

**MINUTES
WINNETKA VILLAGE COUNCIL
REGULAR MEETING
July 5, 2016**

(Approved: July 19, 2016)

A record of a legally convened regular meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, July 5, 2016, at 7:00 p.m.

- 1) Call to Order. President Greable called the meeting to order at 7:00 p.m. Present: Trustees Andrew Cripe, William Krucks, Penfield Lanphier, Scott Myers, Christopher Rintz and Kristin Ziv. Absent: None. Also present: Village Manager Robert Bahan, Village Attorney Peter M. Friedman, Assistant Director of Community Development Brian Norkus and approximately 17 persons in the audience.
- 2) Pledge of Allegiance. President Greable led the group in the Pledge of Allegiance.
- 3) Quorum.
 - a) July 12, 2016. All of the Council members present indicated they expect to attend.
 - b) July 19, 2016. All of the Council members present indicated they expect to attend.
 - c) August 2, 2016. All of the Council members present, except Trustee Lanphier, indicated they expect to attend.
- 4) Approval of the Agenda. Trustee Rintz, seconded by Trustee Cripe, moved to approve the Agenda. By voice vote, the motion carried.
- 5) Consent Agenda
 - a) Village Council Minutes.
 - i) June 7, 2016 Regular Meeting.
 - ii) June 14, 2016 Study Session.
 - iii) June 21, 2016 Regular Meeting.
 - b) Warrant List. Approving the Warrant List dated June 17-30, 2016.

Trustee Cripe, seconded by Trustee Ziv, moved to approve the foregoing items on the Consent Agenda by omnibus vote. By roll call vote, the motion carried. Ayes: Trustees Cripe, Krucks, Lanphier, Myers, Rintz and Ziv. Nays: None. Absent: None.
- 6) Stormwater Report. None.
- 7) Ordinances and Resolutions. None.
- 8) Public Comment.

Kimberly Brya, 335 Glendale, noted a recent sermon at Winnetka Congregational Church prompted her to address the Council. She reported that an email she sent to Council members through a group email has not been addressed. At the request of Trustee Cripe, Ms. Brya submitted a copy of the email. Both Trustees Cripe and Krucks noted the seriousness with which they and all Trustees take their responsibilities and noted for the

record that emails should be sent to Council members direct email accounts to ensure they are received.

a) Old Business. None.

9) New Business.

a) 5 Indian Hill Road, Subdivision and Zoning Variation: Policy Direction.

Assistant Director of Community Development Brian Norkus gave a history of the request noting both the Plan Commission and Zoning Board of Appeals have considered and denied the request and subsequent revised request respectively.

Trustee Lanphier inquired about the original orientation of the subject lots and Mr. Norkus responded they were developed in the 1940s and 1950s, while acknowledging he does not have the complete history of the property.

The Council discussed aspects of the Village's Zoning Code as it relates to flagpole lots.

Trustee Krucks noted Indian Hill Subdivision Association has not commented on this request.

Attorney for the applicant, Hal Francke, addressed the Council and members of the public with a presentation. Mr. Francke opined that no zoning ordinance objective will be achieved by the Council denying this request. He argued that property rights came first in our country's history and regulation of land use came second. He continued that the role of the Village Council is to uphold the health, safety and welfare of the community and this request will not disturb any of these rights.

Trustee Cripe noted his former position on the Zoning Board and inquired as to the hardship this request imposes on the neighbors.

Trustee Myers joined Trustee Cripe in his exploration of the rationale of this request as it relates to the good of the community.

Trustee Ziv noted her agreement with Mr. Francke and the applicants' request.

Trustee Krucks expounded on the tradeoff of living in an incorporated community, the Zoning Code, property rights, health and welfare.

The Council discussed variations in subdividing this property.

Architect for the applicant, Lesa Rizzola, stated the reason for the subdivision is to give enough land to the main structure on the property.

Property owner Debi Gill noted the Plan Commission did not like the original request to subdivide so it was revised to decrease the number of variances.

Dana Connell, 2 Indian Hill, noted he has been asked to speak by neighbors of this property and joins them in his address to the Council. Mr. Connell stated in order to grant this request the Zoning Code requires the property to have an unusual shape that would result in substantial hardship or injustices if not granted. This is not the case with this property. In fact, if this request is granted a 10,000 square foot property could be built on this lot obstructing the views neighbors currently have from their residences resulting in a true injustice and hardship for the neighbors. Mr. Connell noted the Plan Commission opposed this request and the neighbors also oppose this request.

Baird Smart, 112 Church Road noted his opposition to the request to subdivide as it is submitted. He continued the hardship would be borne by the neighbors if a larger structure was built on that property.

Dave Hawkins, 3 Indian Hill Road, noted the intent of this request is so this lot can be developed. He continued that he maintains landscaping of 20 foot trees to block the view of the current structure and would prefer a different subdivision if the intent is to sell the coach house.

Kevin Sheridan, 7 Indian Hill Road, noted his membership in the Indian Hill Association and that this issue has never come before the Association. He believes the applicant approached this the wrong way and questioned the value of establishing Village standards if they are going to be ignored.

Tom Lillard, 100 Church Road, thanked the Council for their service and joined his neighbors in their concern over this application.

Joann Hudson, real estate broker for the Gills and Winnetka resident, commented that side yards are permitted to abut backyards and the Village has granted subdivisions of lots like this.

Laura Connell, 2 Indian Hill Road, added her support and agreement with comments made by neighbors this evening.

Butch Macvicar, 1 Indian Hill Road, also added his support and agreement with comments made by neighbors this evening.

Property owner Dan Gill apologized for the hostility involved with what they are trying to accomplish. He noted there are two addresses for the property, and he thought it made sense to subdivide. Mr. Gill continued the flagpole layout of the property makes it unique and dividing into two large lots seems reasonable. He noted he has been following the Village's advice and struggles with what the neighbors are upset about.

Village Attorney Friedman noted if the Council denies this request, the applicants cannot reapply for one year unless they submit a substantially different request. He advised the Council of their three options: One, move to deny. Two, move to direct Counsel to prepare ordinances and grant the request. Three, defer to allow discussion between the neighbors and the applicant.

President Greable recommended this issue be deferred to allow the applicants' time to discuss with their neighbors and find a more agreeable resolution.

Trustee Myers, seconded by Trustee Rintz, moved this issue be deferred until the September 6, 2016 meeting. By voice vote, the motion carried.

11) Appointments. None.

12) Reports.

a) Village President. None.

b) Attorney. None.

- c) Manager. Village Manager Bahan reminded Council there is a group email contact where emails are received and not always forwarded as they don't require a group response. He continued he will look into Ms. Brya's email situation and report back.

Trustee Cripe commented that members of the public who wish to email the Council should send to each Council members individual email address.

- 13) Closed Session. None.

- 14) Adjournment. Trustee Myers, seconded by Trustee Ziv, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 9:59 p.m.

Recording Secretary