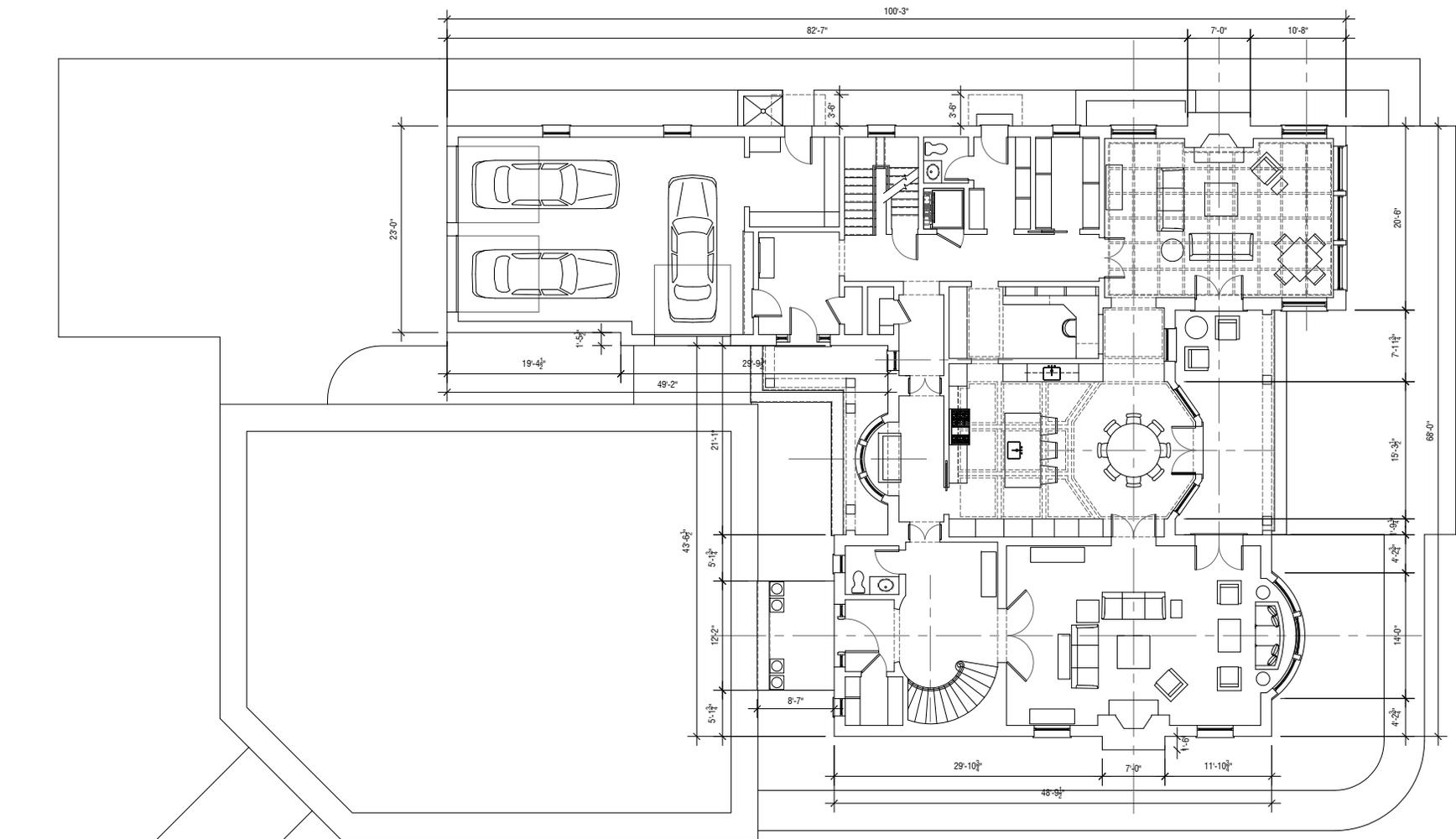




**BASEMENT PLAN**

MAY 27, 2016  
 HOUSE ON SHERIDAN ROAD  
 WINNETKA, ILLINOIS  
 ROBERT A.M. STERN ARCHITECTS





FIRST FLOOR PLAN

MAY 27, 2016  
 HOUSE ON SHERIDAN ROAD  
 WINNETKA, ILLINOIS  
 ROBERT A.M. STERN ARCHITECTS







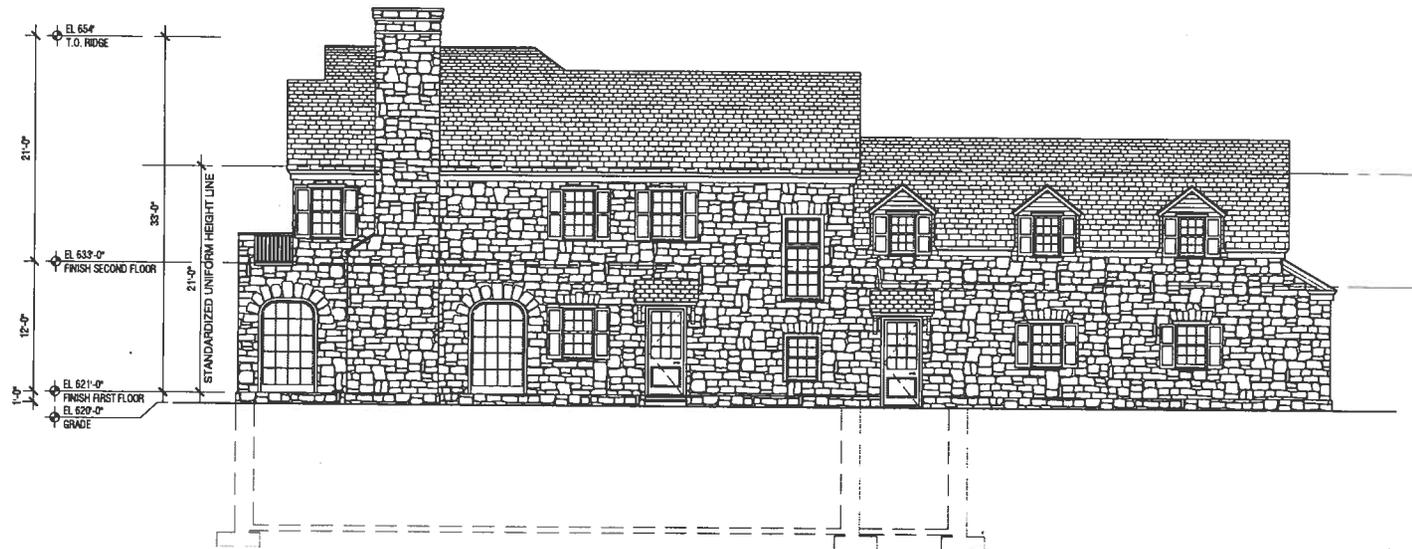
EAST ELEVATION



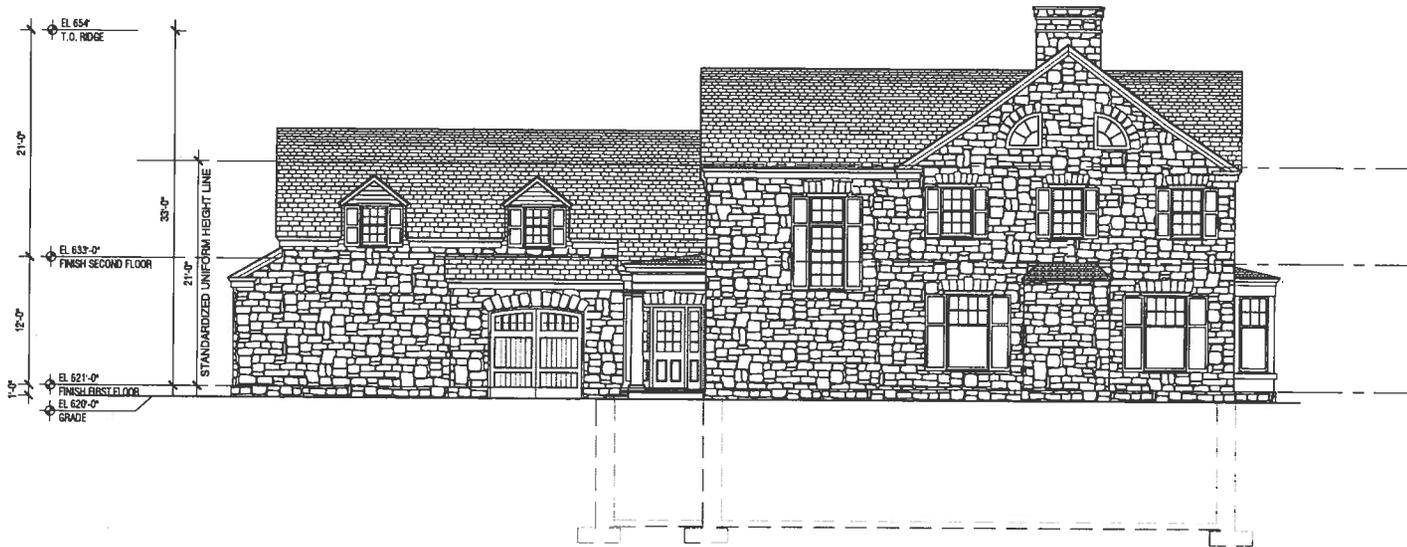
WEST ELEVATION

MAY 6, 2016  
 HOUSE ON SHERIDAN ROAD  
 WINNETKA, ILLINOIS  
 ROBERT A.M. STERN ARCHITECTS





NORTH ELEVATION



SOUTH ELEVATION

MAY 6, 2016  
 HOUSE ON SHERIDAN ROAD  
 WINNETKA, ILLINOIS  
 ROBERT A.M. STERN ARCHITECTS



# ATTACHMENT F

Minutes adopted Feb. 8, 2010

## WINNETKA ZONING BOARD OF APPEALS DECEMBER 14, 2009 EXCERPT OF MINUTES

**Zoning Board Members Present:** Joe Adams, Chairman  
Litt Clark  
Tom Hermanson  
Joni Johnson  
Carl Lane  
Scott Myers

