

Regular Meeting  
**WINNETKA VILLAGE COUNCIL**  
510 Green Bay Road  
Winnetka, Illinois 60093  
May 17, 2011  
7:30 p.m.

Emails regarding any agenda item are welcomed. Please email LRosenthal@winnetka.org, and your email will be relayed to the Council members. Emails for the Tuesday Council meeting must be received by Monday at 4 p.m. Any email may be subject to disclosure under the Freedom of Information Act.

**AGENDA**

- 1) Call to Order
- 2) Pledge of Allegiance to the Flag
- 3) Quorum
  - a) Thursday, May 19, 2011, Special Executive Session
  - b) May 24, 2011, Rescheduled Study Session
- 4) Approval of Agenda
- 5) Consent Agenda
  - a) Village Council Minutes
    - i) April 12, 2011 Study Session.....3
    - ii) April 26, 2011 Rescheduled Council Meeting.....10
  - b) Warrant Lists Nos. 1701 and 1702 .....17
  - c) Bid #11-017: Trenchless Lining of Sanitary Sewers - Municipal Partnering Bid.....18
  - d) Bid #11-013: 2011 Street Rehabilitation Program.....21
  - e) Bid #11-015: Traffic Signal Painting.....24
  - f) Ordinance M-5-2011: Disposition of Surplus Electrical Equipment - Adoption .....27
- 6) Ordinances and Resolutions.
  - a) Ordinance No. M-6-2011: Zoning Variation – Village Green, 525 Maple – Introduction.....27
  - b) Ordinance No. M-7-2011: Zoning Variation – 12 Indian Hill – Introduction.....77
- 7) Public Comment and Questions
- 8) Old Business – None
- 9) New Business
  - a) Policy Direction: Zoning Variation: 1034 Ash Street .....108
  - b) D’Haute Dogs Liquor License Request .....181
- 10) Reports
- 11) Appointments

12) Executive Session

13) Adjournment

**NOTICE**

All agenda materials are available at [www.villageofwinnetka.org](http://www.villageofwinnetka.org) (*click Council and then Current Agenda*), the Reference Desk at the Winnetka Library, or in the Manager's Office at Village Hall (2<sup>nd</sup> floor).

Videos of the Regular Village Council meetings are televised on Channel 10, Mondays, Wednesdays, and Fridays at 7:00 p.m. Videos of the meeting may also be viewed on the Internet via a link on the Village's web site: [www.villageofwinnetka.org](http://www.villageofwinnetka.org).

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 – Liz Rosenthal, at 510 Green Bay Road, Winnetka, Illinois 60093, (Telephone (847) 716-3540; T.D.D. (847) 501-6041).

**MINUTES  
WINNETKA VILLAGE COUNCIL STUDY SESSION**

**April 12, 2011**

(Approved: xx)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, April 12, 2011, at 7:30 p.m.

- 1) Call to Order. President Tucker called the meeting to order at 7:36 p.m. Present: Trustees Gene Greable, Bill Johnson, King Poor, Chris Rintz and Jennifer Spinney. Absent: Trustee Linda Pedian. Also in attendance: Village Manager Robert Bahan, Village Attorney Katherine Janega, Interim Police Chief Patrick Kreis, Director of Community Development Mike D’Onofrio, Assistant Director of Community Development Brian Norkus, Planning Assistant Jill Morgan, Plan Commission Chair Becky Hurley, and approximately 120 persons in the audience.
- 2) Affordable Housing Discussion. President Tucker explained that the Village first adopted an affordable housing plan in 2005, after the State enacted the Affordable Housing Planning and Appeal Act (AHPAA), which requires local governments to meet State affordable housing planning requirements. She reported that after Winnetka became a home rule community that same year, the affordable housing plan was amended to insert placeholder affordability standards that were more in keeping with property values in the Village. She said the Plan Commission was then asked to study the issue of affordable housing in order to make recommendations to assist the Council in setting affordability standards and to research other tools the Village could use when implementing its affordable housing plan. She added that property values will not be negatively impacted by affordable housing.

President Tucker then thanked the Plan Commission for completing their assignment and Village staff for assisting in the process, commended the audience for their continued interest and participation, and asked Plan Commission Chairperson Becky Hurley to proceed with the Commission’s presentation of its report and recommendations.

- a) Plan Commission Presentation. Ms. Hurley observed that affordable housing is an emotional and confusing term, and may not be reflective of the merits of the Plan Commission’s report. She explained that the Village is attempting to create a customized, unique approach to the affordable housing issue, and asked the audience to focus their conversations on the actual report and its recommendations.

Ms. Hurley presented a PowerPoint synopsis of the affordable housing issue and the Plan Commission’s two work products, the *Winnetka Affordable Housing Study: A Study of Housing Conditions and Needs in the Village of Winnetka*, prepared by the Winnetka Plan Commission in cooperation with the Nathalie P. Voorhees Center at the University of Illinois at Chicago, and the Plan Commission’s final report, *Reinvigorating a Tradition of Moderately Priced and Affordable Housing*.

She explained that the report and recommendations respond to the Council’s directive that the Plan Commission take a more customized approach for Winnetka, provide more detail on the Village’s changing housing stock and demographics, and define affordability standards for the Village.

Highlights of Ms. Hurley's presentation included:

- A review of Winnetka's history of a traditional mix of diverse, moderately priced housing, including apartments above storefronts, coach houses where employees or family members could live, and 2-flats that owners could use to either care for parents or rent out for extra income, as well as single family homes of various sizes, which provided housing suited to various income levels, family sizes, and ages.
- A review of the Community Objectives for moderately priced housing contained in the *Winnetka 2020 Comprehensive Plan*.
- A review of the Village's 2005 Amended Affordable Housing Plan.
- A recap of the affordable housing plan requirements of the State's Affordable Housing Planning and Appeal Act, and the effect of Home Rule on these requirements.
- A review of the Plan Commission's *Affordable Housing Study*, which provides statistical data that show: (i) a significant loss of variety in the Village's housing stock; (ii) a dramatic increase in the cost of housing; (iii) a shrinking supply of affordable housing; (iv) significant demographic changes, including a 56% reduction in young adults, a 26% increase in the school-age population, a 128% increase in single-parent families, and an increase in the number of seniors 65 and older that, at 2.8%, is dwarfed by increases of from 20% to 55% in neighboring communities; (v) a higher mobility rate in Winnetka than in surrounding North Shore communities, which is evidence that Winnetka has become a more transient community, particularly with families moving out of the Village after the school-age years; (vi) a deficit of housing for Winnetka households earning less than \$150,000, with particularly striking gaps for households earning between \$100,000 and \$150,000; and (vii) that high property values and limited buildable land are the main barriers to affordable housing in Winnetka.

Ms. Hurley explained that the focus of the Plan Commission's report is (i) on keeping control within Winnetka, and (ii) on encouraging property owners in the downtown and commercial districts to provide balanced housing for people who already live in Winnetka, especially for seniors and young families with moderate incomes, defined as ranging from \$45,000 to \$105,140 for a family of four.

Ms. Hurley explained that the recommendations in the Plan Commission's final report, *Reinvigorating a Tradition of Moderately Priced and Affordable Housing*, aim first and foremost: (i) to do no harm; (ii) to emphasize incentives versus mandates wherever possible; (iii) to enhance the rights of property owners by increasing owners' choices and options; (iv) to identify solutions that will help residents remain in their homes while at the same time not relying on new development to meet affordable housing goals; (v) to approach housing diversity by focusing on reusing existing housing stock rather than relying on new development; (vi) to use a customized approach that retains local control rather than relying on State and federal funds; and (vii) to focus on multi-family units rather than single family residential districts.

Ms. Hurley then reviewed and explained each of the proposed solutions in the Plan Commission's report, as follows:

- Recommendation # 1 – Creating an appropriate affordability standards.
- Recommendation #2 – Amending the Village Code to encourage retention of the downtown area's existing residential housing stock.
- Recommendation # 3 - Easing restrictions on existing residential coach house units.
- Recommendation # 4 - Adopting an Inclusionary Zoning Program to require new multiple family developments to include 15% of all units to meet the Village's affordability standards for rents or purchase prices.
- Recommendation # 5 - Creating a Community Land Trust.
- Recommendation # 6 - Creating a Housing Trust Fund.

Finally, after noting that certain rumors have been circulated around affordable housing, Ms. Hurley addressed the misinformation, clarifying issues that are not proposed by the Plan Commission, including:

- There is no proposal to tell owners how they must use their coach house or to tell owners of coach houses who they must rent to;
- There is no recommendation to develop the Post Office site with affordable housing;
- The proposed standards will not bring Section 8 housing to Winnetka, as the proposed Village affordability standards are much too high to qualify for Section 8 or other government housing programs;
- There is no proposal to increase property taxes to pay for affordable housing;
- There is no recommendation to use eminent domain to take anyone's property for affordable housing;
- There is no recommendation to use single family housing for affordable housing;
- The Caucus never voted against affordable housing;
- The 2004 Caucus platform recommended that the Village communicate to residents how it intends to comply with the State-mandated Affordable Housing Planning and Appeal Act;
- Studies have shown that affordable housing will not reduce property values, and property values in Highland Park actually increased in neighborhoods where new affordable housing was constructed.

b) Questions by Council

Trustee Johnson asked Ms. Hurley to describe what kinds of incentives will be used for the redevelopment of the Fell property, and how they would work and if developers can pay fees rather than build affordable units.

Ms. Hurley explained that the intent is to make affordable housing easier to obtain, rather than for the Village to collect fees in lieu, although in some cases builders may be permitted to make a contribution to a housing trust fund if they are unable to provide affordable units. She noted that the proposed Fell units are affordable at a standard that was adopted before the Plan Commission undertook its study, but that the recommendations in the Plan Commission's report could work for the Fell redevelopment. She said other incentives such as waiving permitting fees and expediting permits could be used to make the affordable housing requirements more palatable to developers.

Trustee Rintz commented that one of the problems with a land trust is that it is expensive to administer, especially for a small community, and he asked if a regional approach might be a better idea.

Ms. Hurley reported that Highland Park has recently begun using a more regional approach and that there is opportunity for shared expertise and even personnel, while still retaining control over Winnetka's program. She said administration of Winnetka's plan could be done at the Council level and with existing staff for the foreseeable future.

President Tucker asked if the affordability standards include property taxes and utilities.

Ms. Hurley said the standard is based on the combined cost of rent and utilities if it is a rental unit and on mortgage, taxes and utilities if it is owner-occupied. She remarked that the Plan Commission worked long and hard to create affordability standards that would tie into the housing gaps identified in the *Study of Housing Conditions and Needs* to try to meet the needs of people in the community, not necessarily so people from outside Winnetka could find housing.

Trustee Spinney asked why renting coach houses in Winnetka fell out of favor, as it is a property rights issue.

Ms. Hurley explained that in the 1970's, when coach houses became a nonconforming use, the zoning philosophy of that time was to segregate uses and Winnetka's community of mixed uses was out of vogue – although the pendulum has swung the other way and mixed use developments are currently very attractive. She indicated that the Plan Commission is not recommending that coach house rentals be required to be affordable, but that some will probably end up meeting the proposed affordability standards.

Trustee Johnson asked what could be done about buildings with apartment units that are not being properly maintained.

Ms. Hurley commented that a property maintenance code is recommended so buildings will be kept up, but details are not worked out. She said the property owner may not be expected to bear the entire burden of rehabilitating a building, and if a mechanism like a housing trust fund is created, it could be used to help to defray the cost.

President Tucker said a property maintenance code could be a sensible solution for the downtown, as complaints are sometimes received from tenants about the conditions of their downtown rental units.

Trustee Poor asked how a preference could be given for local residents and seniors.

Ms. Hurley observed that local preferences are widely used among Winnetka's neighboring communities, and that they must be crafted so they are legally enforceable.

Attorney Janega cautioned the Council not to create provisions for senior housing that have a discriminatory effect against young families, adding that the way to structure senior housing is to have a senior development built, as opposed to carving out a few units. She said the issue could be explored if the Council so desires, as ample precedent has been set around the country for legal senior housing.

Ms. Hurley pointed out that none of the recommendations from the Plan Commission's report are new, and that hundreds of communities around the country have used these same tools and techniques to create affordable housing.

c) Public Comment

Members of the public who gave comments were:

Richard Kates, 1326 Tower; Joan Sullivan, 165 Spring Lane; Myles Cunningham, 31 Woodley; William Pridemore, 1170 Whitebridge Hill; June O'Donoghue, Northfield resident; Bob Vladem, 853 Sheridan; Rick McQuet, 528 Maple; Penny Lanphier, 250 Birch; Margaret Benson, 1158 Asbury; Kathy Johnson, 982 Elm; , Lynn Sanders, 995 Pine; Kathy Fink, 558 Provident; Steve Snakard, 717 Willow; Carol Fessler, 1314 Trapp Lane; Suzie Halpin, 470 Sunset; Pete Henderson 576 Maple; Ann Airey, 110 Glenwood; Roberta Goldberg, 1580 Asbury; Jeremy Levine, 428 Elder; Jennifer Merlin, 1152 Asbury; Liz Nessler, 491 Hill; Katie Seigenthaler, 491 Hawthorn; Jan LaRosa, 1205 Willow; Robert Leonard, 1065 Spruce; Richard Newman, 726 Oak; Steve Miller, 603 Provident; James Burke, 174 Sheridan; Jen McQuet, 528 Maple; Sam Hirsch, 1737 Highland, Wilmette; Martha Ross Mockaitis, 686 Foxdale; Miki Stavros, 227 Church; Bob Mucci, 1040 Tower; Katherine Egeland, 524 Provident.

Several of the speakers favored the proposed plan, stressing the value of a diverse community and the need to address the loss of diversity in the community, with one speaker noting that the largest housing gap that was identified is for those with incomes between \$90,000 - 135,000, which would include graduates of top schools with young families, and that the Village should create "toeholds" for such families in the community. In particular, supporters commented in favor of the coach house proposal and the adoption of a property maintenance code, and in opposition to suggestions that the affordable housing issue should be put to referendum.

Several speakers spoke in opposition to the proposed plan, with many of the opponents expressing a fear that property taxes would be increased to implement the plan, and that the matter should be put to a referendum. Other opponents commented that the proposed plan would not help anyone in the current recession, with one speaker stressing the need to leave housing to the laws of supply and demand.

Some of the speakers did not address the plan specifically, but expressed concerns about existing property taxes and whether the proposed plan would lead to higher property taxes. Many speakers expressed a desire for further study and information, particularly about the housing trust fund, the community land trust and other funding mechanisms.

The public comments concluded at 10:15 p.m. and a short recess was called.

d) Council Discussion and Direction

The meeting resumed at 10:25 p.m.

President Tucker suggested focusing attention on specific items for discussion so that next steps can be formulated. She asked Attorney Janega to address the issue of whether the AHPAA applies to Home Rule communities.

Attorney Janega explained that it was her opinion in 2005, and still is today, that the AHPAA does not preempt home rule, but added that the Illinois Housing Development Authority (IHDA) takes a different stance. She noted that IHDA maintains a list of communities that are not exempt from the AHPAA, that 20 of communities on the list are home rule units, that 12 of those home rule units have filed Affordable Housing plans with the state and 8 have not. She maintained that when the home rule referendum was being discussed with the public it was made very clear that the objective was to have the freedom to create a customized plan for Winnetka, since non-home rule units do not have authority to adopt inclusionary zoning and other solutions.

Attorney Janega said the Village Council in 2005 thought it more prudent to pursue a customized approach by amending the Village's original affordable housing plan on file with the IHDA, rather than rescinding the plan altogether. She pointed out that withdrawing the plan would put Winnetka in the position of being the only municipality in the state to withdraw a plan, which could spark a legal battle with the IHDA, or even prompt the State to amend the AHPAA to add language that preempts home rule.

Attorney Janega said her recommendation is to avoid potential litigation, particularly when the Village can amend its original plan to be a better fit for the community.

Trustee Poor agreed that Winnetka would not want to single itself out by being the only town to rescind their plan and said he understands Attorney Janega's position that while Winnetka does not appear to be bound by the law, the political reality is different.

Ms. Hurley said some residents may be unaware that Winnetka already has an existing Affordable Housing ordinance, and she questioned what a referendum would look like and whether it would call for a repeal of the existing plan. She noted that the Comprehensive Plan states support for affordable and diverse housing and that if the community decides this is no longer a Winnetka value, the Comprehensive Plan may need to be revised.

Attorney Janega clarified that Illinois law does not provide for binding referendums on policy issues; therefore, a referendum would be a device to get the opinions of the community. She commented that a referendum on such a heated topic would necessitate an educational campaign so that the community fully understands the issue. She noted that the question isn't whether Winnetka should have an affordable housing plan, since the Village already has a plan on file with the State, but rather whether to amend that plan.

Attorney Janega said the issue now before the Council is to choose from the array of tools that the Plan Commission has listed in its final report. She noted that some options, such as a commercial maintenance code or easing restrictions on coach house uses, are relatively easy to implement and not very controversial, while others, such as a

community land trust or housing trust fund, need more study and are the reason for most of the community resistance.

Trustee Poor remarked that a non-binding referendum would probably not be a good option to pursue, as the issue is not a “yes” or “no” question, and he noted that affordable housing has been a priority in Winnetka as far back as 1979. He commented that the approach recommended by the Plan Commission is modest, no new property taxes are proposed, and that nobody is trying to change Winnetka’s demographics. He said he would be in favor of the Plan Commission’s first three recommendations, once details are fleshed out and he recommended further study for Recommendations 4 through 6.

Trustee Rintz said he was heartened by the evening’s conversation, as everyone was able to respectfully disagree and state their opinions. He indicated that he would be against committing any money to litigating the Village’s non-exempt status with the IHDA, and that he was bothered by the public comments about taxes, as the Village’s share of the total tax burden is very small and the largest share goes to the schools, which is out of the Village’s purview. He asked staff to return with affordable standard concepts for the Council to discuss, expressed support for Recommendations 2 and 3, and asked for more study and information for Recommendations 4 through 6.

Trustee Spinney announced that she concurred with Trustees Poor and Rintz, thanked the Plan Commission for their hard work, and commented that Winnetka’s property values are not going to be harmed by the proposals.

Trustee Greable said he wanted to work at getting community consensus on the issue, and that while he would need more information on most of the Plan Commission’s recommendations, he would like to have staff start working on plans to move ahead with Recommendations 2 and 3.

Trustee Johnson said he was in favor of the Plan Commission’s first three recommendations and he agreed that more study is needed for the last three. He added that he would like information about if and how property taxes will be impacted by affordable housing units.

President Tucker said there was consensus to measure the affordability standards in concrete terms, rather than conceptual ones, and she directed staff to draft language for a commercial property maintenance code and also for proposed zoning amendments to ease restrictions on the use of coach houses. She commented that it would make sense to have the Plan Commission do further research about inclusionary zoning, community land trusts and housing trust funds.

- 3) Adjournment. The meeting adjourned at 11:45 p.m.

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Recording Secretary

**MINUTES  
WINNETKA VILLAGE COUNCIL  
RESCHEDULED REGULAR MEETING  
April 26, 2011**

(Approved: xx)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, April 26, 2011, at 7:30 p.m.

- 1) Call to Order. President Tucker called the meeting to order at 7:37 p.m. Present: Trustees Gene Greable, Bill Johnson, Linda Pedian, King Poor, Chris Rintz and Jennifer Spinney. Absent: None. Also present: Village Manager Robert Bahan, Village Attorney Katherine Janega, Public Works Director Steve Saunders, Director of Water & Electric Brian Keys, Director of Community Development Mike D'Onofrio and approximately six persons in the audience.
- 2) Pledge of Allegiance. President Tucker led the group in the Pledge of Allegiance.
- 3) Quorum.
  - a) May 3, 2011, Regular Meeting. All of the Council members present indicated that they expected to attend.
  - b) May 10, 2011, Study Session. All of the Council members present indicated that they expected to attend.
- 4) Approval of the Agenda. Trustee Greable asked that Resolution R-17-2011 be removed from the consent agenda to allow Council discussion and to make a bigger impact on the residents; President Tucker removed the item from the Consent Agenda. Trustee Johnson, seconded by Trustee Poor, moved to approve the Agenda as amended. By roll call vote. the motion carried. Ayes: Trustees Poor, Johnson, Pedian, Spinney, Rintz, and Greable. Nays: None. Absent: None.
- 5) Consent Agenda
  - a) Village Council Minutes.
    - i) March 1, 2011, Regular Council Meeting.
    - ii) March 8, 2011, Special Council Meeting.
    - iii) March 8, 2011, Study Session.
    - iv) March 22, 2011, Regular Council Meeting.
    - v) April 7, 2011, Regular Council Meeting.
  - b) Warrant Lists Nos. 1697 and 1698. Approving Warrant List No. 1697 in the amount of \$541,505.70, and Warrant List No. 1698 in the amount of \$349,223.05.
  - c) Resolution R-15-2011: Authorizing the Release of Executive Session Minutes and the Destruction of Verbatim Recordings – Adoption. Authorizes the release of Executive Session minutes no longer required for reasons of confidentiality and permits the destruction of the audio recordings of closed meetings from April 14, 2009 through August 11, 2009.

- d) Bid #011-009: Electrical Line Clearance (Tree Trimming). Authorizes the Village Manager to issue a purchase order to Asplundh Tree Expert Co., in an amount not to exceed \$120,000, in accordance with the terms and conditions of Bid #011-009.
- e) One-Year Extension of Yard Waste Composting Contract with Thelen Sand & Gravel. Authorizes a one-year extension of the current composting contract with Thelen Sand & Gravel for \$7,000 per cubic yard.
- f) Extension of Bid #10-001: Parkway Tree Planting. Extends the tree planting unit pricing from Bid 10-010 for an additional year with St. Aubin Nursery, Arthur Weiler Nursery, Fox Ridge Nursery and Goodmark Nursery, in the aggregate amount of \$39,502.
- g) Resolution R-17-2011: [Removed from Consent Agenda. See item 9(c), below.]

Trustee Poor, seconded by Trustee Spinney, moved to approve the foregoing items on the Consent Agenda, with the exception of item (g), which was moved to New Business, by omnibus vote. By roll call vote, the motion carried. Ayes: Trustees Poor, Johnson, Pedian, Spinney, Rintz, and Greable. Nays: None. Absent: None.

6) Ordinances and Resolutions.

- a) Special Service Areas #4 and #5: Pavement and Stormwater Improvements – Public Alleys.
  - i) Ordinance M-2-2011: SSA #4 – Alley Paving – Adoption.

Trustee Poor asked if there was a way to reduce the amount of the assessment for the properties on the corners that don't have alley access.

Mr. Saunders responded that Village staff has been evaluating several options, while staying within State rules for SSA's, and that no solution has yet been found. He added that the SSA could be modified after the adoption of the ordinance any time up until the public hearing is held.

Trustee Rintz suggested giving those properties something of additional value such as landscaping, or in the event their payment is reduced, putting in a mechanism to recapture the funds if they choose to use the alley access at a future date.

Attorney Janega pointed out that the Village is constrained by State Statute on SSA's, that staff is still working on solutions for the corner properties, and that the issue would be fully vetted at the public hearing in June.

Trustee Pedian expressed her hope that once the alley is improved the garages that are in deteriorating condition will be improved.

There being no further comments or questions, Trustee Spinney, seconded by Trustee Johnson, moved to adopt Ordinance M-2-2011. By roll call vote, the motion carried. Ayes: Trustees Pedian, Poor, Johnson, Spinney, Rintz, and Greable. Nays: None. Absent: None.

ii) Ordinance M-3-2011: SSA #5 – Alley Paving – Adoption.

There being no comments or questions, Trustee Johnson, seconded by Trustee Spinney, moved to adopt Ordinance M-3-2011. By roll call vote, the motion carried. Ayes: Trustees Pedian, Poor, Johnson, Spinney, Rintz, and Greable. Nays: None. Absent: None.

b) Ordinance MC-3-2011: Amending the Village Code as it Pertains to Certain Boards and Commissions – Adoption. Attorney Janega reviewed the latest round of amendments, made at the direction of the Council at its April 7<sup>th</sup> meeting. She reported that, as directed, she had met with the Environmental & Forestry Commission (EFC) chairperson and an at-large member, to address their concerns with the draft ordinance, and reviewed the alternative language in the agenda materials that she had drafted as a result of that meeting.

The Council had a lengthy discussion of the most recent round of amendments to the draft ordinance, including a deliberation over the definition of the word “sustainability” which Attorney Janega had inserted in Section 3.04.050(B) at the request of the EFC chair.

After the Council discussion, the audience was invited to give their comments.

Scott Madlener, EFC member, recommended a working definition for the term “sustainability” as it will be used in the ordinance.

Terry Dason, Executive Director, Winnetka Chamber of Commerce and BCDC Chair, said she felt that the director of the Chamber should be a member of the BCDC, whether or not they live in Winnetka.

Richard Kates, 1326 Tower, said there could be a conflict if a Northfield resident is on the BCDC as the Chamber representative.

Attorney Janega suggested keeping the definition of “sustainability” as written, but to insert a comma at the end and add “so as to meet present needs without compromising the future.” The Council agreed, and also approved the other proposed amendments.

Trustee Spinney, seconded by Trustee Poor, moved to amend Ordinance MC-3-2011 as recommended by the Village Attorney. By roll call vote, the motion carried. Ayes: Trustees Pedian, Poor, Spinney, Rintz, and Greable. Nays: Trustee Johnson. Absent: None.

Trustee Pedian, seconded by Trustee Spinney, moved to adopt Ordinance MC-3-2011. By roll call vote, the motion carried. Ayes: Trustees Pedian, Poor, Johnson, Spinney, Rintz, and Greable. Nays: None. Absent: None.

7) Public Comment and Questions.

Richard Kates, 1326 Tower, commented that there is no history yet of Winnetka implementing its affordable housing plan, and he added that the issue of affordable housing for seniors needs to be studied in light of the discrimination issues associated with it. He remarked that litigating the issue of whether Winnetka is an exempt community would not

have to be expensive if voluntary legal help were used, and he recommended that a group of home rule communities band together and make their voices heard in Springfield.

8) Old Business. None.

9) New Business.

a) Village Hall Renovation & Restoration: Interior Bids. Mr. Saunders reviewed the progress of the renovation/restoration of Village Hall to-date, and reported that the exterior improvement project, which had been separated from the interior portion of the project to save money, will soon be complete.

Mr. Saunders reviewed the bid results for the interior renovations, which include installation of a new HVAC system and a fire sprinkler system, technology improvements in the Council Chambers and the adjacent conference room, improvements to public washrooms and the basement, and renovation of the Finance Department - all of which will be done with the goal of achieving LEED certification for the project. He explained that the low bid for the interior renovations was submitted by DTS Enterprises but was rejected because of concerns about their capability to complete a project of this magnitude on time. He said the second-lowest bid was submitted by Simpson Construction, which has an excellent track record. He announced that the total amount saved by splitting the project into phases was \$326,546.00.

Mr. Saunders reviewed several alternate items that were also sent to bid, and he recommended accepting Alternates 4 through 7. He also recommended approval of the cost for LEED documentation and commissioning, which will cost a maximum of \$54,700, and could be less if the Village is awarded a grant from the Illinois Clean Energy Foundation.

The Trustees thanked Mr. Saunders for investing time and extra work to break up the bid packages to save the Village money on the project, and they also thanked the Village Hall Technical Committee for their hard work and input. There was consensus to award the project to Simpson Construction, and to approve Alternates #4 through #7, and also to approve the LEED certification commissioning costs.

Trustee Johnson pointed out that the Village doesn't need bonds or loans are needed to complete this project, as the money has been judiciously set aside, which is the Winnetka way of doing things.

Trustee Rintz commented that the Technical Committee had been asked to consider providing more modern seating in the Council Chambers but that Nan Greenough and others in the community favored keeping the benches in the interest of maintaining the historical integrity of the room. He said new cushions for the benches will be provided instead.

Trustee Rintz, seconded by Trustee Spinney, moved to award the contract for interior restoration and renovation of Village Hall to Simpson Construction, in an amount of \$2,250,000 pursuant to their bid proposal. By roll call vote, the motion carried. Ayes: Trustees Poor, Johnson, Pedian, Spinney, Rintz, and Greable. Nays: None. Absent: None.

Trustee Pedian, seconded by Trustee Johnson, moved to accept Alternate #4 for cleaning and restoration of the woodwork in the Council Chambers, for an amount not to exceed \$25,200. By roll call vote, the motion carried. Ayes: Trustees Poor, Johnson, Pedian, Spinney, Rintz, and Greable. Nays: None. Absent: None.

Trustee Johnson, seconded by Trustee Spinney, moved to accept Alternate #5 for cleaning and restoration of woodwork in the second floor lobby, for an amount not to exceed \$17,500. By roll call vote, the motion carried. Ayes: Trustees Poor, Johnson, Pedian, Spinney, Rintz, and Greable. Nays: None. Absent: None.

Trustee Johnson, seconded by Trustee Spinney, moved to accept Alternate #6 for cleaning and restoration of woodwork in the first floor lobby and stairways, for an amount not to exceed \$27,500. By roll call vote, the motion carried. Ayes: Trustees Poor, Johnson, Pedian, Spinney, Rintz, and Greable. Nays: None. Absent: None.

Trustee Johnson, seconded by Trustee Spinney, moved to accept Alternate #7 to replace ceiling tiles in the Community Development and Manager's Offices for an amount not to exceed \$2,300. By roll call vote, the motion carried. Ayes: Trustees Poor, Johnson, Pedian, Spinney, Rintz, and Greable. Nays: None. Absent: None.

Trustee Pedian, seconded by Trustee Spinney, moved to award a contract to Primera Engineering, for an amount not to exceed \$48,100, pursuant to their proposal for independent third party LEED certification commissioning services. By roll call vote, the motion carried. Ayes: Trustees Poor, Johnson, Pedian, Spinney, Rintz, and Greable. Nays: None. Absent: none.

- b) Request from the Winnetka Wine Shop for Amendments to the E-2 Liquor License Classification. Attorney Janega reviewed this request from the owner of the Winnetka Wine Shop stemming from her application for an Outdoor Seating Permit and Outdoor Liquor Rider. She reported that the applicant has also requested an expansion of the hours that she may sell alcohol, which will require an amendment to the Liquor Control Ordinance.

The applicant, Emily Link, said she would like to open earlier on Saturday mornings, especially during the holidays, when many people are out early running their errands, and she also requested an outdoor restaurant liquor license so that her customers could sit outside with a meal and a glass of wine.

After a brief discussion, the Council agreed to grant the outdoor restaurant liquor rider and also gave permission for the expansion of business hours on Saturday mornings and directed the Village Attorney to prepare the necessary ordinance.

- c) Resolution R-17-2011: Opposing the Reduction of State Collected Revenues Due Municipalities – Adoption. President Tucker announced that Resolution R-17-2011 informs the State legislature of the Village of Winnetka's opposition to any loss of income tax revenue, which would directly impact local taxpayers and the municipal services provided to them. She reported that Winnetka would lose approximately \$290,000 a year if the State legislature approves the proposal and added that it is frustrating to have the State's fiscal problems placed on the backs of municipalities at a time when they are trying to provide tax relief to residents.

Trustee Greable observed that the Council and Staff worked diligently to save the taxpayers over \$300,000 on the Village Hall renovation, and this is approximately the amount that would be cut if the state does not distribute the local income tax revenues to municipalities.

Trustee Pedian recalled that the delegation from Winnetka that attended the NWMC Legislative Days last month lobbied State officials to recognize the importance of distributing these funds on time, as local governments use them to provide services to taxpayers. She noted that such a reduction in funding could become entrenched and that local governments cannot afford more revenue losses.

Manager Bahan pointed out that the Illinois Constitution of 1970 structured the pass-through fund so that the State would collect income taxes for local governments, and earmark it for local governments to pay for services. He said many legislators do not remember the history of the distributive fund and view it as State revenue, not local government income.

Trustee Greable, seconded by Trustee Pedian, moved to approve Resolution R-17-2011 opposing the reduction of State-collected revenues owed to Municipalities. By roll call vote, the motion carried. Ayes: Trustees Poor, Johnson, Pedian, Spinney, Rintz, and Greable. Nays: None. Absent: None

10) Reports

- a) Village President. President Tucker announced that the annual Chamber of Commerce Recognition Luncheon would be held May 4<sup>th</sup>, and that Winnetka Police Officer Gerardo Sarabia is Public Safety Employee of the Year and Trustee Greable is the Man of the Year honoree. She reported that she attended the NWMC legislative committee meeting and that discussions centered around the threat to local government revenues that the State is proposing. She noted that any State legislation that erodes local control is of grave concern and must be defeated.
- b) Trustees.
  - i) Trustee Spinney reported that the Library Board completed its interviewing process and has appointed a new Trustee to replace Tony Mars.
  - ii) Trustee Poor reported on the highlights of the last EFC meeting, and said the commission is looking forward to further communication with the Council as a result of the passage of Ordinance MC-3-2011.
- c) Attorney. No report.
- d) Manager. No report.

11) Appointments. President Tucker suggested the appointment of Cindy Galvin to the Design Review Board to replace Charles Page, effective immediately. Trustee Pedian, seconded by Trustee Johnson, moved to so appoint Ms. Galvin. By voice vote, the motion carried.

12) Executive Session. President Tucker announced that the Council would move into Executive Session to discuss the compensation and performance of certain administrative employees, as well as collective bargaining matters and employee salary schedules. She noted that the Council is not expected to complete its discussion tonight, and that pursuant to section

2.02(a) of the Open Meetings Act, the Council will reconvene on Thursday, April 28, at 7:00 p.m. to complete its consideration of these matters in Executive Session; that a notice of that reconvened meeting has been posted; and no other business will be conducted on Thursday, April 28.

Trustee Johnson moved to adjourn into Executive Session to discuss compensation and performance of certain administrative employees, as well as collective bargaining matters and employee salary schedules pursuant to Sections 2(c)(1) and 2(c)(2) respectively, of the Illinois Open Meetings Act. Trustee Spinney seconded the motion. By roll call vote, the motion carried. Ayes: Trustees Poor, Pedian, Johnson, Spinney, Rintz, and Greable. Nays: None. Absent: None. The Council adjourned into Executive Session at 9:45 p.m.

The Council reconvened into Regular Session at 11:08 p.m. Present: President Tucker, Trustees Greable, Johnson, Poor, Pedian and Spinney. Absent: Trustee Rintz. Also present: Village Manager Rob Bahan and Village Attorney Katherine Janega.

- 13) Adjournment. Trustee Spinney, seconded by Trustee Poor, moved to adjourn the meeting. By roll call vote, the motion carried. Ayes: Trustees Poor, Johnson, Spinney, Pedian, and Greable. Nays: None. Absent: Trustee Rintz. The meeting adjourned at 11:09 p.m.

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Recording Secretary

## AGENDA REPORT

SUBJECT:           **Warrant Lists Nos. 1701 and 1702**

PREPARED BY:     Robert Bahan, Village Manager

DATE:              May 13, 2011

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Warrants Lists Nos. 1701 and 1702 are enclosed in each Council member's packet.

**Recommendation:** Consider approving Warrants Lists Nos. 1701 and 1702.

## Agenda Report

**Subject:**                    **Bid 11-017: Trenchless Lining of Sanitary Sewers  
Municipal Partnering Bid**

Prepared By:                Steven M. Saunders, Director of Public Works/Village Engineer

Date:                         May 5, 2011

The Village of Winnetka has partnered with the Villages of Northfield, Northbrook, Morton Grove, Wheeling, the City of Park Ridge, and the City of Lake Forest to provide for trenchless relining of existing sanitary sewers. The idea behind partnering is to combine projects from several municipalities to create economies of scale and obtain reduced pricing. On May 5, 2011, sealed bids were opened and read aloud with the results shown below:

<b><u>Bidder</u></b>	<b><u>Total Bid</u></b>	<b><u>Winnetka Portion</u></b>
Insituform Technologies	\$1,283,458.60	\$151,389.20
Visu-Sewer	\$1,673,931.75	\$195,832.00
Michels Corporation	\$1,715,435.00	\$216,840.00

The low overall bid was submitted by Insituform Technologies, a qualified contractor for this type of work. Insituform's pricing is also lowest for Winnetka's portion of the work. Insituform has a long track record and has successfully completed numerous lining projects for the Village in the past.

### **Cost Savings**

By partnering with other municipalities, Winnetka realized significant cost savings on this project. For example, these jointly-bid unit prices are 20.3% lower than a separately bid contract from 2009.

**Budget Information:** The FY 2011-12 Budget (account #54-70-640-201) contains \$150,000 for this project. Staff estimated this project at \$149,800. While the amount of the bid exceeds the budget by a slight amount, the work is necessary and staff will work to manage other projects in the sewer fund to maintain the overall budget.

**Recommendation:** Consider awarding the Village of Winnetka's portion of Bid 11-017, Trenchless Lining of Existing Sanitary Sewers, to Insituform Technologies in the total amount of \$151,389.20.