**Zoning Board Members Absent:** Hal Francke

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

### **Agenda Items:**

\*\*\*

**Case No. 09-23-V2** 655 Sheridan Rd.  
Peter and Anne McNernery  
Variation by Ordinance  
1. Front Yard Setback

### **655 Sheridan Rd., 09-23-V2, Variation by Ordinance - Front 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 Peter and Anne McNerney concerning a variation by Ordinance from Section 17.30.050 [Front Yard Setbacks] of the Winnetka Zoning Ordinance to permit the construction of a new single-family residence that will result in a west front yard setback of 20 ft., whereas a minimum of 50 ft. is required, a variation of 30 ft. (60%).

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

Steven Friedland of Applegate & Thorne-Thomsen, 322 S. Green Street in Chicago introduced himself to the Board as the attorney for the applicant along with Paul Konstant of Konstant Architecture, 5300 Golf Road in Skokie, along with Sonia Arminio, an associate.

Mr. Friedland stated that they are asking for a recommendation for a front yard variation. He stated that variations are appropriate for unique sites and that this is a unique site. Mr. Friedland stated that they are asking for a reduction in the front yard to 50 feet from 80 feet.

Mr. Friedland informed the Board that the property is subject to a 45 foot x 30 foot easement area. He stated that the Village staff determined that there is a 30 foot width point by which to begin the front yard and that they have had conversations with the Village staff with regard to that interpretation.

Mr. Konstant informed the Board that the applicants moved back to the Village and are doing an "empty nester" home. He described the proposed home as conservative in nature and that it would have a 2-car attached garage on the north side. Mr. Konstant stated that there would be a kitchen, screened porch, dining room, living room, studio and a master suite on the first floor. He stated that on the second floor, there would be additional bedrooms and an office with views to the lake. Mr. Konstant stated that the principal form for the home from the north and south would be one-story and that the home would be 1½ stories [in certain areas] in respect of the neighboring properties. He informed the Board that the proposed home would measure 4,800 square feet and that there would be 3,200 square feet on the main floor of the home.

Mr. Konstant then referred the Board to another illustration and noted that the garage would be situated and the doors turned away from Sheridan Road, which is encouraged by the Village. He stated that in looking at the setbacks, you can see the easement line which was established years ago when the property was subdivided from the original estate. Mr. Konstant also referred to a large grouping of trees on the property. He stated that if they were to build within the 50 foot setback, there are two trees which are to be replaced with additional planting and which would allow for reasonable front and rear yards. Mr. Konstant noted that the property required two front yard setbacks. He stated that if they were to build 50 feet off of the 30 foot easement, they would end up removing six trees.

Mr. Friedland stated that with regard to the standards, he referred the Board to an illustration of the subdivision. He stated that of the variation standards, he indicated that the first two are the most critical. Mr. Friedland stated that with regard to reasonable return, there are two significant issues which affect the return on utilizing an 80 foot setback. He stated that they would lose a significant number of mature trees to set the home back the full 80 feet. Mr. Friedland stated that with a 50 foot setback from the property line, they would only affect two trees and reiterated that otherwise, six trees would be lost. He noted that the lot is heavily wooded and that to remove the additional trees would impact the parcel aesthetically and economically.

Mr. Friedland stated that the other issue related to having a usable yard for the home. He informed the Board that if the home is setback the full 80 feet, the area usable on the bluff [table land] would be reduced significantly. Mr. Friedland stated that they would have to have the garage on the west side which would be the only way to get to the home. He stated that with regard to the area for the yard, the lake side is the appropriate place for it. Mr. Friedland stated that in connection with the calculations, if the setback for the home is 80 feet from the property line, the available yard width on the lake would range from 32 feet to 18 feet wide before you get to the bluff. He stated that if the setback is 50 feet, the rear yard would increase in a range between 40 to 60 feet.

Mr. Friedland stated that with regard to unique circumstances, there were several which were

pointed out in the application. He then identified the underlying subdivision plat and stated that there were originally two lots on Sheridan Road. Mr. Friedland stated that a unique characteristic is that there is a driveway between the homes on Sheridan Road which is not perpendicular to Sheridan Road. He indicated that it had to do with following the existing gate on the original estate and that it ended up that the only connection allowed to the back lots was to be through lot 2. Mr. Friedland stated that a 90 foot x 30 foot easement was created so that the north lot had access to Sheridan Road through the property. He indicated that if the driveway was down the middle of the two existing lots, they would not have this condition or a large easement area to access Sheridan Road.

Mr. Friedland stated that a second unique circumstance related to lot 1, to the north, already being built. He then referred the Board to an illustration of the "as built" condition. Mr. Friedland stated that it used a small portion of the easement area to get to the rear lot. He noted that they spoke to the Village staff as to why the easement of 30 feet x 90 feet was created. Mr. Friedland stated that the actual use of the easement area is minimal and that the interpretation is that 90 foot x 30 foot area is considered a private street.

Mr. Friedland stated that the third unique circumstance related to the tree issue. He stated that if they could only build on the tableland before you get to the bluff, there would only be 7% of the site which is buildable if the setback is the full 80 feet. Mr. Friedland also stated that if they did not disturb the trees, there would only be a relatively small area on which to build. He noted that in setting the home closer to the property line, they would save a number of those trees.

Mr. Friedland stated that with regard to the last unique circumstance, by setting the home back 50 feet from the property line, it would make the home more conforming. He referred to the setback for homes in the R-2 district.

Chairman Adams asked how far the home to the north is from the easement.

Mr. Friedland stated that it is at 80 feet. He referred to the Village staff interpretation of 50 feet from the easement. Mr. Friedland then referred the Board to an aerial illustration of the property, which he indicated would give the Board a sense of the tree situation.

Mr. Konstant noted that with regard to the existing home built on the north lot; the original estate contained the two properties combined. He then referred to the Heritage trees on the south end of the property.

Chairman Adams asked how far in front of the other home are they proposing to build the home.

Mr. Konstant informed the Board that he brought the site plans to show the compliant area versus the variation. He stated that it also showed the effect of the corridor view of the neighboring homes. Mr. Konstant noted that the proposed home would be more in relation to the homes north and south.

Ms. Johnson asked if they could put the garage on the south side of the property if it were not for

the trees.

Mr. Konstant agreed that they could and that when the garage faced north, there would be an effect in terms of weather from the north and a privacy standpoint since there is no vegetation [in that area]. He commented that the garage could become a natural mediator and buffer.

Chairman Adams referred to the testimony received by email from the property owners of 657 Sheridan Road.

Mr. Konstant reiterated that they are attempting to respect the bluff and natural vegetation.

Mr. Friedland stated that the other remaining standards are self evident. He stated that with regard to the essential character of the locality and the light and air to surrounding properties, since the setback would be further from the homes on either side, there would be more of a lake view than if they were to set the home back. Mr. Friedland stated that there would be no effect on the hazard from fire and that the taxable value of the land would increase. He concluded by stating that congestion would not increase and that the public health, safety, comfort, morals and welfare of the Village would not be impaired. Mr. Friedland then asked if there were any questions.

Chairman Adams asked if there were any other comments.

Ms. Johnson stated that she is in support of the request and asked if the applicants explored having the easement vacated or modified. She stated that 80 years later, the easement would still be there. Ms. Johnson stated that with the trouble of building a new home, it would make sense to clean up that easement issue.

Mr. Friedland stated that the issue is whether it is a private street or not. He commented that the easement only benefited 657 Sheridan Road and that if that is true, then it is a private street. Mr. Friedland stated that the Village Staff believed that when the subdivision was approved, the existing easement between the two homes would serve four properties. Mr. Friedland commented that the easement should not be a condition of a private street and that it did not seem necessary to vacate it.

Mr. D'Onofrio stated that for the subdivision to take place, the two rear [eastern most] lots needed to front on a street. He stated that if it easement were to be vacated, the rear lots would not front on a street and thereby creating a nonconforming subdivision. Mr. D'Onofrio stated that the easement went through the two lots on the west side of the subdivision ending at the 90 by 30 foot easement on the two east lots. He stated that whatever the configuration of the easement on the two westerly lots is, there is still the 90 foot x 30 foot easement to be dealt with. Mr. D'Onofrio stated that if there are more than three lots which front on an ingress/egress easement it constitutes a being a "private street". He indicated that it could be possible to modify the 90 by 30 foot easement, but that is something the property owners would have to do.

Ms. Johnson stated that they have to look to the future.

Mr. McNerney commented that is a good point and that it would be better in the long term if the easement was reduced to a comfortable size. He stated that in order to get on with construction, it would be better to get the variation and address that issue in the future. Mr. McNerney stated that it would also affect the value of the property, which is an issue for him.

Chairman Adams asked if there were any other comments.

Mr. Lane indicated that he understood the need to preserve the trees and the unique nature of the easement. He then asked if the home could be made smaller.

Mr. Konstant stated that in looking at the size of the home, it is already relatively small in terms of its footprint. He stated that they chose the nature of the plan for privacy and view and the light to the rooms with overhangs. Mr. Konstant commented that no room in the home would be very large. He also stated that the trees and their drip lines reduce the buildable area on the property.

Mr. Friedland stated that the home could have been 9,000 square feet.

Mr. Konstant commented that the home would be conservative in nature as it is.

Mr. Friedland stated that while he understood Mr. Lane's point, the home is relatively small for what it could be.

Mr. McNerney informed the Board that the objective is to have a downsized home for their children and grandchildren. He indicated that while a 4,500 square foot home is not a small home, with its location on the lake, it represented half the size of two homes. Mr. McNerney stated that they attempted to be respectful of the lot and not overbuild on the property. He stated that when they got into drawing the rooms and their size, with four sons and grandchildren, they felt the proposed home would be a comfortable size.

Mr. Lane asked the applicant if they thought they were able to build a home which did not encroach on the trees and which would be within the 80 foot setback, would it be a reasonable home to build on a lot of that size.

Mr. Konstant confirmed that they could not build a home anywhere on the lot which would be allowed without affecting the trees.

Chairman Adams asked if there were any other questions.

Mr. Hermanson asked the applicant to clarify if they are selecting 50 feet for the setback since that is the required setback exclusive of the easement.

Mr. Konstant confirmed that is correct.

Chairman Adams noted that there is testimony from the north neighbors in favor of the request.

He asked if they spoke with the west neighbor.

Rick Fox, 661 Sheridan Road, informed the Board that he is the only one affected by the proposed home and then identified his home on the illustration for the Board. He stated that they do not need a variation to go north. Mr. Fox reiterated that he is the only one affected and that otherwise, they would be bringing the home 30 foot closer to his property. He commented that it would be criminal to cut down those trees and that a tree with a 14 foot circumference cannot be replaced. Mr. Fox concluded that he would like the request to go through and that he felt strongly in that regard.

Mr. McNerney informed the Board that they [he and his wife] own both of the lots [655 and 653 Sheridan] and that they live in the home at 653 Sheridan to the west which made his view the same as Mr. Fox's view. He stated if they are forced to go forward to the bluff without the trees, it would result in cutting down additional trees and affect the feel of the lake. Mr. McNerney indicated that they would be better served by the variation.

Ms. Johnson asked Mr. McNerney if they are not proposing consolidation with the west lot.

Mr. McNerney confirmed that they are not.

Chairman Adams asked if there were any other questions. No additional questions were raised by the Board at this time. He then called the matter in for discussion.

Mr. Lane stated that he agreed that the trees should not be removed and referred to the standards. He then referred to a 200 year old oak tree. Mr. Lane stated that the easement represented a unique circumstance and that absent the easement; the request would be within the 50 foot setback requirement. Mr. Lane stated that in asking the applicant if they could build a smaller home, it was implied that they do not want to do that and that it would result in a much smaller home compared to others on the lake. He then referred to the testimony that they cannot build a much smaller home on the expensive property and that there would be no reasonable return if the home is too small for the property. Mr. Lane concluded that he is generally in favor of the request.

Mr. Clark stated that he is in favor of the request absent the easement issue. He stated that the applicant should be commended for building back on the lot. Mr. Clark commented that it is criminal for homes to be built on top of the lake and described the request as neighborly. He stated that if they were able to put the home where they could, the neighbors would be "damned" and that he is in favor of the request.

Mr. Hermanson stated that on balance, he is in favor of the request. He commented that the Board should be careful in that trees are not within their purview.

Chairman Adams agreed that the tree issue does not represent a unique circumstance.

Mr. D'Onofrio informed the Board that the discussion in connection with the easement is more

critical as it relates to the unique circumstances standard.

Mr. Lane agreed that the easement represented a unique circumstance and that the trees are only a factor.

Mr. Hermanson went on to state that the easement caused a unique circumstance, especially with regard to the lakefront property. He indicated that the maximum amount of people affected would be four. Mr. Hermanson stated that he is comfortable in recommending approval of the request since the lakefront represented a unique circumstance and that it is the right decision. He also commented that it is a nice design and would be appropriately sized for the lot. Mr. Hermanson stated that reasonable return included usability and that the property would be made less usable if the home is put on the bluff. He concluded by commenting that it made more sense to maximize the backyard of the lake.

Ms. Johnson stated that she would be in support of the request for the reasons stated. She also stated that a different purchaser might not have been sensitive to the land or trees and that the property would benefit from the variations.

Mr. Myers stated that he is also in favor of the request.

Chairman Adams then asked for a motion.

Mr. Lane moved to recommend approval of the requested variation to the Village Council for all of the points outlined on pages 9 and 10 in the packet of materials. He stated that with regard to reasonable return, he referred to the unique circumstance of building a home on that property that would be undersized in relation to the land value and locality. Mr. Lane stated that there are unique circumstances related to the easement and that absent the easement, the request would be consistent with the 50 foot setback. He stated that the request would not alter the character of the locality and that there was no evidence presented that the request would affect the light and air to surrounding properties. Mr. Lane stated that the hazard from fire would not increase and that the taxable value of the land would increase. He concluded by stating that congesting would not increase and that the public health, safety, comfort, morals and welfare of the Village would not be impaired.

Several Board members seconded the motion. A vote was taken and the motion was unanimously passed, 6 to 0.

AYES: Adams, Clark, Hermanson, Johnson, Lane, Myers

NAYS: None

**FINDINGS OF THE ZONING BOARD OF APPEALS**

1. The requested variation is within the final jurisdiction of the Village Council.
2. The requested variation is in harmony with the general purpose and intent of the Winnetka Zoning Ordinance. The proposal is compatible, in general, with the character

of existing development within the immediate neighborhood with respect to architectural scale and other site improvements.

3. There are practical difficulties or a particular hardship which prevents strict application of Section 17.30.050 [Front Yard Setbacks] of the Winnetka Zoning Ordinance which is related to the use or the construction or alteration of buildings or structures.

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

1. The property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the zoning regulations, in that a compliant building would be undersized in relation to the neighborhood and the land value.
2. The plight of the applicants is due to unique circumstances which are related to the property and not the applicants, in that there is an existing 45 by 30 foot easement along the west property line which creates an 80 foot setback as measured from the west property line.
3. The variation, if granted, will not alter the essential character of the locality; a new single family home will be constructed in an area populated with single family homes.
4. An adequate supply of light and air to adjacent property will not be impaired by the proposed variation, as there are no proximate structures to the proposed residence.
5. The hazard from fire or other damages to the property will not be increased as the proposed improvements shall comply with building code standards, including fire and life safety requirements.
6. The taxable value of land and buildings throughout the Village will not diminish. The proposed construction is an improvement to the property.
7. Congestion in the public streets will not increase. The new residence will be a single-family residence as permitted in the R-2 Residential Zoning District.
8. The public health, safety, comfort, morals and welfare of the inhabitants of the Village will not be otherwise impaired.