**Municipal Partnering  
2011 Sewer Lining Project - Second Contract  
Bid Tabulation**

Item No.	Pay Item	Unit	Quantity	Insituform Technologies 17988 Edison Avenue Chesterfield, MO 63005		Visu-Sewer, Inc. W230N4855 Betker Drive Pewaukee, WI 53702		Michels Corporation 817 W. Main Street Brownsville, WI 53006	
				Unit Price	Extended	Unit Price	Extended	Unit Price	Extended
1	8 inch Cured in Place Pipe – Installation length 100 feet or less	L.F.	997	\$ 24.60	\$ 24,526.20	\$ 61.50	\$ 61,315.50	\$ 66.00	\$ 65,802.00
2	8 inch Cured in Place Pipe – Installation length 100-149 feet	L.F.	1,975	\$ 24.60	\$ 48,585.00	\$ 47.25	\$ 93,318.75	\$ 45.00	\$ 88,875.00
3	8 inch Cured in Place Pipe – Installation length 150-249 feet	L.F.	6,423	\$ 24.60	\$ 158,005.80	\$ 27.00	\$ 173,421.00	\$ 34.00	\$ 218,382.00
4	8 inch Cured in Place Pipe – Installation length 250-500 feet	L.F.	14,135	\$ 24.60	\$ 347,721.00	\$ 27.00	\$ 381,645.00	\$ 29.00	\$ 409,915.00
5	8 inch Cured in Place Pipe – Installation length over 500	L.F.	640	\$ 24.60	\$ 15,744.00	\$ 25.00	\$ 16,000.00	\$ 26.00	\$ 16,640.00
6	10 inch Cured in Place Pipe – Installation length 100 feet or less	L.F.	458	\$ 30.60	\$ 14,014.80	\$ 99.75	\$ 45,685.50	\$ 81.00	\$ 37,098.00
7	10 inch Cured in Place Pipe – Installation length 100-149 feet	L.F.	345	\$ 30.60	\$ 10,557.00	\$ 49.50	\$ 17,077.50	\$ 62.00	\$ 21,390.00
8	10 inch Cured in Place Pipe – Installation length 150-249 feet	L.F.	1,868	\$ 30.60	\$ 57,160.80	\$ 39.50	\$ 73,786.00	\$ 36.00	\$ 67,248.00
9	10 inch Cured in Place Pipe – Installation length 250-500 feet	L.F.	1,205	\$ 30.60	\$ 36,873.00	\$ 39.50	\$ 47,597.50	\$ 33.00	\$ 39,765.00
10	12 inch Cured in Place Pipe – Installation length 100-149 feet	L.F.	110	\$ 29.70	\$ 3,267.00	\$ 75.00	\$ 8,250.00	\$ 119.00	\$ 13,090.00
11	12 inch Cured in Place Pipe – Installation length 250-500 feet	L.F.	2,771	\$ 29.70	\$ 82,298.70	\$ 53.50	\$ 148,248.50	\$ 50.00	\$ 138,550.00
12	12 inch Cured in Place Pipe – Installation length over 500	L.F.	2,847	\$ 29.70	\$ 84,555.90	\$ 47.00	\$ 133,809.00	\$ 45.00	\$ 128,115.00
13	15 inch Cured in Place Pipe – Installation length 250-500 feet	L.F.	270	\$ 53.90	\$ 14,553.00	\$ 60.50	\$ 16,335.00	\$ 62.00	\$ 16,740.00
14	18 inch Cured in Place Pipe – Installation length 100 feet or less	L.F.	82	\$ 70.90	\$ 5,813.80	\$ 139.00	\$ 11,398.00	\$ 140.00	\$ 11,480.00
15	18 inch Cured in Place Pipe – Installation length 150-249 feet	L.F.	895	\$ 70.90	\$ 63,455.50	\$ 95.00	\$ 85,025.00	\$ 81.00	\$ 72,495.00
16	18 inch Cured in Place Pipe – Installation length 250-500 feet	L.F.	348	\$ 70.90	\$ 24,673.20	\$ 61.50	\$ 21,402.00	\$ 73.00	\$ 25,404.00
17	21 inch Cured in Place Pipe – Installation length 250-500 feet	L.F.	1,145	\$ 81.20	\$ 92,974.00	\$ 79.50	\$ 91,027.50	\$ 86.00	\$ 98,470.00
18	24 inch Cured in Place Pipe – Installation length 150-249 feet	L.F.	330	\$ 92.30	\$ 30,459.00	\$ 135.00	\$ 44,550.00	\$ 122.00	\$ 40,260.00
19	24 inch Cured in Place Pipe – Installation length 250-500 feet	L.F.	965	\$ 92.30	\$ 89,069.50	\$ 91.00	\$ 87,815.00	\$ 92.00	\$ 88,780.00
20	Reinstatement of Service Laterals	Each	594	\$ 106.30	\$ 63,142.20	\$ 175.00	\$ 103,950.00	\$ 174.00	\$ 103,356.00
21	Protruding Tap Removal	Each	23	\$ 360.40	\$ 8,289.20	\$ 175.00	\$ 4,025.00	\$ 210.00	\$ 4,830.00
22	Manhole Reconstruct and Lining	V.F.	50	\$ 154.40	\$ 7,720.00	\$ 165.00	\$ 8,250.00	\$ 175.00	\$ 8,750.00
				\$ 1,283,458.60		\$ 1,673,931.75		\$ 1,715,435.00	

**Municipal Partnering  
2011 Sewer Lining Project - First Contract  
Bid Tabulation - Insituform Technologies**

Item No.	Pay Item	Unit	Unit Price	Northfield		Park Ridge		Winnetka		Lake Forest		Northbrook		Wheeling		Morton Grove		Totals	
				Quantity	Extended	Quantity	Extended	Quantity	Extended	Quantity	Extended	Quantity	Extended	Quantity	Extended	Quantity	Extended		
1	8 inch Cured in Place Pipe – Installation length 100 feet or less	L.F.	\$ 24.60		\$ -		\$ -	329	\$ 8,093.40	185	\$ 4,551.00	162	\$ 3,985.20	201	\$ 4,944.60	120	\$ 2,952.00	997	\$ 24,526.20
2	8 inch Cured in Place Pipe – Installation length 100-149 feet	L.F.	\$ 24.60		\$ -		\$ -		\$ -	415	\$ 10,209.00	850	\$ 20,910.00	240	\$ 5,904.00	470	\$ 11,562.00	1975	\$ 48,585.00
3	8 inch Cured in Place Pipe – Installation length 150-249 feet	L.F.	\$ 24.60		\$ -		\$ -	2546	\$ 62,631.60	620	\$ 15,252.00	2172	\$ 53,431.20	230	\$ 5,658.00	855	\$ 21,033.00	6423	\$ 158,005.80
4	8 inch Cured in Place Pipe – Installation length 250-500 feet	L.F.	\$ 24.60	1281	\$ 31,512.60	417	\$ 10,258.20	1870	\$ 46,002.00	555	\$ 13,653.00	5737	\$ 141,130.20	3415	\$ 84,009.00	860	\$ 21,156.00	14135	\$ 347,721.00
5	8 inch Cured in Place Pipe – Installation length over 500	L.F.	\$ 24.60	640	\$ 15,744.00		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	640	\$ 15,744.00
6	10 inch Cured in Place Pipe – Installation length 100 feet or less	L.F.	\$ 30.60		\$ -		\$ -		\$ -	370	\$ 11,322.00		\$ -	88	\$ 2,692.80		\$ -	458	\$ 14,014.80
7	10 inch Cured in Place Pipe – Installation length 100-149 feet	L.F.	\$ 30.60		\$ -		\$ -		\$ -	230	\$ 7,038.00		\$ -	115	\$ 3,519.00		\$ -	345	\$ 10,557.00
8	10 inch Cured in Place Pipe – Installation length 150-249 feet	L.F.	\$ 30.60		\$ -		\$ -	203	\$ 6,211.80	1665	\$ 50,949.00		\$ -		\$ -		\$ -	1868	\$ 57,160.80
9	10 inch Cured in Place Pipe – Installation length 250-500 feet	L.F.	\$ 30.60		\$ -		\$ -		\$ -	1205	\$ 36,873.00		\$ -		\$ -		\$ -	1205	\$ 36,873.00
10	12 inch Cured in Place Pipe – Installation length 100-149 feet	L.F.	\$ 29.70		\$ -		\$ -		\$ -	110	\$ 3,267.00		\$ -		\$ -		\$ -	110	\$ 3,267.00
11	12 inch Cured in Place Pipe – Installation length 250-500 feet	L.F.	\$ 29.70	1553	\$ 46,124.10		\$ -	328	\$ 9,741.60	890	\$ 26,433.00		\$ -		\$ -		\$ -	2771	\$ 82,298.70
12	12 inch Cured in Place Pipe – Installation length over 500	L.F.	\$ 29.70	2847	\$ 84,555.90		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	2847	\$ 84,555.90
13	15 inch Cured in Place Pipe – Installation length 250-500 feet	L.F.	\$ 53.90		\$ -		\$ -		\$ -	270	\$ 14,553.00		\$ -		\$ -		\$ -	270	\$ 14,553.00
14	18 inch Cured in Place Pipe – Installation length 100 feet or less	L.F.	\$ 70.90		\$ -		\$ -		\$ -		\$ -		\$ -	82	\$ 5,813.80		\$ -	82	\$ 5,813.80
15	18 inch Cured in Place Pipe – Installation length 150-249 feet	L.F.	\$ 70.90		\$ -		\$ -		\$ -	575	\$ 40,767.50		\$ -	320	\$ 22,688.00		\$ -	895	\$ 63,455.50
16	18 inch Cured in Place Pipe – Installation length 250-500 feet	L.F.	\$ 70.90		\$ -		\$ -		\$ -		\$ -		\$ -	348	\$ 24,673.20		\$ -	348	\$ 24,673.20
17	21 inch Cured in Place Pipe – Installation length 250-500 feet	L.F.	\$ 81.20		\$ -	1145	\$ 92,974.00		\$ -		\$ -		\$ -		\$ -		\$ -	1145	\$ 92,974.00
18	24 inch Cured in Place Pipe – Installation length 150-249 feet	L.F.	\$ 92.30		\$ -	330	\$ 30,459.00		\$ -		\$ -		\$ -		\$ -		\$ -	330	\$ 30,459.00
19	24 inch Cured in Place Pipe – Installation length 250-500 feet	L.F.	\$ 92.30		\$ -	965	\$ 89,069.50		\$ -		\$ -		\$ -		\$ -		\$ -	965	\$ 89,069.50
20	Reinstatement of Service Laterals	L.F.	\$ 106.30	35	\$ 3,720.50	76	\$ 8,078.80	176	\$ 18,708.80	52	\$ 5,527.60	176	\$ 18,708.80	33	\$ 3,507.90	46	\$ 4,889.80	594	\$ 63,142.20
21	Protruding Tap Removal	L.F.	\$ 360.40	3	\$ 1,081.20		\$ -		\$ -	15	\$ 5,406.00		\$ -		\$ -	5	\$ 1,802.00	23	\$ 8,289.20
22	Manhole Reconstruct and Lining	L.F.	\$ 154.40		\$ -		\$ -		\$ -	50	\$ 7,720.00		\$ -		\$ -		\$ -	50	\$ 7,720.00
					\$ 182,738.30		\$ 230,839.50		\$ 151,389.20		\$ 253,521.10		\$ 238,165.40		\$ 163,410.30		\$ 63,394.80		\$ 1,283,458.60

## AGENDA REPORT

**Subject:** Bid Number 11-013 – 2011 Street Rehabilitation Program

Prepared By: Steven M. Saunders, Dir. of Public Works/Village Engineer

**Date:** May 9, 2011

On May 9, 2011, sealed bids were opened and read aloud for the 2011 Street Rehabilitation Program, which consists of the rehabilitation, milling and resurfacing of the following streets and all related collateral work:

***Evergreen Lane*** from Hill Road to North End (initially constructed in 1993);  
***Gordon Terrace*** from Tower Road to Scott Avenue (last resurfaced in 1994);  
***Pine Street*** from Hibbard Road to Rosewood Avenue (last resurfaced in 1996);  
***Sunset Road*** from Wilson Street to East End (last resurfaced in 1995);  
***Woodland Avenue*** from Sunset Road to Willow Road (last resurfaced in 1994);  
***Scott Avenue Parking Lot*** (last resurfaced in 1980's)

Nine bidders responded. The following table indicates all bids that were received and read by the Village of Winnetka.

<b>Bidder</b>	<b>Bid Amount - As Read</b>	<b>Adjusted Bid - As Calculated</b>
A Lamp Concrete Contractors, Inc. 800 W. Irving Park Road Schaumburg, IL 60193	\$809,579.76	No Change
Curran Contracting Company 286 Memorial Court Crystal Lake, IL 60014	\$836,576.06	\$836,488.31
Schroeder Asphalt Services, Inc. P.O. Box 831 Huntley, IL 60142	\$875,212.12	\$875,212.07
J.A. Johnson Paving Company 1025 East Addison Court Arlington Heights, IL 60005	\$907,777.56	No Change
Chicagoland Paving 225 Telsler Road Lake Zurich, IL 60047	\$944,900.00	\$944,899.68
Alliance Contractors, Inc. 1166 Lake Avenue Woodstock, IL 60098	\$958,198.18	No Change
Greg Greenhill Construction Co., Inc. 5419 Hayden Lane Ringwood, IL 60072	\$988,297.77	No Change
Arrow Road Construction Co. 3401 South Busse Rd., P.O. Box 334 Mount Prospect, IL 60056	\$992,345.60	No Change
Landmark Contractors, Inc. 11916 W. Main St., P.O. Box 1104 Huntley, IL 60142	\$1,001,190.12	No Change

All bids were reviewed for completeness and accuracy, and a bid tabulation is attached. All bids were below the Engineer's Estimate of \$1,203,620.00, and the low bid of \$809,579.76 was submitted by A Lamp Concrete Contractors, Inc. of Schaumburg, IL. A Lamp has worked within the Village of Winnetka on numerous occasions to the Village's satisfaction, and staff recommends awarding the 2011 Street Rehabilitation Program to A Lamp in the amount of \$809,579.76.

### **Asphalt Specification**

This year's contract includes a return to a Village-developed asphalt specification, as opposed to IDOT standard specifications for asphalt surface. In 1994, unsatisfied with the durability of IDOT standard asphalt mixtures for local streets, the Village developed a modified asphalt surface mixture incorporating increased proportions of liquid asphalt cement and fine aggregate to improve density and reduce oxidation, requiring the use of crushed sand for increased stability, and prohibiting the use of recycled asphalt pavement to improve mix control and quality. This material was used with general success on locally-funded projects (IDOT would not approve use of the mixture on projects containing MFT, State, or Federal funding) until the 2006 paving season, at which the Village discontinued its use for three reasons: 1) IDOT introduced a new specification for local streets that incorporated some of the same improvements developed by the Village; 2) the Village's special mixture was becoming quite expensive when compared to standard asphalt mixtures, because few asphalt producers were willing to modify their production runs to make the mix, and 3) a general runup of oil prices in 2005 and 2006 caused a spike in asphalt prices. Unfortunately, the new IDOT mixture has not performed as advertised, so this year's program incorporates the Village's previous asphalt specification. Asphalt surface bids this year for the "Winnetka modified surface" ranged from a low of \$73.50 per ton to a high of \$90.55 per ton, compared with last year's range of \$68.00 to \$77.00 per ton.

### **Budget Information**

The Village's FY 2011-12 budget contains \$1,100,000 from the 2011 Street Rehabilitation Program, Account Number 10-30-640-139. This bid is significantly below the budgeted amount. Staff will evaluate advancing projects programmed for 2012, either by adding to this contract or by separate bid, and will bring a recommendation to the Village Council at a future meeting.

### **Recommendation:**

Consider awarding a contract to A Lamp Concrete Contractors, of Schaumburg, IL, for the 2011 Street Rehabilitation Program, in the amount of \$809,579.76.

BID OPENING MAY 9, 2011 @ 11:00 a.m.  
 BID TABULATION

ITEM	UNIT	QUANTITY	TOTAL		Alamp Concrete Contractors, Inc. 1900 Wright Boulevard Schaumburg, IL 60193		Curran Contracting Company 286 Memorial Court Crystal Lake, IL 60014		Schroeder Asphalt Services, Inc. P.O. Box 831 Huntley, IL 60142		Johnson Paving 1025 East Addison Court Arlington Heights, IL 60005		Chicagoland Paving Contractors, Inc. 225 Telser Road Lake Zurich, IL 60047		Alliance Contractors, Inc. 1166 Lake Avenue Woodstock, IL 60098		Greg Greenhill Construction Co., Inc. 5419 Hayden Lane Ringwood, IL 60072		Arrow Road Construction Co. 3401 South Busse Rd., P.O. Box 334 Mount Prospect, IL 60056-0334		Landmark Contractors, Inc. 11916 W. Main St., P.O. Box 1104 Huntley, IL 60142	
			2010+.05 UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST
EARTH EXCAVATION	CU YD	410	\$40.00	\$16,400.00	\$30.00	\$12,300.00	\$22.50	\$9,225.00	\$30.00	\$12,300.00	\$23.00	\$9,430.00	\$35.00	\$14,350.00	\$1.00	\$410.00	\$78.00	\$31,980.00	\$35.00	\$14,350.00	\$34.65	\$14,206.50
BASE REPAIR	SQ YD	740	\$65.00	\$48,100.00	\$10.00	\$7,400.00	\$35.00	\$25,900.00	\$15.80	\$11,692.00	\$20.00	\$14,800.00	\$45.00	\$33,300.00	\$74.20	\$54,908.00	\$63.50	\$46,990.00	\$40.75	\$30,155.00	\$45.00	\$33,300.00
HOT-MIX ASPHALT SURFACE REMOVAL (MILLING)	SQ YD	22180	\$3.50	\$77,630.00	\$2.40	\$53,232.00	\$2.85	\$63,213.00	\$2.75	\$60,995.00	\$4.00	\$88,720.00	\$3.50	\$77,630.00	\$2.75	\$60,995.00	\$3.80	\$84,284.00	\$3.95	\$87,611.00	\$2.80	\$62,104.00
AGGREGATE BASE COURSE, TYPE B	TON	925	\$22.50	\$20,812.50	\$10.00	\$9,250.00	\$12.00	\$11,100.00	\$17.00	\$15,725.00	\$12.00	\$11,100.00	\$15.00	\$13,875.00	\$17.65	\$16,326.25	\$21.00	\$19,425.00	\$12.35	\$11,423.75	\$16.55	\$15,308.75
AGGREGATE FOR TEMPORARY DRIVEWAY ACCESS	TON	104	\$25.00	\$2,600.00	\$1.00	\$104.00	\$12.00	\$1,248.00	\$18.00	\$1,872.00	\$12.00	\$1,248.00	\$20.00	\$2,080.00	\$1.00	\$104.00	\$19.00	\$1,976.00	\$12.35	\$1,284.40	\$25.60	\$2,662.40
CURB/ CURB & GUTTER REMOVAL	FOOT	8187	\$6.50	\$53,215.50	\$3.00	\$24,561.00	\$2.00	\$16,374.00	\$3.10	\$25,379.70	\$2.00	\$16,374.00	\$3.25	\$26,607.75	\$15.00	\$122,805.00	\$4.45	\$36,432.15	\$2.05	\$16,783.35	\$8.35	\$68,361.45
COMBINATION CONCRETE CURB & GUTTER, M-3.12	FOOT	7466	\$15.00	\$111,990.00	\$13.00	\$97,058.00	\$12.50	\$93,325.00	\$13.45	\$100,417.70	\$12.50	\$93,325.00	\$13.25	\$98,924.50	\$13.00	\$97,058.00	\$11.35	\$84,739.10	\$12.85	\$95,938.10	\$14.80	\$110,496.80
COMBINATION CONCRETE CURB & GUTTER, M-6.12	FOOT	3036	\$18.50	\$56,166.00	\$13.00	\$39,468.00	\$13.00	\$39,468.00	\$13.50	\$40,986.00	\$13.00	\$39,468.00	\$14.50	\$44,022.00	\$13.25	\$40,227.00	\$11.65	\$35,369.40	\$13.35	\$40,530.60	\$15.60	\$47,361.60
COMBINATION CONCRETE CURB & GUTTER, B-4.12	FOOT	2383	\$18.50	\$44,085.50	\$13.00	\$30,979.00	\$12.50	\$29,787.50	\$13.50	\$32,170.50	\$12.50	\$29,787.50	\$14.50	\$34,553.50	\$13.50	\$32,170.50	\$11.65	\$32,761.95	\$12.85	\$30,621.55	\$14.85	\$35,387.55
BITUMINOUS MATERIAL (PRIME COAT)	GAL	5616	\$1.50	\$8,424.00	\$0.01	\$56.16	\$0.01	\$56.16	\$0.01	\$56.16	\$0.01	\$56.16	\$0.01	\$56.16	\$0.01	\$56.16	\$2.10	\$11,793.60	\$4.00	\$22,464.00	\$0.01	\$56.16
AGGREGATE (PRIME COAT)	TON	92	\$25.00	\$2,300.00	\$1.00	\$92.00	\$1.00	\$92.00	\$1.00	\$92.00	\$1.00	\$92.00	\$0.01	\$0.92	\$0.01	\$0.92	\$9.50	\$874.00	\$1.00	\$92.00	\$1.00	\$92.00
LEVELING BINDER (MACHINE METHOD), N50	TON	1370	\$80.00	\$109,600.00	\$67.00	\$91,790.00	\$68.00	\$93,420.00	\$81.00	\$110,970.00	\$80.00	\$109,600.00	\$80.00	\$109,600.00	\$57.00	\$78,090.00	\$78.00	\$106,860.00	\$76.40	\$104,668.00	\$65.00	\$89,050.00
HOT-MIX ASPHALT CONCRETE SURFACE COURSE, MIX C, N50, MODIFIED	TON	2236	\$110.00	\$245,960.00	\$73.50	\$164,346.00	\$74.00	\$165,464.00	\$78.00	\$174,408.00	\$88.00	\$196,768.00	\$87.50	\$195,650.00	\$74.00	\$165,464.00	\$90.55	\$202,469.80	\$84.55	\$189,053.80	\$71.55	\$159,985.80
PAVEMENT CONTRACTION JOINTS	FOOT	5827	\$3.00	\$17,481.00	\$1.00	\$5,827.00	\$1.95	\$11,362.65	\$3.32	\$19,345.64	\$1.25	\$7,283.75	\$2.00	\$11,654.00	\$3.00	\$17,481.00	\$2.40	\$13,984.80	\$3.60	\$20,977.20	\$1.95	\$11,362.65
SIDEWALK REMOVAL	SQ FT	6814	\$2.50	\$17,035.00	\$1.00	\$6,814.00	\$0.50	\$3,407.00	\$0.68	\$4,633.52	\$0.50	\$3,407.00	\$0.75	\$5,110.50	\$2.00	\$13,628.00	\$1.00	\$6,814.00	\$0.50	\$3,407.00	\$1.45	\$9,880.30
DETECTABLE WARNINGS	SQ FT	656	\$30.00	\$19,680.00	\$20.00	\$13,120.00	\$30.00	\$19,680.00	\$32.00	\$20,992.00	\$30.00	\$19,680.00	\$26.50	\$17,384.00	\$23.50	\$15,416.00	\$43.50	\$28,536.00	\$30.80	\$20,204.80	\$25.50	\$16,728.00
PORTLAND CEMENT CONCRETE SIDEWALK, 5"	SQ FT	6814	\$5.50	\$37,477.00	\$3.65	\$24,871.10	\$4.00	\$27,256.00	\$4.05	\$27,596.70	\$4.00	\$27,256.00	\$4.25	\$28,959.50	\$4.15	\$28,278.10	\$3.60	\$24,530.40	\$4.10	\$27,937.40	\$5.10	\$34,751.40
DRIVEWAY PAVEMENT REMOVAL, PCC	SQ YD	890	\$14.50	\$12,905.00	\$9.00	\$8,010.00	\$5.00	\$4,450.00	\$5.50	\$4,895.00	\$5.00	\$4,450.00	\$5.00	\$4,450.00	\$20.50	\$18,245.00	\$9.00	\$8,010.00	\$5.15	\$4,583.50	\$9.95	\$8,855.50
PORTLAND CEMENT CONCRETE DRIVEWAY PAVEMENT, 6"	SQ YD	890	\$45.00	\$40,050.00	\$36.00	\$32,040.00	\$38.00	\$33,820.00	\$40.00	\$35,600.00	\$38.00	\$33,820.00	\$42.00	\$37,380.00	\$4.25	\$3,782.50	\$35.10	\$31,239.00	\$39.05	\$34,754.50	\$40.80	\$36,312.00
DRIVEWAY PAVEMENT REMOVAL, HOT-MIX ASPHALT	SQ YD	457	\$12.00	\$5,484.00	\$9.00	\$4,113.00	\$1.00	\$457.00	\$9.00	\$4,113.00	\$5.00	\$2,285.00	\$3.50	\$1,599.50	\$20.50	\$9,368.50	\$9.00	\$4,113.00	\$12.95	\$5,918.15	\$7.55	\$3,450.35
HOT-MIX ASPHALT DRIVEWAY, 2"	SQ YD	457	\$26.00	\$11,882.00	\$26.00	\$11,882.00	\$29.35	\$13,412.95	\$12.00	\$5,484.00	\$15.00	\$6,855.00	\$12.00	\$5,484.00	\$20.10	\$9,185.70	\$34.00	\$15,538.00	\$41.60	\$19,011.20	\$34.88	\$15,940.16
INLETS, TYPE A	EACH	2	\$1,200.00	\$2,400.00	\$1,100.00	\$2,200.00	\$1,200.00	\$2,400.00	\$1,040.00	\$2,080.00	\$1,000.00	\$2,000.00	\$1,060.00	\$2,120.00	\$1,350.00	\$2,700.00	\$680.00	\$1,360.00	\$1,027.50	\$2,055.00	\$1,100.00	\$2,200.00
CATCH BASINS, TYPE D, 3' DIA. WITH FRAME & GRATE	EACH	25	\$2,000.00	\$50,000.00	\$1,450.00	\$36,250.00	\$1,500.00	\$37,500.00	\$2,080.00	\$52,000.00	\$2,000.00	\$50,000.00	\$2,120.00	\$53,000.00	\$2,200.00	\$55,000.00	\$1,465.00	\$36,625.00	\$2,055.00	\$51,375.00	\$2,950.00	\$73,750.00
MANHOLES, TYPE A, 4'-DIAMETER, TYPE 1 FRAME, CL/OL	EACH	4	\$3,500.00	\$14,000.00	\$2,000.00	\$8,000.00	\$2,400.00	\$9,600.00	\$1,875.00	\$7,500.00	\$1,800.00	\$7,200.00	\$1,910.00	\$7,640.00	\$2,750.00	\$11,000.00	\$1,961.00	\$7,844.00	\$1,849.50	\$7,398.00	\$3,950.00	\$15,800.00
FRAMES AND GRATES	EACH	17	\$600.00	\$10,200.00	\$250.00	\$4,250.00	\$365.00	\$6,205.00	\$315.00	\$5,355.00	\$300.00	\$5,100.00	\$320.00	\$5,440.00	\$325.00	\$5,525.00	\$390.00	\$6,630.00	\$308.25	\$5,240.25	\$300.00	\$5,100.00
CATCH BASINS TO BE ADJUSTED	EACH	14	\$450.00	\$6,300.00	\$100.00	\$1,400.00	\$365.00	\$5,110.00	\$210.00	\$2,940.00	\$200.00	\$2,800.00	\$215.00	\$3,010.00	\$125.00	\$1,750.00	\$250.00	\$3,500.00	\$205.50	\$2,877.00	\$400.00	\$5,600.00
MANHOLES TO BE ADJUSTED	EACH	56	\$450.00	\$25,200.00	\$100.00	\$5,600.00	\$625.00	\$35,000.00	\$525.00	\$29,400.00	\$500.00	\$28,000.00	\$530.00	\$29,680.00	\$200.00	\$11,200.00	\$485.00	\$27,160.00	\$513.75	\$28,770.00	\$450.00	\$25,200.00
CATCH BASINS TO BE RECONSTRUCTED	EACH	4	\$1,750.00	\$7,000.00	\$750.00	\$3,000.00	\$1,100.00	\$4,400.00	\$1,040.00	\$4,160.00	\$1,000.00	\$4,000.00	\$1,060.00	\$4,240.00	\$1,800.00	\$7,200.00	\$635.00	\$2,540.00	\$1,027.50	\$4,110.00	\$1,100.00	\$4,400.00
MANHOLES TO BE RECONSTRUCTED	EACH	4	\$2,250.00	\$9,000.00	\$1,000.00	\$4,000.00	\$1,100.00	\$4,400.00	\$1,040.00	\$4,160.00	\$1,000.00	\$4,000.00	\$1,060.00	\$4,240.00	\$1,700.00	\$6,800.00	\$635.00	\$2,540.00	\$1,027.50	\$4,110.00	\$1,100.00	\$4,400.00
STRUCTURES TO BE ABANDONED	EACH	5	\$500.00	\$2,500.00	\$350.00	\$1,750.00	\$400.00	\$2,000.00	\$156.00	\$780.00	\$150.00	\$750.00	\$160.00	\$800.00	\$100.00	\$500.00	\$50.00	\$250.00	\$154.00	\$770.00	\$250.00	\$1,250.00
STORM SEWERS, PVC SDR 26, 8"	FOOT	103	\$60.00	\$6,180.00	\$80.00	\$8,240.00	\$98.00	\$10,094.00	\$38.00	\$3,914.00	\$36.00	\$3,708.00	\$38.25	\$3,939.75	\$95.00	\$9,785.00	\$37.00	\$3,811.00	\$37.00	\$3,811.00	\$69.00	\$7,107.00
THERMOPLASTIC PAV'T MARKING - LINE, 4" WHITE/YELLOW	FOOT	1190	\$1.00	\$1,190.00	\$1.00	\$1,190.00	\$0.70	\$833.00	\$0.74	\$880.60	\$1.10	\$1,309.00	\$0.80	\$952.00	\$0.70	\$833.00	\$1.12	\$1,332.80	\$0.72	\$856.80	\$1.00	\$1,190.00
THERMOPLASTIC PAV'T MARKING - LINE, 6" WHITE/YELLOW	FOOT	2227	\$1.50	\$3,340.50	\$1.50	\$3,340.50	\$1.05	\$2,338.35	\$1.10	\$2,449.70	\$1.85	\$4,119.95	\$1.20	\$2,672.40	\$1.05	\$2,338.35	\$1.84	\$4,097.68	\$1.08	\$2,405.16	\$1.25	\$2,783.75
THERMOPLASTIC PAV'T MARKING - LINE, 12" WHITE	FOOT	1302	\$3.00	\$3,906.00	\$3.00	\$3,906.00	\$2.10	\$2,734.20	\$2.20	\$2,864.40	\$3.30	\$4,296.60	\$2.35	\$3,059.70	\$2.10	\$2,734.20	\$3.32	\$4,322.64	\$2.16	\$2,812.32	\$2.00	\$2,604.00
THERMOPLASTIC PAV'T MARKING - LINE, 24" WHITE	FOOT	446	\$6.00	\$2,676.00	\$5.00	\$2,230.00	\$4.25	\$1,895.50	\$4.45	\$1,984.70	\$6.60	\$2,943.60	\$4.75	\$2,118.50	\$4.25	\$1,895.50	\$6.70	\$2,988.20	\$4.37	\$1,949.02	\$4.00	\$1,784.00
TOP SOIL FURNISH AND PLACE	CU YD	485	\$25.00	\$12,125.00	\$1.00	\$485.00	\$15.00	\$7,275.00	\$23.10	\$11,203.50	\$40.00	\$19,400.00	\$20.00	\$9,700.00	\$25.00	\$12,125.00	\$37.00	\$17,945.00	\$30.80	\$14,938.00	\$24.00	\$11,640.00
SODDING	SQ YD	5475	\$7.00	\$38,325.00	\$3.00	\$16,425.00	\$4.60	\$25,185.00	\$4.35	\$23,816.25	\$4.00	\$21,900.00	\$5.00	\$27,375.00	\$5.50	\$30,112.50	\$4.55	\$24,911.25	\$7.05	\$38,598.75	\$4.48	\$24,528.00
TRAFFIC CONTROL AND PROTECTION STANDARD	LSUM	1	\$50,000.00	\$50,000.00	\$70,000.00	\$70,000.00	\$20,000.00	\$20,000.00	\$10,000.00	\$10,000.00	\$30,445.00	\$30,445.00	\$22,241.00	\$22,241.00	\$12,700.00	\$12,700.00	\$16,720.00	\$16,720.00	\$38,500.00	\$38,500.00	\$36,200.00	\$36,200.00
<b>TOTAL COST (AS CALCULATED)</b>	<b>ENGINEER'S ESTIMATE</b>			<b>\$1,203,620.00</b>		<b>\$809,579.76</b>		<b>\$836,488.31</b>		<b>\$875,212.07</b>		<b>\$907,777.56</b>		<b>\$944,899.66</b>		<b>\$958,198.18</b>		<b>\$988,297.77</b>		<b>\$992,345.60</b>		<b>\$1,001,190.12</b>
<b>TOTAL COST (AS READ)</b>						809,579.76		836,576.06														

## AGENDA REPORT

Subject:                   **Traffic Signal Painting Bids, Bid #011-015**

Prepared by:            Brian Keys, Director Water & Electric

Ref:                        Budget Presentation                    February 15, 2011

Date:                      May 12, 2011

The Water & Electric Department issued Bid Number 011-015 for the painting of traffic signal poles, traffic control cabinets and streetlight poles. Traffic signal painting will be performed at the following intersections: Lloyd Place & Sheridan Road, Maple Street & Sheridan Road, and Green Bay Road & Tower Road. The majority of streetlights to be painted are located adjacent to these intersections.

A bid notice was published in the Winnetka Talk and notices were sent to ten contractors. Three contractors attended the mandatory pre-bid meeting on April 27, 2011. Three companies submitted bids as summarized below. Unit prices for each bidder are shown in Exhibit A.

The results of the bidding are tabulated below.

<b>Vendor</b>	<b>Bid</b>
Certa Pro Painters	\$16,920.00
Pete the Painter	\$19,805.00
G.P. Maintenance	\$70,650.00

The lowest qualified bidder was Certa Pro Painters with a bid amount of \$16,920.00. Certa Pro has previously performed traffic signal and streetlight pole painting work for the Village. The bid documents state that the Village reserves the right to adjust quantities based on budgetary constraints. Staff is recommending that an additional twenty three streetlights be added to the work scope at a unit cost of \$550 per pole.

There is \$30,000 in the FYE 2012 budget for the painting of traffic signals and streetlight poles, \$10,000 in Street Light Commodities (account #50-43-540-257) and \$20,000 in the Traffic Signals Commodities (account #50-43-540-258).

**Recommendation:** Consider authorizing the Village Manager to award a purchase order to Certa Pro Painters, Inc in the amount of \$29,570 for painting of traffic signals and streetlight poles in accordance with the terms and conditions of Bid #011-015.

EXHIBIT 'A'

**UNIT PRICES FOR POLE PAINTING**

**Bid # 011-015**

Location	Pole Description	With	Qty.	CERTA PRO Painters		Pete the Painter		G.P. Maintenance	
				Price per each	Total	Price per each	Total	Price per each	Total
Lloyd & Sheridan	10' traffic pole	2 walk lt.	1	\$485	\$485	\$325	\$325	\$1,200	\$1,200
	12' traffic pole	1 - 3 lt. sects.	1	\$485	\$485	\$350	\$350	\$1,300	\$1,300
	12' traffic pole	1 - 3 lt. sects. + walk lt.	1	\$485	\$485	\$400	\$400	\$1,500	\$1,500
	12' traffic pole	2 - 3 lt. sects.	1	\$485	\$485	\$420	\$420	\$2,600	\$2,600
	12' traffic pole	2 - 3 lt. sects. + 2 walk lt.	1	\$485	\$485	\$450	\$450	\$3,000	\$3,000
	15' traffic pole	1 - 3 lt. sects. + walk lt.	1	\$485	\$485	\$550	\$550	\$1,550	\$1,550
	25' traffic pole	12' arm +1 - 3 lt. sects.	2	\$610	\$1,220	\$1,250	\$2,500	\$1,800	\$3,600
	Traffic signal control box		1	\$330	\$330	\$150	\$150	\$500	\$500
		SubTotal		\$4,460		\$5,145		\$15,250	
Maple & Sheridan	12' traffic pole	1 - 3 lt. sects.	2	\$485	\$970	\$325	\$650	\$1,300	\$2,600
		2 - 3 lt. sects.	2	\$485	\$970	\$420	\$840	\$1,300	\$2,600
		1 - 3 lt. sects. + 2 walk lt.	1	\$485	\$485	\$440	\$440	\$1,500	\$1,500
	15' traffic pole	1 - 3 lt. sects.	1	\$485	\$485	\$450	\$450	\$1,600	\$1,600
	25' traffic pole	12' arm +2 - 3 lt. sects. + walk lt.	2	\$610	\$1,220	\$1,550	\$3,100	\$2,000	\$4,000
	Traffic signal control box		1	\$330	\$330	\$150	\$150	\$500	\$500
		SubTotal		\$4,460		\$5,630		\$12,800	

EXHIBIT 'A'

**UNIT PRICES FOR POLE PAINTING**

**Bid # 011-015**

Location	Pole Description	With	Qty.	CERTA PRO Painters		Pete the Painter		G.P. Maintenance		
				Price per each	Total	Price per each	Total	Price per each	Total	
NW Corner Green Bay & Willow	12' traffic pole	1 - 3 lt. sects.	2	\$485	\$970	325	\$650	1300	\$2,600	
	12' traffic pole	1 - 3 lt. sects. + walk lt.	2	\$485	\$970	400	\$800	1500	\$3,000	
	15' traffic pole	3 - 3 lt. sects. + 2 walk lt.	1	\$485	\$485	\$420	\$420	\$1,800	\$1,800	
	15' traffic pole	1 - 3 lt. sects. + 1-5 lt.sects.	1	\$485	\$485	\$420	\$420	\$1,600	\$1,600	
	25' traffic pole	27' arm + 3-3 lt.sects.	1	\$610	\$610	\$1,350	\$1,350	\$6,500	\$6,500	
	30' traffic pole	Kim lt. head + 2 walk lt.	1	\$610	\$610	\$650	\$650	\$2,500	\$2,500	
	30' traffic pole	1 - 3 lt. sects. + 1-5 lt.sects. + 2 walk lt. + Kim lt. head	1	\$610	\$610	\$650	\$650	\$3,500	\$3,500	
	30' traffic pole	1-3 lt.sect. + Kim lt. head	1	\$610	\$610	\$650	\$650	\$6,500	\$6,500	
	30' traffic pole	1 - 3 lt. sects. + 1-5 lt.sects. + 2 walk lt. + Kim lt. head	1	\$610	\$610	\$650	\$650	\$2,500	\$2,500	
	30' traffic pole	27' arm + 2-3 lt. sects. + 2 walk lt. + Kim lt. head	1	\$610	\$610	\$1,450	\$1,450	\$7,000	\$7,000	
	30' street light pole	Kim lt. head	1	\$550	\$550	\$595	\$595	\$2,300	\$2,300	
		Traffic signal control box		1	\$330	\$330	\$150	\$150	\$500	\$500
		30' street light pole	Kim lt. head	1	\$550	\$550	\$595	\$595	\$2,300	\$2,300
			SubTotal			\$8,000		\$9,030		\$42,600
			TOTAL			\$16,920		\$19,805		\$70,650

## AGENDA REPORT

**SUBJECT:**           **Ordinance M-5-2011**  
                          **Disposition of Surplus Electrical Equipment**

**PREPARED BY:**    Brian Keys, Director Water & Electric

**REF:**                May 3, 2011                Council Meeting, pp. 42-45

**DATE:**             May 11 2011

Ordinance M-5-2011 was introduced at the May 3, 2011, Council Meeting. The ordinance authorizes the Village Manager to dispose of surplus electrical equipment. The Water & Electric Department recently installed a new, permanent diesel storage tank, replacing a portable 2,500 gallon storage tank that has since been removed from service. The storage tank is no longer useful in the Department's operations and the Department therefore seeks authorization to dispose of it.

The Water & Electric Department also routinely monitors the condition of its equipment, retiring such equipment as transformers and meters as they become obsolete or too costly to repair. For example, transformers are identified for disposal or replacement when their deteriorated material condition, size, mechanical damage, or electrical failure, make them unsuitable for further use. In addition, from time to time, larger equipment is replaced following the purchase and installation of new equipment, as is the case with the diesel storage tank described above.

The Village Council adheres to the statutory process of requiring an ordinance to authorize the destruction or disposal of surplus Village property. The established practice has been to provide an annual authorization for the retirement and disposition of equipment in the Water & Electric Department, so that property may be disposed of in a timely fashion, without requiring repeated ordinances or the accumulation of large surplus quantities before an ordinance is considered.

There are two other significant components to the Village's procedures for disposing of electrical equipment. First, prior to disposal, the Village tests each of its surplus transformers for PCB content to insure that the appropriate method of disposition is followed and documented. Second, it has become customary for the Village to explore transferring surplus equipment that still has a useful life to other municipal electric utilities in the State.

Pursuant to the Village's established practice, Ordinance M-5-2011 authorizes the disposition of the storage tank, which is specifically described in the Ordinance, as well as items that are retired from service during the remainder of the 2011-12 fiscal year. Sections 5 and 6 define the methods of disposition, including intergovernmental transfers and requirements for disposing of transformers with PCBs.

**Recommendation:**    Consider adoption of Ordinance M-5-2011, authorizing the Village Manager to dispose of surplus electrical equipment.

**AN ORDINANCE  
AUTHORIZING THE SALE OR OTHER DISPOSITION  
OF SURPLUS TRANSFORMERS AND OTHER ELECTRICAL EQUIPMENT  
OWNED BY THE VILLAGE OF WINNETKA**

**WHEREAS**, the Village of Winnetka Water and Electric Department has installed a permanent diesel storage tank to replace a portable 2,500 gallon steel tank that was manufactured by Steel Tank & Fabrication (STAFCO) and that has been retired from use and service in the operation of the Village’s electric distribution system (“Retired Equipment”); and

**WHEREAS**, the Water and Electric Department has reported to the Village Council that from time to time in the course of the year, certain electrical transformers and other equipment are also expected to be retired from service and will no longer be necessary or useful to the Village of Winnetka (the “Additional Retired Equipment”); and

**WHEREAS**, the Director of Water and Electric has requested that the Council of the Village of Winnetka (“Village Council”) determine that the “Retired Equipment” is no longer necessary or useful to the Village of Winnetka; and

**WHEREAS**, the Director of Water and Electric has requested that the Village Council authorize the Water and Electric Department to dispose of the Retired Equipment and Additional Retired Equipment (collectively, the “Surplus Property”); and

**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 and 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, including, but not limited to, the powers to regulate for the protection of the public health, safety, morals and welfare; and

**WHEREAS**, the Village Council finds that the disposal of surplus property owned by the Village, such as the Surplus Property described in this Ordinance, is a matter pertaining to the affairs of the Village and to the public health, safety and general welfare; and

**WHEREAS**, the Village Council has determined that disposal of the Surplus Property as provided in this Ordinance is necessary and proper so as to avoid incurring unnecessary additional costs and unnecessary exposure to liability related to storing or disposing of the Surplus Property; and

**WHEREAS**, 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, have determined that it is in the best interests of the Village and its citizens to dispose of the Surplus Property in a manner consistent with the provisions of Section 11-76-4 of the Illinois Municipal Code (65 ILCS 5/11-76-4), as more fully set forth in this Ordinance.

**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 (“Village Council”) , as if fully set forth herein.

**SECTION 2:** The Village Council finds: (a) that the above described Surplus Personal Property is no longer necessary or useful to the Village of Winnetka; (b) that, in the event the Water and Electric Department retires or replaces any other electrical transformers or other equipment between the date this Ordinance is passed and the end of the 2011-12 fiscal year (“Additional Retired Equipment”), such Additional Retired Equipment shall be determined to no longer be necessary or useful to the Village, provided that the Director of Water and Electric, with the approval of the Village Manager, determines that the Additional Retired Equipment cannot reasonably be reused in the Village's electric distribution system; and (c) the best interests of the Village of Winnetka will be served by the sale or other disposition of the Surplus Personal Property and the Additional Retired Equipment (collectively, the “Surplus Property”) as provided in this Ordinance.

**SECTION 3:** The Village Council further finds that, based on prior experience in disposing of similar items of property, the cost of conducting a public sale of such property, which includes the costs of advertising and publishing, as well as personnel costs for maintaining security and conducting the public sale, exceed the value of such items.

**SECTION 4:** The Village Manager is hereby authorized and directed to determine the value and to dispose of the Surplus Property in the manner provided in Sections 5 and 6 of this Ordinance.

**SECTION 5:** If the Surplus Property does not contain PCBs, the Village Manager, in the exercise of his discretion, may dispose of the Surplus Property in one of the following ways:

- A. by selling the Surplus Property to the highest bidder, with or without advertising; or
- B. in furtherance of intergovernmental cooperation as provided in Article VII, Section 10 of the Illinois Constitution of 1970, and in the Intergovernmental Cooperation Act, 5 ILCS

220/1, *et seq.*, by transferring title to any Illinois municipal electric utility, with or without competitive bidding; provided, that: (i) competitive bids may be obtained with or without advertising, and (2) the terms and conditions of any transfer of title without competitive bidding shall be established by the Village Manager on a case by case basis, after considering such factors as the estimated value of the Surplus Property and the technical needs and financial capabilities of the transferee municipal electric utility.

**SECTION 6:** All Surplus Property that contains or is contaminated by PCBs shall be disposed of at the lowest cost to the Village, which cost may be determined with or without advertising; provided, that any person or entity that disposes of or destroys any part of such Surplus Property shall provide a sworn statement to the Village certifying that such disposal or destruction complies with all applicable environmental laws and regulations.

**SECTION 7:** 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 8:** This Ordinance shall take effect immediately upon its passage, approval and posting as provided by law.

**PASSED** this 17<sup>th</sup> day of May, 2011, pursuant to the following roll call vote:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED** this 17<sup>th</sup> day of May, 2011.

Signed:

\_\_\_\_\_  
Village President

Countersigned:

\_\_\_\_\_  
Village Clerk

Introduced: May 3, 2011

Posted: May 4, 2011

Passed and Approved:

Posted:

## AGENDA REPORT

**TO:** Village Council

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

**SUBJECT:** 525 Maple St. (Village Green Playground) Ord. M-6-2011  
Special Use Permit

**DATE:** May 12, 2011

The petitioner, Winnetka Park District, is requesting a Special Use Permit in accordance with Section 17.56.010 of the Winnetka Zoning Ordinance to permit renovation of the Village Green playground at 525 Maple Street.

The proposed improvements under this application include repairing, cleaning, and repainting the existing play equipment that was installed in 1998 and a new layout to separate the equipment for older and younger children. According to the applicant, the renovated playground will be compliant with the 2010 ADA regulations. The existing large playground structure will remain, while the uneven decks will be leveled and the posts and climbing apparatus will be repainted the same dark green color as the existing equipment. Decks and other vinyl coated apparatus will be cleaned, repaired, or replaced as necessary.