Respectfully submitted,

Antionette Johnson

**ATTACHMENT G**

**ORDINANCE NO. M-2-2010**

AN ORDINANCE GRANTING A VARIATION IN THE APPLICATION OF THE ZONING ORDINANCE OF THE VILLAGE OF WINNETKA COOK COUNTY, ILLINOIS (655 Sheridan Road)

**WHEREAS**, the Village of Winnetka is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970, pursuant to which it has the authority, except as limited by said Section 6 of Article VII, to exercise any power and perform any function pertaining to the government and affairs of the Village; and

**WHEREAS**, the Council of the Village of Winnetka ("Village Council") find that establishing standards for the use and development of lands and buildings within the Village and establishing and applying criteria for variations from those standards are matters pertaining to the affairs of the Village; and

**WHEREAS**, the property commonly known as 655 Sheridan Road, Winnetka, Illinois (the "Subject Property"), is legally described as follows:

Lot 2 of in Harza's Subdivision of the Southwest Quarter of Fractional Section 16, Township 42 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois;

and

**WHEREAS**, the Subject Property is located in the R-2 Zoning District provided in Chapter 17.24 of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code; and

**WHEREAS**, on November 11, 2009, the owners of the Subject Property filed an application for a variation from the Front Yard Setback requirements of Section 17.30.050, Chapter 17.30 of the Zoning Ordinance in order to construct a new home on the Subject Property that will have a west front yard setback of 20.0 feet, whereas the minimum required is 50 feet, resulting in a variation of 30.0 feet (60%); and

**WHEREAS**, on December 14, 2009, on due notice thereof, the Zoning Board of Appeals conducted a public hearing on the requested variations and, by the unanimous vote of the 6 members then present, has reported to the Council recommending that the requested variations be granted; and

**WHEREAS**, there are practical difficulties and particular hardships associated with carrying out the strict application of the Zoning Ordinance with respect to the Subject Property in that: (a) the Subject Property is a generally rectangular lot located on the east side of Sheridan Road; (b) the Subject Property was created by a two-lot subdivision, with the other lot of the subdivision lying immediately north of the Subject Property; (c) the Subject Property lies to the east of another parcel that fronts on Sheridan Road and is accessed by way of a platted easement that serves four properties and is thus considered a private street under the Zoning Ordinance; (d) because of the two street frontages, the Subject Property is considered a through lot and is subject to 50-foot front yard setbacks from both the private street and Lake Michigan; (e) the private road easement extends into the Subject Property by 30 feet from the west lot line and 45 feet from the north lot line; (f) under the Zoning Ordinance, the front yard setback is measured from the edge of the easement that forms the private street, which effectively places the west front setback 80 feet from the west lot line; and (g) the proposed setback line will be 50 feet from the west lot line and the property immediately to the west; and

**WHEREAS**, the Subject Property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the Zoning Ordinance, in that: (a) the strict application of all required setbacks would result in the loss of six mature trees, which would have a negative aesthetic and economic impact on the Subject Property; (b) due to the placement of the private road easement on the Subject Property, a new conforming home would have a significantly reduced usable back yard; and (c) constructing a home that fully conforms with all setbacks will result in a home that is undersized in relation to other homes in the neighborhood, particularly in relation to the home on the other parcel formed by the subdivision that created the Subject Property; and

**WHEREAS**, the requested variation will neither alter the essential character of the neighborhood nor impair an adequate supply of light and air because, as proposed, the new residence: (a) complies with all other zoning requirements; (b) will be set back 50 feet from the west lot line; (c) has a gross floor area that is nearly 50% smaller than permitted limits; (d) affords a better riparian view for the adjacent properties to the north and south; and (e) maximizes the preservation of mature trees; and

**WHEREAS**, the requested variation will not increase the hazard from fire and other dangers to the Subject Property, as the proposed construction will comply with all applicable building and fire protection codes; and

**WHEREAS**, there is no evidence that the requested variation will diminish the taxable value of land and buildings throughout the

Village, and the taxable value of the Subject Property may be increased because of the proposed improvements; and

**WHEREAS**, the proposed construction will not contribute to congestion on the public streets, as the Subject Property will continue to be used for single family residential purposes and neither the dimension nor the actual use of the private road easement will be reduced; and

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

**WHEREAS**, the requested variation is in harmony with the general purpose and intent of the Winnetka Zoning Ordinance, in that it maintains the existing scale and appearance of the community.

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

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

**SECTION 2:** The following variation from the Lot, Space, Bulk and Yard Regulations for Single Family Residential Districts established by Section 17.30 of the Winnetka Zoning Ordinance is hereby granted to the Subject Property, commonly known as 655 Sheridan Road and located in the R-2 Single-Family Residential District provided in Chapter 17.24 of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code: a variation from the Front Yard Setback requirements of Section 17.30.050, Chapter 17.30 of the Zoning Ordinance, in order to construct a new home on the Subject Property that will have a west front yard setback of 20.0 feet from the edge of the private road easement, whereas the minimum required is 50 feet, resulting in a variation of 30.0 feet (60%), in accordance with the plans and elevations submitted with the application for variations.

**SECTION 3:** The variation granted herein is conditioned upon the commencement of the proposed construction within 12 months after the effective date of this Ordinance.

**SECTION 4:** This Ordinance is passed by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

**SECTION 5:** This Ordinance shall take effect immediately upon its passage, approval and posting as provided by law.

**PASSED** this 16<sup>th</sup> day of February, 2010, pursuant to the following roll call vote:

AYES: Trustees Greable, Johnson, Pedian, Poor, Rintz and Spinney

NAYS: None

ABSENT: None

**APPROVED** this 16<sup>th</sup> day of February, 2010.

Signed:

ss/Jessica B. Tucker

Village President

Countersigned:

ss/Douglas G. Williams

Village Clerk

Introduced: February 4, 2010

Posted: February 5, 2010

Passed and Approved: February 16, 2010

Posted: February 17, 2010



**ZONING BOARD OF APPEALS  
AGENDA REPORT**

**SUBJECT:** 1088 Mt. Pleasant Rd., Case No. 16-10-V2  
(1) Front Yard Setback  
(2) Rear Yard Setback

**DATE:** June 6, 2016

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

The petitioners, Bill and Jody Savino, are requesting variations by Ordinance from Sections 17.30.050 [Front Yard Setbacks] and 17.30.070 [Rear Yard Setback] of the Winnetka Zoning Ordinance to permit additions to the existing nonconforming residence that would result in a front yard setback of 18.54 ft., whereas a minimum of 50 ft. is required, a variation of 31.46 ft. (62.92%) and a rear yard setback of 16.52 ft., whereas a minimum of 17.85 ft. is required, a variation of 1.33 ft. (7.45%).

The variations are being requested in order to expand the existing nonconforming residence. The additions on the first floor would consist of expanding the master suite (by approximately 320 s.f.) and a second bedroom (by approximately 134 s.f.). Two additional bedrooms, a bathroom, play area, and storage space is proposed on the second floor, adding approximately 1,894 s.f. of calculable gross floor area (GFA). As represented on the attached zoning matrix, the proposed additions comply with the intensity of use of lot and GFA regulations. However, zoning relief is required to allow the additions to encroach the 50 ft. front yard setback from the north property line. The proposed second floor addition would be a vertical expansion of the existing nonconforming setback of 18.54 ft. Also, the two 2-story additions would be located within the required 50 ft. setback, but not as close as the existing residence given the angle the residence is located on the property.

Additionally, due to the existing nonconforming rear yard setback of 16.52 ft. from the south property line, the proposed second floor addition requires zoning relief to encroach the required rear setback of 17.85 ft.

It should be noted that none of the proposed additions will encroach any further than the existing residence.

As represented on the attached plat of survey, the property is a flag lot. According to subsection 17.30.050.C.6. of the zoning ordinance, "If the front street line of a lot extends less than 50 ft. along the street line and if the lot is at least 75 ft. at its widest point, the Zoning Administrator shall designate the front yard for zoning purposes and shall establish the lot line from which the required setback shall be measured to the nearest line of a building so as to conform as closely as practicable to the intent and purposes of this title to require uniform front yards, uniform setbacks and appropriate spacing between buildings." The front street line of the subject property is approximately 10.5 ft. and the lot is approximately 173 ft. at its widest point. There is a memo from staff in the property file dated June 15, 2006, declaring the front yard be measured from the north property line. The adjacent property to the east is also a flag lot and the two adjacent properties to

the south are located on a private ingress/egress easement, which creates a challenge when trying to establish uniform setbacks. In terms of the subject property, the yard declarations were made with the intent of having uniform setbacks with the adjacent property to the east. For example, the adjacent flag lot to the east also has its front yard measured from the north property line. Therefore, the properties' side yards are abutting each other.

The property is located on the south side of Mt. Pleasant Rd. between Glendale Ave. and Rosewood Ave. in the R-2 Single Family Residential District.

The residence was built in 1961. A subsequent building permit was issued in 2012 to remodel the kitchen and bathrooms. The petitioners acquired the property in 2012.

There are no previous zoning cases for this property.

The Village Council has final jurisdiction on this request.