The existing platform bouncer will be replaced with a new tot structure for children ages 2-5. This unit will match the colors of the existing equipment, except the decks will be dark brown and there is some brown, beige, and black on the new apparatus. The existing backhoe digger will be slightly relocated to accommodate the new tot structure. Also, a double bouncer, a spinner, and a free-standing Braille play panel will be installed between the large play structure and the new tot structure.

The existing swing structure will be repaired and repainted. In order to provide proper safety in this area, the concrete curb to the southwest of the swings will be removed to allow the swing pit to be increased by less than 24 inches.

The sand in the large play-pit will remain but will be supplemented with rubberized surfacing in a tan/brown/black blend in two areas to provide access to the equipment. The sand under the swings will be replaced with wood fiber and small pads of rubberized surfacing under the tire and belt swings to reduce the amount of displaced materials.

The existing brick pavers will be reset and the benches refurbished and reinstalled. A new matching bench will also be installed on the southeast patio. The existing waste receptacles will be refurbished and reinstalled. A new ADA drinking fountain will be installed with high and low bowls at the corner of Oak and Cedar.

In terms of landscaping, several new trees will be planted around the playground to provide additional shade and the drainage will be improved to reduce standing water.

The proposed improvements comply with all zoning bulk, lot coverage, and setback requirements. An additional 1,089.6 s.f. of impermeable surface is proposed. The new synthetic surface within the current footprint of the playground accounts for the majority (1,022.4 s.f.) of the additional impermeable lot coverage.

Not included in this request are any proposed improvements to the existing pathway bisecting the Village Green. While developing the plans for the playground improvements the idea of upgrading the pathway was considered by the Park District. They even went so far as to ask the Village to obtain a proposal from a vendor to determine the cost for replacing the asphalt parkway with brick pavers. However, after consideration the Park District decided not to include any pathway improvements as part of its plans.

Attached is a zoning matrix detailing the requirements and compliance of the proposal.

The property is located in the R-4 Single Family Residential zoning district and is owned by the Village of Winnetka.

The Design Review Board unanimously approved the proposed improvements at their meeting February 17, 2011.

The Plan Commission unanimously found the proposed improvements consistent with the Comprehensive Plan at their meeting February 23, 2011.

The Zoning Board of Appeals voted 6 to 0 to recommend approval of the Special Use Permit at their meeting April 11, 2011.

Introduction of the ordinance requires the concurrence of the majority of the Village Council members present.

**Recommendation**

Consider introduction of Ordinance M-6-2011, granting a Special Use Permit to permit the renovation of the Village Green playground.

## ZONING MATRIX

**ADDRESS: 525 Maple St. (Village Green)**  
**CASE NO: 11-05-SU**  
**ZONING: R-4**

ITEM	REQUIREMENT	EXISTING	PROPOSED	TOTAL	STATUS
Min. Lot Size	13,300 SF	145,410.91 SF	N/A	N/A	OK
Min. Average Lot Width	70 FT	(+) 70 FT	N/A	N/A	OK
Max. Roofed Lot Coverage	36,352.73 SF (1)	0 SF	N/A	N/A	OK
Max. Gross Floor Area	35,259.51 SF (1)	0 SF	N/A	N/A	OK
Max. Impermeable Surface	72,705.45 SF (1)	6,568.5 SF	1,089.6 SF	7,658.1 SF	OK
Min. Front Yard (South)	30 FT	(+) 30 FT	(+) 30 FT	N/A	OK
Min. Front Yard (West)	30 FT	(+) 30 FT	(+) 30 FT	N/A	OK
Min. Front Yard (North)	30 FT	(+) 30 FT	(+) 30 FT	N/A	OK
Min. Front Yard (East)	30 FT	(+) 30 FT	(+) 30 FT	N/A	OK

**NOTES:** (1) Based on lot area of 145,410.91 s.f.

**AN ORDINANCE  
GRANTING A VARIATION  
IN THE APPLICATION OF THE ZONING ORDINANCE  
OF THE VILLAGE OF WINNETKA,  
COOK COUNTY, ILLINOIS (Village Green, 525 Maple)**

**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, which has a common street address of 525 Maple, Winnetka, Illinois (the “Subject Property”) is legally described as follows:

Block 23 of Winnetka, being a Subdivision of the Northeast Quarter of Section 20 and the North Half of fractional Section 21, Township 42 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois; and

**WHEREAS**, the Subject Property occupies the square block bounded by Maple, Elm, Cedar and Oak Streets and is commonly known as the Village Green; and

**WHEREAS**, the Subject Property is located in the R-4 Single Family Zoning District provided in Chapter 17.16 of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code; and

**WHEREAS**, pursuant to an ordinance adopted May 21, 1914, the Village of Winnetka turned over control of the Subject Property to the Winnetka Park District; and

**WHEREAS**, pursuant to said ordinance, the Village Green was placed under the maintenance and control of the Winnetka Park District, subject to the condition, among others, that the Winnetka Park District obtain the consent of the Village of Winnetka before placing any permanent structure on the Village Green; and

**WHEREAS**, the Winnetka Park District is a body corporate and politic of the State of Illinois and operates a play area in the southeast portion of the Village Green; and

**WHEREAS**, on June 16, 1998, the Council adopted Ordinance M-527-98 granting the Winnetka Park District a special use permit to allow the renovation of play equipment and a slight expansion of the play area at the Village Green; and

**WHEREAS**, park facilities are permitted as special uses in the R-4 Single-Family Residential District, subject to the conditions and requirements pertaining to special uses, as set forth in Chapter 17.56 of the Winnetka Zoning Ordinance; and

**WHEREAS**, the Winnetka Park District (“Applicant”) has filed an application for an amendment to its existing special use permit pursuant to Section 17.56.090 of the Winnetka Zoning Ordinance, to allow: (i) the repair and cleaning of existing play equipment at the Village Green playground; (ii) a slight increase in the size of the swing pit area to provide a proper safety zone; (iii) the addition of a tot play area where the existing platform bouncer is located; (iv) the addition of a double bouncer, spinner and free-standing Braille play panel between the new tot play lot and the existing play structure; (v) the resetting of the existing brick pavers, and the refurbishing and reinstallation of the existing benches and waste receptacles; and (vi) the addition of stormwater drainage improvements; and

**WHEREAS**, the proposed new tot play lot will include a curved slide, a chain ladder, a chime panel, a store panel and transfer steps; and

**WHEREAS**, the existing backhoe digger will be relocated slightly to accommodate the new tot structure, the chinning bar will be rotated 90 degrees, the turning bar will be removed, the surfacing in the playground will be adjusted to allow the equipment to fully comply with the Americans with Disabilities Act (“ADA”) and will also be supplemented with rubberized surfacing in both play areas and wood fiber and pads of rubberized surfacing under the swings and tire; and

**WHEREAS**, a new bench will be added on the southeast patio, a new accessible drinking fountain will be installed at the intersection of Oak and Cedar Streets, and several trees will be planted around the playground to provide shade; and

**WHEREAS**, on February 17, 2011, on due notice thereof, the Design Review Board considered the design of the proposed improvements and the five members then present issued favorable comment on the proposed renovation of the play area; and

**WHEREAS**, on February 23, 2011, on due notice thereof, the Plan Commission convened to consider the proposed modifications to the playground facilities and, by the

unanimous vote of the eight members then present, found the proposed special use to be consistent with the Comprehensive Plan, *Winnetka 2020*, and have reported to the Council recommending that the special use be granted; and

**WHEREAS**, on April 11, 2011, on due notice thereof, the Zoning Board of Appeals held a public hearing to consider the amendment to the special use permit for the playground renovation and expansion, and by the unanimous vote of the six members then present, has recommended that the requested special use permit be granted; and

**WHEREAS**, the proposed special use is consistent with the Comprehensive Plan's objective to ensure that commercial, institutional and residential development is appropriate to the character of, and minimizes the adverse impact on, its surrounding neighborhood, in that the design of the renovated facilities is consistent with the design of the existing playground area; and

**WHEREAS**, the proposed special use is consistent with the Comprehensive Plan's objective to encourage organizations, schools, religious institutions, businesses, and citizens in their efforts to beautify the Village; and

**WHEREAS**, the proposed special use is consistent with the Comprehensive Plan's objective to use high quality design and materials when constructing public improvements; and

**WHEREAS**, the proposed special use is consistent with the Comprehensive Plan's goal to preserve or expand the quantity, quality and distribution of open space and recreational opportunities and to protect the Village's natural features and environmental resources; and

**WHEREAS**, the proposed special use is consistent with the Comprehensive Plan's objective to support the development of recreational facilities to meet the needs of residents of all ages, in that the renovated and expanded play area will enhance safety and will continue to be accessible in conformance with the Americans with Disabilities Act; and

**WHEREAS**, the proposed special use is consistent with the Comprehensive Plan's objective to engage in a public process that balances institutional goals and minimizes any adverse impact to the character of the adjacent residential neighborhood; and

**WHEREAS**, the proposed special use is consistent with the Comprehensive Plan's objective to foster greater cooperation among all institutions in the joint use of their recreational facilities; and

**WHEREAS**, the proposed special use is consistent with the Comprehensive Plan's objective to encourage the preservation of open space inside and outside the Village; and

**WHEREAS**, the Village Council accepts the Plan Commission's finding that the proposed special use is consistent with the recommendations stated in Section 4.3.6 of the Comprehensive Plan calling for the Village (i) to cooperate with the Winnetka Park District in achieving the District's goal of providing Village residents with high quality recreational programs and open space, (ii) to work with the Park District to minimize the impact of existing programs on adjacent neighborhoods, and (iii) to coordinate planning for new facilities and programs to balance recreational needs of the community with the residential character of the surrounding neighborhood; and

**WHEREAS**, the Council finds that the proposal to renovate play equipment and construct a tot lot at the Village Green Playground is consistent, overall, with the Comprehensive Plan, *Winnetka 2020*; and

**WHEREAS**, the establishment, maintenance and operation of the proposed special use will not be detrimental to or endanger the public health, safety, comfort, morals or general welfare in that the play equipment and proposed renovations to the Village Green Playground will comply fully with the ADA, and will also be in full conformity with the current edition of the Handbook for Public Playground Safety (Pub. No. 325) of the U.S. Consumer Product Safety Commission and with the Standard Consumer Safety Performance Specification for Playground Equipment for Public Use of American Society for Testing and Materials (ASTM designation F 1487 – 07a); and

**WHEREAS**, the special use will not impede the normal and orderly development and improvement of other property in the immediate vicinity for uses permitted by right in the zoning district, nor will it substantially diminish or impair property values in the immediate vicinity, as the proposed renovation of the playground will not alter either the Subject Property's existing use or its orientation in relation to the properties in the immediate vicinity; and

**WHEREAS**, adequate measures have been taken to provide ingress and egress in a manner that minimizes pedestrian and vehicular traffic congestion in the public ways, as there are no changes proposed to the existing pedestrian circulation route through the Village Green or to the surrounding vehicular traffic circulation; and

**WHEREAS**, adequate parking, utilities, access roads, drainage and other facilities necessary for the operation of the special use either exist or will be provided, in that (i) the Subject Property is served by all necessary utilities, (ii) the new play area has been designed to address current usage needs, (iii) the existing drainage system will be improved, and (iv) the parking and site access will remain the same; and

**WHEREAS**, the proposed special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity, in that (i) the Village Green playground is an established presence in the neighborhood, (ii) the proposed renovated and expanded play area will improve safety and access conditions at the playground, and (iii) the renovated facilities will not be in close proximity to any of the single family residential uses in the neighborhood; and

**WHEREAS**, the special use in all other respects conforms to the applicable regulations of the Winnetka Zoning Ordinance and other Village ordinances and codes; and

**WHEREAS**, the proposed amendment to the special use at the Village Green Playground meets the standards for granting a special use permit, as provided in Section 17.56.120 of the Winnetka Zoning Ordinance.

**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:** Pursuant to Chapter 17.56 of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code, a special use permit is hereby granted with respect to the Subject Property, which is located in the R-4 Single-Family Residential Zoning District, to allow (i) the repair and cleaning of existing play equipment at the Village Green playground; (ii) a slight increase in the size of the swing pit area to provide a proper safety zone; (iii) the addition of a tot play area where the existing platform bouncer is located; (iv) the addition of a double bouncer, spinner and free-standing Braille play panel between the new tot play lot and the existing play structure; (v) the resetting of the existing brick pavers, and the refurbishing and reinstallation of the existing benches and waste receptacles; and (vi) the addition of stormwater drainage improvements, all as depicted in the plans and specifications filed with the application.

**SECTION 3:** Pursuant to Section 17.56.070(C) of the Winnetka Zoning Ordinance, all stipulations, conditions and restrictions set forth in this Ordinance as part of the terms under which the special use is granted, may be modified or revised from time to time by the Village Council following public notice and hearing, using the same procedures set forth in the Zoning Ordinance for processing the original special use application.

**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 \_\_\_ day of \_\_\_\_\_, 2011, pursuant to the following roll call vote:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED** this \_\_\_ day of \_\_\_\_\_, 2011.

Signed:

\_\_\_\_\_  
Village President

Countersigned:

\_\_\_\_\_  
Village Clerk

Introduced: May 17, 2011

Posted:

Passed and Approved:

Posted:

CASE NO. 11-05-SU

**APPLICATION FOR SPECIAL USE**

Name of Applicant Winnetka Park District

Property Address Village Green (525 Maple Street)

Home and Work Telephone Number 847/501-2040

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

**Architect Information:** Name, Address, Telephone, Fax & Email

Winnetka Park District

540 Hibbard Rd., Winnetka, IL 60093

847/501-2055, FAX 847/441-5711, rszhram@winpark.org

**Attorney Information:** Name, Address, Telephone, Fax & Email

Friedman & Holtz, P.C.

150 S. Wacker Drive, Ste. 2600, Chicago, IL 60606

312/857-4000, FAX 312/857-1880, choltz@friedmanholtz.com

Date Property Acquired by Owner 1869 (WPD assumed maintenance in 1914)

Nature of Any Restrictions on Property None

Explanation of Special Use Requested Playground renovation

**OFFICE USE ONLY**

Special Use Requested under Ordinance Section(s) \_\_\_\_\_

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



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

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

Respectfully Submitted,



Dr. Terry G. Schwartz

Winnetka Park District

Property Owner

January 21, 2011

Date

540 Hibbard Rd.

Winnetka, IL 60093

Address

## **VILLAGE GREEN PLAYGROUND DESIGN**

The playground at Village Green is being renovated. The existing play equipment, installed in 1998, has become faded, worn, and uneven on some of the decks. In addition, current playground guidelines recommend that equipment for older and younger children be separated; the new layout will accomplish this. The new playground will also be compliant with the 2010 Americans with Disabilities Act (ADA) regulations.

The existing large playground structure, currently used by children ages 2-12, will remain as a unit for children ages 5-12. Uneven decks will be leveled and all posts and climbing apparatus will be repainted in the same dark green color as the existing equipment. Decks and other vinyl coated apparatus will be cleaned, repaired, or replaced. Handholds, an additional steering wheel, and an image play panel (in beige and brown) will be added to the unit to comply with ADA requirements. The chinning bar will be rotated 90 degrees and the turning bar removed.

A new tot structure for children ages 2-5 will be installed to the northwest of the existing structure in the location of a platform bouncer (which will be removed). This unit will match the colors of the current equipment, except the decks will be a dark brown and some brown, beige, and black will be included on the play apparatus. It will include a curved slide, a chain ladder, a chime panel, a store panel, and transfer steps. The existing backhoe digger will be relocated slightly to accommodate the new tot structure. In addition, a double bouncer, a spinner, and a free-standing Braille play panel will be installed between the two play structures for use by all the children.

The existing swing structure will remain, although it will be repainted and repaired. The concrete curb to the southwest of the swings will be removed to allow the swing pit to be increased by less than 24" to provide a proper safety zone in this area.

The surfacing in the playground will be adjusted to allow the equipment to be compliant with ADA. The sand in the large playpit will remain but will be supplemented with rubberized surfacing in a tan/brown/black blend in two areas to provide access to the equipment. The existing sand under the swings will be replaced with wood fiber and small pads of rubberized surfacing under the tire and belt swings to reduce the amount of material kick-out.

The existing brick pavers will be reset and the benches refurbished and reinstalled, supplemented by a matching new additional bench on the southeast patio. The existing waste receptacles will also be refurbished and reinstalled. A new accessible drinking fountain with high and low bowls in addition to a ground level bowl for dogs will be installed at the intersection of Oak Street and Cedar Street. Drainage will be improved in the area to reduce standing water. Several additional trees will be planted around the playground to provide additional shade.

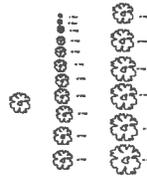
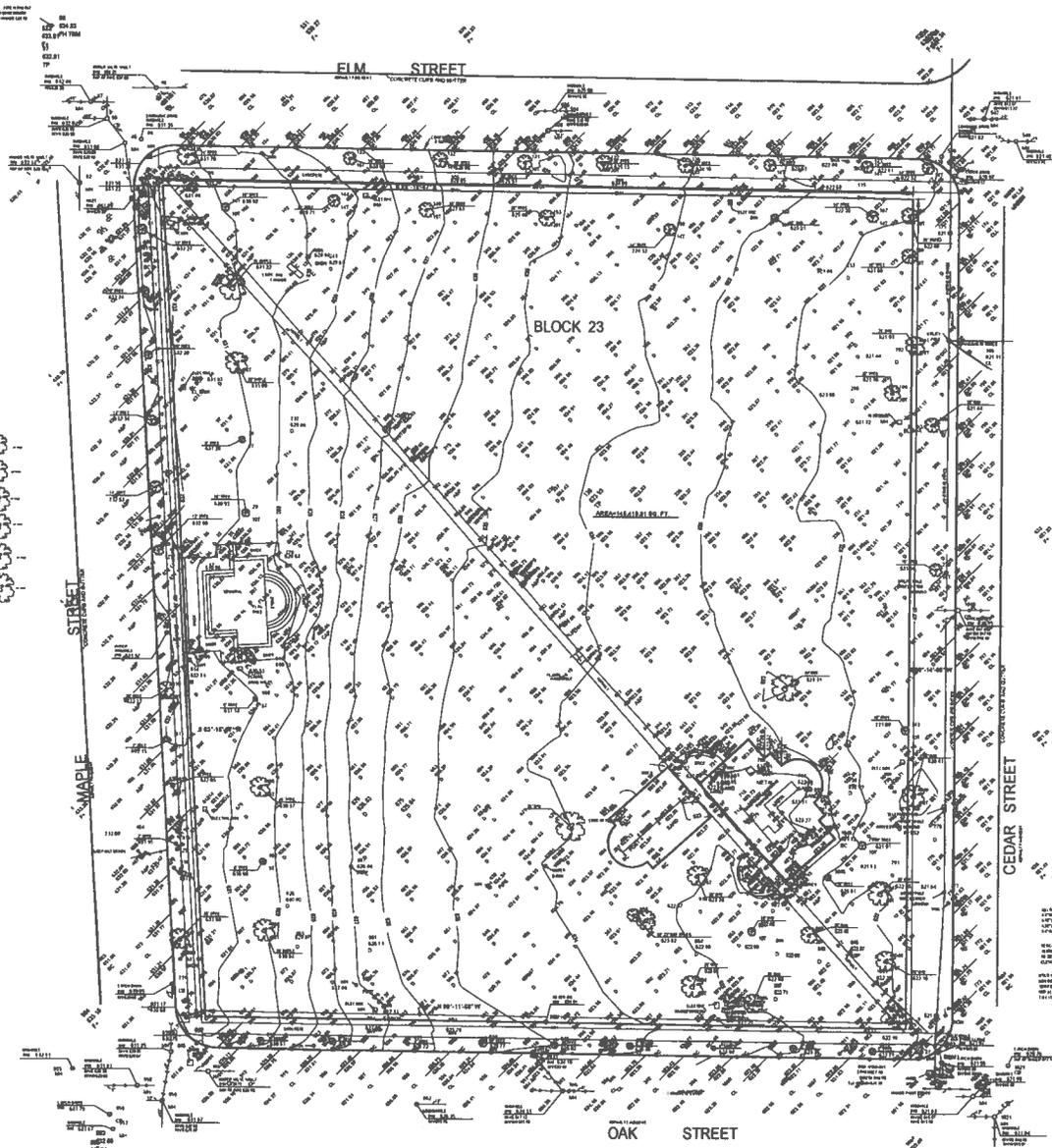
## STANDARDS

1. The establishment, maintenance, and operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort, morals or general welfare. The renovated playground will provide a more varied and attractive amenity for children and adults in the community. The playground will be made accessible in conformance with the Americans with Disabilities Act, as well as the current edition of the Handbook for Public Playground Safety (Pub. No. 325) of the U.S. Consumer Product Safety Commission and the Standard Consumer Safety Performance Specification for Playground Equipment for Public Use of American Society for Testing and Materials (ASTM Designation F 1487 – 07a).
2. The Special Use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity, which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity. The current use of the playground will not be changed, only enhanced. The new playground should provide a more attractive amenity. The playground will only be expanded for safety reasons less than 24" to the southwest side of the swing pit (85 sq. ft.)
3. The establishment of the Special Use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern. The playground equipment that is located on property owned by the Village of Winnetka and maintained by the Winnetka Park District is already on land used by the public as a park.
4. Adequate measures have been or will be taken to provide ingress and egress in a manner which minimize pedestrian and vehicular traffic congestion in public ways. The existing pedestrian circulation route through the park will not change. No changes are being made to the surrounding vehicular traffic.
5. Adequate parking, utilities, access roads, drainage and other facilities necessary to the operation of the Special Use exists or are to be provided. No parking changes are being made within the site as these are located on the adjacent streets (Oak Street, Maple Street, Elm Street, and Cedar Street). No existing power utilities will be affected. Existing drainage in the playground will be improved and areas around the playground that hold water will be improved with additional drainage lines. A new water line will be installed along Oak Street to service the proposed accessible drinking fountain to be located at the intersection of Oak Street and Cedar Street.
6. The Special Use in all other respects conforms to the applicable regulations of this and other village ordinances and codes. All requirements requested by the Village of Winnetka will be met.

PLAT OF SURVEY

SAMBORSKI, MATTS, INC.  
LAND SURVEYORS  
4322 OAKTON STREET BLOOMINGHON, ILL. 60609  
(815) 241-2222

BLOCK 23 OF WINDY HILL SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 25 AND THE NORTH HALF OF TOWNSHIP SECTION 21, TOWNSHIP 18 NORTH 8 RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, DEKALB COUNTY, ILLINOIS



ALL LOTS IN THIS PLAT ARE SUBJECT TO THE EASEMENTS AND RESTRICTIONS SET FORTH IN THE DEEDS AND INSTRUMENTS RECORDING IN THE PUBLIC RECORDS OF DEKALB COUNTY, ILLINOIS, AND TO THE EASEMENTS AND RESTRICTIONS SET FORTH IN THE PLAT OF SURVEY FOR THE WINDY HILL SUBDIVISION, DEKALB COUNTY, ILLINOIS, DATED AND RECORDED AS ABOVE.

SCALE: 1 inch = 25 feet  
ORDER NO. 224-01  
ORDERED BY: VILLAGE OF WINDY HILL

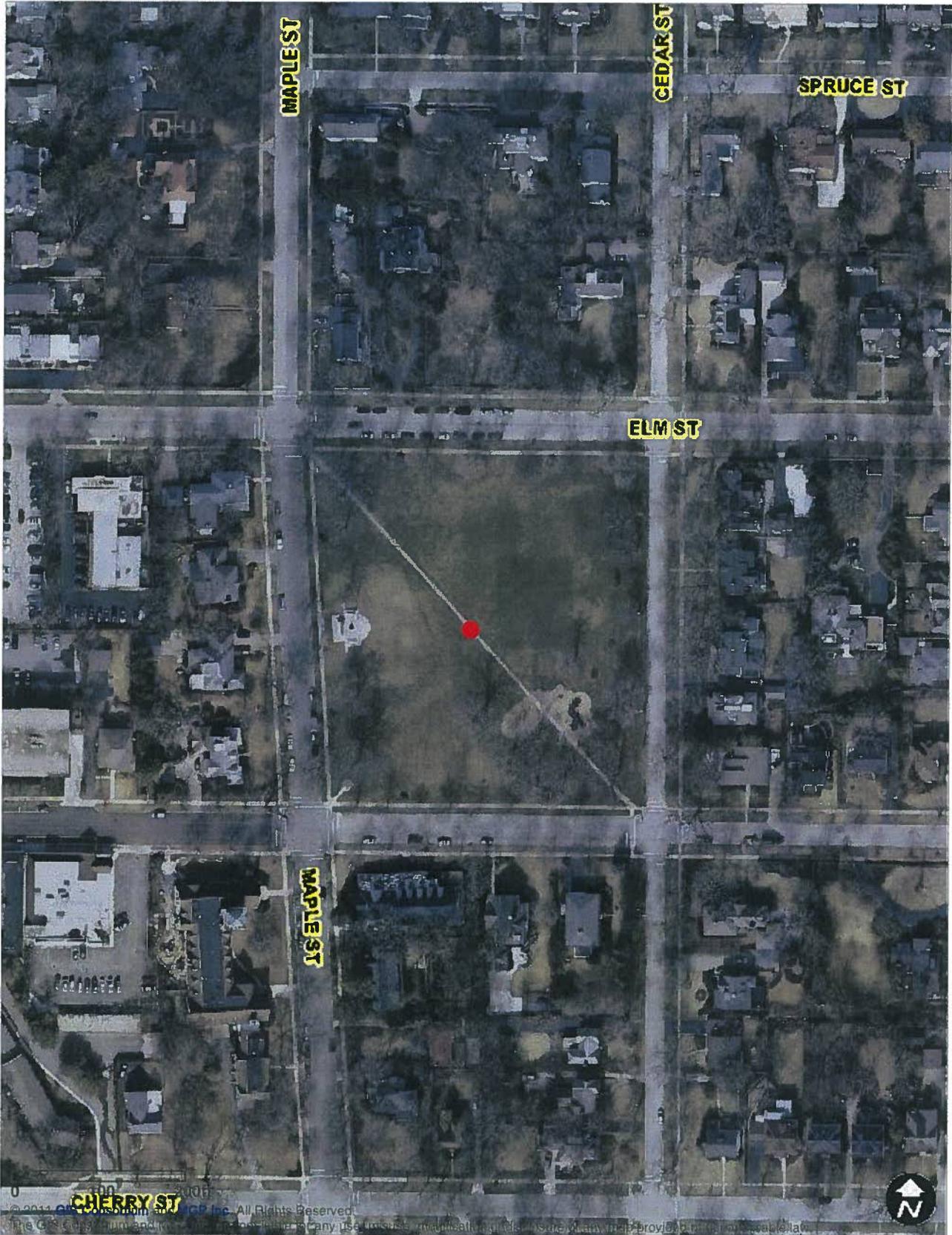
THIS PLAT OF SURVEY WAS PREPARED BY THE SURVEYOR AND THE SURVEYOR'S OFFICE HAS CONDUCTED A VISUAL INSPECTION OF THE SURVEYED AREA AND HAS FOUND THAT THE SURVEYED AREA IS AS SHOWN ON THIS PLAT OF SURVEY.

DATE OF SURVEY: 1/14/2024  
DRAWN BY: J. M. MATTI  
CHECKED BY: J. M. MATTI  
APPROVED BY: J. M. MATTI



MapOffice™

Village Green playground





MapOffice™

Village Green playground



IMPREMEABLE SURFACE  
(CONCRETE SLAB)  
51 SQ. FT.

ELM STREET

BRICK PAVERS  
12 SQ. FT.

IMPREMEABLE SURFACE  
(CONCRETE SLAB)  
21 SQ. FT.

IMPERMEABLE SURFACE  
(ASPHALT PATH)  
2924 SQ. FT.

IMPREMEABLE SURFACE  
(CONCRETE STEPS)  
149 SQ. FT.

BRICK PAVERS  
(CENOTAPH)  
645 SQ. FT.

BRICK PAVERS  
(CENOTAPH)  
606 SQ. FT.

CENOTAPH

IMPREMEABLE SURFACE  
(CENOTAPH)  
1639 SQ. FT.

IMPERMEABLE SURFACE  
(CONCRETE CURBING)  
110 SQ. FT.

BRICK PAVER  
210 SQ. FT.

BRICK PAVERS  
14 SQ. FT.

PLAYGROUND

IMPERMEABLE SURFACE  
(CONCRETE CURBING)  
81 SQ. FT.

IMPERMEABLE SURFACE  
(CONCRETE SLAB)  
8 SQ. FT.

BRICK PAVERS  
14 SQ. FT.

IMPERMEABLE SURFACE  
(MEMORIAL)  
59 SQ. FT.

BRICK PAVERS  
226 SQ. FT.

STONE PAVERS  
168 SQ. FT.

BRICK PAVERS  
13 SQ. FT.

MAPLE STREET

CEDAR STREET

OAK STREET

**EXISTING  
BRICK/STONE PAVERS**

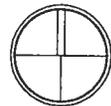
12 SQ. FT.  
210 SQ. FT.  
14 SQ. FT.  
226 SQ. FT.  
14 SQ. FT.  
13 SQ. FT.  
168 SQ. FT.  
645 SQ. FT.  
606 SQ. FT.

1908 SQ. FT.

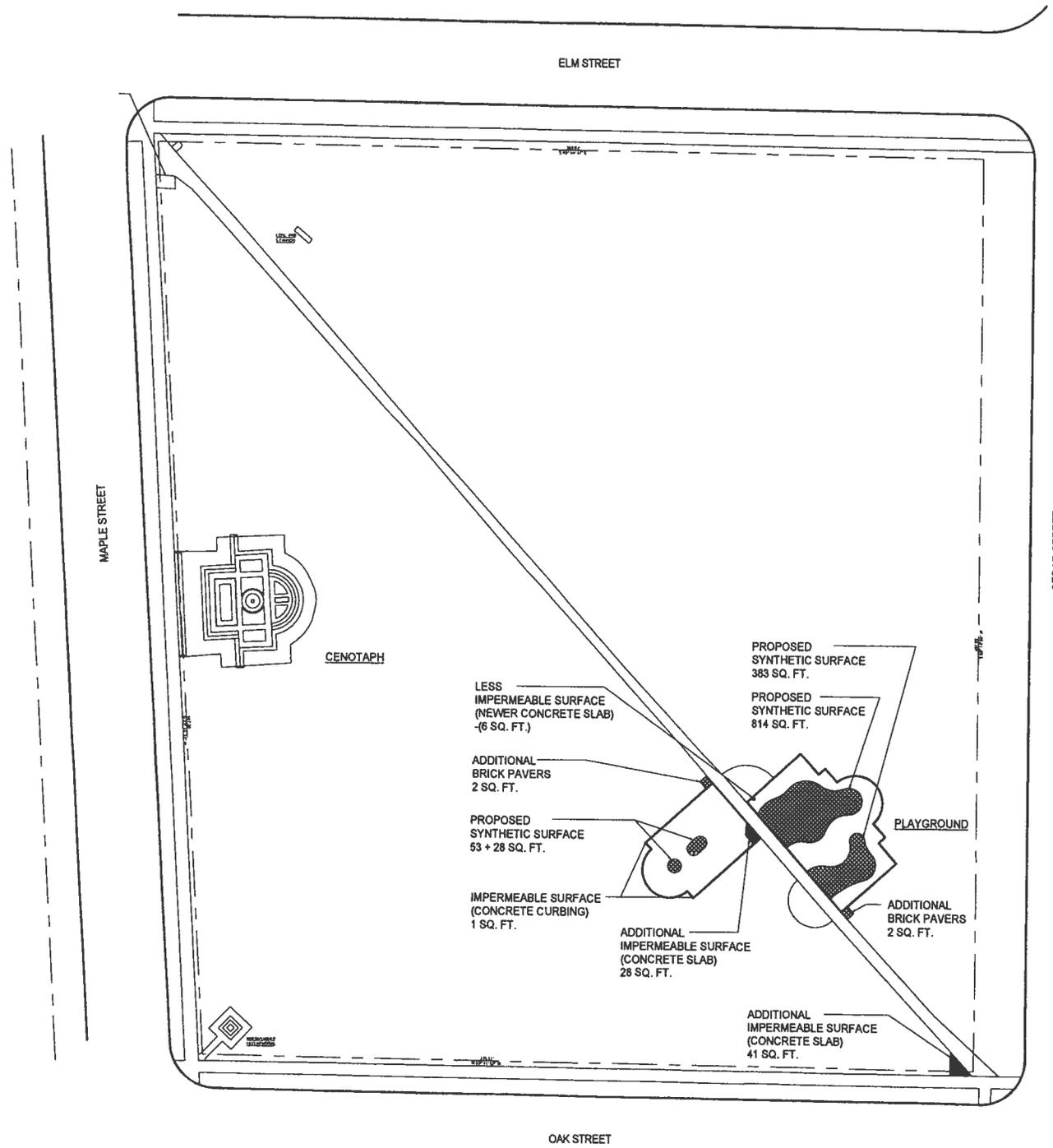
**EXISTING  
IMPERMEABLE SURFACE**

51 SQ. FT.  
21 SQ. FT.  
2924 SQ. FT.  
110 SQ. FT.  
8 SQ. FT.  
81 SQ. FT.  
59 SQ. FT.  
1639 SQ. FT.  
149 SQ. FT.

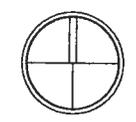
5042 SQ. FT.



**VILLAGE GREEN  
EXISTING  
SQUARE FOOTAGE**



PROPOSED SYNTHETIC SURFACING	PROPOSED BRICK/STONE PAVERS	PROPOSED IMPERMEABLE SURFACE
383 SQ. FT.		1 SQ. FT.
814 SQ. FT.		28 SQ. FT.
53 SQ. FT.	2 SQ. FT.	41 SQ. FT.
28 SQ. FT.	2 SQ. FT.	-6 SQ. FT.)
1278 SQ. FT.	4 SQ. FT.	64 SQ. FT.
1278 SQ. FT. + 4 SQ. FT. = 1282 SQ. FT.		



**VILLAGE GREEN**  
 PROPOSED  
 SQUARE FOOTAGE

**PUBLIC CONCERNS ADDRESSED**

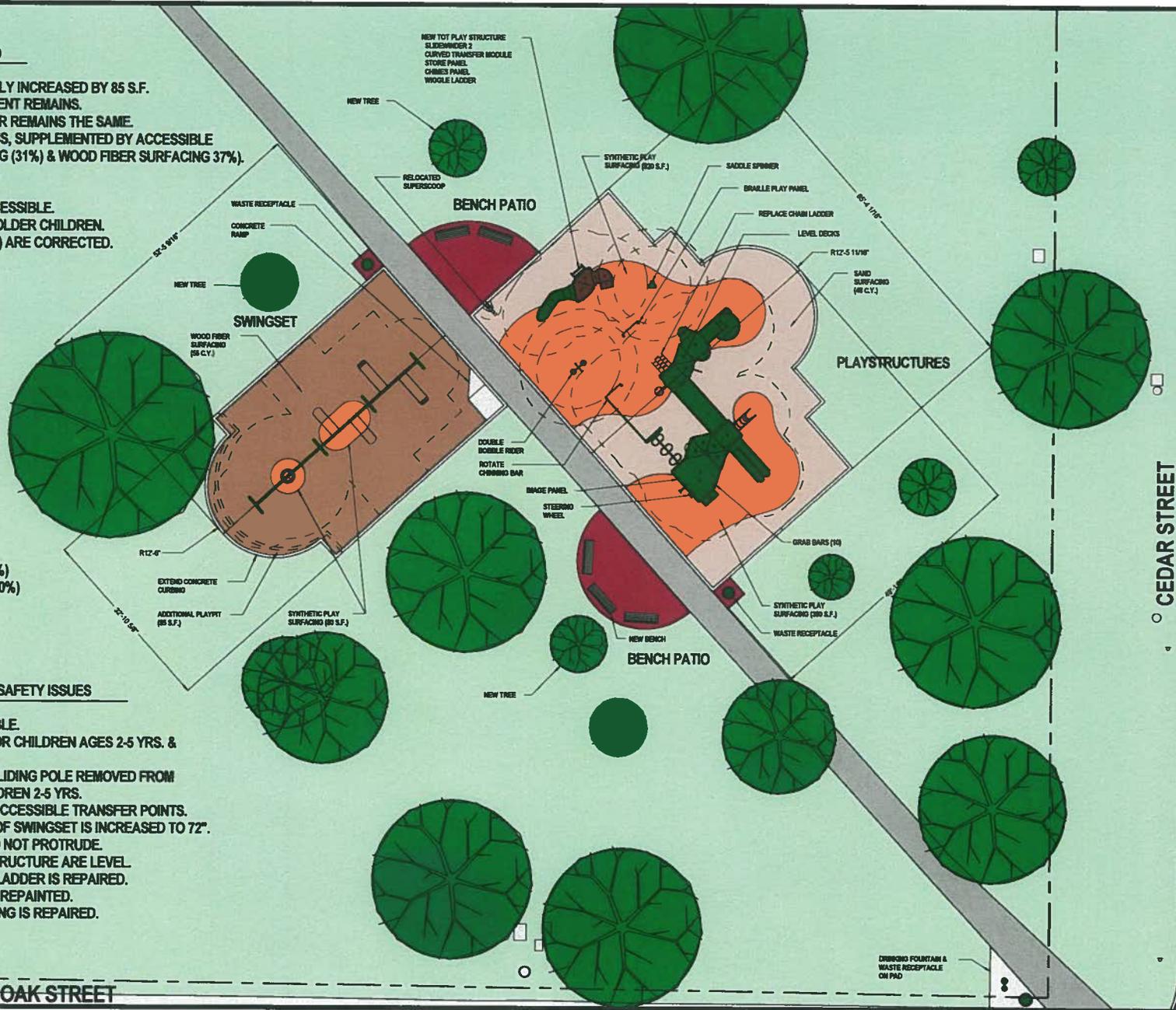
PLAYGROUND FOOTPRINT IS ONLY INCREASED BY 85 S.F.  
 MAJORITY OF EXISTING EQUIPMENT REMAINS.  
 DARK GREEN EQUIPMENT COLOR REMAINS THE SAME.  
 SAND SURFACING (32%) REMAINS, SUPPLEMENTED BY ACCESSIBLE  
 SYNTHETIC SAFETY SURFACING (31%) & WOOD FIBER SURFACING (37%).  
 ADD ADDITIONAL SHADE TREES.  
 DRAINAGE IS IMPROVED.  
 PLAYGROUND MADE FULLY ACCESSIBLE.  
 SEPARATE AREAS FOR TOTS & OLDER CHILDREN.  
 SAFETY ISSUES (TILTING DECKS) ARE CORRECTED.

**ESTIMATED COST**

RENOVATION COST: \$73,354 (54%)  
 ACCESSIBILITY COST: \$26,680 (20%)  
 UPGRADES: \$36,062 (26%)  
 TOTAL COST: \$136,096 (100%)

**PLAYGROUND ACCESSIBILITY & SAFETY ISSUES**

- YES - PLAYGROUND IS ACCESSIBLE.
- YES - SEPARATE PLAY AREAS FOR CHILDREN AGES 2-5 YRS. & 5-12 YRS.
- YES - CHAINWALK & VERTICAL SLIDING POLE REMOVED FROM STRUCTURE USED BY CHILDREN 2-5 YRS.
- YES - SUPPORT PROVIDED FOR ACCESSIBLE TRANSFER POINTS.
- YES - PLAYPIT CURBING SOUTH OF SWINGSET IS INCREASED TO 72".
- YES - BOLTS ON BENCH LEGS DO NOT PROTRUDE.
- YES - HIGHER DECKS ON PLAYSTRUCTURE ARE LEVEL.
- YES - VINYL COATING ON CHAIN LADDER IS REPAIRED.
- YES - WORN PLAYSTRUCTURE IS REPAINTED.
- YES - PLAYPIT CONCRETE CURBING IS REPAIRED.



**VILLAGE GREEN**  
 PLAYGROUND PLAN  
 FINAL CONCEPT SP-2 REVISED

OAK STREET  
 CEDAR STREET

SP-2  
 REVISED

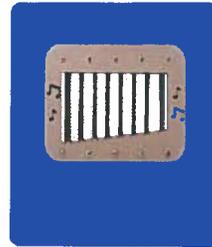
# VILLAGE GREEN PLAYGROUND

## FINAL CONCEPT SP-2 REVISED



Note: All custom products shown are conceptual only, actual components may vary from what is shown.

VILLAGE GREEN		Option 3	
WINNETKA, IL	10146743-1-1	9/30/2010	



Colors: Posts (dark green), Decks (dark green & brown), Apparatus and Panels (green, beige, brown, black)



Playground view from southeast



Playground view from southwest



Playground view from northwest



Playground view from northeast



**Project Bid:**

**Village of Winnetka**

Village Green Diagonal Path  
Corner of Maple and Elm

**Estimated By: Heath Frey**

January 25, 2011

**Estimated For:**

Bill Willing  
Village of Winnetka

**Paver Walk:**

- Assumes tractor access to walk over existing concrete walks. Existing walks will be protected with plywood as appropriate.
- Remove and dispose of 555' of existing asphalt walk.
- Excavate for and install new compacted crushed gravel base.
- Install 2,775 SF Whitacre Greer Tumbled pavers for walk area over 1" screeded sand lift.
- Sawcut perimeter and install soldier course.
- Install 1,110 LF PVC edge restraint system along perimeter of walk.
- Sand sweep and compact pavers upon completion.

**TOTAL            \$51,400.00 (Pavers provided on site by Hirsch Brick & Stone)**

**Or**

**TOTAL            \$28,700.00 (Pavers provided on site by Village of Winnetka)**

**Notes:**

- Proposal assumes project to be prevailing wage.
- Assumes 60" walk width.
- Assumes permits and landscape restoration by others.
- Install 4" PVC sleeves below hardscape for future access where appropriate.

**Ann Klaassen**

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**From:** Skimoguls@aol.com  
**Sent:** Friday, April 08, 2011 1:03 PM  
**To:** Ann Klaassen  
**Subject:** village green playground from Michael Levitin

Ms. Klaassen, Would you be so kind as to forward this note to members of the Winnetka Zoning Board of Appeals. I plan on attending the meeting to object to the special use permit for the following reasons.