**Attachments:**

Attachment A: Zoning Matrix

Attachment B: GIS Aerial Map

Attachment C: Application Materials

# ATTACHMENT A

## ZONING MATRIX

**ADDRESS: 1088 Mt. Pleasant Rd.**

**CASE NO: 16-10-V2**

**ZONING: R-2**

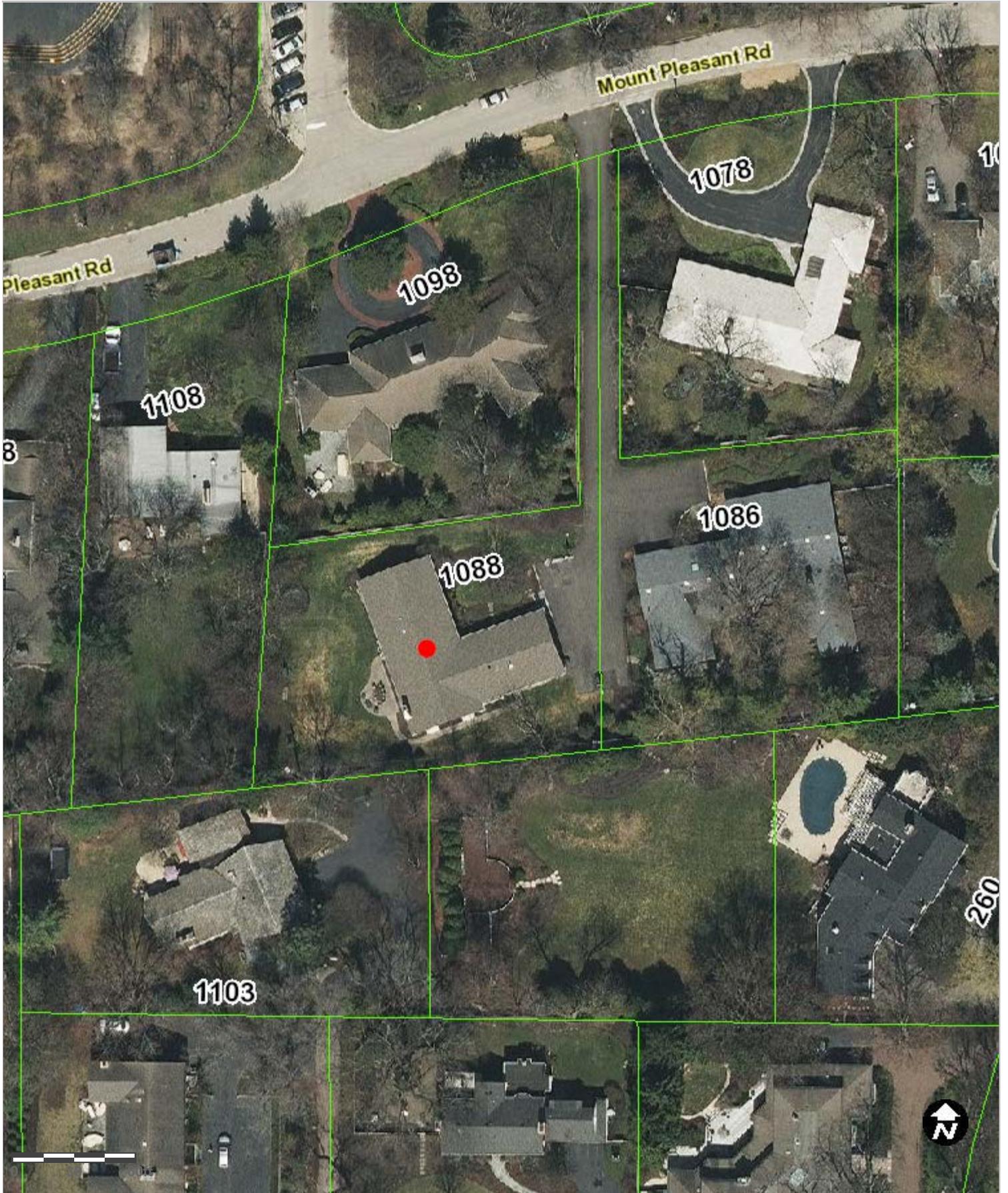
ITEM	REQUIREMENT	EXISTING	PROPOSED	TOTAL	STATUS
Min. Lot Size	24,000 SF	19,817.75 SF (1)	N/A	N/A	EXISTING NONCONFORMING
Min. Average Lot Width	100 FT	119 FT	N/A	N/A	OK
Max. Roofed Lot Coverage	4,954.44 SF (2)	3,664.35 SF	477.48 SF	4,141.83 SF	OK
Max. Gross Floor Area	6,156.85 SF (2)	3,653.14 SF	2,338.21 SF	5,991.35 SF	OK
Max. Impermeable Lot Coverage	9,908.87 SF (2)	6,718.35 SF	477.48 SF	7,195.83 SF	OK
Min. Front Yard (North)	50 FT	18.54 FT	18.54 FT	N/A	<b>31.46 FT (62.92%) VARIATION</b>
Min. Side Yard (East)	12 FT	19.54 FT	19.54 FT	N/A	OK
Min. Total Side Yards	49.96 FT	67.59 FT	56.54 FT	N/A	OK
Min. Rear Yard (South)	17.85 FT	16.52 FT	16.52 FT	N/A	<b>1.33 FT (7.45%) VARIATION</b>

**NOTES:**

(1) Excludes "pole" portion of flag lot (1,695.52 s.f.)

(2) Based on lot area of 19,817.75 s.f.

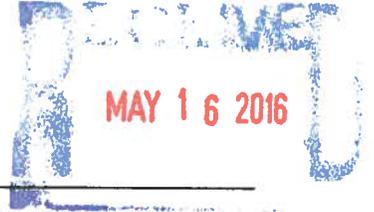
ATTACHMENT B



ATTACHMENT C

CASE NO. 16-10-V2

APPLICATION FOR VARIATION  
WINNETKA ZONING BOARD OF APPEALS



Owner Information:

Name: Bill and Jody Savino

Property Address: 1088 Mt. Pleasant

Home and Work Telephone Number: \_\_\_\_\_

E-mail: [REDACTED]

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

Douglas Reynolds Architect, inc.

1765 Maple St  Doug @ ReynoldsArchitecture.com

Northfield, IL 60093 847 962 9740

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Property Acquired by Owner: 8/2012

Nature of Any Restrictions on Property: flagpole lot.

Explanation of Variation Requested: Due to a preexisting zoning condition,  
(Attach separate sheet if necessary)  
we seek relief to allow for additions and new roof structures  
in the front and rear setbacks.

OFFICE USE ONLY VA2016-461

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: 5/11/16  
(Proof of Ownership is required) [Redacted] 5/11/16

**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.**

# DOUGLAS REYNOLDS ARCHITECTURE

1765 MAPLE STREET SUITE 200 NORTHFIELD, ILLINOIS 60093  
847.501.3150 VOICE 847.501.3142 FAXIMILE

WWW.REYNOLDSARCHITECTURE.COM

## Variance Proposal The Savino Residence 1088 Mt. Pleasant Winnetka, Illinois

A variation is requested to seek relief from the required front and rear setbacks to allow for a partially habitable 2<sup>nd</sup> floor attic to be added to the existing residence. Our proposal is to add 2 bedrooms upstairs with a shared bath and small study area. The first floor and basement of the home were completely remodeled and updated in 2012 so only minor changes are proposed for the interior of the existing structure. There are two small additions proposed at the front and rear of the home to create a better looking façade by articulating the floorplan. The very deep overhangs and low roof planes will be replaced with a more appropriate 12/12 pitched roof with 12” soffits, dormers and a cupola to add character.

The reason we are requesting the variance is due to an existing interpretation of the zoning code that has determined that this Flag Lot be treated in a unique manner that is not typically the case in other locations around the village. In effect the required setbacks are reversed so that what would be expected to be the side setbacks are really the front and rear setbacks. This clearly wasn't the case when this home was originally constructed and therefore causes this request to be submitted.

The following are responses to the required Standards for Granting Zoning Variations:

1. The restrictions created by the abnormally deep (50') front setback required in this case is an unfair restriction and definitely impacts the homeowners' ability to modify their home to that meet their family's needs and would limit any potential return on this property in a negative way.
2. As stated above, the hardship for this property is the created by the underlying required setback configuration that was reinterpreted at some point after the construction of the existing home. Therefore, practically any work to the residence would require a variance. This condition was not created by the current owners.

3. The essential character of the surrounding neighborhood will not be negatively affected by granting this variation.
4. The adequate supply of light and air would not be impaired in any way by this proposal. The homes in this area are very far apart.
5. There will not be any increased risk of fire or other damages caused by this proposal.
6. There will not be reduction in the tangible property value to the adjacent neighbors or the Village as a result.
7. There will be no increase in traffic on any public streets due to this proposal.
8. This project will not impair the public health, safety, morals or welfare.

Please feel free to contact me with any questions or comments.

Sincerely,



M. Douglas Reynolds, AIA

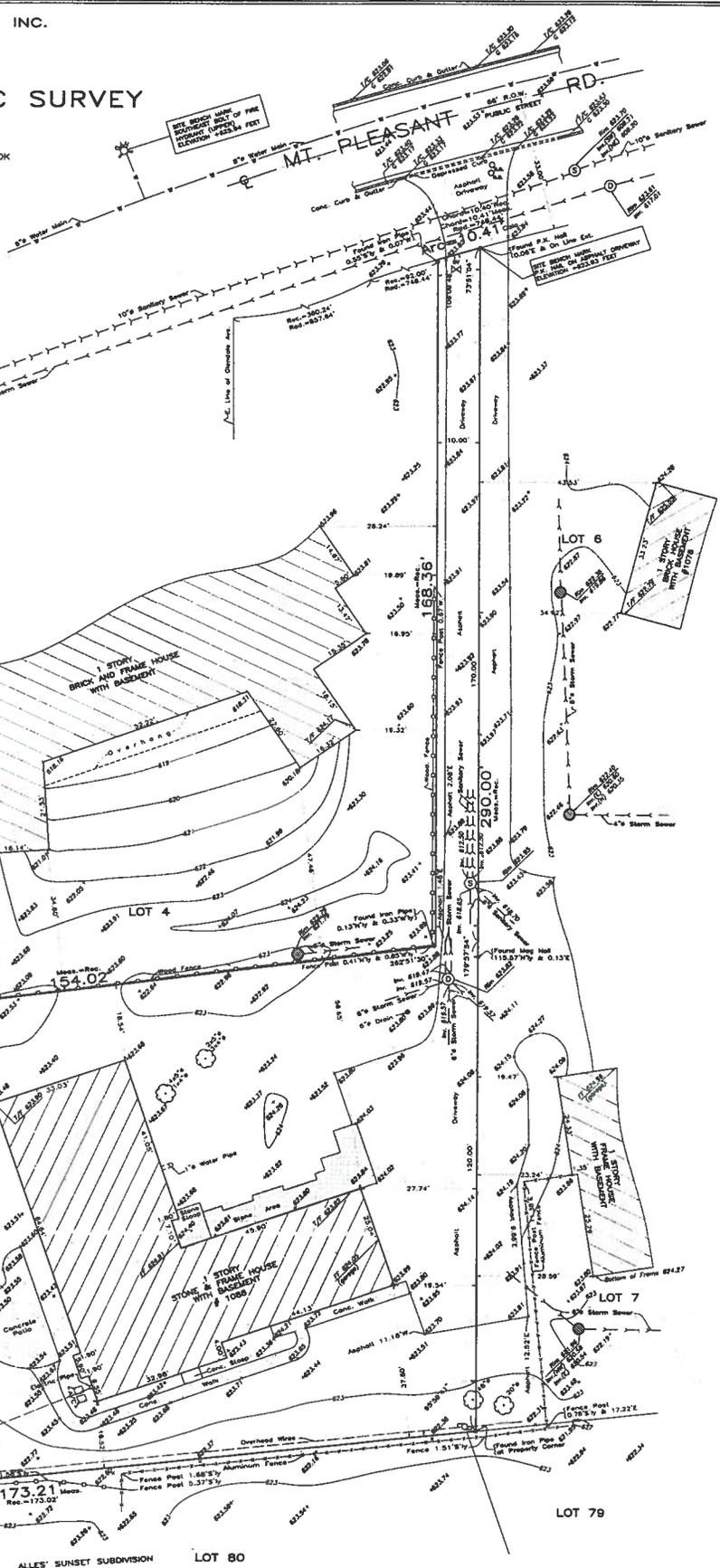
PROFESSIONALS ASSOCIATED SURVEY, INC.

PROFESSIONAL DESIGN FIRM NO. 184-003023  
 7100 N. Tripp Ave., Lincolnwood, Illinois 60712  
 Tel. (847) 875-3000 Fax (847) 875-2167  
 e-mail: po@professionalsassociated.com  
 www.professionalsassociated.com

BOUNDARY AND TOPOGRAPHIC SURVEY

OF  
 LOT 5 IN LAURIE'S RESUBDIVISION OF LOTS 71, 72, 73 AND 74 IN ALLES SUNSET  
 SUBDIVISION OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 20,  
 TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK  
 COUNTY, ILLINOIS.

LAND TOTAL AREA: 21,513.27 SQ. FT. = 0.4938 ACRE  
 COMMONLY KNOWN AS: 1088 MOUNT PLEASANT ROAD, WINNETKA, ILLINOIS.



RECEIVED  
 MAY 16 2016

- LEGEND:
- CATCH BASIN
  - ⊙ SANITARY MANHOLE
  - ⊕ STORM MANHOLE
  - ⊙ FIRE HYDRANT
  - ⊙ UTILITY POLE
  - ⊙ B.BOX
  - ⊙ GAS VALVE
  - ⊙ TREE
  - T/F - TOP OF FOUNDATION ELEVATION
  - FF - FINISH FLOOR ELEVATION
  - T/C - TOP OF CURB ELEVATION
  - G - OUTER ELEVATION
  - T/W - TOP OF WALL ELEVATION
  - SPOT - SPOT ELEVATION
  - CONTOUR

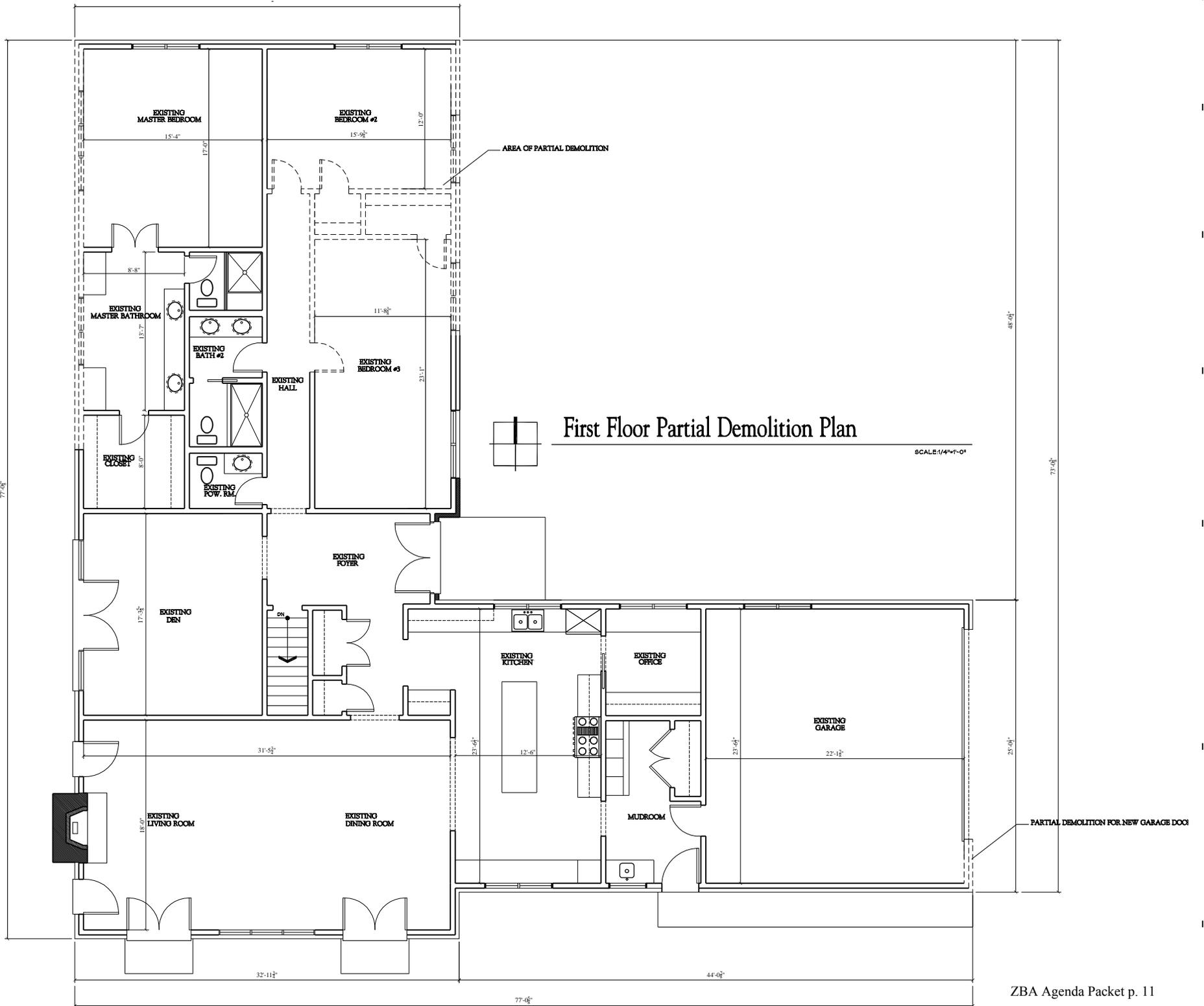
THE LEGAL DESCRIPTION SHOWN ON THE PLAT HEREON DRAWN IS A COPY OF THE DEED, AND FOR ACCURACY SHOULD BE COMPARED WITH THE TITLE OF DEED.  
 DIMENSIONS ARE NOT TO BE ASSUMED FROM SCALING.  
 BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE SO RECORDED IN THE MAPS, OTHERWISE REFER TO YOUR DEED OR ABSTRACTS.  
 ORDER NO. 91-08258-D  
 SCALE: 1 INCH = 15 FEET  
 DATE OF FIELD WORK: JULY 31, 2012  
 ORDERED BY: PHILLIP GROSSMAN  
 Attorney at Law