1. I believe it would be appropriate to continue this meeting to a future date when proper notice to the community. While there was proper initial notice there has been no public notice given of this meeting. There is no notice on the Green and only yesterday did it appear on your web site.
2. The Park district has stated that this playground has even with rehabilitation only 3 to 5 years left of useful life. I agree. It is as it stands the most loved playground in the village. Children call it the sand playground. The Village has also admitted that if no significant changes are made, and nominal maintenance done, it is fully compliant with all required Federal rules.
3. When the prior playground was built, around half of a dozen mature Burr Oak trees were killed even though care was taken to not stress them. Many were replanted, but it will be many generations until they are replaced. Because of the limited life span of the proposed project why would we put our valuable and irreplaceable trees at risk.
4. The proposed plan wants to add equipment of a different color. The plan proposed by the park district 12 years ago was such a scheme. Winnetka residents soundly rejected it as disrespectful to our Village Green History and importance to our community. Refusing to rely on the esthetic skill of the park district, a search was made of other historic sites in similar mature traditional communities. The current design was used in several such sites including Riverside and Chicago Illinois. The crux of the design is being completely monochromatic. When it was proposed by residents the Park District objected to it. They thought it was too expensive and uninteresting to children. The Park district designer pushed to add a different color to the slides and other elements. When they could not be convinced otherwise residents stepped up and donated money to pay for the difference. Members of the Park District were still unhappy, supposedly referring to it as the "stealth playground". It is telling it is the most liked playground in the Village. Why would we spend so much money for the short lifespan remaining. Good design has real value and the proposed changes hurts that value. Would any of you buy a green car with brown doors? That is what the park district wants to do, park a nice green car with brown doors on the Village Green.

**Winnetka Design Review Board/Sign Board of Appeals  
February 17, 2011**

**Members Present:**

Gary Frank, Chairman  
Bob Dearborn  
Chuck Page  
Janet Shen  
John Swierk

**Members Absent:**

Joan Evanich  
Brooke Kelly

**Village Staff:**

Brian Norkus, Assistant Director of Community  
Development

**Comment to Village Council Regarding Special Use Permit Application by Winnetka Park District for Proposed Modifications to Village Green, Bounded by Oak, Elm, Maple and Walnut Streets**

Robert Smith introduced himself to the Board as the Superintendent of the Park District, along with Rick Schram, the landscape architect. He stated that there are a couple of projects and that the first project related to the Village Green playground organization. Mr. Smith referred to an illustration of the playground equipment from 13 to 14 years ago. He stated that in the capital project plans, every 10 years, they schedule evaluation, assessment, replacement and upgrades.

Mr. Smith informed the Board that at around the 10 year mark, the playgrounds tend to begin fading and are out of compliance with the ADA and CSC guidelines. He stated that this playground is past the 10 year mark and was brought to the Park Board and evaluated. Mr. Smith stated that they are going through the public hearing process and that it started in May with the Park Board. He stated that in the past nine months, they have had meetings and have received a lot of public input. Mr. Smith noted that they have addressed everything that Mr. Schram came up with in the illustration. He stated that there have been several revisions and three public meetings and that they came up with a plan. Mr. Smith also stated that financial situations came up in the meetings and that the preservation of green space and color were also discussed.

Mr. Smith stated that there are two main issues and that they must comply with ADA accessibility. He informed the Board that a point of contention [at the public meetings] was whether the playground needed to be ADA compliant. Mr. Smith stated that it was taken to the Park Board which said that all parks will be ADA compliant. He stated that the other item related to surfacing and that currently, the surface is sand which did not meet ADA compliance

or CSC guidelines.

Mr. Smith stated that they came up with a strategy and that they looked at eight different conceptual designs and materials and that a lot of consideration went into it. He stated that by the time they go through the whole process, they have mailed 4,300 letters to the residents and that there will have been 15 meetings total. Mr. Smith reiterated that there was a lot of engagement with the community and that they met the public process component in the planning stages. He stated that the result is their proposal to the Board tonight and asked if there were any questions with regard to the public process. No questions were raised by the Board at this time.

Mr. Smith went on to state that the real problem is when they dealt with the Indian Hill playground. He stated that they learned their lesson and re-engineered the whole process. Mr. Smith also stated that they factored in the caucus recommendation for a 6 month review process.

Mr. Schram stated that the Village Green is owned by the Village and that the Park District maintained it. He stated that the playground followed the design layout of a cement path, an asphalt path from the corner of Cedar diagonally to Elm and Maple Streets. Mr. Schram stated that out of the review process, the community wanted to expand the footprint of the playground. He stated that it would increase slightly by increasing the swing set size 18 inches. Mr. Schram informed the Board that the reason is that for safety guidelines, they need a 6 foot clearance around the swings which is now short of that. He noted that is the only expansion of the playground to be done. Mr. Schram then identified the existing equipment in the illustration.

Mr. Schram then stated that the changes they are proposing relate to the removal of the sand surfacing underneath all of the equipment and replacing some of the material underneath the swings with wood fiber material similar to that at Indian Hill Park. He then provided a sample of the material to the Board for their review. Mr. Schram stated that they planned to put the entire swing set in an area except for a couple of pads under the tire and belt swings where they planned to use poured in place material, a sample of which he provided the Board for their review. He noted that it is used in all of the parks. Mr. Schram referred to the color blend which would be beige, black and brown. He stated that there would be a short concrete ramp off of the asphalt walk to transition into the wood fiber area.

Mr. Schram stated that with regard to the play pit to the north, they planned to keep the sand play surface and that they would be incorporating two lobby areas which would allow access into the play structure. He informed the Board that the concern in the community related to maintaining the sand play surface and that a compromise was reached. Mr. Schram stated that in connection with the play structure, they planned to separate them for different ages of children. He stated that children in the two to four year age group should not play with children in the five to twelve year age group. Mr. Schram stated that the existing structure is designed to incorporate the two to twelve year age range and that young children are not strong enough to use the existing equipment. He stated that they planned to take out the platform bouncer and replace it with a small play structure. Mr. Schram also stated that they planned to keep the backhoe digger and

that they will have a bouncer play panel and spinner and identified the items in an illustration for the Board. He noted that there would be the same green color as on the existing equipment which is forest or Winnetka green. Mr. Schram then referred the Board to photographs and added that the entire structure would be cleaned up. He stated that the new structure would be chocolate brown and green and that the other colors would be beige and green.

Mr. Schram then stated that with regard to the other features, there would be one more bench which he identified for the Board. He stated that they discussed the installation of a drinking fountain on the corner of Cedar and Oak Streets and noted that the current drinking fountain is located at the other corner on Maple and Elm Streets which is a stone fountain made many years ago. Mr. Schram stated that it is not accessible and presented a problem with maintenance for the staff. He also stated that they discussed upgrading the fountain years ago and that they received negative feedback since it is an historic fountain. Mr. Schram stated that they are proposing to add a new drinking fountain on the other corner. He indicated that it would match the Victorian style fountains at other parks and referred the Board to an illustration. Mr. Schram also stated that there is an option of a drinking fountain with a dog bowl at the bottom and informed the Board that while dogs are not allowed in park, they walk around it and that there was a request from the community to add it.

Mr. Smith informed the Board that they are looking for guidance and that dog owners are another shareholder, but that they do not allow them in the park. He stated that in walking around the park, the drinking fountain would be a nicety for them.

Chairman Frank stated that the Board is not to comment on whether the dogs have a fountain, but what it would look like. He suggested that they leave it out of their recommendation. Chairman Frank stated that the request is for replacing the park and adding a few new features.

Mr. Schram stated that they would be replacing the platform bouncer with a top surface, along with the other changes which were previously mentioned.

Chairman Frank asked if the garbage cans would have the newer style.

Mr. Schram stated that they would be metal flare up cans and that they will be spruced up.

Chairman Frank asked if they incorporated everything which was asked for here.

Mr. Schram replied that they did their best.

Chairman Frank stated that the Board is to make a recommendation to the Village Council and that the only issue for him related to the recommendation that the other drinking fountain match in order to be cohesive. He then asked if there were any other comments.

Mr. Swierk stated that the Village staff made the fountains.

Mr. Smith stated that they were made in 1948.

Mr. Swierk asked if it was done as a donation, how can they take it away.

Chairman Frank stated that it is not ADA accessible.

Mr. Smith stated that the proposal will address the ADA accessibility issue and that there is a jurisdictional issue here. He stated that their responsibility to change the property is within the four corners of the playground and that [the drinking fountain] is out of their realm.

Mr. Dearborn referred to the one neighbor's objection and asked what were the compromises made.

Mr. Smith stated that they built a lot of consensus. He stated that is also why they chose the renovation route and that the cost containment is down to \$135,000. Mr. Smith stated that with regard to the surfacing, the residents wanted it to be as natural as it can be. He noted that they could not bring a plan which is not ADA complaint and that they were able to build consensus with the community and address their concerns. Mr. Smith noted that one gentleman was adamant with regard to safety and that they did research for him.

Mr. Dearborn asked if sand was added at the end of the project.

Mr. Schram stated that they did keep the sand. He stated that the goal was to keep as much sand as they could. Mr. Schram noted that the north pit incorporated sand around the perimeter and that a majority of the equipment is accessible which is required by the guidelines.

Mr. Swierk asked what would keep the poured in place material and sand from mixing.

Mr. Schram stated that there would be concrete around the perimeter to provide separation.

Chairman Frank asked if one surface material used at other the parks is not in that color.

Mr. Schram confirmed that is correct. He then referred to all three materials like the proposed material which is being used in Indian Hill.

Mr. Page described the children as lucky in that so much thought is going into the playground.

Mr. Dearborn asked if there would be any bright color introduced here.

Mr. Schram responded that there would not. He stated that there will be beige and some green and blue color here and there and maybe red, but that it would be minor.

Mr. Smith informed the Board that the manufacturers can meet just about all of the color

schemes. He also stated that they are paying a premium to make sure they get the green colors. Mr. Smith stated that Mr. Schram informed them that the existing green color is not a standard color and that they had to pay extra for that. He estimated it to be an \$800 to \$1,000 up-charge. Mr. Smith also stated that they cannot make the dark green on the slides.

Mr. Dearborn asked if they considered putting together a picture of what it would all look like when they are done.

Mr. Schram informed the Board that they are getting a computer program which would allow him to do that kind of thing.

Mr. Dearborn stated that he would want to see that.

Mr. Swierk commented that it would be good for the children to have some color.

Chairman Frank commented that green and beige for children is not enthusiastic. He stated that they said fine for that particular one and that for the others, they added more color.

Mr. Dearborn asked if the neighbors are happy with the color scheme.

Mr. Smith confirmed that they are and that they are not changing it.

Mr. Swierk indicated that he would like to see a stone drinking fountain at the other end.

Chairman Frank reiterated that someone built the existing fountain and that they do not want to take it away.

Mr. Smith stated that the only reason which drove the drinking fountain replacement at the far end is that there is an emotional attachment to it. He stated that the proposed location was chosen for a reason and that the parks foundation is committed to the fountain purchase.

Mr. Swierk stated that of the fountain options, he preferred the two bowl fountain.

Mr. Page commented that he liked the dog bowl.

Chairman Frank stated that to summarize, the Board basically liked the proposal and did not see any negative items. He stated that they are fine with the presentation and that what the Village Council does is up to them. Chairman Frank reiterated that there are no negative comments.

Mr. Swierk stated that there is a little bit of a color issue.

Chairman Frank stated that the proposal would go to the Village Council and that if they are interested is where the red and blue would be, the Board is fine with that.

Mr. Page stated that with regard to all of the meetings held to get to this point, the residents have said that they do not want color.

Chairman Frank stated that if the Village Council wanted to change something, the Board is only making a recommendation.

Mr. Norkus informed the Board that the Village Council is unlikely to look at this request at a higher level than the Board. He referred to the color being in the category of fasteners.

Mr. Dearborn agreed with Mr. Norkus' comments. He stated that they would be accepting [the proposal] based on the assumption that the coloring is minor, incidental and not intrusive.

Mr. Norkus stated that the color would relate to minor hardware. He informed the Board that some things cannot be changed.

Mr. Schram confirmed that they would go with coloring which is as neutral as possible and that for some things, they have no choice.

Mr. Smith stated that in terms of execution, they are hoping to do it in the spring and are targeting August 15, 2011 into the fall and that to be done by Veterans Day is their objective.

Mr. Swierk suggested that the applicant present the color list one more time to the Board before the order is placed.

Chairman Frank stated that for any new equipment, the applicant is to submit to Mr. Norkus the color exactly coded and that he would review it.

Mr. Schram and Mr. Smith agreed with Chairman Frank's suggestion.

Chairman Frank also stated that with regard to the fountain, it is not for the Board to say from a choice of three options.

Mr. Schram stated that most likely, it would be the black fountain.

Mr. Smith noted that they have dog friendly fountains on the Green Bay trail.

Chairman Frank stated that if the fountain is put there, it would encourage more dog walking which is not for the Board to determine.

**WINNETKA PLAN COMMISSION  
MEETING MINUTES  
FEBRUARY 23, 2011**

**Members Present:** Becky Hurley, Chairperson  
Jan Bawden  
Louise Holland  
John Iberle  
Joni Johnson  
John Jansson  
Mark Kurensky  
Midge Powell

**Members Absent:** John DiCola  
Christopher Rintz  
Susan Whitcomb

**Village Staff:** Brian Norkus, Assistant Director of Community  
Development  
Jillian Morgan, Planning Technician

**Comment to Village Council Regarding Special Use Permit for Consistency with 2020  
Comprehensive Plan -- Proposed Improvements to Village Green, Bounded by Oak, Elm,  
Maple and Walnut Street**

Robert Smith introduced himself to the Commission as the Superintendent of Parks for the Park District. He stated that the plans are for the renovation of the playground at the Village Green. Mr. Smith stated that he would like to make a clarification to a statement in the application and referred to a statement that possession was turned over by the Park District and that it is only an assignment.

Ms. Holland asked if there is a maintenance agreement.

Mr. Smith informed the Commission that the property was assigned in 1914 and that the Village still owned the land. He indicated that they take care of routine maintenance and that capital improvements are still within the Village realm. Mr. Smith noted that the playground was built 13 years ago.

Mr. Smith stated that with regard to the process, last May, they talked with the neighborhood over six meetings and sent 4,300 letters keeping people updated. He stated that this is the thirteen meeting on this job and commented that they have worked hard to solicit public input and that they have heard the public's comments and concerns. Mr. Smith stated that they have addressed all of the concerns in the process which resulted in a high level of satisfaction of most

of them.

Mr. Smith then referred the Commission to an illustration of the playground located at the southeast corner, the path through the park and the stone fountain at the corner which is located some distance from the playground. He noted that the existing playground consisted of a swing set and tire swing. Mr. Smith stated that the massive piece of equipment incorporated slides, climbers, decks, balancing equipment and bars and a spring board which is inaccessible because of the sand. He stated that the sand surfacing sand was decided on 13 years ago.

Mr. Smith then identified the items which need to be corrected in order to bring the playground up to the standards which are the ADA standards and the Consumer Safety Products Commission Guidelines. He stated that with regard to what they are proposing, they decided at the first meeting that replacement of the equipment was not necessary and that they felt that recycling the equipment would be better. Mr. Smith stated that had been working well with the other districts and that they can add 10 to 12 years of additional life to the equipment, as well as achieve cost containment. He stated that with regard to the swing set, they planned to repaint and refurbish it. Mr. Smith stated that along the curbing, they are proposing to bump it out 12 inches for safety guidelines. He also stated that they are proposing the use of poured in place surfacing under the swings and provided a sample of the material to the Commission for their review. Mr. Smith described it as a nice premium product for wheelchairs. He stated that the wood fiber would also be compliant and was used in Indian Hill. Mr. Smith added that it worked well from a maintenance standpoint, it is ADA accessible and budget friendly. He also stated that they will replace the sand and that sand is not ADA compliant. He informed the Commission that the material had a life span of 10 years.

Mr. Smith stated that with regard to the large equipment, they are proposing modifications. He informed the Commission that the guidelines recommend separate play activity for 5 to 12 year old children and referred to the children's ability to use different types of equipment. Mr. Smith stated that in refurbishing the equipment to make the modifications, they are proposing to add a small tot structure and identified it in an illustration for the Commission. He stated that there would be a bouncing toy, a spinner and a Braille play panel as well.

Mr. Smith stated that with regard to the playground area, they are proposing a small piece to transition the platform with play panels and a small climber. He then referred the Commission to an illustration of different play panels. Mr. Smith stated that it was clear that green would be the color and that there are small components consisting of fasteners which are yellow and red in color, such as the chain climber. He informed the Commission that the Design Review Board asked them to submit more details on that. Mr. Smith also stated that the brown decks on this piece represented a problem since the manufacturer did not make them in forest green and that they chose chocolate brown which is close in color and was okay with everyone.

Mr. Smith stated that they planned to add an extra bench here in a location he identified for the Commission, as well as a surfacing configuration. He stated that at the public hearing, they received comments that the public loved the sand, but that because of ADA compliance, a fall zone is needed and sand did not meet that criteria. Mr. Smith stated that they planned to keep as

much of the sand as possible. He also stated that there would be a drinking fountain and stated that they have not determined its exact location yet. Mr. Smith stated that they first proposed adding it to the other side of the park. He noted that the stone fountain was built in 1948 and is not ADA accessible. Mr. Smith commented that it fit the park nicely and that they do not want to change it.

Mr. Smith informed the Commission that they are proposing several concepts which he identified in an illustration for the Commission. He stated that in connection with dog owners, dogs are not allowed in the park. Mr. Smith stated that after more discussion, they were looking at the center fountain configuration.

Ms. Johnson stated that there are dogs in the park.

Mr. Smith described it as an enforcement issue and that there is signage. He stated that the concern with the fountain is that it is too close to the curb.

Mr. Iberle asked if it could not be put 10 feet within the seating area.

Mr. Smith stated that in his experience, the children use it as a play feature. He stated that they are also proposing to add trees which were discussed with Jim Stier and that they are assessing the oak trees which are there now. Mr. Smith informed the Commission that the cost of the project is \$136,000 and that they have a budget \$175,000 for contingencies. He stated that it is their hope to have bids for summer construction and for it to be ready by Veteran's Day.

Mr. Iberle questioned the wood fiber.

Mr. Smith stated that it would be 12 inches deep and that it will get packed down.

Ms. Powell asked what would happen when it rained.

Mr. Smith responded that it would stay in place.

Ms. Bawden asked if they plan to build more if it is too packed down.

Mr. Smith stated that they would top it off as needed. He stated that the drawbacks are that it is a loose material which is why they planned to use poured in place material where identified. Mr. Smith informed the Commission that they used this strategy at Indian Hill.

Ms. Bawden asked with regard to the poured in place material, it is not recycled and asked if they looked at using a recyclable material.

Mr. Smith stated that there is none that he knew of. He stated that with regard to the use of shredded tires, that posed a problem. Mr. Smith stated that they looked at the use of disposal items when they needed to be replaced. He also stated that they can land fill it. Mr. Smith stated that they gear toward the use of recyclable construction material.

Ms. Bawden stated that with regard to tires, they are not that environmentally nifty and that to dispose of them is hugely anti-environmental.

Ms. Johnson asked if the ramp would be ADA compliant and questioned the material.

Mr. Smith confirmed that it would be an ADA compliant concrete ramp.

Ms. Johnson asked if the Design Review Board had any comment on that.

Mr. Smith responded that they did not and that you can see it at Indian Hill.

Ms. Powell asked if the area would be increased or remain the same.

Mr. Smith stated that they would be increasing the radius which he identified for the Commission and that they need 6 feet from the post to the edge of the curb.

Ms. Johnson suggested that they do not offer the dog portion on the fountain since it would attract dogs to the park.

Mr. Smith indicated that they are gravitating toward that.

Mr. Jansson stated that the documents indicate a ground level bowl for dogs.

Mr. Smith stated that everything is up for revision and that they wanted to put the idea out there.

Ms. Holland stated that she walked [her dog] at the Village Green four times a day and that she went through the park on occasion and filled the [dog's] bowl at the fountain.

Ms. Johnson stated that there is a problem with dog enforcement.

Ms. Holland agreed that there is a lot of concern with enforcement and that a group called "WOOFs" was formed which felt that one park, Centennial, was dangerous. She stated that with regard to her concerns, the history of the [Village] Green and why it is green, there is one other park in Illinois which is near the Lincoln Park Zoo. Ms. Holland stated that the residents who live around there paid to have it all green. She also stated that the garbage cans are in terrible condition and that the proposed curbing concerned her. Ms. Holland asked if the curb can be buffered safer.

Mr. Smith stated that it related to the transition from the asphalt to the top of the grass. He indicated that there is a problem going from the sand surfacing since it is a fluid material.

Mr. Iberle asked if the curb would be holding in the wood fibers.

Mr. Smith stated that it would not and referred to the curb in the illustration.

Ms. Holland stated that the sand is lower there.

Mr. Smith stated that the bricks would be pulled up and reset and that they can look into it. He noted that the sidewalk is under the Village's jurisdiction.

Ms. Johnson suggested that they partner with the Village.

Mr. Kurensky stated that going from a wood chip to a hard surface, you will see the change in the elevation.

Mr. Smith agreed that is correct.

Chairperson Hurley asked if there were any comments from the audience. No comments were raised by the audience at this time.

Ms. Bawden stated that the use of sand is not a good thing and that cats use it. She asked if they planned to replace or sanitize the sand on a regular basis.

Mr. Smith stated that there would be basic maintenance twice a week to rake and clean the sand. He also stated that they planned to pull out all of the existing sand.

Mr. Kurensky made a recommendation to approve the request. He stated that the applicant has done a good job and that it would work with the neighborhood. Mr. Kurensky also stated that since there are no neighbors present, the applicant has done their work. He also stated that it would be the same size as before and that it would not dramatically impact the Village Green.

Chairperson Hurley then stated that the Commission would review the findings and to identify any which they thought were not consistent.

The Commission read through the findings at this time.

Mr. Jansson stated that no. 5 is not consistent since there would be nothing there for seniors.

Chairperson Hurley stated that the Commission can vote on no. 5 and that the request is consistent with regard to all of the other findings.

Mr. Iberle moved to state that all of the findings nos. 1-11 are consistent. Mr. Kurensky seconded the motion. A vote was taken and the motion was unanimously passed.

**Findings of the Winnetka Plan Commission**  
**Consistency of the Winnetka Park District**  
**Special Use Permit**  
**With the Village of Winnetka Comprehensive Plan**

After considering the application, the Commission makes its findings as follows,

Chapter II - Vision, Goals and Objectives

- (1) The proposed special use is consistent with the objective to "Ensure that commercial, institutional and residential development is appropriate to the character of and minimizes the adverse impact on its surrounding neighborhood" [Village Character and Appearance: Objective #1; page 2- 2].
- (2) The proposed special use is consistent with the objective to "Encourage organizations, schools, religious institutions, businesses, and citizens in their efforts to beautify the Village"; [Village Character and Appearance: Objective #7; page 2-2].
- (3) The proposed special use is consistent with the objective to "Use high quality design and materials when constructing public improvements. Enhance the beauty of improvements with appropriate decorative details, artwork, or sculpture"; [Village Character and Appearance: Objective #13; page 2-3].
- (4) The proposed special use is consistent with the Goal to "Preserve or expand the quantity, quality and distribution of open space and recreational opportunities", and to "protect the Village's natural features and environmental resources". [Open Space Recreation and Environment: Goals; page 2-5].
- (5) The proposed special use is consistent with the objective to "Support the development of recreational facilities to meet the needs of residents of all ages"; [Parks, Open Space, Recreation and Environment: Objective 5; page 2-6].
- (6) The proposed special use is consistent with the objective to "Engage in a public process that balances institutional goals and minimizes any adverse impact to the character of the adjacent residential neighborhood; [Parks, Open Space, Recreation and Environment: Objective 6; page 2-6].
- (7) The proposed special use is consistent with the objective to "Foster greater cooperation among all institutions - private and public - the joint use of their recreational facilities"; [Parks, Open Space, Recreation and Environment: Objective 8; page 2-6].
- (8) The proposed special use is consistent with the objective to "Encourage the preservation of open space inside and outside the Village"; [Parks, Open Space, Recreation and Environment: Objective 9; page 2-6].

(Chapter IV: Issues and Recommendations)

- (9) The proposed special use is consistent with the recommendation to "Cooperate with the Winnetka Park district in achieving the District's goal of providing Village residents with

high quality recreational programs and open space." [Issues and Recommendations, 4.3.6. Land Use Winnetka Park District and Open Space; page 4-8].

- (10) The proposed special use is consistent with the recommendation to "Work with the Park District to minimize the impact of existing programs on adjacent neighborhoods" [Issues and Recommendations, 4.3.6. Land Use — Winnetka Park District and Open Space; page 4-8].
- (11) The proposed special use is consistent with the recommendation to "Coordinate planning for any new facilities and programs to balance recreational needs of the community with the residential character of the surrounding neighborhood." [Issues and Recommendations, 4.3.6. Land Use — Winnetka Park District and Open Space; page 4-8].

**RESOLUTION**

NOW THEREFORE BE IT RESOLVED that the Winnetka Plan Commission finds that the proposed Special Use Permit application by the Winnetka Park District for renovations to the playground facilities at the Village Green (525 Maple Street) is consistent with the Village of Winnetka Comprehensive Plan.

Passed by a vote of 8 in favor and none opposed.

Date: February 23, 2011

**WINNETKA ZONING BOARD OF APPEALS  
APRIL 11, 2011**

**Zoning Board Members Present:** Joe Adams, Chairman  
Mary Hickey  
Joni Johnson  
Carl Lane  
Jim McCoy  
Scott Myers

**Zoning Board Members Absent:** None

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

**Village Attorney:** Kathy Janega, Village Attorney

**Agenda Items:**

Case No. 11-05-SU: Village Green (525 Maple Street)  
Winnetka Park District  
Special Use Permit  
To Permit the Renovation of the Village Green  
Playground

**Minutes of the Zoning Board of Appeals  
April 11, 2011**

**Village Green (525 Maple Street), Case No. 11-05-SU, Winnetka Park District - Special Use Permit**

Mr. D’Onofrio read the public notice. The purpose of this hearing is to hear testimony and receive public comment regarding a request by the Winnetka Park District concerning a Special Use Permit in accordance with Section 17.56.010 of the Winnetka Zoning Ordinance to permit renovation of the Village Green playground at 525 Maple Street.

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

Michael Levitin, 507 Cedar, commented that he was not notified with regard to this meeting. He stated that the March 2011 meeting was canceled due to a lack of quorum and that there was no

(additional) public notice sent with regard to this meeting. Mr. Levitin then asked for the case to be delayed until the next meeting due to the lack of notice.

Mr. D'Onofrio informed Mr. Levitin that there is no requirement to send additional legal notice for a meeting which has been delayed due to a lack of quorum.

Robert Smith, Superintendent of the Winnetka Park District, introduced himself to the Board along with Rick Schram, the landscape architect for the Winnetka Park District. He stated that one year ago, the Park District, through its long range planning process, decided to revisit the 13 year old park site at the Village Green and that every 10 years, they review the playgrounds in terms of compliance with ADA requirements, etc. Mr. Smith stated that they began the public hearing process last May and that during that time, they held 14 public meetings and six public meetings directly with the neighbors. He also stated that they have held three committee meetings with the full Park Board and two full Park Board meetings in addition to that.

Mr. Smith stated that during that time, a lot of concerns were raised and addressed with regard to the color of the equipment, green space, saving trees, etc. He stated that they felt that they have completed their due diligence and that the Board felt that it was unanimous by a 6-1 vote with regard to resurfacing.

Rick Schram referred the Board to photographs of the site and identified the Village Green and existing playground. He stated that the existing playground contained a swing structure on the south side and a large play pit on the north side of the sidewalk, both of which are filled with sand. Mr. Schram then identified the small brick patios which housed benches. He stated that they are proposing to keep the same footprint with the exception of the expansion of the swing pit of about 18 inches to the south. Mr. Schram stated that the extension is needed to comply with the need for clearance requirements. He stated that the sand under the swings would be removed and replaced with a wood fiber product similar to that at the Indian Hill playground with small areas of poured in place material for ease of maintenance.

Mr. Schram informed the Board that the north play pit would be primarily sand with two areas left with poured in place material to provide accessibility. He stated that they planned to keep as much of the sand as possible which was requested by the neighbors. Mr. Schram noted that the existing play structure would remain as is, with some repairs and repainting. He stated that the chain ladder and climber would be replaced and would match in the same color with the exception of a couple of locations where it would have to be brown. Mr. Schram informed the Board that the manufacturer did not make the solid dark green color any longer and that this was a custom job years ago.

Mr. Schram then stated that there would be a small tot structure. He stated that the existing structure is designed for 2 to 12 year old children and that the standards have changed where it is recommended that the younger children play separately from the older children. Mr. Schram also stated that there would be a bouncer, spinner and Braille wall and that the backhoe would be relocated. He noted that the letter panel would be green and that they would be adding an

additional bench to the area. Mr. Schram stated that with foundation funds, they planned to install a historic drinking fountain.

Mr. Smith stated that there is a drinking fountain on the other end of the park which has a historic feel to it, but that in order to meet ADA requirements, there would be a second drinking fountain.

Chairman Adams asked if there any questions.

Ms. Johnson referred to the colors identified in the photographs included in the packet of materials.

Mr. Schram stated that the photographs were downloaded from the website and that he could not incorporate the proposed colors into the photographs. He confirmed that there would not be reds, yellows, etc. and that the proposed colors would be green, brown and beige.

Mr. Smith informed the Board that it is their intent to add more trees and that they are working with Jim Stier (Village Forester).

Mr. Myers stated that the Board has a number of criteria to consider in making its recommendation. He asked if there have been any concerns in connection with the final recommendation if there were comments, questions, concerns with regard to how this property might be detrimental to public safety in that area.

Mr. Smith responded that through the public hearing process, there were comments with regard to bicycles traveling through the playground at a high rate of speed. He referred to the suggestion of the use of speed bumps.

Mr. Myers then asked if there was any concern that the modification of the playground would adversely affect the property values of the neighbors in the area.

Mr. Smith stated that it would not.

Ms. Johnson asked if the use of sand is inherently not ADA compliant.

Mr. Schram stated that is correct.

Mr. Smith added that ADA regulations are driving the removal of the sand.

Ms. Johnson stated that there was discussion at the Plan Commission meeting and the Design Review Board meeting with regard to whether the proposed water fountain has a dog bowl. She asked if a decision was made on that.

Mr. Smith stated that it was suggested in order to get the Design Review Board's comments.

Mr. Schram confirmed that there would be a two bowl drinking fountain, one bowl which would be high and one bowl which would project out.

Chairman Adams asked if there were any other questions for the applicant. No questions were raised by the Board at this time. He then asked if there were any questions from the audience.

Michael Levitin, 507 Cedar, stated that his home is located directly across from the playground. He stated that the playground as it currently sits is fully ADA compliant with the laws required 12 years ago. Mr. Levitin stated that it was grandfathered in and it only required maintenance and did not require the changing of any surfaces. He stated that leaving the playground the way it is did not open them up to any liability. Mr. Levitin commented that what is being proposed would create a real danger to life and limb and would also have an adverse effect to the Village Green and property values.

Mr. Levitin commented the Village Green is the most important part of the Village. He referred to the Cenotaph and all of the important events which occur there. Mr. Levitin referred to a proposed cookie cutter playground to be installed years ago and that after meetings with the neighbors, it was decided against. He stated that the Village Green required the use of natural materials and natural colors. Mr. Levitin also stated that when the request was to expand the playground for the use of little children, the neighbors told the applicant that they did not want that. He stated that there are other places for little children to play and that they wanted to protect the trees. Mr. Levitin informed the Board that seven oak trees died after the playground was built 12 years ago due to the traffic and machinery. He stated that as a result of any such construction, there is a chance that the trees would be affected.

Mr. Levitin went on to state that the Park District has told them at a number of meetings that the playground as it currently sat, even after renovation, would only have 3-5 years left and that the parts are obsolete. He stated that Riverside Park and Lincoln Park Zoo were used as examples to design the park 12 years ago to use a monochromatic scheme.

Chairman Adams interrupted Mr. Levitin to let him know that everyone is aware of the history of the park. He stated that the Board is limited to a number of things, such as the establishment of special use. Chairman Adams stated that given that the park already existed, he asked Mr. Levitin to comment on how the proposal would be substantially injurious.

Mr. Levitin stated that at that time, the Park District stated that the slides and colors were too expensive and that at the time, the neighbors were against it. He stated that the Park District raised the funds to pay the difference for the monochromatic colors. Mr. Levitin stated that the real issue is what is the damage. He commented that good design has good value and that bad design would have a negative value. Mr. Levitin stated that to change the color would change the design and would have less value to him.

Mr. Levitin stated that the Park District has not told the Board about the dangers. He informed the Board that he did a science experiment before the Park District committee and filled a box with the sand in the playground and held an egg approximately 6 to 7 feet up and dropped it. Mr.

Levitin stated that the egg did not break. He stated that an egg dropped on a wood surface from 3 to 4 feet would break. Mr. Levitin stated that sand is not ADA approved in the future and that it is approved for use in Canada which has done studies in that regard. He stated that with the use of sand versus the use of wood chips, there were 40% fewer broken bones in the Canadian study, which he commented is a true safety concern.

Mr. Levitin informed the Board that there has never been a complaint of any injury on the Village Green to the Village Council. He stated that at the Greeley School which uses wood chips, there have been many injuries which resulted in missed days of school. Mr. Levitin stated that the proposal would be for the playground's limited purpose of three to five years. He informed the Board that he is not against ADA compliance and that for a few thousand dollars, there should be a plan for the maintenance of the existing playground. Mr. Levitin stated that they are planning to make the playground less safe, which has an effect on his property value, and that it would be less attractive and monochromatic.

Mr. Levitin went on to state that on warm Saturday nights, the park is full of teenagers who climb on everything and that his daughter has fallen off of all the apparatuses. He indicated that he is concerned with people falling and hitting the perimeter of the base and sand. Mr. Levitin stated that people have rejected these types of playgrounds and that there is a huge opportunity to do things here. He concluded that the committee which heard his evidence turned the request down.

Mr. Smith stated that the committee that Mr. Levitin is referring to is the Beach and Parks Committee and that one or two members wanted more information. He stated that after reviewing the information, they found nothing valid. Mr. Smith informed the Board that they provided six to eight different options and that they selected this one. He also stated that they must propose playgrounds which meet current guidelines and ADA regulations.

Ms. Johnson asked who sat on the committee.

Mr. Smith responded Richard Pierce, Derrick Conweiler (sp?) and Bob Vanden Bosch, all of whom are on the Park District Board.

Mr. McCoy asked if there is a standard which is higher than the existing standard that they have to conform to in the United States.

Mr. Smith responded that there is none that he knew of.

Mr. McCoy asked to clarify, if these standards are the highest standards in the United States that they are adhering to.

Mr. Smith stated that they are nationally recognized standards.

Mr. McCoy then asked if these standards state that the proposed composite material is safer than sand.

Mr. Smith confirmed that is correct.

Mr. Levitin stated that he was given studies which state that sand is not an approved material, but that they did not consider what its properties were. He stated that since it is not an ADA approved material, it was not included in any of the studies. Mr. Levitin stated that in three to five years when the playground is replaced, they would have to use materials that are ADA compliant and that he is not arguing with that standard. He stated that there is good evidence that the material there is safer the way it is now than what is being proposed.

Chairman Adams stated that he wanted to remind Mr. Levitin of the items on which this Board is to focus on and that there are different Boards considering the request. He referred to the six standards that the Board is to consider, which include parking. Chairman Adams stated that he understood that Mr. Levitin has an issue with two of the standards which are that the request is detrimental to his property value and that it would endanger the public health, safety, comfort, morals and welfare of the Village. He then referred to the standard that Mr. Levitin felt that the special use would not be in keeping with the standard that the park would be substantially injurious to the people using it and that the color change is not what Mr. Levitin preferred. Chairman Adams stated that he wanted to confirm that the Board captured the essence of Mr. Levitin's objections.

Mr. Levitin stated that of the people on the Beaches and Parks Committee who were present at the meeting, there were at least three votes of the members who stated that they preferred sand. He stated that the committee voted it down and that it was sent back. Mr. Levitin then stated that at the next meeting where he was permitted two minutes to speak, the committee summarily passed it and that the people who voted on the request the first time did not vote at all.

Chairman Adams stated that the Board would not be able to solve tonight what happened at the other meeting. He then asked if there were any other objections the Board should note.

Mr. Levitin then stated that the request is similar to taking the playground which he commented has a wonderful design and that it is similar to buying a car with parts that are a different color. He stated that the request would violate the design, violate the Park District mission and thereby, de-value the playground. Mr. Levitin stated that it can be used in ways that are possibly extremely injurious and the fact that the heights would be lowered. He stated that children are jumping from the highest points of the equipment from heights of 10, 12 and 14 feet and that these surfaces are not tested for that use.

Chairman Adams asked if there were any other comments. No additional comments were made at this time. He then asked Mr. Smith if he would like to respond.

Mr. Smith informed the Board that the comments they have heard tonight have been heard at 11 meetings with the Park District. He also stated that they have addressed all of Mr. Levitin's concerns with the Park District Board.

Ms. Hickey asked Mr. Smith to point out where the rubberized surface would be and where the sand would be.

Mr. Smith then identified those locations for the Board.

Ms. Hickey then questioned the expansion area.

Mr. Smith identified the location for the Board and stated that it is identified as the 6 foot fall zone.

Ms. Hickey also asked if the introduction of the brown and beige material would be extremely noticeable.

Mr. Smith stated that it very minimal and referred to the guidelines which would be followed.

Mr. Lane asked if they are using the same rubberized surface as in other Winnetka parks.

Mr. Smith confirmed that is correct and stated that they expected to get 10 years out of this renovation. He informed the Board that they invested in quality equipment 13 years ago.

Ms. Hickey asked if the expansion would be primarily in the swing set area.

Mr. Smith confirmed that is correct.

Ms. Johnson asked if it is for safety reasons.

Mr. Smith confirmed that is also correct. He described it as a quality design and that it met risk management standards of PDERMA and ADA requirements.

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 would be in favor of approving the request and that he saw the necessity to break up the age groups. He stated that the minimal amount of beige and dark brown that would be used would not be substantially injurious and that in fact, it should improve the value of neighboring properties. Mr. Lane stated that they must rely on the Park District and risk management and that the request met the standards.

Chairman Adams asked if there was a contrary opinion. No contrary opinion was expressed by the Board at this time. He then asked for a motion.

Mr. Lane moved to recommend approval of the improvement to the park at the Village Green because the establishment, maintenance and operation of the special use will not be detrimental to or endanger the public health, safety, comfort, morals, or general welfare. He stated that the Park District is installing equipment that has been deemed to be safe according to the standards

they are aware of. Mr. Lane stated that the special use would not be substantially injurious to the use and enjoyment of other property in the immediate vicinity, which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity. He stated that although there has been some testimony that the color change is not preferred, he stated that a new park and an upgraded park would improve property values because the park would be enjoyed more by the local residents.

Mr. Lane stated that the special use will not impede the normal and orderly development and improvement of other property in the immediate vicinity for uses permitted by right in the zoning district. He indicated that there would be a minimal increase to the space. Mr. Lane stated that adequate measures have been or will be taken to provide ingress and egress in a manner which minimizes pedestrian and vehicular traffic congestion in the public ways. He stated that there would be a minimal increase in the amount of space and that egress and ingress would not be an issue because the size of the park would not be increasing to that extent.

Mr. Lane stated that adequate parking, utilities, access roads, drainage and other facilities necessary for the operation of the special use either exist or will be provided. He concluded by stating that the special use in all other respects conforms to the applicable zoning regulations and other applicable Village ordinances and codes.

Mr. Myers seconded the motion. A vote was taken and the motion was unanimously passed, 6 to 0.

AYES: Adams, Hickey, Johnson, Lane, McCoy, Myers  
 NAYS: None

### **Standards for Granting Special Uses**

The standards for granting special uses are set both by statute and by Village Code. Section 17.56.010 requires that special uses be permitted only upon evidence that these meet standards established by the applicable classification in the zoning ordinances. Conditions “reasonably necessary to meet such standards” are specifically authorized. Section 17.56.010(L) establishes the following standards for granting special use permits:

- The establishment, maintenance and operation of the proposed special use will not be detrimental to or endanger the public health, safety, comfort, morals or general welfare in that the play equipment and proposed renovations to the Village Green Playground will be ADA compliant, and in conformance with the current edition of the Handbook for Public Playground Safety (Pub. No. 325) of the U.S. Consumer Product Safety Commission and the Standard Consumer Safety Performance Specification for Playground Equipment for Public Use of American Society for Testing and Materials (ASTM Designation F 1487-07a);
- The special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the

district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity. Due to the fact the current use of the playground will not be changed, only enhanced, property values may increase. The playground will be expanded approximately 18 inches to the southwest side of the swing pit for safety reasons only.

- The establishment of the special use will not impede the normal and orderly development and improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern. The proposed improvements to the existing playground, on property owned by the Village of Winnetka and maintained by the Winnetka Park District, will not change the current use and therefore not impede the development and improvement of other property in the immediate vicinity.
- Adequate measures have been or will be taken to provide ingress and egress in a manner which minimizes pedestrian and vehicular traffic congestion in the public ways. The existing pedestrian circulation route through the park will not change and no changes are being made to the surrounding vehicular traffic circulation.
- Adequate parking, utilities, access roads, drainage and other facilities necessary for the operation of the special use exist. No parking changes are being made within the site as the parking is located on Oak St., Maple St., Elm St., and Cedar St. No existing power utilities will be affected. Existing drainage in the playground will be improved and areas around the playground that hold water will be improved with additional drainage lines. A new water line will be installed along Oak St. to service the proposed accessible drinking fountain to be located at the intersection of Oak St. and Cedar St.
- The special use in all other respects conforms to the applicable zoning regulations and other applicable Village ordinances and codes. The proposed improvements shall comply with all Village Codes.