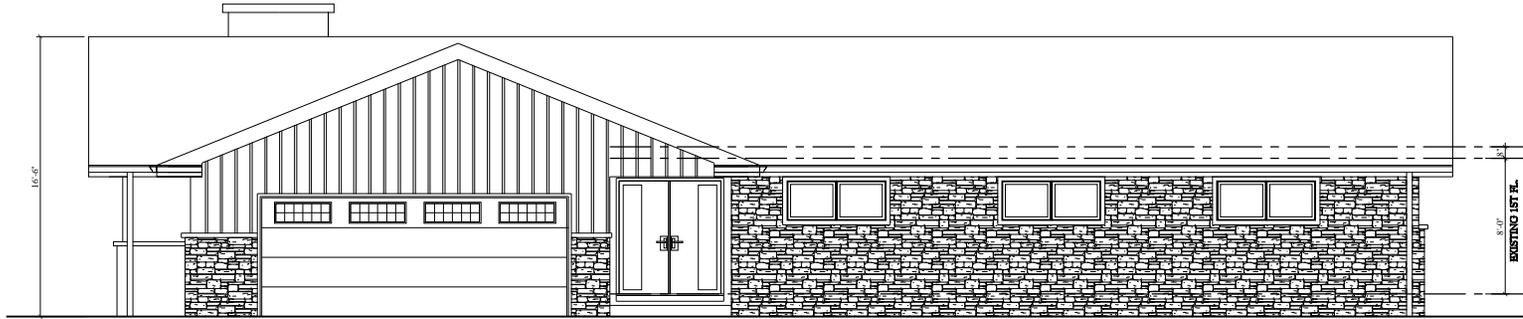
NOTES:  
 - UNDERGROUND UTILITIES SHOWN HEREON ARE TAKEN FROM OBSERVABLE PHYSICAL EVIDENCE ON THE SURFACE OR FROM VARIOUS UTILITY COMPANY RECORDS. INFORMATION TAKEN FROM RECORDS IS DEEMED APPROPRIATE FOR ACCURATE LOCATIONS FIELD EXCAVATE OR CONTACT RESPECTIVE UTILITY COMPANY.  
 - ALL ELEVATIONS SHOWN HEREON ARE IN REFERENCE TO U.S.C. AND G.S. DATUM (SEE VILLAGE OF WINNETKA BENCHMARK CROSS NOTCH LOCATED ON THE INTERSECTION OF LOCUST STREET AND YELLOW ROAD, IT IS ALSO CENTER OF SECTION 20-42-13, ELEVATION +625.64 FEET (NAVD 88))



THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MERRIAM STANDARDS FOR A BOUNDARY SURVEY.  
 THIS SURVEY HAS BEEN ORDERED FOR SURFACE DIMENSIONS ONLY. THIS IS NOT AN ALTA SURVEY.  
 COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE.  
 State of Illinois vs. County of Cook  
 We, PROFESSIONALS ASSOCIATED SURVEY, INC. do hereby certify that we have surveyed the above described property and that to the best of our knowledge, the plat hereon drawn is an accurate representation of said survey.  
 Date: August 8, 2012  
 Phillip E. Donalson  
 I, PROF. LAND SURVEYOR - LICENSE EXP. DATE NOV. 30, 2012  
 Drawn by: AT - JLV

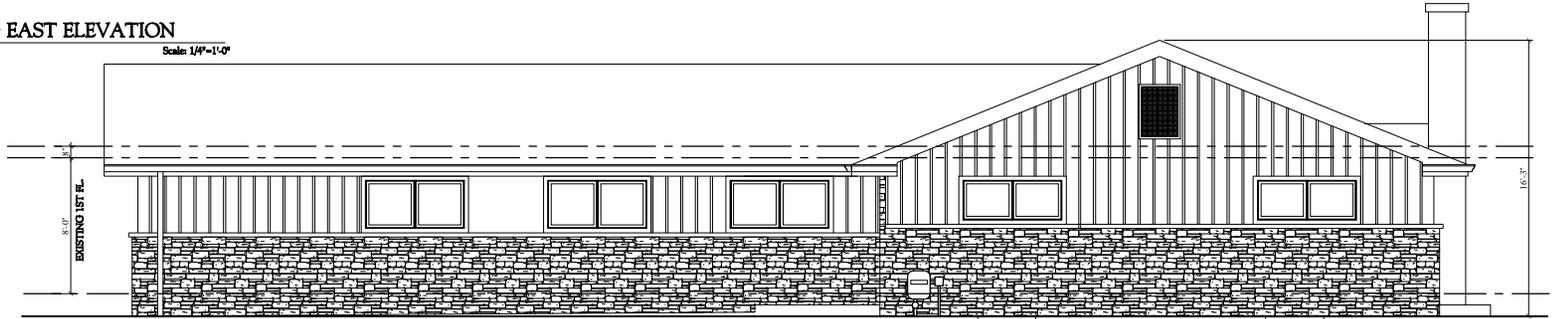






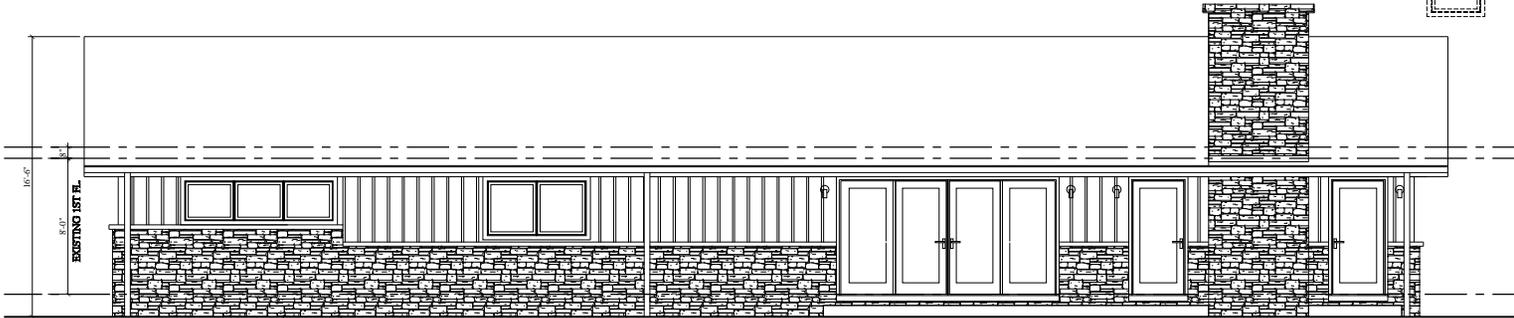
**EXISTING EAST ELEVATION**

Scale: 1/4"=1'-0"



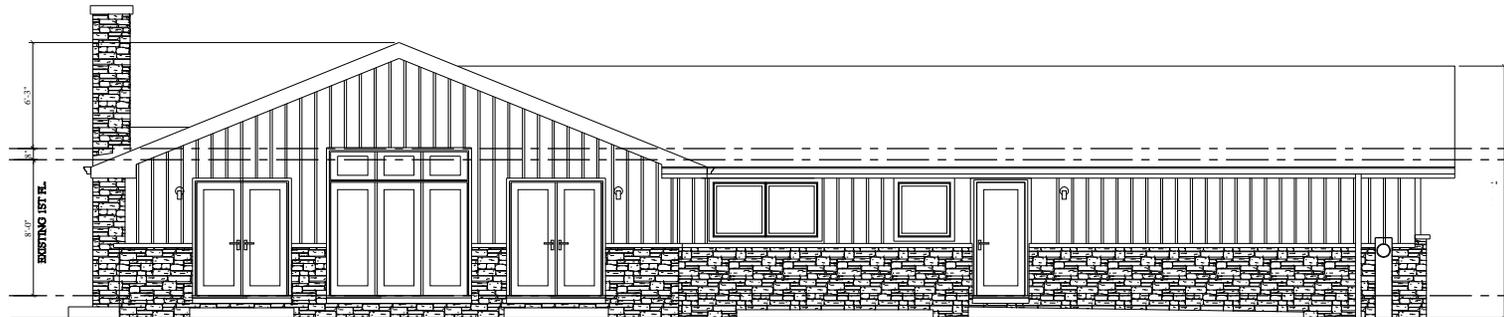
**EXISTING NORTH ELEVATION**

Scale: 1/4"=1'-0"



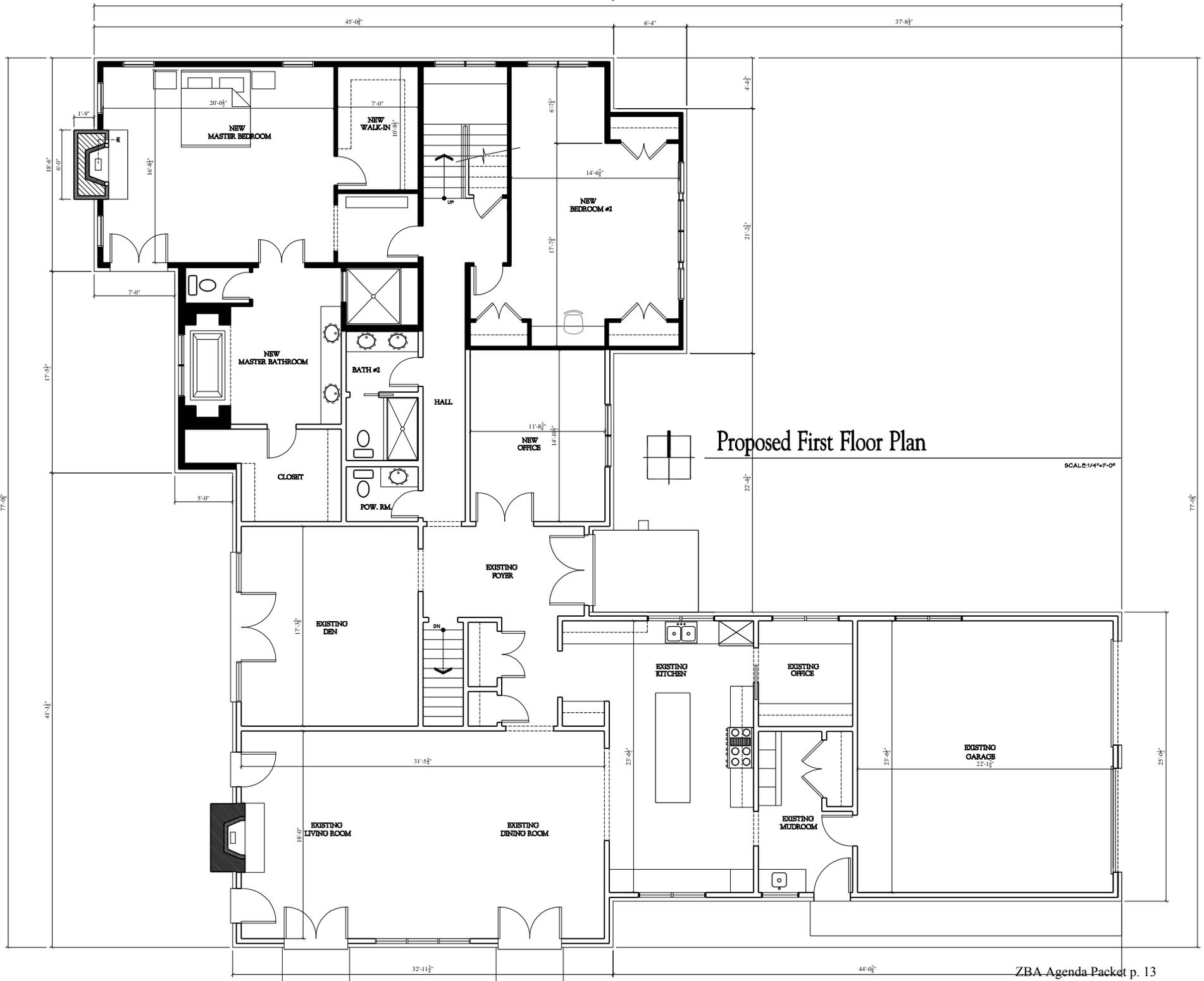
**EXISTING WEST ELEVATION**

Scale: 1/4"=1'-0"



**EXISTING SOUTH ELEVATION**

Scale: 1/4"=1'-0"



**Proposed First Floor Plan**

SCALE: 1/4" = 1'-0"

NEW MASTER BEDROOM  
20'-0"

NEW WALK-IN  
7'-0"  
10'-3"

NEW BEDROOM #2  
14'-6"  
17'-3"

NEW MASTER BATHROOM

BATH #2

NEW OFFICE  
11'-8"  
14'-10"

CLOSET

POW. RM.

HALL

EXISTING FOYER

EXISTING DEN  
17'-3"

EXISTING KITCHEN

EXISTING OFFICE

EXISTING GARAGE  
22'-1 1/2"

EXISTING LIVING ROOM  
18'-0"

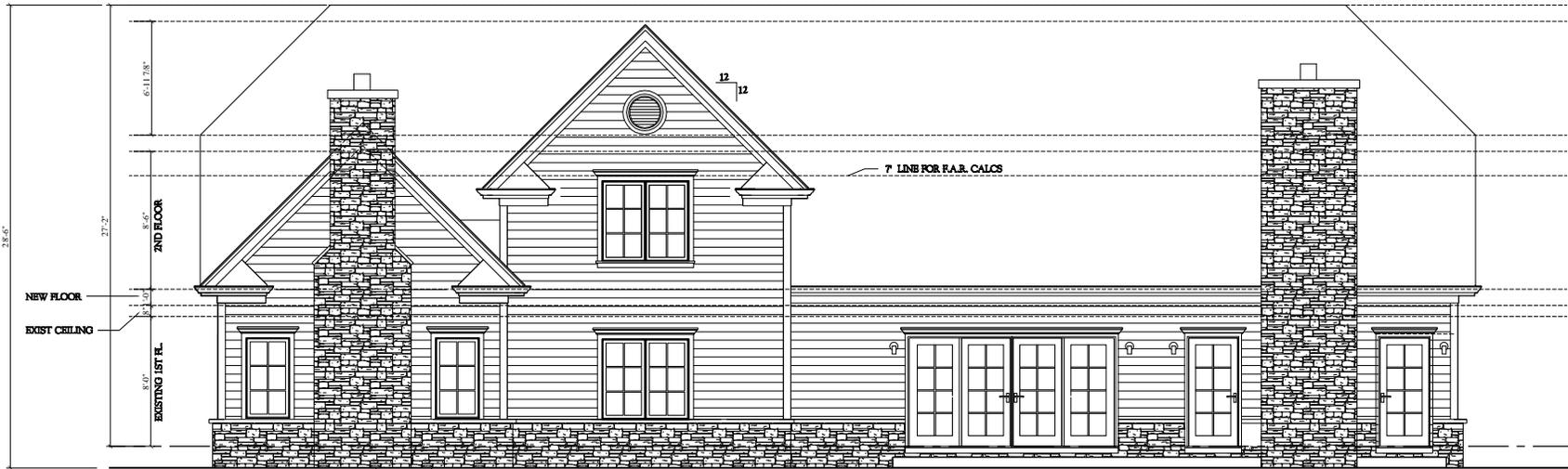
EXISTING DINING ROOM

EXISTING MUDROOM

32'-11"

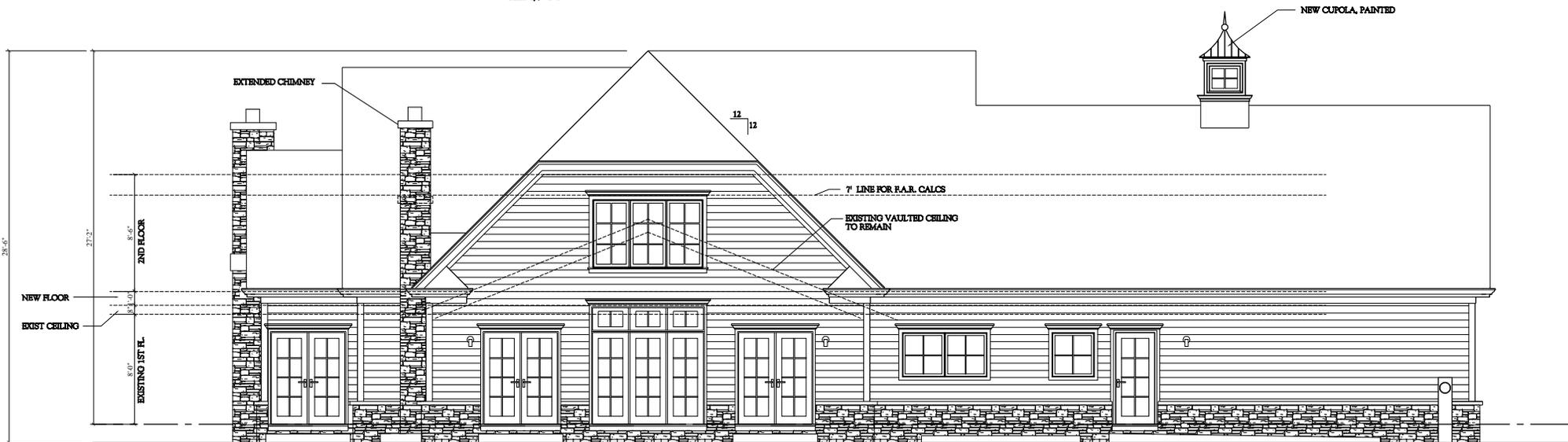
44'-0"





**PROPOSED WEST ELEVATION**

Scale: 1/4"=1'-0"



**PROPOSED SOUTH ELEVATION**

Scale: 1/4"=1'-0"



**PROPOSED EAST ELEVATION**

Scale 1/4"=1'-0"



**PROPOSED NORTH ELEVATION**

Scale 1/4"=1'-0"