## AGENDA REPORT

**TO:** Village Council

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

**DATE:** May 4, 2011

**SUBJECT:** 12 Indian Hill Rd. Ord. M-7-2011  
(1) Front Yard Setback

Ordinance M-7-2011 grants a variation by Ordinance from Section 17.30.050 [Front and Corner Yard Setbacks] of the Winnetka Zoning Ordinance to permit the construction of a detached garage, which will be located closer to the street than the principal building, that will result in a front yard setback from Golf Ln. of 19.58 ft., whereas a minimum of 50 ft. is required, a variation of 30.42 ft. (60.84%).

The petitioners, Ron and Glo Rolighed, are requesting the variation in order to construct a detached 2-car garage measuring 24.25 ft. x 21.25 ft. that would provide a setback of 19.58 ft. from the westerly line of the private road easement of Golf Ln. There is also an appendage to the garage measuring 13 ft. x 5.5 ft. that would serve as an enclosure for a backup generator. The proposed garage would match the existing detached 2-car garage. Access to the proposed garage would be off of the existing driveway, no additional entrances are proposed as part of this request.

In addition to requiring a minimum front yard setback of 50 ft., the zoning ordinance does not allow accessory buildings to be placed nearer the street line than the principal building. In this case, the residence is located behind an existing detached garage that is providing a setback of approximately 26.23 ft. from the private road easement.

The property is located in the R-2 Single Family Residential District. According to the petitioners the residence was built in 1918. Subsequent building permits were issued by the Village in 1986 to alter the attic (add bedrooms, a bathroom, and dormers) and in 2009 to remodel a bathroom. The petitioners purchased the property in 2008. There have been no previous zoning cases for this property.

The proposed garage complies with all other zoning regulations. An attached zoning matrix summarizes the work proposed under this variation request.

At its April 11, 2011 meeting the Zoning Board of Appeals voted 5-0 to recommend approval of the variation.

Introduction of the ordinance requires the concurrence of the majority of the Village Council members present.

### **Recommendation**

Consider introduction of Ordinance M-7-2011, granting a variation from the front yard setback requirement for a detached garage located closer to the street than the principal building.

## ZONING MATRIX

**ADDRESS: 12 Indian Hill Rd.**  
**CASE NO: 11-07-V2**  
**ZONING: R-2**

ITEM	REQUIREMENT	EXISTING	PROPOSED	TOTAL	STATUS
Min. Lot Size	24,000 SF	28,364 SF (1)	N/A	N/A	OK
Min. Average Lot Width	100 FT	147.73 FT	N/A	N/A	OK
Max. Roofed Lot Coverage	7,091 SF (2)	2,591.56 SF	586.81 SF	3,178.37 SF	OK
Max. Gross Floor Area	8,338.72 SF (2)	4,262.85 SF	586.81 SF	4,849.66 SF	OK
Max. Impermeable Lot Coverage	14,182 SF (2)	10,513.74 SF	(1,746.49) SF	8,767.25 SF	OK
Min. Front Yard (East)	50 FT	26.23 FT (3)	19.58 FT	N/A	<b>30.42 FT (60.84%) VARIATION</b>
Min. Side Yard (North)	12 FT	67.75 FT (4)	17 FT	N/A	OK
Min. Total Side Yards	44.32 FT	100.71 FT	49.96 FT	N/A	OK
Min. Rear Yard (West)	25 FT	28.5 FT	N/A	N/A	OK

**NOTES:**

- (1) Net lot area, doesn't include the area of the private road easement (1,774 s.f.).
- (2) Based on lot area of 28,364 s.f.
- (3) Setback to existing detached garage. The residence is setback approximately 66 ft. from the private road easement.
- (4) Setback to existing detached garage.

**AN ORDINANCE GRANTING A VARIATION IN  
THE APPLICATION OF THE ZONING ORDINANCE  
OF THE VILLAGE OF WINNETKA,  
COOK COUNTY, ILLINOIS (12 Indian Hill)**

**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 12 Indian Hill Road, Winnetka, Illinois (the “Subject Property”), is legally described as follows:

Lot 2 in Osgood’s Resubdivision of a part of Lot 10 in Indian Hill Subdivision Number 2, being a Subdivision of parts of Sections 20 and 29, Township 42 North, Range 13, East of the Third Principal Meridian, according to plat thereof recorded as Document Number 5772391, in the Recorder’s Office of 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 February 9, 2011, the owner of the Subject Property filed an application for a variation from the 50-foot minimum Front Yard Setback requirement of Section 17.30.050 of the Lot, Space, Bulk and Yard Regulations for Single Family Residential Districts established by Chapter 17.30 of the Zoning Ordinance, to allow an east front yard setback of 19.58 feet, resulting in a variation of 30.42 feet (60.84%), in order to permit the construction of a second detached garage with a small enclosure for a back-up generator which, like the existing garage, would also be located nearer to the street than the principal building on the Subject Property; and

**WHEREAS**, on April 11, 2011, on due notice thereof, the Zoning Board of Appeals conducted a public hearing on the requested variations and, by the unanimous vote of the five

members then present, has reported to the Council recommending that the requested variation be granted; and

**WHEREAS**, the Subject Property is an irregularly shaped lot with a curving east lot line formed by Golf Lane; and

**WHEREAS**, both Golf Lane is considered a street under the Zoning Ordinance, as a result of which the Subject Property is subject to a 50-foot setback from the edge of Golf Lane; and

**WHEREAS**, the Subject Property is improved with a single family residence, constructed around 1918, before the enactment of the Winnetka Zoning Ordinance and before the area was annexed to the Village of Winnetka; and

**WHEREAS**, the Subject Property is narrower at its north end than at its south end, and the residence on the Subject Property is oriented so that the front of the residence faces the north side yard and lot line, there is a parking and turn-around area in the north side yard, and access to the Subject Property is via a driveway that extends eastward from the front turnaround to Golf Lane; and

**WHEREAS**, the existing two-car garage is located slightly east and north of the residence on the Subject Property, and has a driveway that extends from its east wall to Golf Lane, although the doors to the garage provide access from the north side of the garage, via the driveway to the turnaround in front of the house; and

**WHEREAS**, due to the orientation of the house, garage and driveway on the Subject Property, the east side of the Subject Property along Golf Lane functions as a side yard; and

**WHEREAS**, the owners of the Subject Property propose to construct a second garage opposite the existing garage, on the north side of the driveway to the front turnaround; and

**WHEREAS**, except for a small enclosure for a back-up generator to be located on the north side of the proposed new garage, the new garage is designed to be a mirror image of the existing garage; and

**WHEREAS**, there are practical difficulties associated with carrying out the strict application of the Zoning Ordinance with respect to the Subject Property in that: (i) the east side yard setback is currently nonconforming in that the existing garage is set back 26.23 feet from the Golf Lane street easement; (ii) because of the curving line of the Golf Lane street easement, placing the proposed garage directly opposite the existing garage will reduce the east set back to 19.58 feet; (iii) the proposed location of the new garage is consistent with the layout of the Subject Property, as

developed; (iv) placing the garage in a conforming location would require the garage to be located either directly in front of the house, in the same general area as the turnaround, or on the south side of the house in the expansive rear yard; and (v) placing a garage in a conforming location behind the existing residence would require the removal of several large specimen trees and would require a new driveway at least 50 feet long, which would thereby increase the amount of impermeable surface on the Subject Property; 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 (i) the Subject Property is located in an area of estate properties where the standard garage capacity is more than two cars; and (ii) placing the garage in a conforming location would require the removal of mature trees, increase impermeable surface on the Subject Property, reduce usable open space and be inconsistent both with the character of the Subject Property as it has been developed and with the character of the immediate vicinity, which is characterized by large expanses of open space and yards; and

**WHEREAS**, subject to the condition stated in Section 3.A of this Ordinance, the requested variation will not alter the essential character of the neighborhood because the existing landscaping will be preserved, and the proposed location and design of the new garage will frame the entrance to the Subject Property and reduce the amount of impermeable surface on the Subject Property by eliminating the driveway to the east side of the existing garage; and

**WHEREAS**, the requested variation will not impair an adequate supply of light and air because the proposed garage will comply with the required north side yard setback, which is the only side of the property which faces an adjacent neighbor; 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**, the requested variation will not 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 property will continue to be used for single family residential purposes and will increase the amount of enclosed parking on the Subject Property; 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**, subject to the condition stated in Section 3.A of this Ordinance, the requested variation is in harmony with the general purpose and intent of the Winnetka Zoning Ordinance and with the district purpose of the R-2 Zoning District, in that it reduces the impermeable surface on the Subject Property, preserves established trees and landscaping, and maintains the estate character of the Subject Property by keeping the degree of improvements on the Subject Property subordinate to the open space.

**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:** Subject to the condition stated in Section 3.A of this Ordinance, the Subject Property, commonly known as 12 Indian Hill 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 is hereby granted a variation from the 50-foot minimum Front Yard Setback requirement of Section 17.30.050 of the Lot, Space, Bulk and Yard Regulations for Single Family Residential Districts established by Chapter 17.30 of the Zoning Ordinance, to allow an east front yard setback of 19.58 feet, resulting in a variation of 30.42 feet (60.84%), in order to permit the construction of a second detached garage with a small enclosure for a back-up generator, which, like the existing garage, would also be located nearer to the street than the principal building on the Subject Property, said construction to be in accordance with the plans and elevations submitted with the application for variations.

**SECTION 3:** The variation granted herein is subject to the following conditions:

A. The existing driveway between the east side of the existing garage and Golf Lane shall be removed.

B. The proposed construction shall commence 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 \_\_\_ day of \_\_\_\_\_, 2011, pursuant to the following roll call vote:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED** this \_\_\_ day of \_\_\_\_\_, 2011

Signed:

\_\_\_\_\_  
Village President

Countersigned:

\_\_\_\_\_  
Village Clerk

Introduced: \_\_\_\_\_

Posted: \_\_\_\_\_

Passed and Approved: \_\_\_\_\_

Posted: \_\_\_\_\_

APPLICATION FOR VARIATION  
WINNETKA ZONING BOARD OF APPEALS

Owner Information:

Name: Glo & Ron Rolighed

Property Address: 12 Indian Hill Road, Winnetka

Home and Work Telephone Number: 847-441-8570 / 312-762-6737

Fax and E-mail: (F) 847-441-8507 / grolighed@comcast.net

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

Steve Rugo / Rugo Raff Assoc.

20 W. HUBBARD ST. CHICAGO IL 60654

P: 312-464-0222 F: 312-464-0225 BGOEHLKE@RUGORAFF.COM

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

Thompson Coburn LLP

55 EAST MONROE STREET, 37th Floor

CHICAGO, IL 60603

Date Property Acquired by Owner: 3/18/08

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

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

The requested variation is to provide relief from a reassessed side yard, along a former private drive, currently deemed a front yard imposing a 50'-0" front setback. The variance requested would relieve the 50'-0" setback as required under current Zoning Ordinance. The proposed work would result in a 26'-6" setback at its closest tangent point to the property line.

OFFICE USE ONLY

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

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



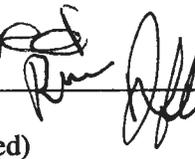
**STANDARDS FOR GRANTING OF ZONING VARIATIONS**

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

1. The property in question can not yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone.
2. The plight of the owner is due to unique circumstance. Such circumstances must be associated with the characteristics of the property in question, rather than being related to the occupants.
3. The variation, if granted, will not alter the essential character of the locality.
4. An adequate supply of light and air to the adjacent property will not be impaired.
5. The hazard from fire and other damages to the property will not be increased.
6. The taxable value of the land and buildings throughout the Village will not diminish.
7. The congestion in the public street will not increase.
8. The public health, safety, comfort, morals, and welfare of the inhabitants of the Village will not otherwise be impaired.

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

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

\* See Attached  
Property Owner's Signature:  Date: 02.09.11

(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.**

## **STANDARDS FOR GRANTING OF ZONING VARIATIONS**

- 1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone.**

We have a need for additional garage as allowed by the Village of Winnetka, however due to a change in zoning our property consists of more than three fronts creating a challenge for location.

- 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.**

The unique circumstance of our property is that over  $\frac{3}{4}$  of the property is considered "the front" of the house. This dramatically reduces the options for positioning an additional garage. Since the front of our house faces north, but the house is actually viewed from the south along Indian Hill Golf Course, putting a garage there would be unsightly and less desirable from an architectural and historical standpoint.

In the front, or north side, of our house there is a particularly large, American Elm tree, measuring approx. 11ft. 8in. in diameter, that we wish to preserve thereby limiting further the location of an additional garage.

On the East side of the house, there are three specimen trees that the Village Forester, Jim Stier, has informed us are extremely valuable and should not be moved. This further limits the use of the property.

In addition, it should be noted that the house was built in 1918 on what was considered a private lane (Golf Lane). Today's standards have re-assessed the east side of 12 Indian Hill Road as "front" whereas it used to be considered a side yard. This is further evidenced by the fact that Golf Lane is split down the center and is actually part of the legal properties at 12 Indian Hill Road and 11 Indian Hill Road. Furthermore, Golf Lane is not maintained by the Village of Winnetka. In addition, there is a legal, private gate that was added to actually restrict traffic along the lane (Golf Lane). Only those properties having easement rights are legally allowed egress.

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

Great care has been taken to restore the current home. The additional garage would be in keeping with other properties in this area. The character of the new garage would be in keeping with our 1918 home.

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

There would not be any adverse situation regarding light and air as a result of this addition to the property.

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

There would be no additional hazard from fire or otherwise as a result of this addition.

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

No. The taxable value of land and buildings throughout the Village will not diminish.

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

No. Congestion in public streets will not increase.

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

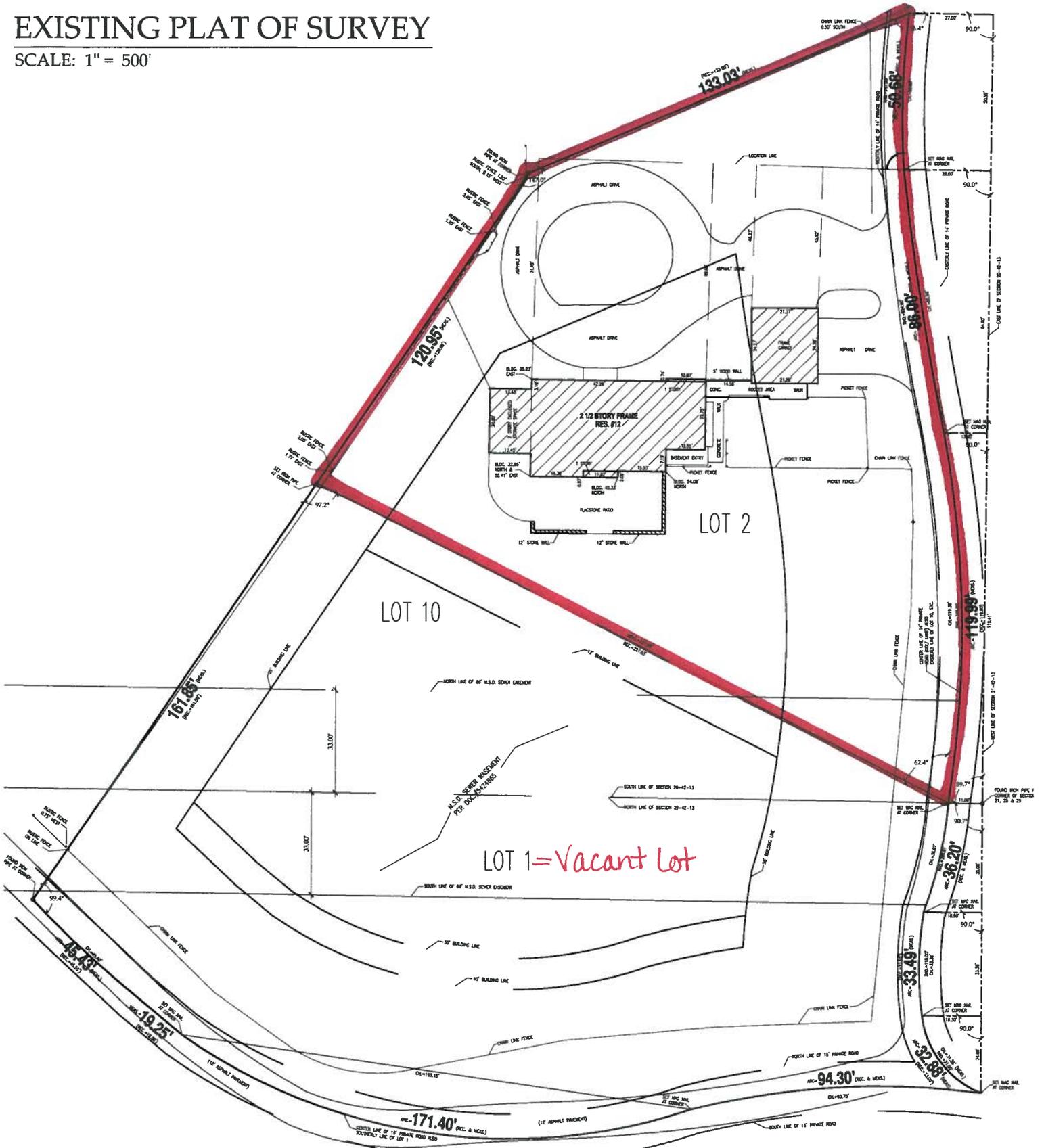
No. The public health, safety, comfort, morals and welfare of the inhabitants of the Village will not otherwise be impaired by this variance.

Property Owner's Signature: Neena Aff Date: 1/30/11

Property Owner's Signature: Gloria E. P. [Signature] Date: 1/30/11

# EXISTING PLAT OF SURVEY

SCALE: 1" = 500'



LOT 1 = Vacant Lot

AREA LOT 1 = 39,911 SQ. FT.  
 AREA LOT 2 = 30,138 SQ. FT.  
 TOTAL AREA = 70,049 SQ. FT.  
 AREA LOT 1 EXCLUDING ROADWAY EASEMENT = 36,713 SQ. FT.  
 AREA LOT 2 EXCLUDING ROADWAY EASEMENT = 28,364 SQ. FT.  
 TOTAL AREA EXCLUDING ROADWAY EASEMENT = 65,077 SQ. FT.



TO BE CERTIFIED THAT THE BUILDINGS ON LOT SHOWN ARE WITHIN THE BOUNDARY LINE AND THAT THE ADJOINING IMPROVEMENTS DO NOT ENCRUMB OR OBTAIN PRIORITY OVER SAID LOTS.

TO BE CERTIFIED THAT WE HAVE CORRECTED THE ABOVE DESCRIBED PROPERTY AND THE SHOWS THE CORRECTLY RECORDED AND CORRECTED SURVEY INFORMATION FOR THE CURRENT STATE OF ILLINOIS.

The description on this plat was provided to us by the client, and does not guarantee accuracy, and should be compared to your deed, Abstract or Certificate of Title. We warrant only that the plat was prepared in accordance with the laws of the State of Illinois, and that the plat was prepared in accordance with the laws of the State of Illinois.

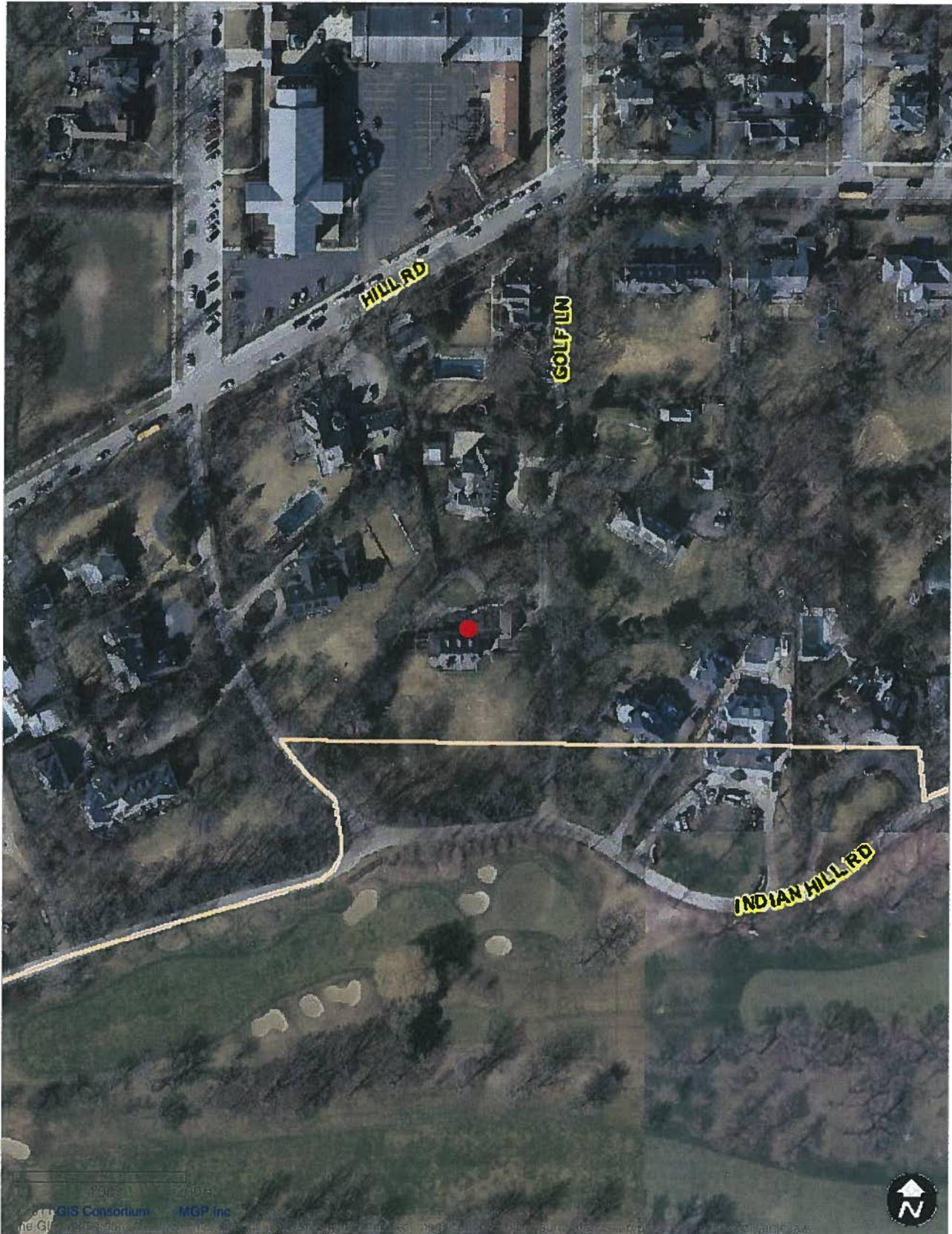
**B.H. SUHR & COMPANY, INC.**

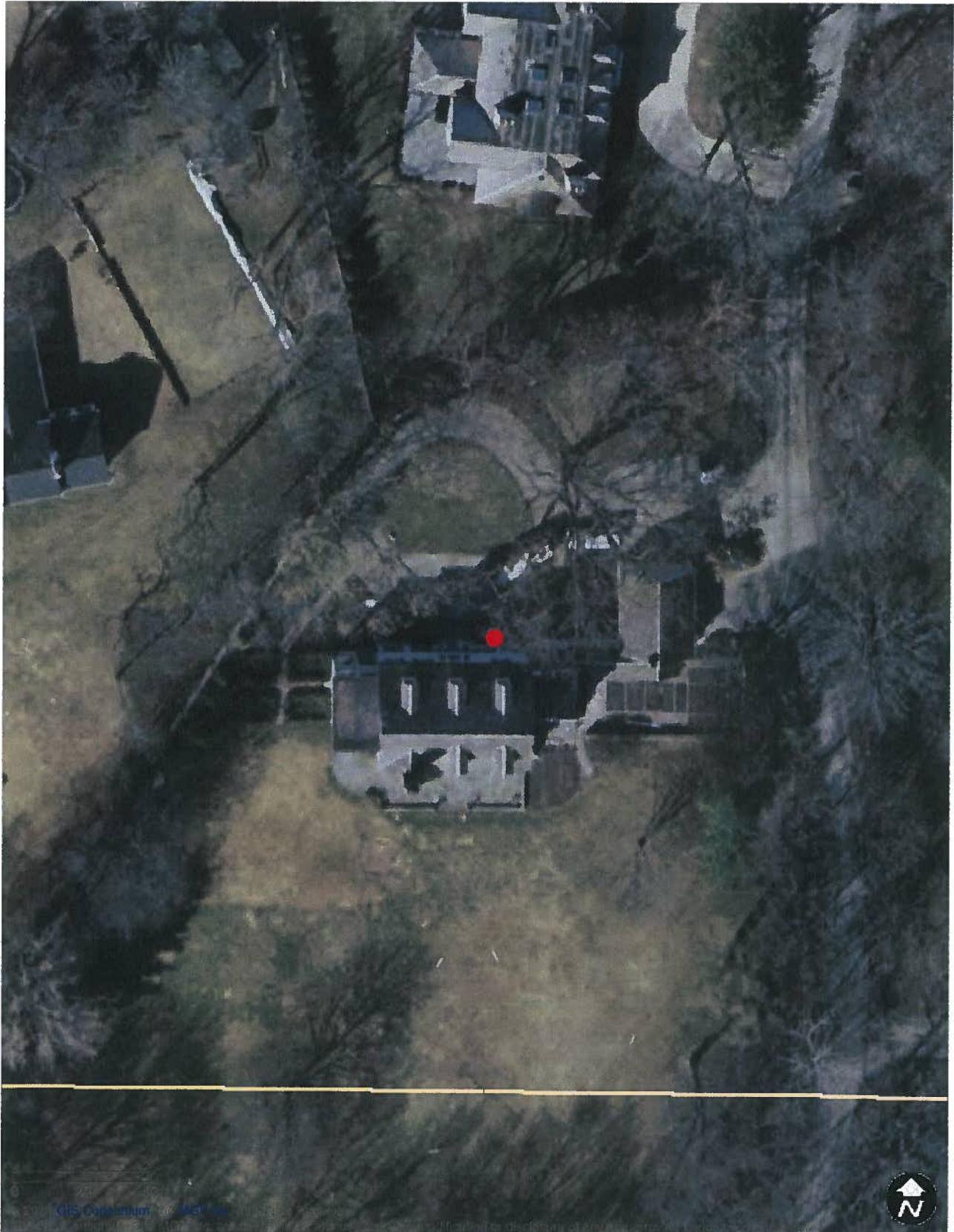
B.H. SUHR  
 SURVEYOR  
 840 CUSTER AVENUE, EVANSTON, ILLINOIS 60202  
 TEL: (847) 864-0215 FAX: (847) 864-9041  
 E-MAIL: SURVEY20@SUHR.COM

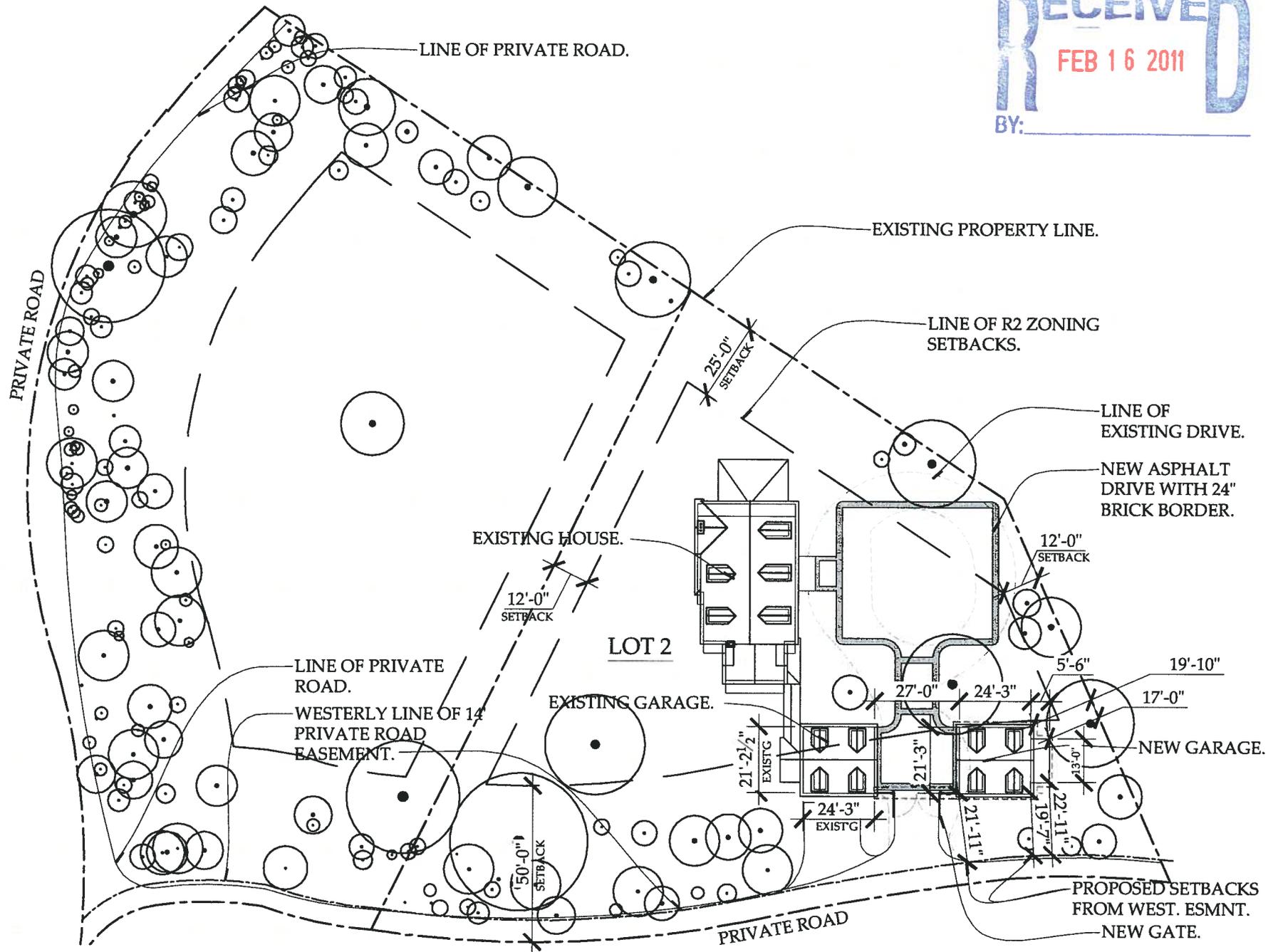
DATE: 07 FROM: 482 SURVEYED: JANUARY 11, 08  
 SHEET NO. 07-482 SURVEYED BY: PETER HASTING



MapOffice™ 12 Indian Hill Rd.

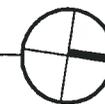


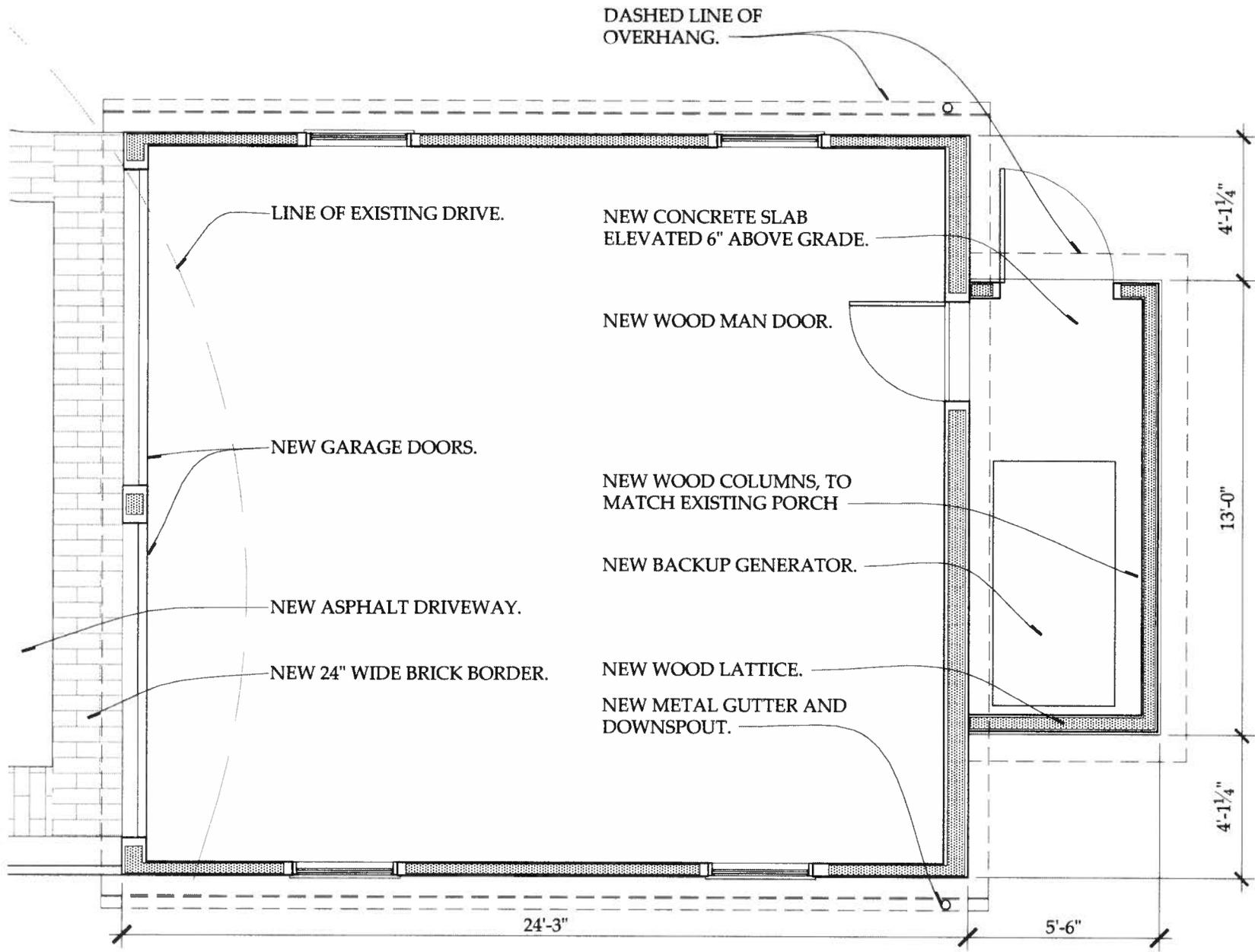




**PROPOSED SITE PLAN**

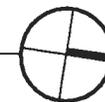
SCALE: 1" = 500'



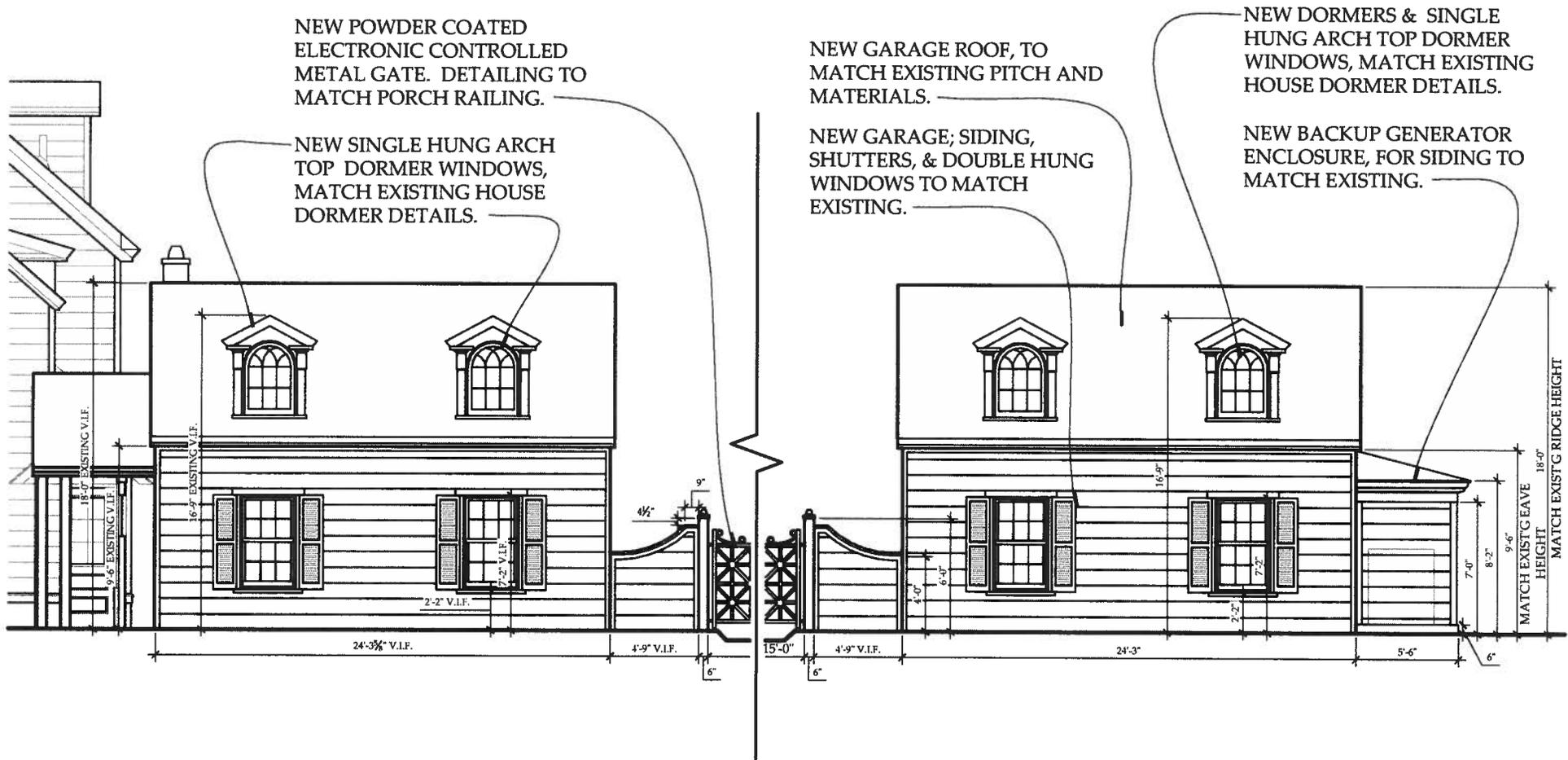


# PROPOSED GARAGE PLAN

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



#1009  
**RUGO RAFF**  
 02.17.11 Architects



# EAST ELEVATION

SCALE: 1/8" = 1'-0'

NEW GARAGE ROOF, TO  
MATCH EXISTING PITCH AND  
MATERIALS.

NEW GARAGE; SIDING, TO  
MATCH EXISTING.

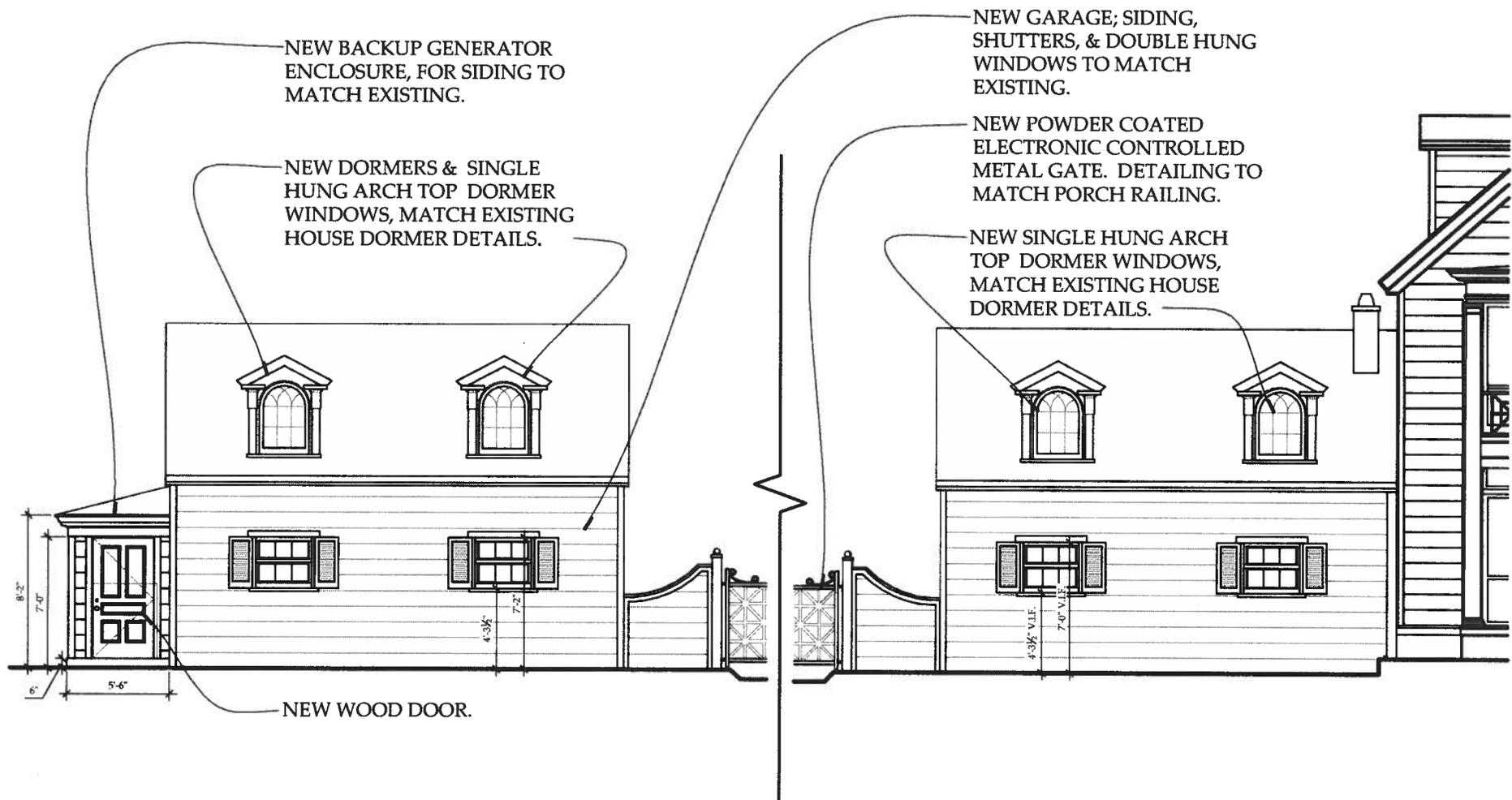
NEW BACKUP GENERATOR  
ENCLOSURE, FOR SIDING TO  
MATCH EXISTING.

EXISTING DORMER.



## NORTH ELEVATION

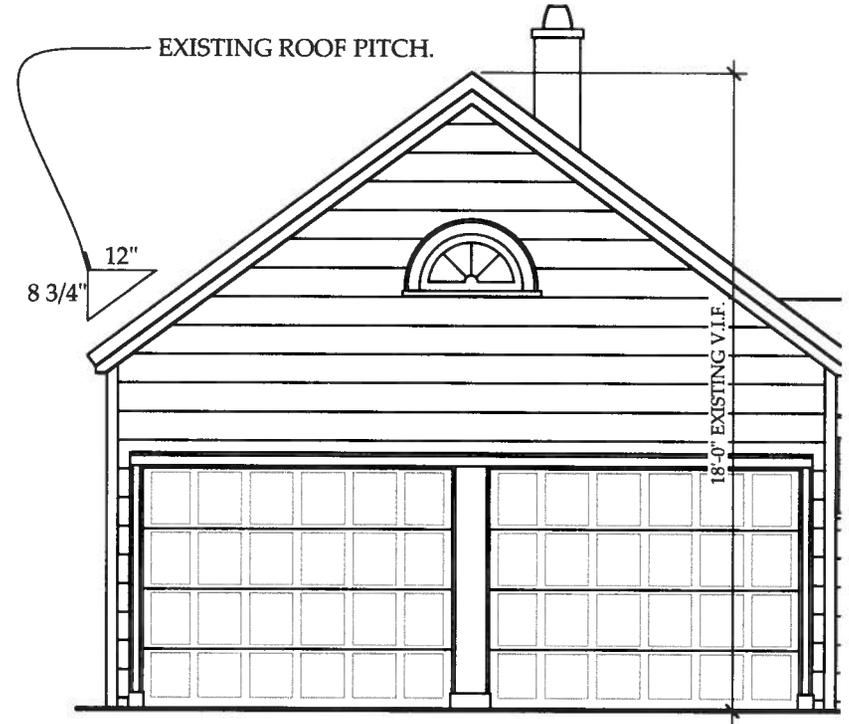
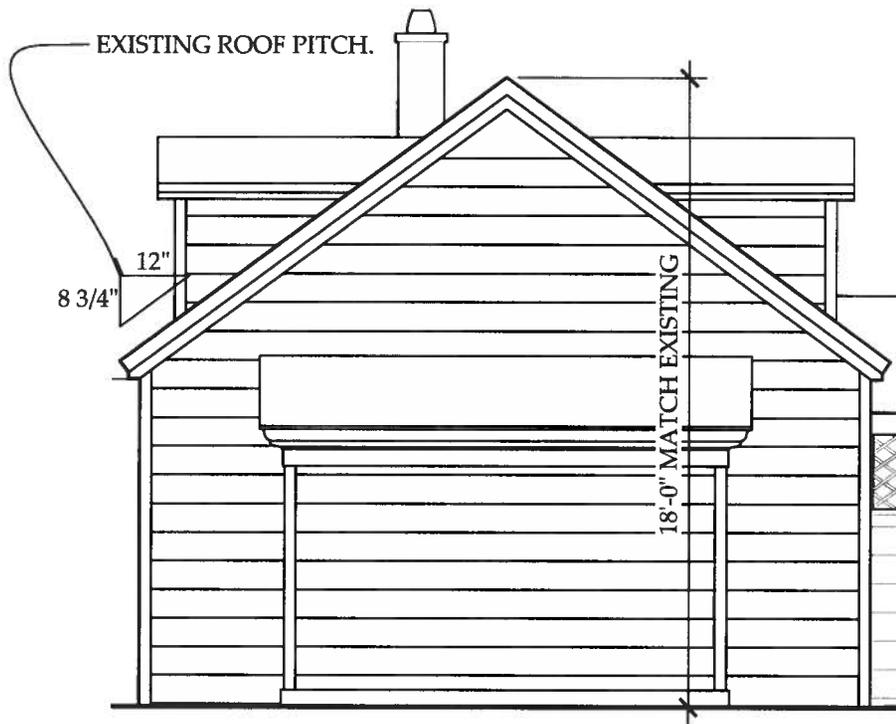
SCALE: 1/8" = 1'-0"



# WEST ELEVATION

SCALE: 1/8" = 1'-0"

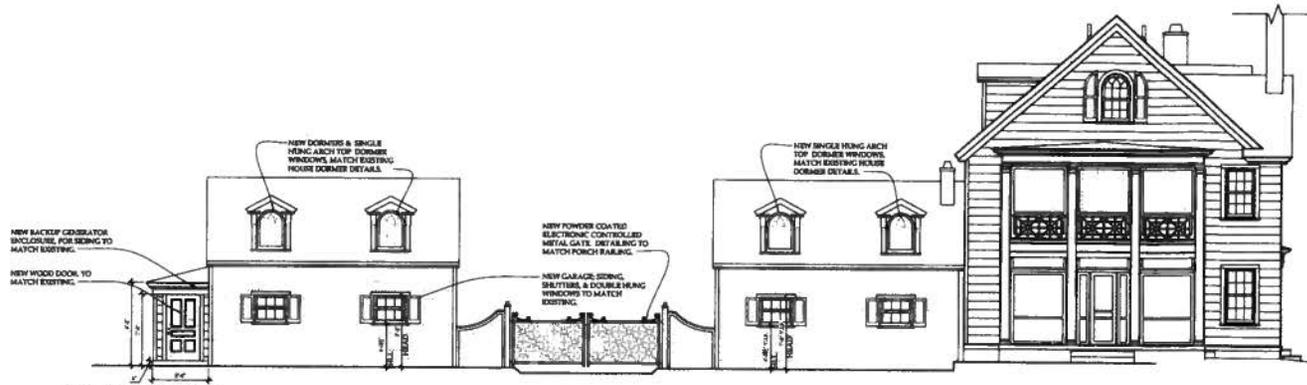
#1009  
02.17.11 **RUGO RAFF** Architects



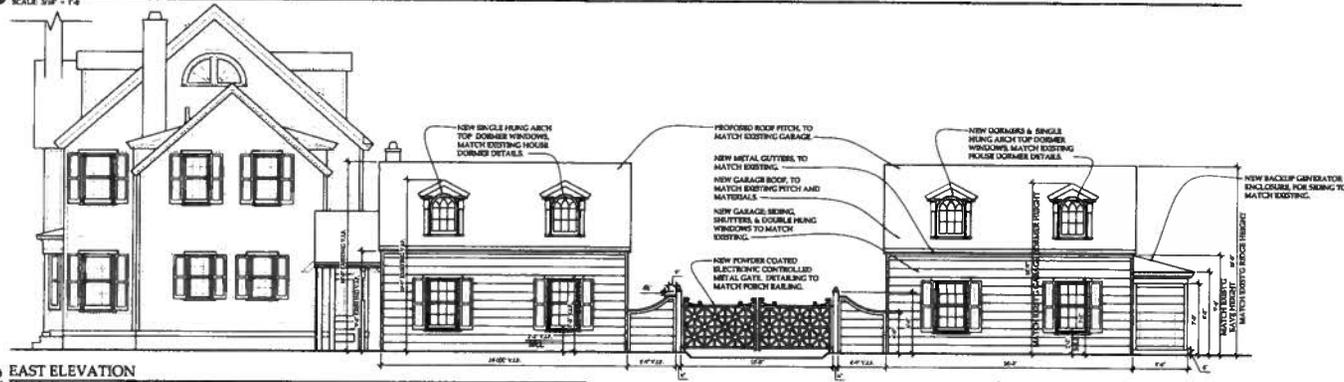
**NORTH ELEVATION- Proposed & Existing Roofline**

SCALE: 3/16" = 1'-0"

#1009  
**RUGO RAFF**  
 Architects



**3 WEST ELEVATION**  
SCALE 3/16" = 1'-0"



**2 EAST ELEVATION**  
SCALE 3/16" = 1'-0"



**1 NORTH ELEVATION**  
SCALE 3/16" = 1'-0"



**4 EXISTING DORMER**


3.17.11 ISSUED FOR ZONING  
3.28.11 ISSUED FOR ZONING

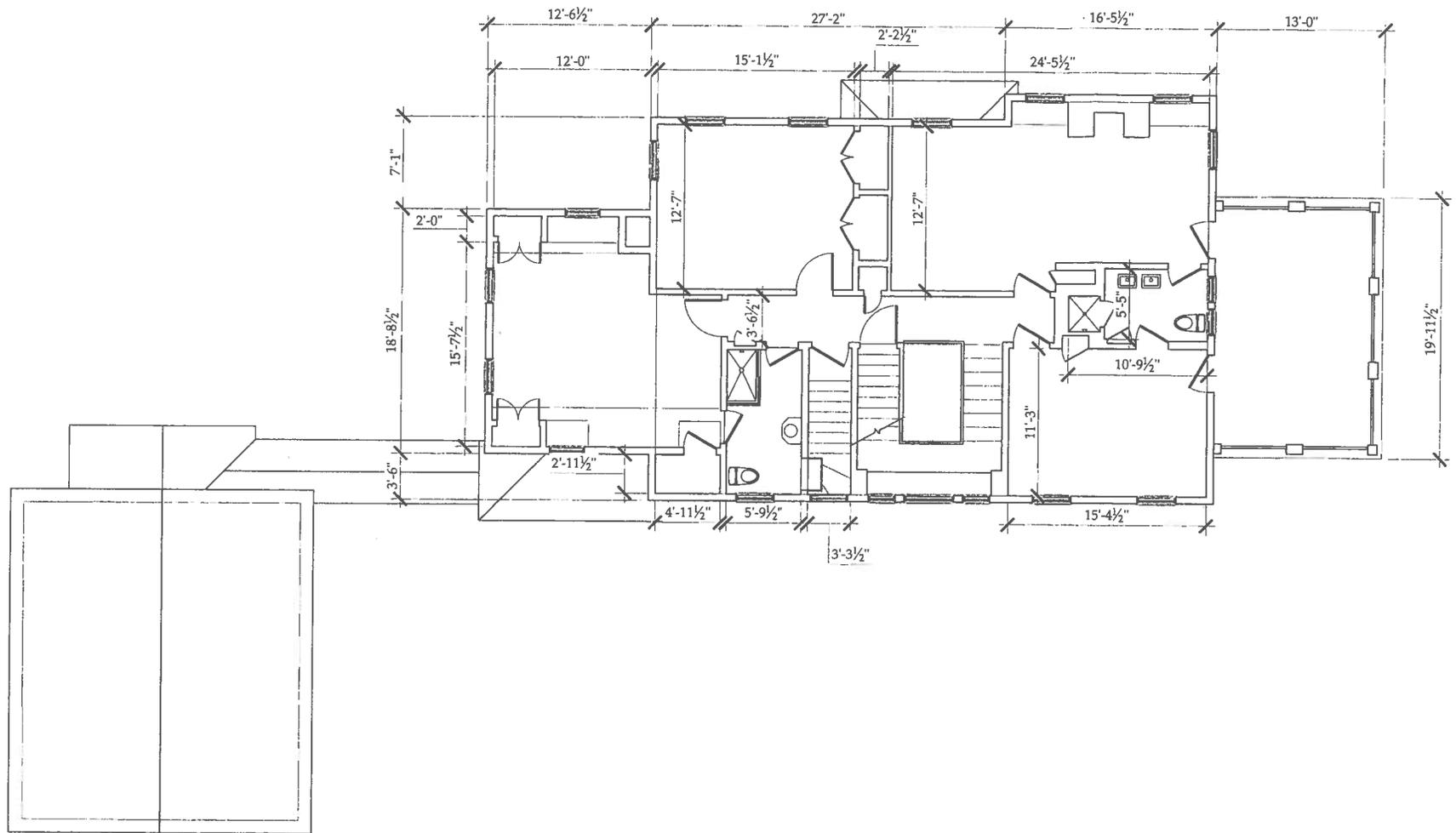
**12 INDIAN HILL ROAD**  
Winnetka, Illinois

**RUGO RAFF Architects**  
5000 BARR LN  
Winnetka, IL 60093  
Phone: 847.424.4400  
Fax: 847.424.4400

PROPOSED ELEVATIONS

#1009 **A2.1**





EXISTING SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"



# EXISTING NORTH ELEVATION

SCALE: 1/8" = 1'-0"



## EXISTING WEST ELEVATION

SCALE: 1/8" = 1'-0"



EXISTING DORMER



EXISTING GARAGE EAST



EXISTING GARAGE SOUTH WEST

## EXISTING PHOTOS

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**WINNETKA ZONING BOARD OF APPEALS  
APRIL 11, 2011**

**Zoning Board Members Present:** Joe Adams, Chairman  
Mary Hickey  
Joni Johnson  
Carl Lane  
Jim McCoy  
Scott Myers

**Zoning Board Members Absent:** None

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

**Village Attorney:** Kathy Janega, Village Attorney

**Agenda Items:**

Case No. 11-07-V2: 12 Indian Hill Road  
Ron and Glo Rolighed  
Variation by Ordinance  
1. Front Yard Setback

**Minutes of the Zoning Board of Appeals  
April 11, 2011**

**12 Indian Hill Road, Case No. 11-07-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 Glo and Ron Rolighed concerning a variation by Ordinance from Section 17.30.050 [Front and Corner Yard Setbacks] of the Winnetka Zoning Ordinance to permit the construction of a detached garage, which will be located closer to the street than the principal building, that will result in a front yard setback from Golf Ln. of 19.58 ft., whereas a minimum of 50 ft. is required, a variation of 30.42 ft. (60.84%).

Mr. Myers left the meeting at this time.

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

Glo Rolighed introduced herself to the Board as the property owner. She informed the Board that she spoke with Jennifer of Brian Norkus’ office to discuss the request so that she did not waste anyone’s time. Mrs. Rolighed stated that she grew up in the Village and that she is a real

estate agent. She stated that the home was previously owned by the parents of her good friend. Mrs. Rolighed stated that they would love to have an additional garage and that the problem related to where the garage would fit and look appropriate with the property, which would be outside of the zoned area.

Mrs. Rolighed stated that when the home was designed, the lane was meant to be private. She stated that there are gates that they can legally close and that the Village did not maintain that road. Mrs. Rolighed stated that they took care to make sure that the garage would be in keeping with the neighborhood and the home. She informed the Board that the home was built in 1918 and that they have spoken with all of the neighbors who are very much in support of the request. Mrs. Rolighed commented that it would be wonderful for them and that it would be great for them to be able to store their third car in the new garage as opposed to storing it offsite since there is minimal parking on the street.

Chairman Adams asked Mrs. Rolighed and the architect where a conforming location for the garage would be and whether that alternative was considered or rejected.

Steve Rugo of Rugo Raff & Associates, 20 W. Hubbard in Chicago, informed the Board that the only conforming location would be in front of the home. He then referred to an illustration to identify the location.

Mrs. Rolighed informed the Board that Jim Stier (Village Forester) came to the property to assess the trees and the entire yard and told them that the only three specimen trees are those located to the east of the home.

Chairman Adams asked the applicant if the garage could be moved to the left and connected to the home.

Mr. McCoy also asked if the garage could be attached to the home.

Mrs. Rolighed informed the Board that the architect who designed the home is the same architect who designed the Indian Hill Country Club and that there is some significance there, even though it is not a landmark and has been modified over the years. She stated that it represented an aesthetical and architectural situation and that currently the home is very balanced in the front. Mrs. Rolighed stated that if the garage is located in another area, it would create a very heavy block feel in the front.

Chairman Adams and Ms. Johnson asked about adding a one car bay.

Mrs. Rolighed stated that they are not interested in doing a one car addition.

Mr. Rugo stated that they are fairly tight with regard to the width for the vehicles in the garage. He then identified the setback line for the Board. Mr. Rugo stated that they wanted to do what made sense in terms of the visual aspect and aesthetics although that is not within the Board's purview. He added that the trees would not be impacted with this proposal and that it would be

located on the existing driveway. Mr. Rugo stated that the addition of a bay between the home and the existing garage would not be a good option.

Ms. Johnson questioned the turning radius between garages.

Mr. Rugo described it as tight and that after measuring it, it would be the same as any one-way shopping center traffic lane.

Chairman Adams asked if there would be a parking pad.

Mr. Rugo responded that there would not.

Mrs. Rolighed identified their property line and that they considered consolidating the two lots. She stated that if they were to do that, they would have to annex the lot into the Village and that the south lot currently is not with the corporate limits.

Ms. Johnson referred to the zoning matrix and questioned the reduction in impermeable lot coverage.

Chairman Adams asked if there were any other questions.

Mr. D'Onofrio confirmed that the amount of impermeable lot coverage would be reduced since they would be removing a portion of the driveway.

Mr. Lane stated that as the Board discussed in the prior case with regard to reasonable return, he questioned whether a four car garage is necessary.

Mrs. Rolighed informed the Board that they currently have three vehicles.

Mr. Lane stated that the plight of the applicants cannot be associated with the owner, but with the property.

Mrs. Rolighed then stated that all of the other homes in the immediate area have at least four car garages as well as coach homes and pool homes. She also stated that in this area, a four car garage is expected and that they love the yard. Mrs. Rolighed stated that you would be dramatically shocked at how small the home is on the inside and that it appeared to be huge from the outside. She stated that the other homes are taller, bigger, etc. and that they plan on being in the home for a long time.

Mr. Rugo stated that the preponderance of parking spaces on neighboring properties is at least three for similar price points and that some have six.

Mrs. Rolighed commented that the way in which the home was designed is interesting.

Mr. Lane asked if the proposed location is the only place for the backup generator to be located.

Mrs. Rolighed responded yes and informed the Board that there are currently air conditioning units in the front of the home which she needed to hide. She stated that when the generator went off, it made a lot of noise and that their neighborhood seemed to lose power quite a bit. Mrs. Rolighed stated that with regard to the proposed location for the generator, they utilize all of the area outside of the home and that it is the best place for it.

Mr. Lane questioned the size of the garage.

Mr. Rugo stated that it would have the same footprint and the same windows and noted that the only difference is the added dormers.

Chairman Adams asked if there were any other comments. No additional comments were raised by the Board at this time.

Ms. Johnson stated that she would be in favor of the request and that the reasonable return issue has been addressed. She stated that this is an estate area with very large properties and that the norm is to have more than a two car garage. Ms. Johnson stated that the proposed plan would preserve green space and that they would be well below the maximum impermeable lot coverage and GFA. She commented that it is wonderful that they are preserving the home and that in the code and findings which the Board is to look at is to preserve the architectural heritage and try not to do teardowns.

Ms. Johnson stated that the applicants would be bringing the home up to today's standards. She stated that the Village considered the east side of the property the front and that is creating the problem in terms of a variance and that the side yard as pointed out in the application, the proposed addition would face the backyard. Ms. Johnson also stated that they would be utilizing the existing driveway which would reduce the amount of impermeable lot coverage and that if they were to locate the garage to the south, it would impact the character of the neighborhood. She stated that the hardship in this case is having 3/4 of the property considered the front yard and that a conforming location would be on the lot to the south on a non-consolidated lot, which would negatively impact the aesthetics of the neighborhood. Ms. Johnson concluded that for those reasons, she would recommend approval of the requested variation.

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

AYES: Adams, Hickey, Johnson, Lane, McCoy  
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 and Corner 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. The subject property is located in an area of estate properties where the standard garage capacity is more than two cars. The proposed two car garage, along with the existing two car garage, would bring the property up to standard with other properties in the immediate area and maintain the existing architectural character of the residence and property.
2. The plight of the applicants is due to unique circumstances which are related to the property and not the applicants. The front of the residence faces north and the existing detached garage heavily encroaches the required front yard setback measured from the private road easement of Golf Lane and is located in front of the residence. The proposed garage would be located north of the existing detached garage to form a courtyard setting while minimizing the impact on trees and preserving green space.
3. The variation, if granted, will not alter the essential character of the locality. To locate the garage in a conforming location would likely increase the impermeable lot coverage and negatively impact the neighborhood by altering the existing landscape of the lot with tree removals.
4. The proposed garage will comply with the required north side yard setback and therefore not impair the supply of light and air to the adjacent property.
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 generally an improvement to the property.
7. Congestion in the public streets will not increase. The structure will continue to be used as a single-family residence and no additional bedrooms are proposed.
8. The public health, safety, comfort, morals and welfare of the inhabitants of the Village will not be otherwise impaired.

**AGENDA REPORT**

**TO:** Village Council

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

**SUBJECT:** 1034 Ash St.  
(1) Maximum Building Size

**DATE:** May 4, 2011

The petitioners, William and Deirdre Franklin, are requesting approval of a variation by Ordinance from Section 17.30.040 [Maximum Building Size] of the Winnetka Zoning Ordinance to permit the construction of an addition that will result in a gross floor area of 4,888.58 s.f., whereas a maximum of 3,363 s.f. is permitted, a variation of 1,525.58 s.f. (45.36%).

The variation is being requested in order to construct a one-story mudroom addition. The proposed mudroom would measure approximately 15.75 ft. x 14.5 ft. with a closet measuring 2 ft. x 5.5 ft. that protrudes from the east building wall, adding 221.31 s.f. of gross floor area (GFA).

The existing residence is considered legal nonconforming with respect to GFA, with an existing GFA of 4,667.27 s.f. whereas the maximum permitted GFA is 3,363 s.f. At the time the residence was built in 1990 the basement was not included in the GFA and the residence complied with the maximum GFA. However, according to the current zoning ordinance the entire basement is included in the GFA due to the height of the first floor above grade. In 2002 the zoning ordinance was amended to require basements constructed since February 7, 1989 that have a finished first floor more than 2.5 ft. above grade to be included in the GFA. In this case the first floor is 3.75 ft. above grade. It should be noted that the proposed crawl space beneath the proposed addition is not included in the GFA.

The property is located in the R-5 Single Family Residential District. As stated above, the home was built in 1990. A subsequent building permit was issued in 2008 to remodel the kitchen and laundry room, including the addition of an interior mudroom. The petitioners purchased the property in 2008. A previous variation application, Case No. 11-02-V2, for GFA and roofed lot coverage was given a recommendation for denial by the Zoning Board on January 10, 2011. That application was withdrawn January 24, 2011. Since that time the petitioners have reduced the size of the proposed addition by 271.81 s.f. and submitted the current proposal.

In 1990 resolution R-1062-90 was approved by the Village Council granting a flood hazard variation to the subject property to permit the construction of the detached garage.

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

1034 Ash St.  
May 4, 2011  
Page 2 of 2

The Zoning Board of Appeals voted 5 to 1 to recommend denial of the variation request at their meeting April 11, 2011. An ordinance has not been drafted; the application is pending policy direction from the Council.

**Recommendation**

Provide policy direction.

## ZONING MATRIX

**ADDRESS: 1034 Ash St.**

**CASE NO: 11-06-V2**

**ZONING: R-5**

ITEM	REQUIREMENT	EXISTING	PROPOSED	TOTAL	STATUS
Min. Lot Size	8,400 SF	8,850 SF	N/A	N/A	OK
Min. Average Lot Width	60 FT	50 FT	N/A	N/A	EXISTING NONCONFORMING
Max. Roofed Lot Coverage	2,212.5 SF (1)	1,990.13 SF	221.31 SF	2,211.44 SF	OK
Max. Gross Floor Area	3,363 SF (1)	4,667.27 SF	221.31 SF	4,888.58 SF	<b>1,525.58 SF (45.36%) VARIATION</b>
Max. Impermeable Lot Coverage	4,425 SF (1)	2,911.33 SF	(20.55) SF	2,890.78 SF	OK
Min. Front Yard (North)	32.98 FT	37.02 FT	N/A	N/A	OK
Min. Side Yard (East)	6 FT	5.96 FT	6.21 FT	N/A	EXISTING NONCONFORMING
Min. Side Yard (West)	8 FT	7.09 FT	27.29 FT	N/A	EXISTING NONCONFORMING
Min. Rear Yard (South)	25 FT	93.83 FT	78.08 FT	N/A	OK

**NOTES:**

(1) Based on lot area of 8,850 SF

APPLICATION FOR VARIATION  
WINNETKA ZONING BOARD OF APPEALS

Owner Information:

Name: WILLIAM & DEIRDRE FRANKLIN

Property Address: 1034 ASH STREET

Home and Work Telephone Number: H: (847) 386-6065 O: (773) 620-3779

Fax and E-mail: deirdresfranklin@yahoo.com

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

DANIEL LESUS ARCHITECTS, PC O: (847) 550-0972

1033 HOLLY CIRCLE F: (847) 550-1075

LAKE ZURICH, IL. 60047 email: daniel.lesus@comcast.net

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

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

Date Property Acquired by Owner: 11/2008

Nature of Any Restrictions on Property: NONE

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

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

OFFICE USE ONLY

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

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



**STANDARDS FOR GRANTING OF ZONING VARIATIONS**

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

1. The property in question can not yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone.
2. The plight of the owner is due to unique circumstance. Such circumstances must be associated with the characteristics of the property in question, rather than being related to the occupants.
3. The variation, if granted, will not alter the essential character of the locality.
4. An adequate supply of light and air to the adjacent property will not be impaired.
5. The hazard from fire and other damages to the property will not be increased.
6. The taxable value of the land and buildings throughout the Village will not diminish.
7. The congestion in the public street will not increase.
8. The public health, safety, comfort, morals, and welfare of the inhabitants of the Village will not otherwise be impaired.

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

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

Property Owner's Signature: Deirdre S. Furr Date: 2/9/2011

(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.**

Wednesday, February 09, 2011

RE: 1034 Ash Street  
Franklin Residence

**Explanation of Variation Requested:**

The petitioners William and Deirdre Franklin, owners of the home located at 1034 Ash Street are requesting a variation from Section 17.30.040 (Maximum Building Size) of the Winnetka Zoning Ordinance to permit construction of a 1-story addition to the rear of their home. The proposed addition is located within all current zoning setbacks and consists of 221.35 square feet of building area. The addition will be used as a much needed mudroom for the family allowing an area for a closet, bench, and storage coming from their detached garage.

# William & Deirdre Franklin

1034 Ash Street • Winnetka, IL 60093 • Phone: 847.386.6065 • Cell: 773.620.3779 • E-Mail: deirdresfranklin@yahoo.com

February 9, 2011

Department of Community Development  
Village of Winnetka  
510 Green Bay Road  
Winnetka, IL 60093

Dear Zoning Board of Appeals Members:

Enclosed please find the revised Application for Zoning Variation for our home at 1034 Ash Street in Winnetka. We are seeking a variance to add a one-floor mudroom to the rear of our existing home, where the existing deck is located. We have made significant changes to the original proposed addition in an attempt to accommodate the Board and neighbor comments from the January ZBA meeting. We eliminated the roofed lot coverage variation, decreased the overall size of the room, and eliminated the masonry fireplace.

We have looked at various alternatives within our home to relocate the breakfast area or create a mudroom at a different entrance. Our proposed mudroom will allow us to open up the breakfast area and allow us to have a mudroom built to today's home standards, which is the only solution we can find. We believe the size of proposed mudroom is warranted based on our detached garage, and the rear of the home being our only regular method of entry since we do not have a driveway.

We are seeking what appears to be an extraordinary request, when in actuality, it is very modest. At the time the home was built, it would have satisfied the code. Since the FAR was amended to include basements whose first floors are greater than 2.5 feet above ground level, it no longer complies with the ordinance. The basement now makes up the entire variation request. We are adhering to setback, building height, roofed lot coverage and impermeable surface requirements. In addition, we worked with the Village to ensure that the home will not contribute to any flood plain issues.

In cases like this, the home was built many years ago and a nonconformity can't be corrected without tearing it down, which the Board should consider to be a practical difficulty and contributes to an unfortunate hardship.

The proposed construction would be both functional and aesthetically pleasing, as the additional lot coverage would be added at the rear of the home. We worked hard to keep the proposed construction from adversely affecting any neighbors and the proposed construction would not take away from the appeal of the front of the home. We do not believe it will impede on the adjacent property or create any undue congestion in the Village.

We appreciate the Board's consideration in this matter.

Sincerely,



Deirdre S. Franklin

William H. Franklin

Wednesday, February 09, 2011

RE: 1034 Ash Street  
Franklin Residence

**Standards for Granting of Zoning Variation:**

- 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.**

When the existing home was purchased in 2008, the home did not have a mudroom or any closet area at the back of the home for the family to use when they enter the home from the detached, rear garage. The home was on the market for quite some time and was finally purchased at a discounted price based on the fact that there was no mudroom.

Immediately after purchase, the homeowner's applied for permit to remodel the existing kitchen. They decided to take space from the kitchen and breakfast nook in order to create a temporary closet area for coat storage with the intention to construct a mudroom addition in the future when finances made more sense. Designing within the existing exterior walls, the small closet greatly squeezed the breakfast nook between the hall, kitchen, and family room, thus creating an area of congestion in the breakfast room and not allowing sufficient room for the family around the table.

The use of a spatial mudroom has become a requirement in today's lifestyles. Winnetka residences expect an adequate space to allow for storage and an area to allow an area to stop the exterior elements from entering the home. Not having a usable mudroom is a great liability to the home, especially with a detached garage.

- 2. The plight of the owner is due to a unique circumstance. Such circumstances must be associated with the characteristics of the property in question, rather than being related to the occupants.**

Past amendments to the Zoning Code have created a unique circumstance for this residence and creates a hardship for the owner. When the existing 2-story residence was built in 1990, the Village of Winnetka Zoning Code allowed for the elevation of the first floor in its current position and did not include the basement in the gross floor area (GFA). The original zoning analysis conducted by the Village of Winnetka during permitting concluded that the home falls 294.20 square feet below the permitted gross floor area, thus allowing for future improvements (see Zoning Analysis Summary Sheet dated 8/23/90).

In 2002, amendments to the Zoning Code automatically put a hardship on this property and instantly created the plight of the owner. The largest change reduced the allowable finished first floor elevation from grade from 4'-0" to 2'-6", thus automatically including the basement in the GFA. What was allowed and legal during construction, was now non-conforming with no options considering existing homes of this kind offered by the Village. The home instantly went from a conforming lot with 294.20 square feet left for improvements, to a non-conforming lot exceeding the GFA by approximately 1,304 square feet. This is unique to homes that have their first floor

slightly elevated above grade because it makes them instantly non-conforming. The only remedy to become conforming would be to tear down the existing home because all of these homes are greatly over the allowed GFA. A typical 2-story home in which the allowable GFA is split equally between floors would automatically be 50% over the allowed GFA because the basement is now included in the calculation.

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

Many homes on this street have their first floor raised off the ground similar to this property. The proposed one-story addition is completely located in the rear of the existing two-story home, within the depth of the existing deck and is screened from view from the street. The variation, if granted, will have no effect on the character of the neighborhood.

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

The proposed one-story addition is located in the rear of the property along the east property line. Per the Village of Winnetka's "Building Line Articulation", the addition is set back 2'-0" from the existing home wall on the east side, thus increasing the distance between the two homes.

The proposed 1-story addition closely matches the finished floor elevation of the neighboring home to the east and will not impair an adequate supply of light and air to the adjacent properties. In fact, the addition will be significantly lower than existing trees located between the homes.

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

The proposed one-story addition is located within the allowed setback from the property line by the building code and poses no increased hazard from fire and other damages to the property.

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

The proposed addition is consistent with the allowable use of the building and will not diminish the taxable value of the land and buildings throughout the Village. In fact, the addition will enhance the property and taxable values.

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

The proposed changes to the single-family residence are for the use of the inhabitants, thus there will be no increase in traffic congestion.

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

The current use of the building is single-family and will remain unchanged. Therefore, the addition will not impair the public health, safety, comfort, morals, and welfare of the inhabitants of the Village.

ZONING ANALYSIS SUMMARY SHEET

DATE ANALYSIS PREPARED 8/23/90 ANALYSIS PREPARED BY M. NIELSON

CHECKED BY \_\_\_\_\_

PROPERTY ADDRESS 1034 ASH ST. ZONING DISTRICT A-1 (1/6)

FLOOD PLAIN? NO\* see back page

LOT AREA (EXCLUDING ROADWAY EASEMENTS) 8850 <sup>±</sup> SQ. FT.

MAX. LOT DEPTH 177 FT. AVERAGE LOT WIDTH 50 FT.

MAX. PERMITTED FAR .42 FAR BONUS APPLICABLE? NO

NATURE OF APPLICABLE FAR BONUS N/A

MAX. PERMITTED GROSS FLOOR AREA 3717 SQ. FT.

MAX PERMITTED LOT COVERAGE (BLDGS. & ROOFED AREAS) 2212.5 SQ. FT.

MAX PERMITTED LOT COVERAGE (OTHER IMPERMEABLE SURFACES) 2212.5 SQ. FT.

MIN. REQUIRED FRONT SET-BACK 36.8 FT. AVERAGE OF BLOCK? YES

CORNER LOT RELIEF? —

OTHER RELIEF? —

MIN. REQUIRED CORNER SET-BACK — FT. CORNER LOT RELIEF? —

MIN. REQUIRED 3RD. STREET SET-BACK — FT

MIN. REQUIRED REAR YARD SET-BACK 25 FT.

MIN. REQUIRED SIDE YARD SET-BACK 6 FT. % SIDE YARDS APPLICABLE? —

MIN. REQUIRED SIDE YARD BALANCE 6 FT.

MIN. SIDE YARD OF PROPERTY DECLARED? NO WHICH SIDE? —

HEIGHT OR STORY BONUS APPLICABLE? NO

EXISTING NON-CONFORMITIES? NO

NATURE OF EXISTING NON-CONFORMITIES N/A

PREVIOUSLY GRANTED VARIATION(S) (INCLUDING FLOOD PLAIN)? YES

Z.B.A. CASE #(S) AND NATURE OF VARIATION(S)

R-1062-90 Flood Hazard Variation granted  
by Village Council on 8/7/90

NOTE: ATTACH PLAT OF SURVEY AND CALCULATIONS TO THIS FORM AND INDICATE THEREON THE VARIOUS REQUIRED SET-BACKS APPLICABLE TO THE PROPERTY.

1034

STEP 7

Using the proposed Plot Plan, calculate the proposed impermeable surfaces, other than buildings and roofed areas.

STEP 8

Add all of the figures calculated in Steps 2, 4, 6 and 7. Compare the total square feet devoted to impermeable surface coverage with the allowable lot coverage for impermeable surfaces calculated in Step 5.

Maximum Lot and Impermeable Coverage Calculations

Lot Area = 50.0 x 177.0 = 8850.0 sq. ft.

25% x  $\frac{50.0 \times 177.0}{\text{Lot Area}}$  = Maximum Allowable Lot Coverage for Buildings and Roofed Areas = 2212.5 sq. ft.

Existing Lot Coverage  $\frac{\text{roofed areas}}{\text{roofed areas}}$  +  $\frac{\text{overhang for eaves if greater than 18"}}$  = sq. ft.

Proposed Lot Coverage  $\frac{\text{Building 43.0 x 36.5 = 1569.5}}{\text{Front Porch 4.0 x 8.0 = 32.0}}$  +  $\frac{\text{Garage 20.0 x 22.0 = 440.0}}{\text{overhang for eaves if greater than 18"}}$  = 2041.5 sq. ft.

50% x  $\frac{8850.0}{\text{Lot Area}}$  = Maximum Allowable Lot Coverage for all Impermeable Surfaces = 4425.0 sq. ft.

*Bays 36.8*  
*G'house 4*  
*2078.3*  
*+ 4*  
*= 2082.3*

Existing Impermeable surfaces (including buildings and roofed areas) = sq. ft.

Proposed Impermeable surfaces (including buildings and roofed areas) Buildings 2041.4 Conc. walks 1041.5 = 3083.0 sq. ft.

*36.8*  
*3119.8*

BULK/FLOOR AREA CALCULATIONS

To determine a property's maximum permitted gross floor area relative to its lot area, please follow steps one through six on the following sheets labeled guidelines for calculating gross floor area ratio.

*P. H. H. H. H. H.*

FLOOR AREA RATIO/LOT COVERAGE CALCULATION SHEET

ADDRESS 1034 Ash Street

Proposed  
FIRST FLOOR AREA (EXISTING)

<u>PIECE #</u>	<u>DIMENSIONS</u>	<u>AREA</u>
----------------	-------------------	-------------

43.0 x 36.5 = 1569.5

Garage 20.0 x 22.0 = 440.0

Only 40.0 sq.ft. applies to FAR

Bays  $2(2.83 \times 6.5) = 36.79$

Proposed  
~~EXISTING~~ TOTAL: 1609.5

+ 36.79  
1642.29

FIRST FLOOR AREA (ADDITIONS)

<u>PIECE #</u>	<u>DIMENSIONS</u>	<u>AREA</u>
----------------	-------------------	-------------

TOTAL ADDITIONS: \_\_\_\_\_

PROPOSED FIRST FL. TOTAL: 1609.5

1642.29

FLOOR AREA RATIO/LOT COVERAGE CALCULATION SHEET

ADDRESS 1034 Ash Street

Proposed  
SECOND FLOOR AREA (EXISTING)

PIECE #                      DIMENSIONS                      AREA

43.0 x 36.5 = 1440.5

Proposed  
EXISTING TOTAL: 1569.5

SECOND FLOOR AREA (ADDITIONS)

PIECE #                      DIMENSIONS                      AREA

TOTAL ADDITIONS: \_\_\_\_\_

PROPOSED 2ND. FLOOR TOTAL: 1569.5

FLOOR AREA RATIO/LOT COVERAGE CALCULATION SHEET

ADDRESS 1034 Ash Street

Proposed  
ATTIC FLOOR AREA (EXISTING)

<u>PIECE #</u>	<u>DIMENSIONS</u>	<u>AREA</u>
----------------	-------------------	-------------

Area calculated as above 7'-0"

$11.5 \times 18.0 = 207.0$

Proposed  
~~EXISTING~~ TOTAL: 207.0

ATTIC FLOOR AREA (ADDITIONS)

<u>PIECE #</u>	<u>DIMENSIONS</u>	<u>AREA</u>
----------------	-------------------	-------------

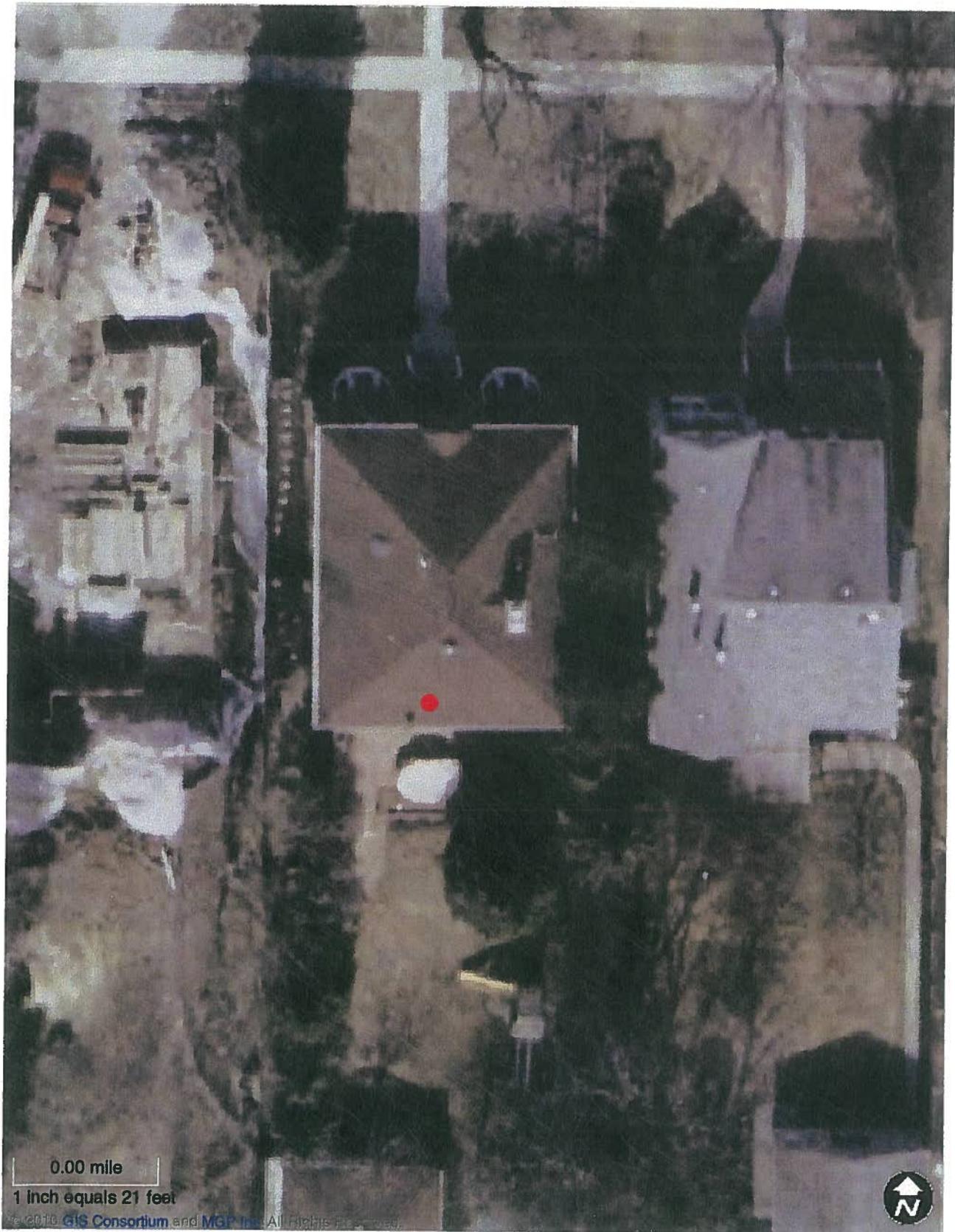
TOTAL ADDITIONS: \_\_\_\_\_

PROPOSED ATTIC FL. TOTAL: 207.0



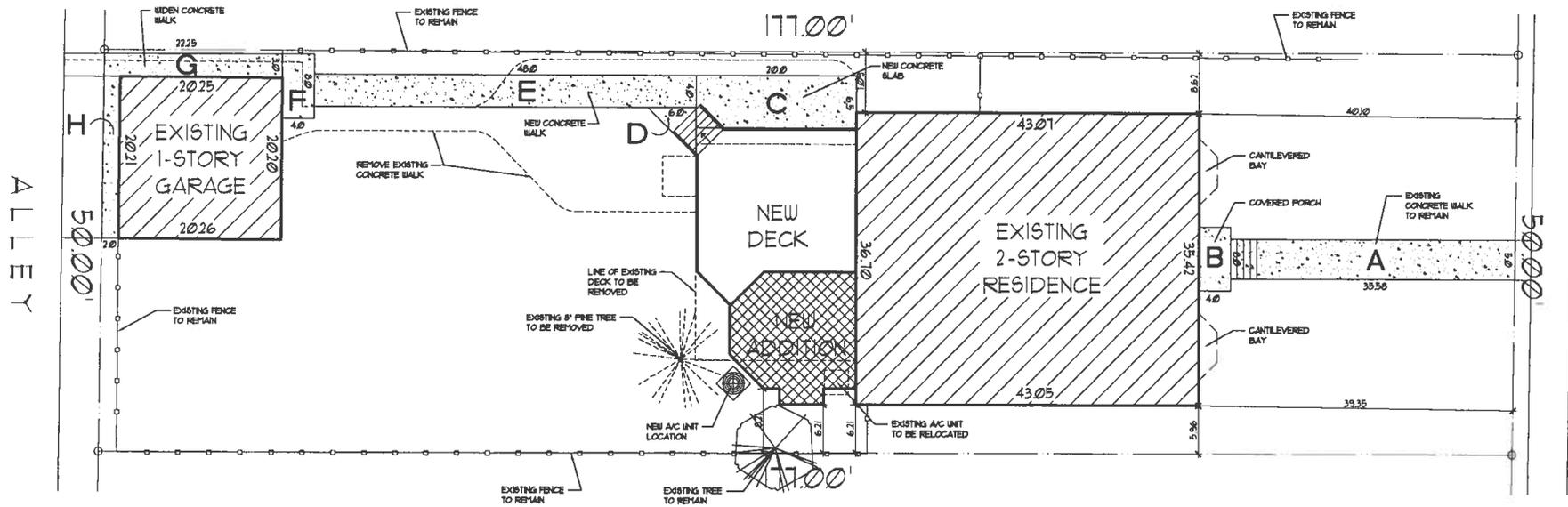








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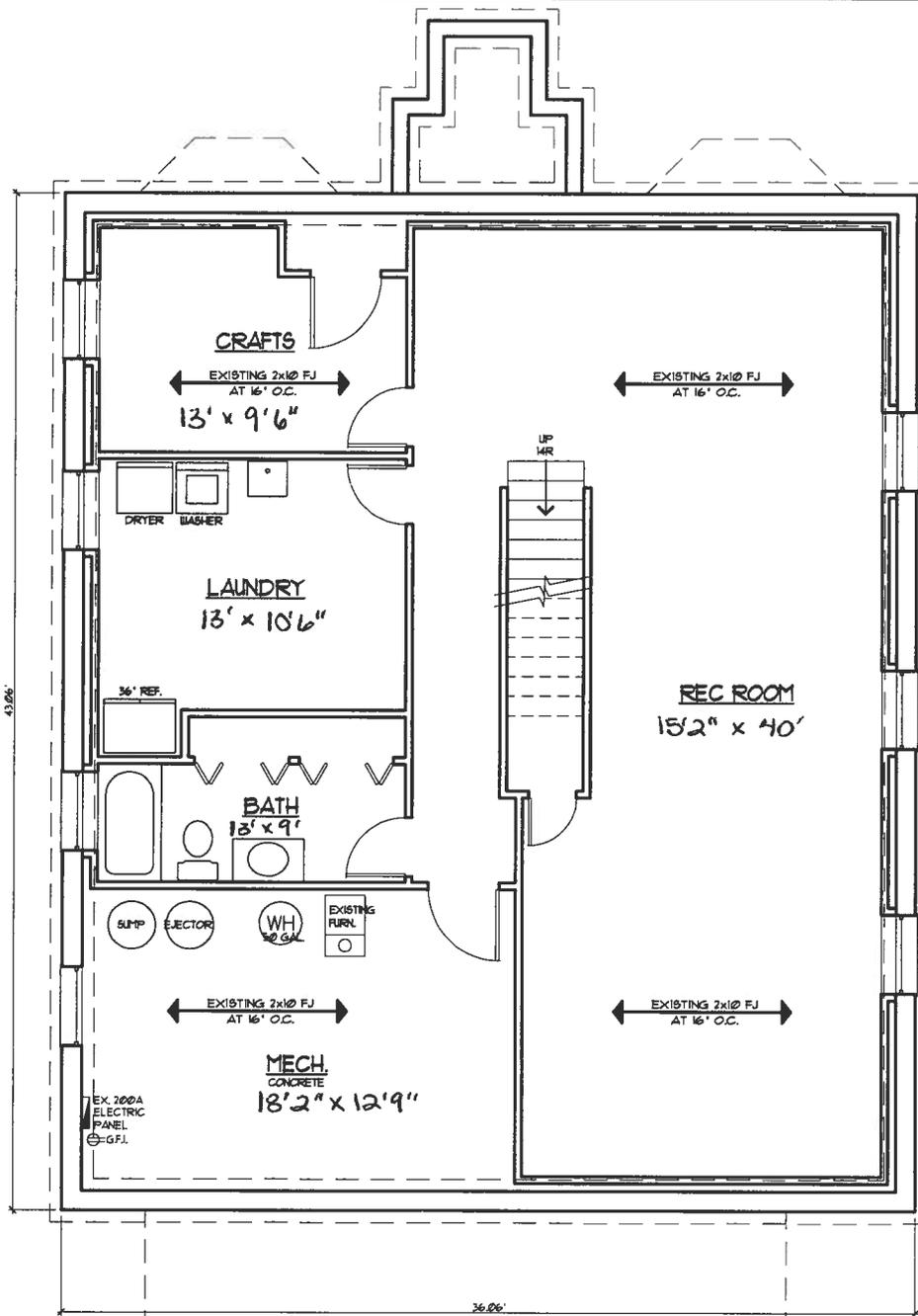


ARCHITECTURAL  
SITE PLAN  
SCALE: NT5

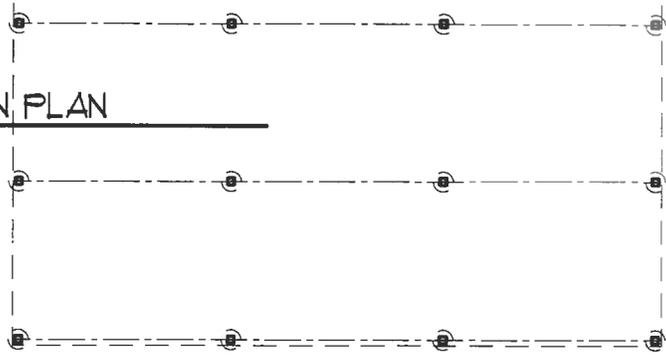
FRANKLIN ADDITION  
1034 ASH STREET  
WINNETKA, ILLINOIS

Daniel Lesus Architects, P.C.  
• DESIGN • PLANNING • CONSULTING •

1033 Holly Circle Phone: 847.550.0972  
Lake Zurich, Il. 60047 Fax: 847.550.1075



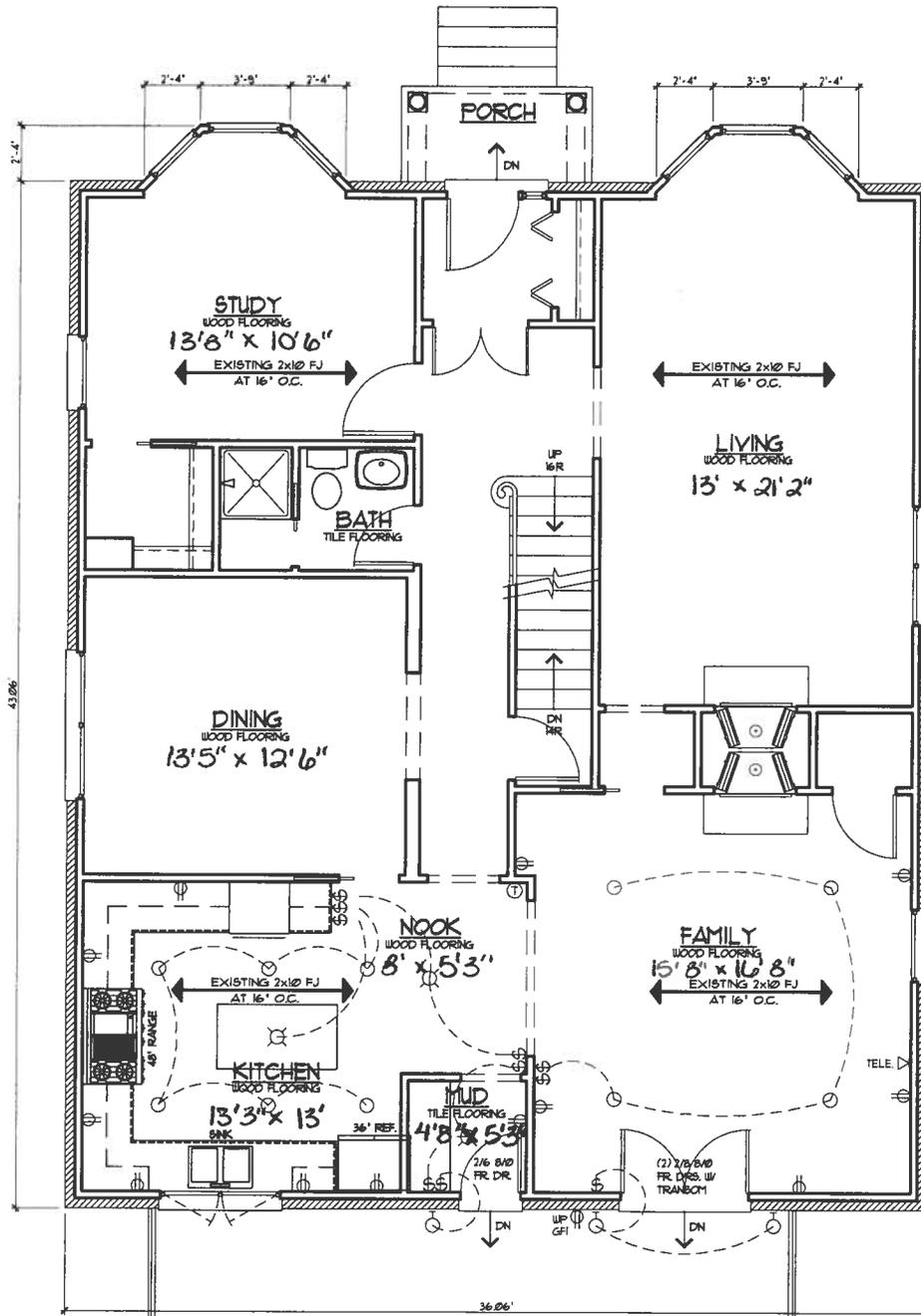
EXISTING FOUNDATION PLAN  
 A2.0 SCALE: 1/8" = 1'-0"



FRANKLIN ADDITION  
 1034 ASH STREET  
 WINNETKA, ILLINOIS

**Daniel Lesus Architects, P.C.**  
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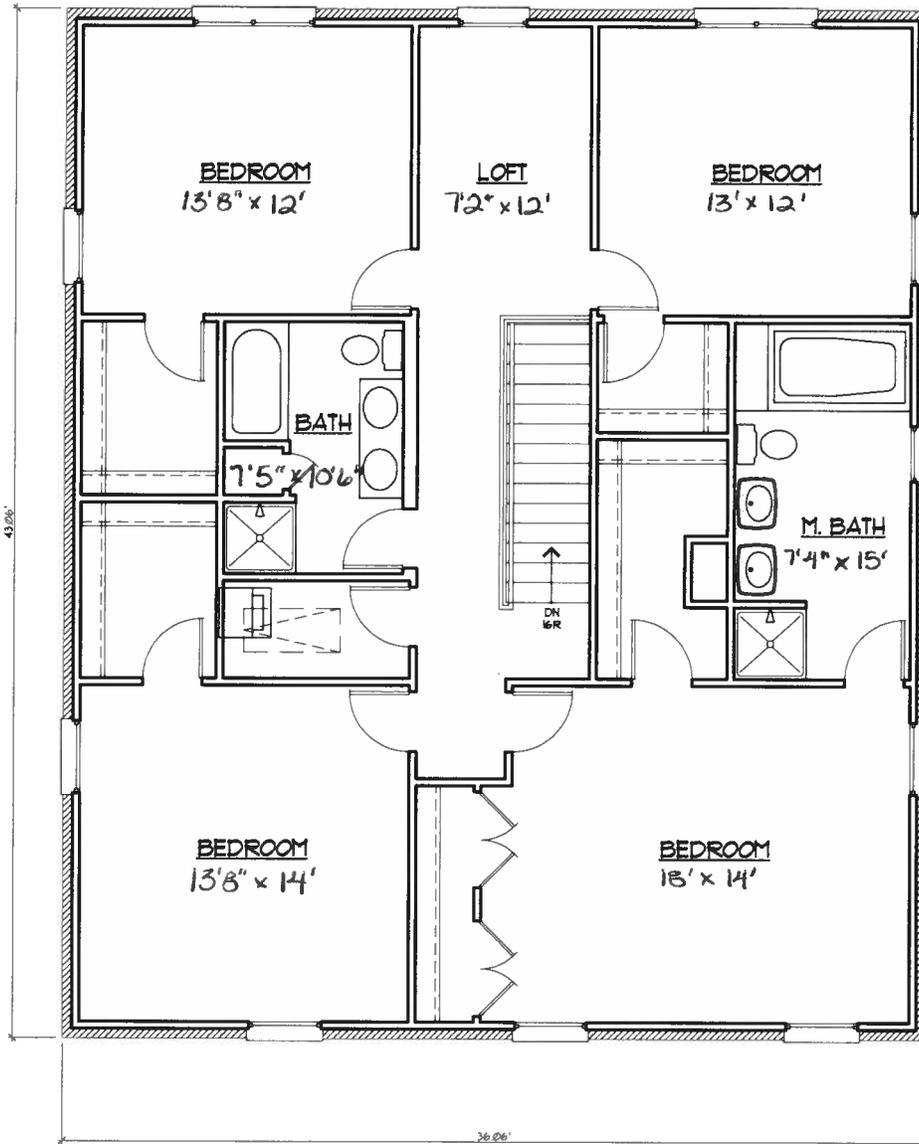
EXISTING  
 2  
 A2.10 FIRST FLOOR PLAN  
 SCALE: 1/8" = 1'-0"

WOOD DECK

FRANKLIN ADDITION  
 1034 ASH STREET  
 WINNETKA, ILLINOIS

**DLA**  
 Daniel Lesus Architects, P.C.  
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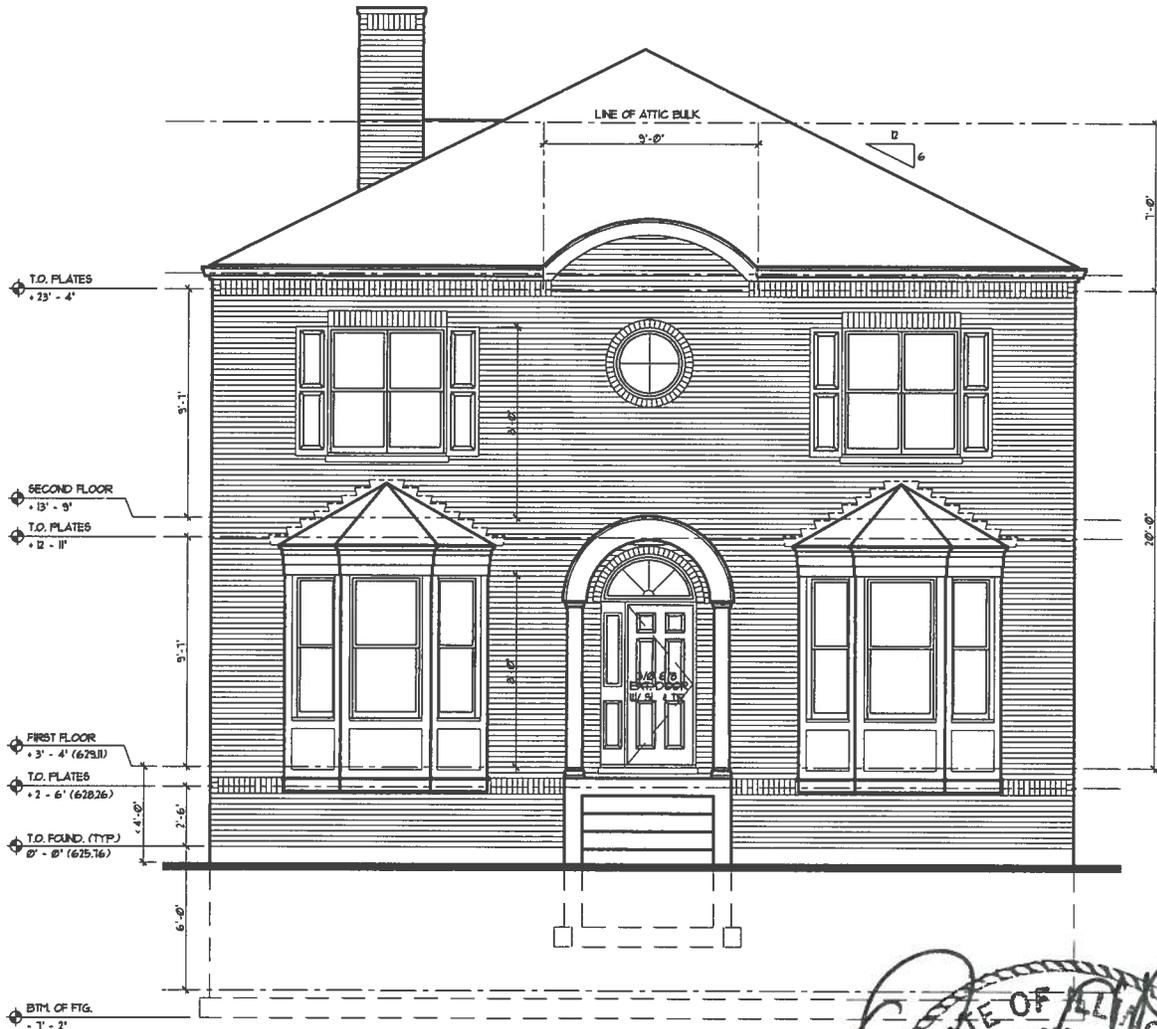
1033 Holly Circle Phone: 847.550.0972  
 Lake Zurich, IL 60047 Fax: 847.550.1075



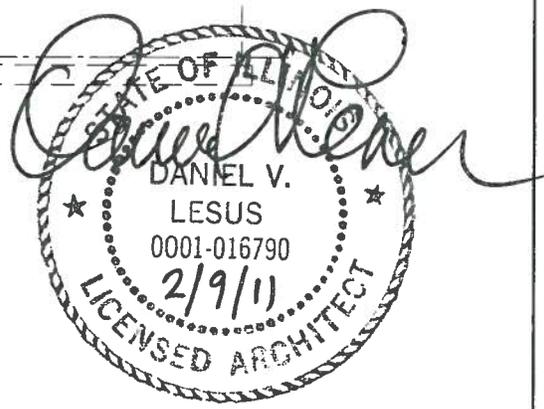
EXISTING  
 3  
 A30 SECOND FLOOR PLAN  
 SCALE: 1/8" = 1'-0"

FRANKLIN ADDITION  
 1034 ASH STREET  
 WINNETKA, ILLINOIS

**DRLA**  
 Daniel Lesus Architects, P.C.  
 • DESIGN • PLANNING • CONSULTING •  
 1033 Holly Circle Phone: 847.550.0972  
 Lake Zurich, IL 60047 Fax: 847.550.1075



EXISTING  
FRONT ELEVATION  
A3.0 SCALE: 1/8" = 1'-0"

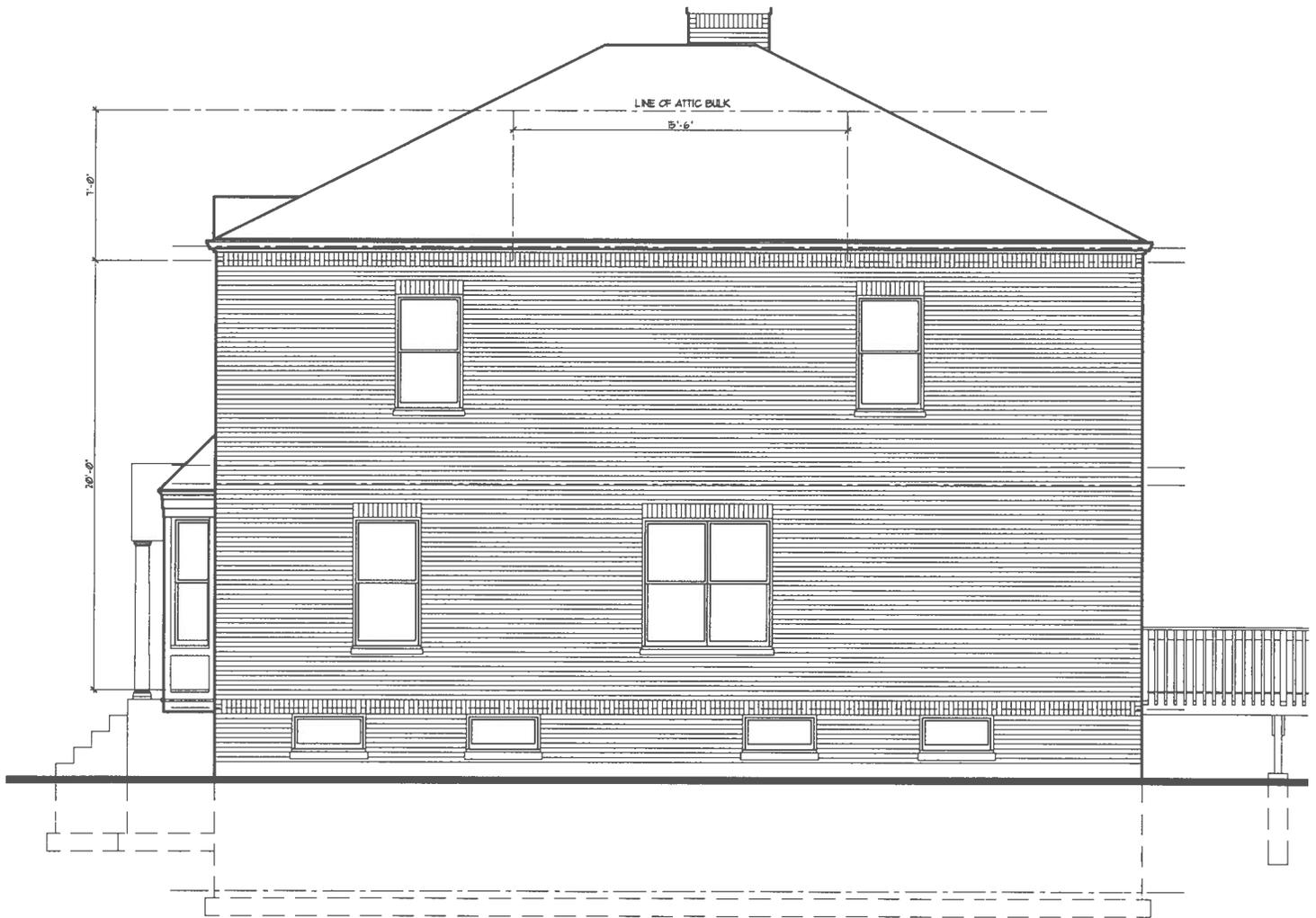


**RECEIVED**  
FEB - 8 2011  
BY: \_\_\_\_\_

11-30-12  
EXPIRES

FRANKLIN ADDITION  
1034 ASH STREET  
WINNETKA, ILLINOIS

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EXISTING  
RIGHT ELEVATION

2  
A30 SCALE: 1/8" = 1'-0"

FRANKLIN ADDITION  
1034 ASH STREET  
WINNETKA, ILLINOIS

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EXISTING  
LEFT ELEVATION

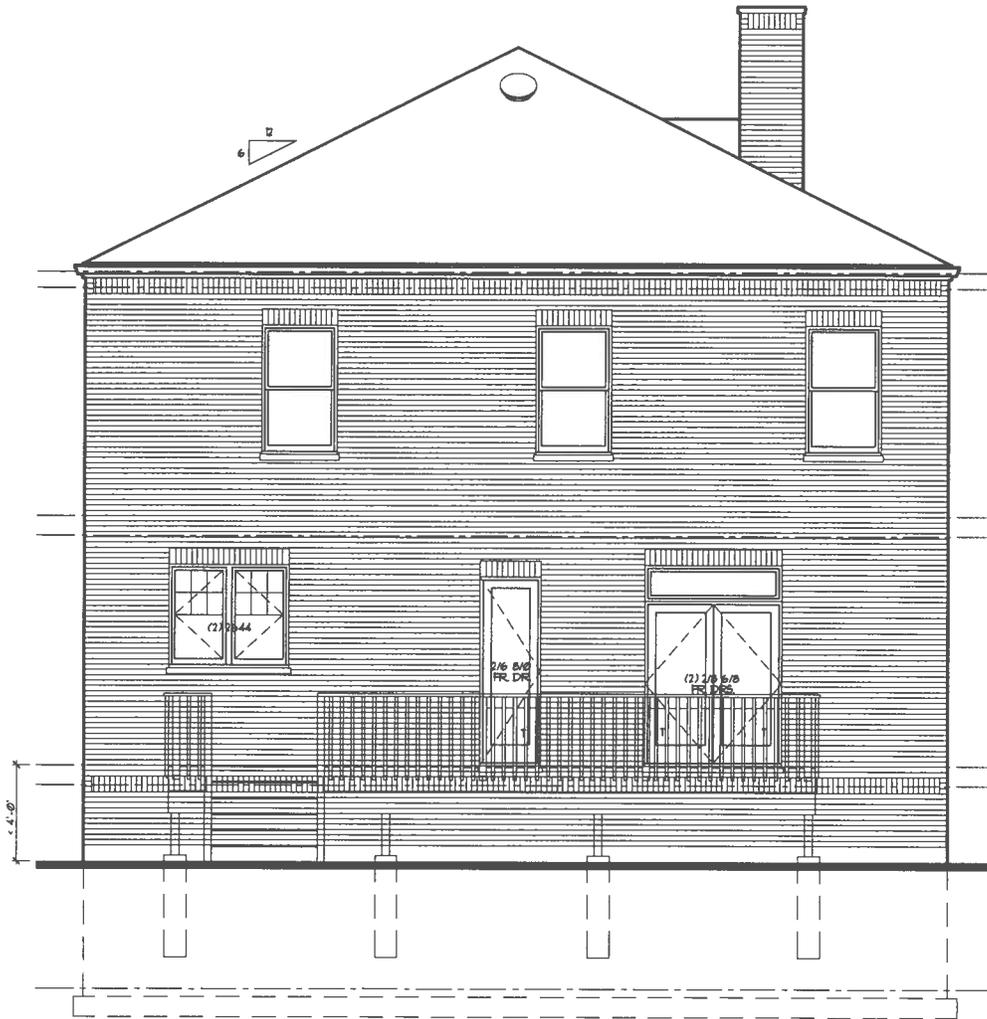
3  
A30 SCALE: 1/8" = 1'-0"

FRANKLIN ADDITION  
1034 ASH STREET  
WINNETKA, ILLINOIS

**DLA**  
Daniel Lesus Architects, P.C.

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Lake Zurich, IL 60047 Fax: 847.550.1075

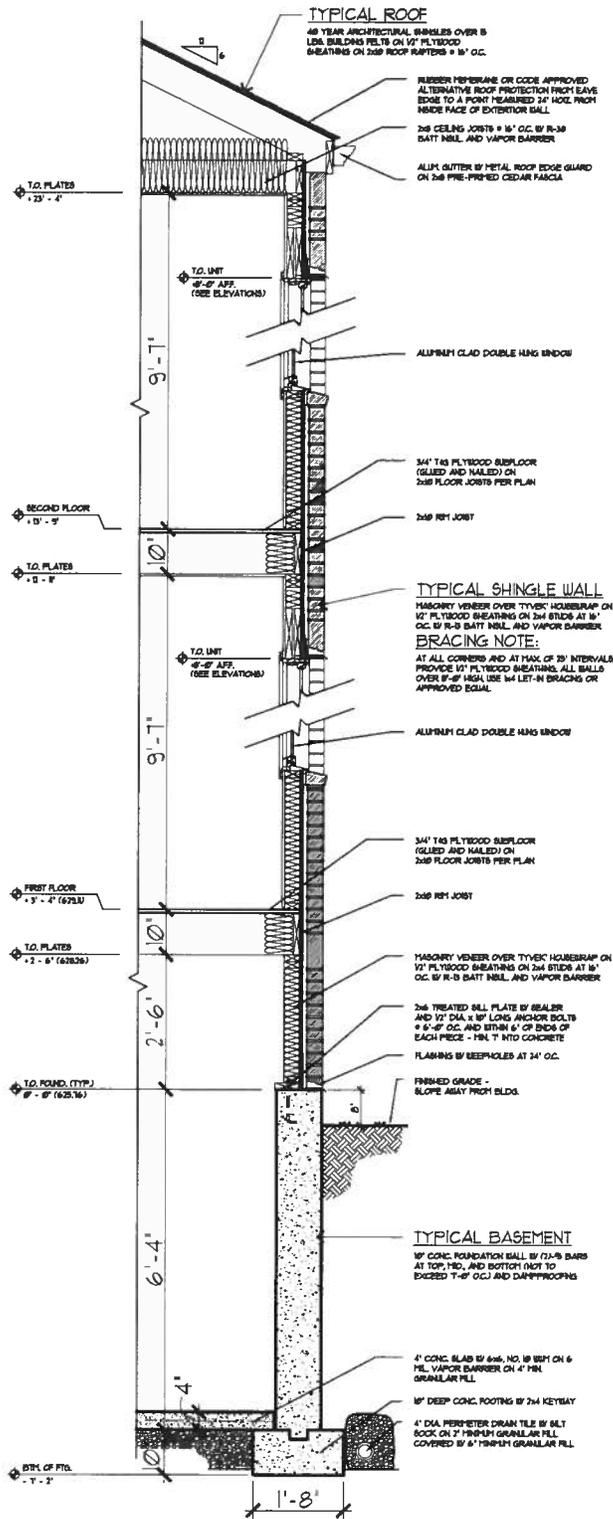


EXISTING  
**REAR ELEVATION**

4  
 A3.0 SCALE: 1/8" = 1'-0"

FRANKLIN ADDITION  
 1034 ASH STREET  
 WINNETKA, ILLINOIS

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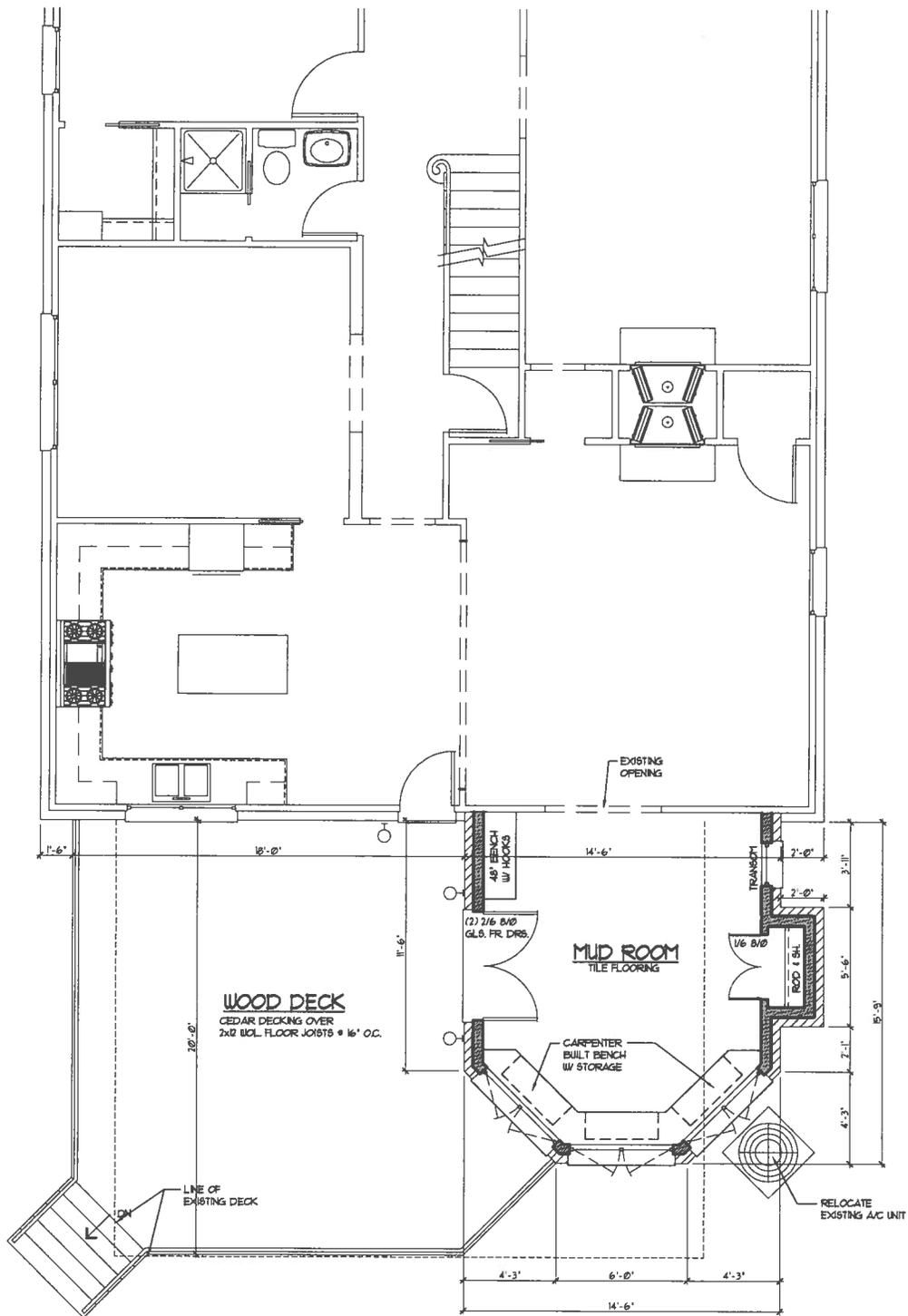


EXISTING  
 TYPICAL WALL SECTION  
 SCALE: NTS

FRANKLIN ADDITION  
 1034 ASH STREET  
 WINNETKA, ILLINOIS

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**WALL KEY:**

- EXISTING WALL TO REMAIN
- NEW CONSTRUCTION
- EXISTING WALL TO BE REMOVED

**PROPOSED  
FIRST FLOOR PLAN**

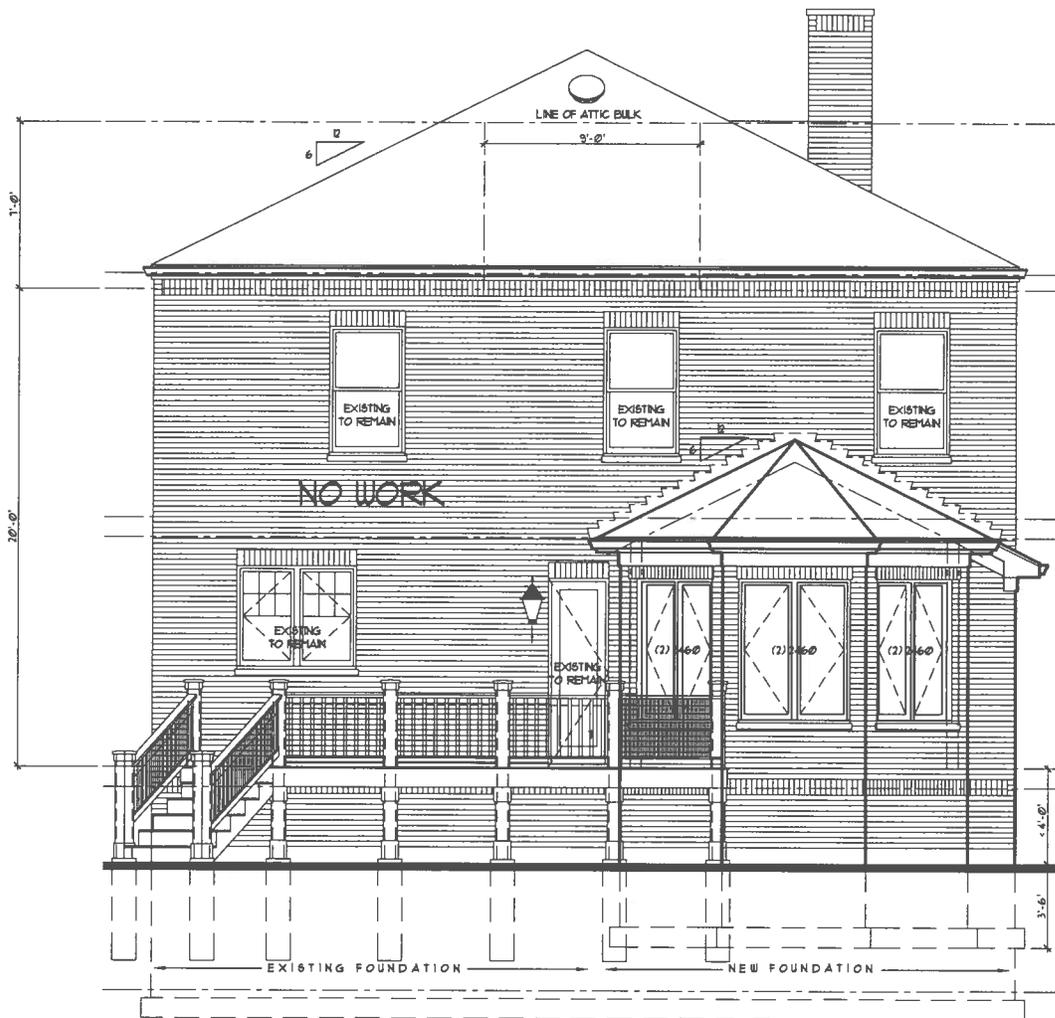
3  
A4.0 SCALE: 1/8" = 1'-0"

FRANKLIN ADDITION  
1034 ASH STREET  
WINNETKA, ILLINOIS

**DRLA**  
Daniel Lesus Architects, P.C.

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Lake Zurich, IL 60047 Fax: 847.550.1075



PROPOSED  
 REAR ELEVATION  
 (A5.0) SCALE: 1/8" = 1'-0"

FRANKLIN ADDITION  
 1034 ASH STREET  
 WINNETKA, ILLINOIS

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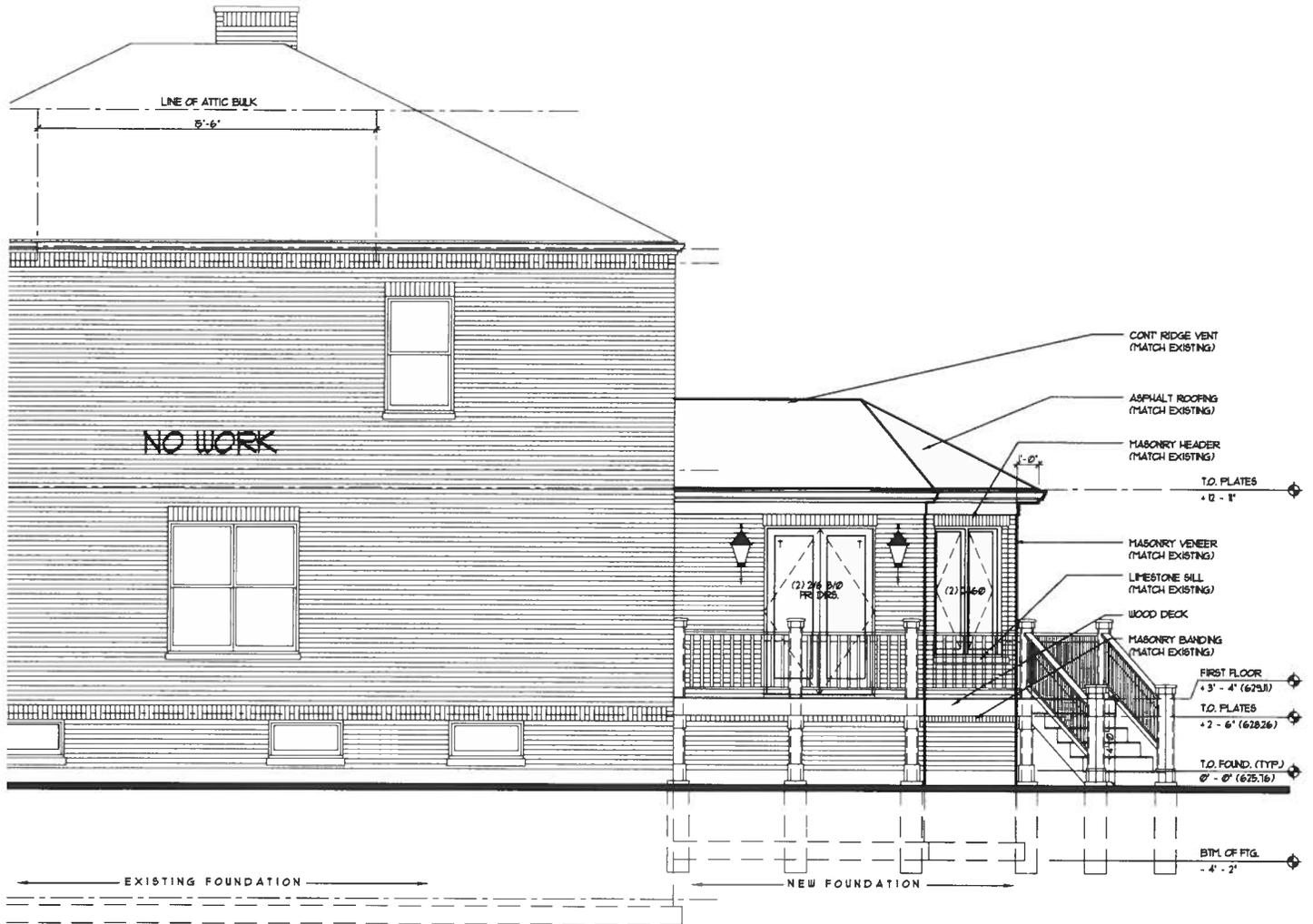
PROPOSED  
 LEFT ELEVATION  
 2  
 AS D SCALE: 1/8" = 1'-0"

FRANKLIN ADDITION  
 1034 ASH STREET  
 WINNETKA, ILLINOIS

Daniel Lesus Architects, P.C.

• DESIGN • PLANNING • CONSULTING •

1033 Holly Circle Phone: 847.550.0972  
 Lake Zurich, IL 60047 Fax: 847.550.1075



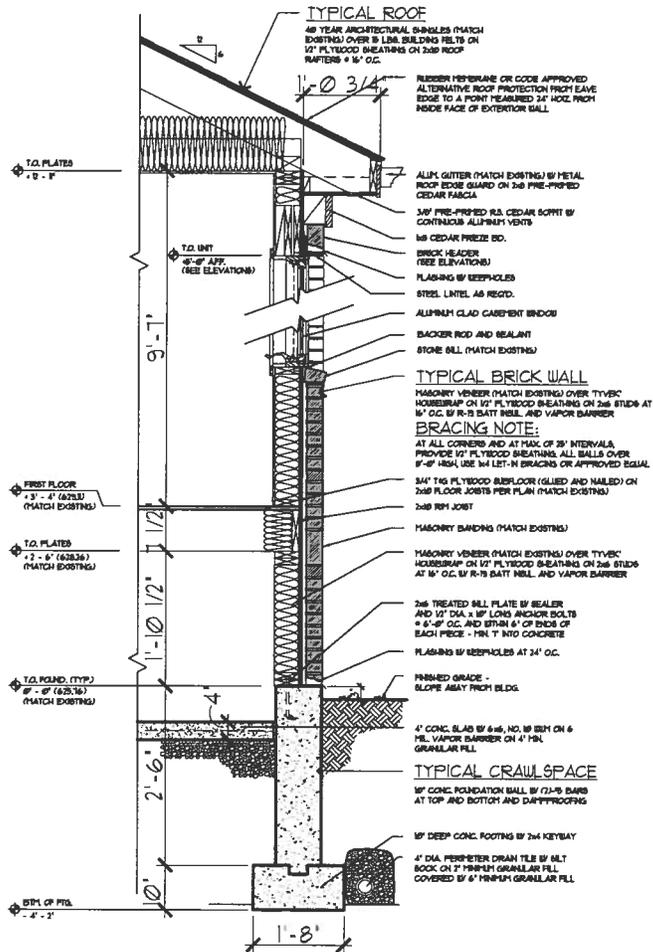
PROPOSED  
RIGHT ELEVATION

3  
AS 0 SCALE: 1/8" = 1'-0"

FRANKLIN ADDITION  
1034 ASH STREET  
WINNETKA, ILLINOIS

**DZLA**  
Daniel Lesus Architects, P.C.

• DESIGN • PLANNING • CONSULTING •  
1033 Holly Circle Phone: 847.550.0972  
Lake Zurich, IL 60047 Fax: 847.550.1075



PROPOSED  
TYPICAL WALL SECTION

2  
A4.0 SCALE: NTS

FRANKLIN ADDITION  
1034 ASH STREET  
WINNETKA, ILLINOIS

**DLA**  
Daniel Losus Architects, P.C.  
• DESIGN • PLANNING • CONSULTING •

1033 Holly Circle Phone: 847.550.0972  
Lake Zurich, Il. 60047 Fax: 847.550.1075

7/31/90

R-1062-90

**A RESOLUTION FOR APPROVAL BY THE VILLAGE COUNCIL  
GRANTING A FLOOD HAZARD VARIANCE AT 1034 ASH STREET**

WHEREAS the Law Committee of the Council of the Village of Winnetka held a duly advertised public hearing on July 30, 1990 on an application by the contracted owner of the property commonly known as 1034 Ash Street, Winnetka, Illinois for a variance from the flood hazard regulations of the Village to permit construction of a new detached garage, in accordance with plans submitted with the application, in the rear portion of the lot commonly known as 1034 Ash Street; and

WHEREAS the Committee found that the grounds for a variance expressed in the application submitted by the contracted owner are consistent with those findings required by section 28.16 of the Village Code and associated Rules of Procedure; and

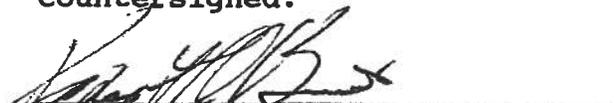
WHEREAS the contracted owner is aware of the potential hazards of building below the flood hazard elevation and will arrange independently for any required insurance;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Winnetka that a variance from the flood hazard regulations of the Village be and hereby is granted, as applied for and in accordance with the plans submitted by the contracted owner with the application, to allow construction of a new detached garage below the flood hazard elevation on the property commonly known as 1034 Ash Street.

Signed:

  
President, Village of Winnetka

Countersigned:

  
Village Clerk

Approved: August 7, 1990

March 7, 2011

Ms. Ann Klaassen  
Village of Winnetka  
510 Green Bay Road  
Winnetka, IL 60093

RECEIVED  
MAR - 7 2011  
BY: AL Via email 1:23 pm

DIRECT  
DESIGN  
...LTD...  
ARCHITECTS

Re: **1034 Ash Street**  
ZBA Public Hearing  
March 2011

Dear Ann,

As discussed, I live at 1021 ash, and will not be able to attend the public meeting for the above referenced residence. I am concerned with the request for variance due to the following items.

- 1 Any variance granted will set precedent for future requests of similar circumstances. I, as well as many neighbors that I have talked with, would also like to obtain a variance to allow enlarging our homes without regard to Zoning Regulations.
- 2 The residence was granted a variance on the property when a garage was built. The variance allowed waiving storm water / flood regulations.
- 3 The property, I believe, is in the flood plain and in an area that has had extreme issues with flooding. The Village Council has spent thousands of dollars on engineering and storm sewer upgrades in recent years along ash street directly in front of the property in question.
- 4 The petitioner has not provided any valid hardships in the petition presented. I am sure that a large number of residents in Winnetka would love to increase their home area without regards to zoning regulations. The propose hardship stated in their petition suggests that the home lacks a Mud Room. The proposed plan submitted is named a Mud Room , but is clearly more than a Mud Room. I would call it a Sun Room / Family Room. I question the Hardship. The proposed variance will affect neighbors views, daylight and area wide storm related issues. All of these items do not meet the standards required to allow a zoning variance.
- 5 The zoning regulations that they are asking for a variance were in place at the time that they purchased the home.
- 6 I highly suggest, if the variance is granted, that the entire property be made to comply with all engineering regulations. By this I mean the following:
  - a. The previous variance waiving storm water regulations be removed and the entire property be engineered to meet all current regulations.
  - b. The compensatory area not provided when the existing garage was built should now be provided and the variance removed.
  - c. Any new compensatory storage due to the addition should be provided.
- 7 Prior to any variance being granted, I suggest you require complete engineering plans for submission and approved by the Village Engineer.

I am sorry that I could not attend the meeting. Please contact me if you have any questions or comments. [jswierk@directdesignltd.com](mailto:jswierk@directdesignltd.com) or cell 815-482-1942

Sincerely,



**Village of Winnetka**  
**Zoning Board of Appeals Meeting**  
**April 11, 2011**

**Proposed Addition at 1034 Ash Street**

- 1. Examples of ZBA and Village Council approvals for variations since 2002**
- 2. Examples of Homes on Ash Street between Locust and Rosewood with Nonconforming basements**
- 3. Views from 1034 Ash Street and the impact of the proposed addition**
- 4. Views from 1034 Ash Street to the neighbor's home directly to the east, throughout various times of the day**



# **Examples of ZBA and Village Council Approvals for Variations since 2002**

**Including Maximum Building Size and Intensity of Use of Lot**

## 10 Examples of ZBA/Village Council Variations Granted since 2002

### *Summary of ZBA and Village Council rulings on Variances since 2002\**

*\*Which include Maximum Building Size and/or Intensity of Use of Lot*

1. 5/11/2009: 695 Garland Avenue  
Requested a variance due to Intensity of Use of Lot to construct a one-story mudroom addition  
Lot overage of 99.57 sq ft (4.98%)  
Unanimously passed by ZBA 7-0; Adopted by Village Council
2. 12/8/2008: 1509 Scott Avenue  
Requested 3 variances (Maximum Building Size, Side Yard Setback, Building Line Articulation)  
GFA overage of 375.66 sq ft due to multiple planned additions  
Passed by ZBA 6-1; Adopted by Village Council
3. 5/14/2007: 1243 Scott Avenue  
Requested 2 variances (Maximum Building Size, Intensity of Of Use of Lot)  
Requested one-story addition to expand the existing kitchen  
GFA overage of 924.12 sq ft (28.26%) due to inclusion of basement in calculations  
Unanimously passed by ZBA 6-0; Adopted by Village Council
4. 12/10/2007: 681 Garland Avenue  
Requested 4 variances (Maximum Building Size, Intensity of Of Use of Lot, Side yard setback, Building Line Articulation)  
Requested a one-story addition, GFA overage of 147 sq ft  
Unanimously passed by ZBA 7-0; Adopted by Village Council
5. 3/10/2008: 616 Garland Avenue  
Requested 3 variances (Maximum Building Size, Setbacks, Garages)  
Requested a one-story addition, GFA overage of 181.96 sq ft  
Unanimously passed by ZBA 7-0; Adopted by Village Council
6. 8/12/2002: 1310 Scott Avenue  
Variance due to inclusion of basement in GFA (75.73%)  
Basement and attic takes up entire variance request  
Requested a mudroom addition on the rear of home  
\*Chairperson Benson noted that since it could have been done at the time the home was built, he had no issue.  
Unanimously passed by ZBA 6-0; Adopted by Village Council

7. 8/11/2003: 727 Hill Road  
Variance due to inclusion of basement in GFA (6.16%)  
Basement takes up entire variance request  
Requested a two-story addition (including a mudroom, eat-in kitchen area, bathroom and an addition bedroom)  
Unanimously passed by ZBA 5-0; Adopted by Village Council
8. 2/9/2004: 1275 Scott Avenue  
Variance due to inclusion of basement in GFA (64.23%)  
Requested 4 separate variances (Intensity of Use of Lot, Maximum Building Size, Side Yard Setback, Height of Buildings and Structures)  
Mudroom and Sunroom over 200 square feet in area  
Unanimously passed by ZBA 5-0; Adopted by Village Council
9. 2/9/2004: 566 Orchard Lane  
Requested 5 separate variances (Intensity of Use of Lot, Maximum Building Size, Side Yard Setbacks, Garages and Nonconformities)  
Single story addition off of the rear of home (>500 sq ft)  
Unanimously passed by ZBA 5-0; Adopted by Village Council
10. 2/9/2004: 1360 Edgewood Lane  
Variance due to second story overhang  
388 sq ft 1 story mudroom and breakfast room addition in addition to a 1 story addition over the garage  
Unanimously passed by ZBA 5-0; Adopted by Village Council

## **Examples of Homes:**

**Ash Street Between Locust and Rosewood  
with Nonconforming Basements**

LOT 11 - 1 ASH & LOCUST



1010 MSKI



1015 Ash



1014 ASLN



1018 Ash



1022 Ash



1031 ASH



1035 Ash



390 KOSWOODA



**Views from 1034 Ash Street:**

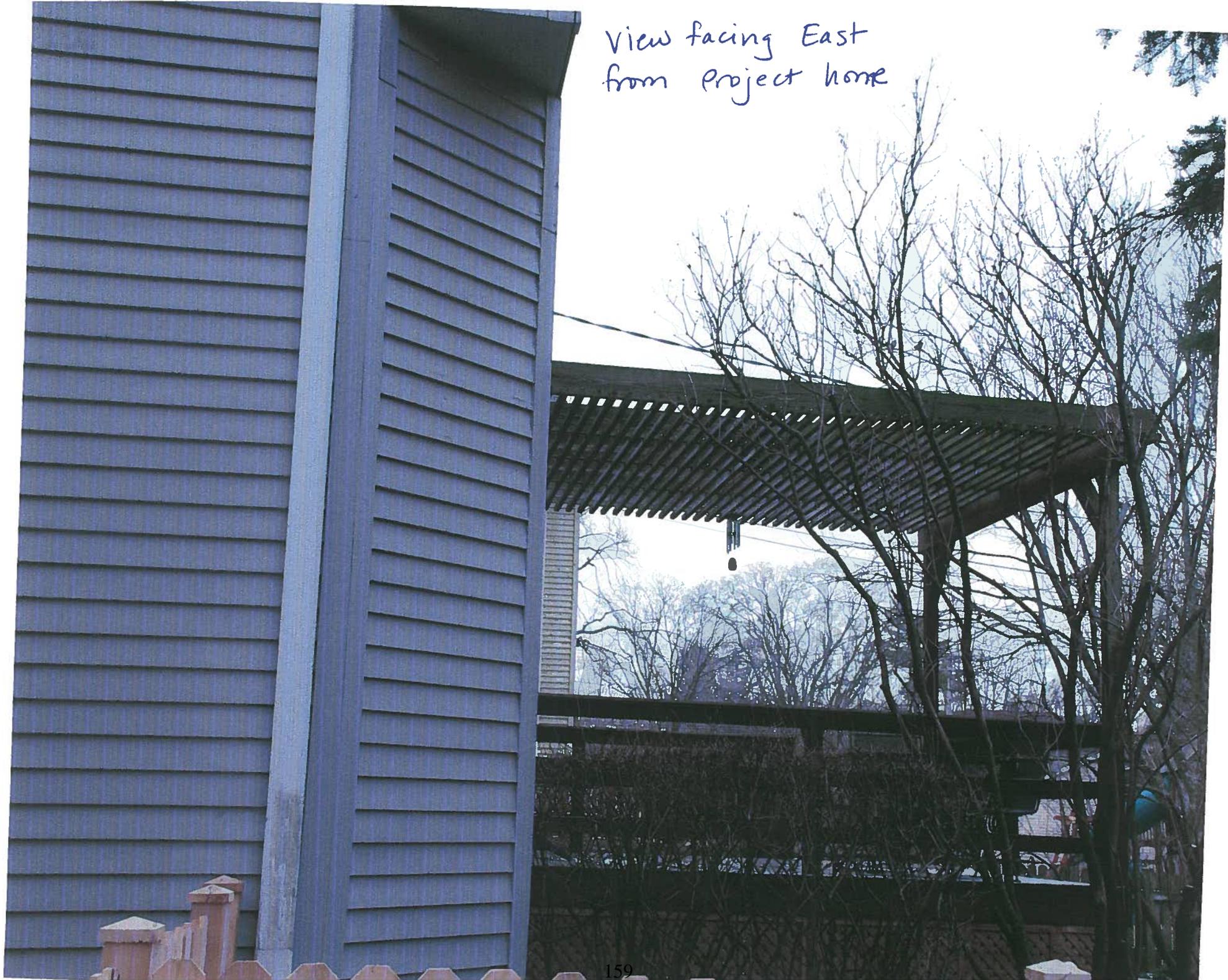
**Facing East**

**Facing West**

**Rear of Project Home**

**View of Neighbor's Yard with a similar addition**

View facing East  
from project home



View facing west



Rear of Project Home -  
1034 Ash



(3 homes East)

Rear of 1014 Ash



**Views from 1034 Ash Street:**

**Facing Neighbor's home to the East**  
**Four times throughout a typical day**

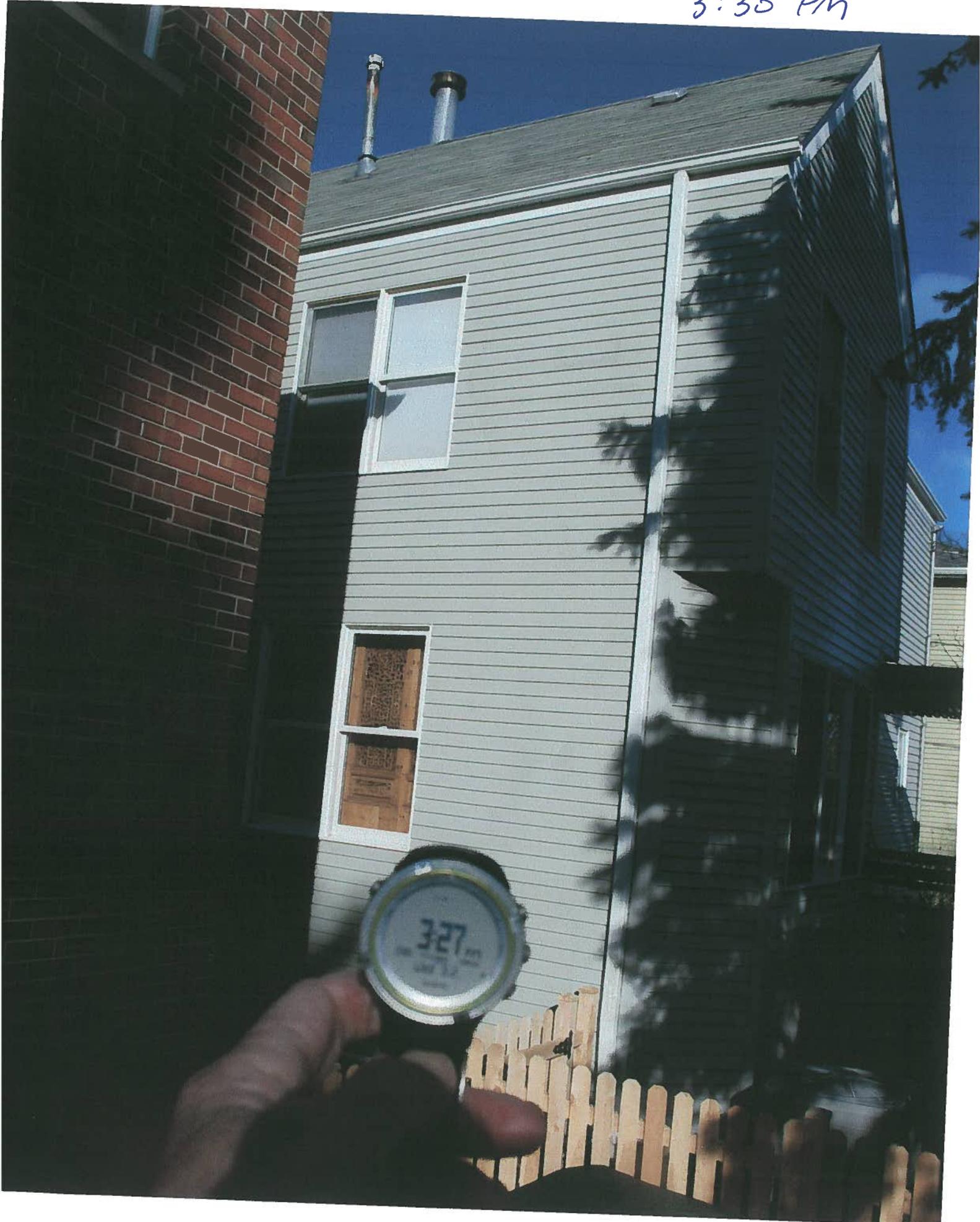
9 AM



1:45 pm



5:30 PM



5:45 PM



**WINNETKA ZONING BOARD OF APPEALS  
APRIL 11, 2011**

**Zoning Board Members Present:** Joe Adams, Chairman  
Mary Hickey  
Joni Johnson  
Carl Lane  
Jim McCoy  
Scott Myers

**Zoning Board Members Absent:** None

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

**Village Attorney:** Kathy Janega, Village Attorney

**Agenda Items:**

Case No. 11-06-V2: 1034 Ash Street  
William and Diedre Franklin  
Variation by Ordinance  
1. Maximum Building Size

**Minutes of the Zoning Board of Appeals  
April 11, 2011**

**1034 Ash Street, Case No. 11-06-V2, Variation by Ordinance - Maximum Building Size**

Mr. D’Onofrio read the public notice. The purpose of this hearing is to hear testimony and receive public comment regarding a request by William and Deirdre Franklin concerning a variation by Ordinance from Section 17.30.040 [Maximum Building Size] of the Winnetka Zoning Ordinance to permit the construction of an addition that will result in a gross floor area of 4,888.58 square feet, whereas a maximum of 3,363 square feet is permitted, a variation of 1,525.58 square feet (45.36%).

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

Daniel Lesus, 1033 Holly Circle, Lake Zurich introduced himself to the Board as the architect on the project. He informed the Board that the submittal has been revised from what the Board previously saw in January with regard to a one story addition to the rear of the home. Mr. Lesus

stated that the home is a two story home with a detached garage in the rear of the yard off a public alley. He stated that there is a family room in the rear of the home which measured 15 feet in width, an 8 foot wide breakfast nook and a kitchen. Mr. Lesus stated that there is no mudroom in the home.

Mr. Lesus stated that the applicants purchased the property in 2008 and that they knew that there was no mudroom in the home. He stated that they were given an analysis sheet based on bulk when the home was built in 1990 which showed that there was 297 square feet remaining on the home in terms of bulk. Mr. Lesus stated that it was their assumption that in the future, they would be able to build a small addition onto the home to accommodate the lack of a mudroom.

Mr. Lesus stated that when the request was presented to the Board in January, there were numerous concerns raised with regard to the design. He stated that they came up with a redesigned plan which they felt satisfied the concerns of the neighbors in connection with trees, sun and the amount of impervious surface due to the flood plain of the home. Mr. Lesus stated that they reduced the size of the addition and pushed in the back wall and redesigned the roof, which eliminated the RLC variation contained in the original request. He also stated that by moving the structure in and reducing the size, they were able to keep a tree located to the east near the property line. Mr. Lesus also stated that they reduced the amount of impermeable lot coverage compared to what currently existed. He referred to the large concrete patio near the deck. Mr. Lesus then stated that they plan to utilize the crawl space instead of the full foundation which would reduce the amount of GFA being requested. He stated that the modifications resulted in a reduction of approximately 272 square feet from their original proposal.

Chairman Adams asked if the old proposal represented 221 square feet.

Mr. Lesus stated that the previous proposal include square footage from the basement of the home. He added that with regard to the way in which the home was originally designed, there is no other place for a mudroom on the home without taking away from the other rooms in the home.

Chairman Adams asked the Board if there were any questions from the Board.

Mr. Lane referred to page 22 in the packet of materials which represented the existing floor plan which showed a mudroom.

Deirdre Franklin informed the Board that when they purchased the home in 2008, they put in a temporary "closet" entrance until such time as the addition could be built. She added that it measured 5 feet x 5 feet and that there is only room for one person to come in and out.

Ms. Johnson asked Mr. Lesus if they are proposing to reduce the mudroom by 50 square feet.

Mr. Lesus confirmed that is correct.

Ms. Johnson stated that in the prior hearing, they stated that a typical mudroom measured 5 feet x 8 feet. She stated that one of the issues the Board addressed is to attempt to minimize the nonconformity.

Mrs. Franklin stated that if they were able to find room in the front of the home to construct the mudroom, that would be reasonable. She stated that in connection with new construction, the cost of demolition and the cost to bring it to current standards would not be feasible for a room that would measure 8 feet x 5 feet. Mrs. Franklin stated that they would like to add a room which would add value to the home. She stated that it is not only a cost-driven issue and that they were under the impression from the Village that they could add onto the home. Mrs. Franklin also stated that if it were not for the basement, they would be able to add onto the home.

Ms. Johnson asked if the deck would be getting bigger by about the same size that the mudroom would be getting smaller.

Mr. Lesus responded that it would not be further out than the existing deck.

Ms. Johnson then asked if the tree on the south side of the addition would be coming out.

Mr. Lesus confirmed that is correct. He informed the Board that it is located in close proximity to the proposed addition and that it would need to be trimmed.

Mark Potesta introduced himself to the Board as the contractor and stated that he realized that a couple of the Board members have been to the home. He informed the Board that the tree in question is in really bad shape.

Mrs. Franklin stated that they removed a number of other spruce trees on the property for that reason and that according to Jim Stier (Village Forester), they probably should not have been left there when the home was built.

Ms. Johnson stated that the applicants have removed the two proposed roof entrances over two existing doors and asked if that would comply to eliminate the RLC variation. She also asked if the applicants' GFA calculation would be benefiting from the rear yard garage in that they would get the 400 square feet for the garage allowance.

Ms. Klaassen confirmed that is correct the detached garage allowance does apply.

Mr. Myers stated that one of the criteria that the Board has to consider is that the property cannot yield a reasonable return without the variance. He stated that the applicants have stated that when they purchased the property in 2008, there was a discount since the home did not have a mudroom. Mr. Myers asked given the fact that they purchased the home in 2008 knowing that it did not have a mudroom, if they did not have the mudroom; he is not sure how the applicants can argue that they cannot get reasonable return.

Mr. Lesus responded that they realized that they received a discount on the home realizing that the applicants would have to spend money to construct the mudroom.

Mr. Myers stated that he is struggling with the fact as to whether the applicants can get reasonable return without the variation. He stated that he appreciated the applicants coming back before the Board with a revised request in an attempt to minimize the variation being requested and reiterated that he is still struggling with reasonable return.

Mrs. Franklin stated that they would argue that a mudroom is a necessity and that almost every other home in Winnetka has a mudroom, an attached garage or a driveway. She informed the Board that is why they received a discount and that theirs was the first offer on the home since other buyers realized that there was no mudroom. Mrs. Franklin also informed the Board that there is not even a hook on which to hang your coat.

Mr. Myers referred to the criteria of unique circumstances and stated that there has been testimony at this meeting that when the applicants purchased the property they were given the bulk estimate by the Village. He asked for further clarification.

Mrs. Franklin stated that they were given the contents of the file for the home from the realtor and that they were under the assumption that they could add onto the home. She stated that last summer, they received bids from three architects after they were advised that the additional square feet was approximately 300. Mrs. Franklin stated that through the process, the first they heard of the basement being an issue was in November after their architect spoke with Ms. Klaassen.

Mr. Myers questioned the height of the basement.

Mrs. Franklin stated that it is 3 feet 10 inches and that zoning is 2 feet 6 inches.

Chairman Adams stated that although there are several requirements, two of them are going to be the problem here. He asked the applicants to explain why the ordinance which was designed for this home should not be applied specifically to this home. Chairman Adams stated that if most of the home is located 2 feet 4 inches out of the ground, then that would appear to be a unique circumstance.

Mr. Lesus stated that it is his belief that the home was built on a 2 foot 6 inch wall. He stated that if you were to go from the top of the foundation to the first floor, you would be at 3 feet 4 inches and that if the measurement is to grade, it would be 8 inches below foundation. Mr. Lesus stated that with regard to the arguments which were heard in January, there are homes which are built on knee walls and that 80-90% of the homes in the area are built on knee walls. He stated that as an architect, he looked at it as a design issue and that they are attempting to construct an addition on a home in a neighborhood of older homes, all of which had to be raised up due to the lack of technology in connection with drain tiles, sump pumps and window wells. Mr. Lesus commented that a lot of the new homes in these types of communities are done that way for that reason.

Mr. D'Onofrio confirmed that the first floor is located 2 feet 7 inches above grade. He asked Mr. Lesus with regard to the floor plan, if it is normal for mudrooms to not be off of the kitchen.

Mr. Lesus responded that in most designs, it is normal to have a mudroom adjacent to a garage and adjacent to a kitchen.

Mr. D'Onofrio then asked in this case, why are they proposing to have the mudroom located on the other side of the home.

Mr. Lesus stated that they planned to use the existing doors in terms of cost consideration and that they did not want the mudroom located next to the kitchen since it would affect views and light. He stated that constructing the mudroom in the center or on the side of the kitchen would eliminate the views from the home and yard and that it would also take up much more of the yard if it was located in the middle and would affect the usability of the deck.

Mr. D'Onofrio then asked if it is typical for mudrooms to have French doors leading into them.

Mr. Lesus stated that is a personal design issue and that it is not a typical design.

Ms. Johnson stated that in the previous presentation, the applicants stated that the reason the mudroom is so large is that they wanted to put in a lot of windows in order to recapture some of the south light. She stated that the applicants also stated that the family room overspill was part of the motivation.

Mr. Lesus stated that it was part of the design issue and that it also related to size, cost and valuation considerations. He noted that the current family room has a double sliding French door and that they were attempting to take into consideration all of the things which were currently in the home in order to give them the most options possible to utilize that space.

Ms. Johnson stated that she understood how putting the mudroom onto the south portion of the home would increase the light in the family room. She then asked if that additional light could not come into the space with the use of a skylight.

Mrs. Franklin stated that the reason the proposed addition was designed that way was that the front of the home has two bay windows. She stated that as opposed to making the proposed addition look like a square box, they want to make it look nice for the neighbors.

Chairman Adams asked if there were any other questions for the architect or applicants.

Ms. Johnson asked what are the floodplain regulations here.

Mr. Lesus stated that they would have to provide compensatory storage and take care of drainage issues. He stated that they would need to add a drain at the low end of the rear of the lot and to tie it into the storm sewer.

Chairman Adams asked if there were any comments from the audience.

Dan O'Donoghue, 1025 Willow Road, stated that the hardship that all of the residents in this area have is the floodplain. He stated that most of them bought their properties when they were not in the floodplain. Mr. O'Donoghue stated that in the last seven or eight years the Village redistricted everything and that they are now in the floodplain which he described as a major hardship for anyone wanting to renovate their home. He stated that they are in favor of the applicants' request and anyone attempting to improve their home. Mr. O'Donoghue also stated that it is a hardship to have the basement space figured into the GFA calculation.

David Clark, 1004 Ash Street, informed the Board that he and his wife have lived in their home for 15 years which is located on the same side of the street as the applicants. He stated that the issue for him is water and informed the Board that the lowest block in the area is the 1000 block of Ash Street. Mr. Clark stated that after a light rain, his sidewalk is under water and that three backyards flood. He also stated that after a moderate rain, many of the homes' front and backyards are flooded. Mr. Clark stated that flooding in their back and front yards and on the public sidewalk is routine after a moderate rain. He stated that with every new home which is built in the neighborhood and which required compensatory storage resulting in a net year by year worsening of the water issues. Mr. Clark stated that any expansion of a home's footprint demonstratively made their home's properties more flooded and less usable. He asked that the Board adhere to the standards and not allow any expansion which would result in the worsening of the chronic and routine flooding problems in the neighborhood. Mr. Clark stated that it is a very severe problem on their block.

Chairman Adams informed the audience that impermeable lot coverage is not a part of the variation being requested.

Mr. Lesus informed the Board that one of the reasons why they changed the structure below the proposed addition to the crawl space is that they are planning on using flood dampers which would allow the water to go into the crawl space. He stated that the water currently went out using flood dampers.

Mrs. Franklin added that there is a vent system where the water would flow in and out.

Mr. O'Donoghue stated that they redid their home in 2008 and that they had to put a drain in their backyard for compensatory storage. He stated that when there is a heavy rain, all of the sewage from the alley flowed into their yard. Mr. O'Donoghue stated that they would have to go through more processes in order to confirm that it is compatible with the Village ordinances. He stated that there are so many laws on the books in the Village, it is difficult for anyone to try to improve their property.

Ms. Johnson stated that the Board has a letter from a neighbor who also testified at the prior hearing who is also an architect, Mr. Swierk from 1021 Ash, and that it suggested toward the end of the letter that the previous variance waiving storm water regulations be removed and that the entire property be engineered to adhere to the regulations. She asked if the request was

recommended for approval by the Board and approved by the Village Council, would the engineering review affect the garage since they already have a variance.

Mr. D'Onofrio confirmed that the engineering department would be looking at the increase to the compensatory storage, which related to the water which would be displaced by this request and would include the lineal footage of the foundation times 10 inches (width of the foundation wall). He stated that they would have to dig deeper on the property to handle the additional storm water runoff created as a result of the mudroom improvement. Mr. D'Onofrio stated that in this case, the applicants would provide that compensatory storage in the crawl space which he commented is not that unusual. He stated that on many new homes compensatory storage is provided below grade. Mr. D'Onofrio stated that Mr. Swierk is saying in his letter is that he wanted the entire site re-engineered to take into account the all the improvements in the floodplain and that under the current regulations compensatory storage would only be required for the new construction. He noted that the property was built in 1990 and that these properties were not located in the floodplain at that time.

Stacey Cohen, 1031 Ash, informed the Board that she lived in the home across the street from the applicants. She referred to the testimony which stated that having a mudroom is an exception. Ms. Cohen described it as a necessity and that with small children, she could not imagine not having a mudroom in her home. She stated that not having a mudroom is a hardship and that the applicants are not asking for too much.

Paula McCloud, 1022 Ash, informed the Board that their home is located next door to the east of the applicants and that their home was built at about the same time as the applicants. She stated that she did not want to stand in the way of owners who want to make reasonable modifications to their homes. Ms. McCloud described a mudroom clearly as a desired element to a North Shore home and that it is expected for a modern home, especially with a detached garage. She stated that at the previous meeting, she brought up the issue of trees and asked for clarification that the two tall trees would be saved.

Mr. Lesus referred to the tree near the property line.

Mrs. Franklin stated that there is not a good chance that the tree on the south side of the property would survive and identified the tree that Ms. McCloud asked be retained. She indicated that they planned to replace it.

Ms. McCloud stated that a tree which was shown on the prior plans is not there and that a tree which was going to be saved is not there. She indicated that she appreciated the tree being saved and that it has made a tremendous difference to her enjoyment. Ms. McCloud stated that she is unclear with regard to forestry and that it was her understanding that the tree which is currently on the plans was sick enough to be removed and that another tree which was not approved for removal would be taken down. She then stated that with regard to the choice to build the addition in the manner being proposed, there would be a blockage of sun to her windows and basement. Ms. McCloud also stated that the proposed design would change the neighborhood in connection with the rear of the homes in the area. She concluded by stating that she did not want

to prevent her neighbors from adding a transition space which would make their home more usable, convenient and livable.

Ms. Johnson asked Ms. McCloud if the changes the applicants have made would change the impact on her sunlight.

Ms. McCloud confirmed that is correct.

William Franklin informed the Board that the tree which would remain would cast a larger shadow on their neighbors' home than the proposed addition. He also stated that shadow studies were performed on the building.

Mr. Lesus referred to the shadow study which he conducted and stated that late in the afternoon there are two trees which would cast large shadows on the neighbors' home. He also stated that depending on the time of day, it will cast a shadow but that they felt that there would not be any more shadows than what the trees cast now.

Chairman Adams asked if there were any other questions.

Ms. Hickey asked if the original back door would still be an accessible entry.

Mrs. Franklin stated that the interior French doors would no longer be there.

Ms. Johnson stated that they would enter through the French doors and go through the family room into the kitchen.

Mr. Franklin informed the Board that he cannot sit at the breakfast nook.

Mrs. Franklin stated that they cannot all sit at the kitchen table and that with the proposed addition; they would remove the existing mudroom "closet" so that they would have room for a table.

Ms. Hickey stated that although the Board is not to consider design issues, she asked the applicants if they considered elongating the proposed addition, but which would block their view of the yard.

Mr. Lesus confirmed that they did consider that alternative, but that it would impede their view.

Mrs. Franklin informed the Board that she has photographs of the rears of the neighboring homes that have additions and porches which project out. She stated that the comment that the request would impede on the appearance of the rear of the homes is inaccurate. Mrs. Franklin then distributed copies of the photographs to the Board for their review. She also provided copies of variances which were approved for similar requests.

Chairman Adams asked the applicants if they were to reconsider the location of the proposed addition and asked Mr. Lesus what he thought would be the best plan for reconfiguring the internal space as to where would it be located.

Mr. Lesus responded in the family room which he stated measured 15 feet x 17 feet and is not large. He stated that if they were to build an 8 foot x 10 foot mudroom, the family room would become a mudroom.

Jon Vlahakis, 1018 Ash, informed the Board that he built his home 13 years ago. He informed the Board that his home was cut in the back and that he lost quite a bit of square footage in order for the home to be consistent with other homes in the area. Mr. Vlahakis stated that the applicants' home changed hands four times before they purchased it. He commented that having a mudroom is an important issue and that he has a 5 foot x 5 foot mudroom. Mr. Vlahakis stated that he has three children who are still living at home. Mr. Vlahakis stated that it is a hardship, but that they make do.

Mr. Vlahakis then stated that the proposed addition would be significant and described it as more of a full scale living room as opposed to a mudroom. He stated that it would change and alter the site lines of the community. Mr. Vlahakis stated that he did not fault the applicants for attempting to get what they could and that if the application is approved, he would be the first in line to request to do the same thing with his property, which would make the flooding issues more severe.

Mrs. Franklin stated that they are not under the same circumstances and that Mr. Vlahakis has a driveway in the front of his home. She also stated that his basement is not included in the GFA.

Chairman Adams asked if there were any other comments. No additional comments were made at this time.

Mr. Myers stated that he is still struggling with the request as he did the last time. He stated that on one hand, a mudroom is the norm on the North Shore and that it is the standard. Mr. Myers stated that the Board is dealing with a very specific ordinance which was put in specifically for homes like this. He stated that he understood that the applicants were told by the Village that they have a certain amount of additional space, but that unfortunately, for him, he is asking what is the unique circumstance. Mr. Myers stated that the second challenge for him related to reasonable return. He stated that given the fact that the lack of a mudroom was priced into the 2008 purchase price of the home, he indicated that it is difficult to argue that they cannot get reasonable return. Mr. Myers stated that he agreed that the applicants could get a greater return with a mudroom and that the question related to whether they can get a reasonable return. He stated that he appreciated the fact that the applicants reduced the size of the proposed addition, but that he is not able to agree that they have met the first two standards of reasonable return and unique circumstances.

Ms. Johnson stated that she agreed with Mr. Myers and referred to the discount the applicants received when they purchased the home in 2008. She also stated that it is a given that there is no

other space that they could use for a mudroom in the current home. Ms. Johnson stated that the floor plan is very restrictive and difficult with the existing mudroom of 5 feet x 5 feet and that it is too small to be of much use. She stated that she also felt that the applicants have not minimized the variance. Ms. Johnson stated that with regard to the applicants' reasoning that it would not be cost effective to do something smaller, everyone could say that. She also stated that cost is not supposed to be a factor.

Ms. Johnson stated that the applicants have shown good faith in reducing the size of the proposed addition and that certainly, reducing it even more would be reasonable. She then referred to the floodplain issues and the previous floodplain variation, neighbors who are very concerned with regard to the precedent this would be setting and that these are factors that the Board cannot ignore. Ms. Johnson also stated that having a tree is much different than having a structure next to you in terms of shadow. She commented that she wished that the applicants would have come back with a smaller addition and that then, they would not be setting such a difficult precedent. Ms. Johnson stated that she understood the hardship in that a home should have a workable mudroom, especially with a detached garage, but that the reasons the applicants give as an explanation of what their hardship is are not sufficient. Ms. Johnson concluded that the zoning regulations are not the hardship and that perhaps the zoning ordinance should be revisited concerning basements.

Mr. Lane stated that he was previously in favor of the request and that he is still in favor of it. He stated that it is pretty common that a mudroom is necessary. Mr. Lane stated that reasonable return did not only relate to money, but with regard to the use of the home. He stated that everyone who purchased their home got a discount if the home did not have a mudroom, whether it was 30, 10 or 20 years ago. Mr. Lane stated that the reasonable return related to the fact that the applicants would have a difficult time selling the home without a mudroom.

Mr. Lane then stated that in connection with precedent, there have been a lot of people who have had variations approved because their basements were included in the GFA. He noted that every application is different and that this request would not set a precedent. Mr. Lane stated that every time the set of circumstances is different. He stated that with regard to unique circumstances, the home is located on an alley which impacted the way in which you enter the home and that the basement was built to code when the home was built. Mr. Lane stated that with regard to the way in which the addition would stick out from the rear of the home, he agreed that it would stick out further than that of other homes in the neighborhood, but that it would not be dramatically more than the other homes which would not change the character of the neighborhood. He also stated that the fact that they removed the fireplace made a difference and the size was reduced. Mr. Lane concluded by stating that the applicants are adding a small addition and that if the basement was not included in GFA, there would be no need for a variation.

Ms. Hickey stated that she is leaning toward not being in favor of the request and that she agreed with Mr. Myers and Ms. Johnson. She stated that she is very sympathetic to the applicants and referred to the flooding issues and that a building of this size would affect the neighbors. She also stated that she would like to see the scale reduced further and that it is a large mudroom.

Chairman Adams stated that they are hearing discussions with regard to the first two standards as well as how the proposed addition would affect the character of the neighborhood. He referred to the manner in which the proposed addition would stick out and the flood issues. Chairman Adams stated that with regard to light and air, the Board has generally said that there would be no effect with a one-story addition that complies with the required setbacks.

Mr. McCoy stated that he agreed with Mr. Lane's comments 100% and that not having a mudroom is important, but that an amendment to the ordinance occurred in 2002 and that the applicants purchased the home in 2008. He indicated that it seemed as though the Village at the time recognized that the issue with these homes was accounted for and that he is not sure that this is a unique circumstance when the applicants purchased the home. Mr. McCoy stated that given the amount of research which was done, he did not see how the applicants could come in and not realize that was the case. He added that the Village amended the ordinance for a reason.

Ms. Johnson referred to the analysis provided in the packet of materials and stated that it was apparent when the home was built in 1990 and that the applicants stated that they received the entire file. She stated that they do not know who said what from the Community Development Department and that it is not necessarily relevant. Ms. Johnson stated that the analysis was given to the applicants as part of the file, not in terms of a promise that they could build "x" addition to the home and commented that the situation is unfortunate.

Mr. Lane stated that with regard to the change in the code, garage setbacks have changed and that the Board has made decisions to allow garages to be added onto, etc. He indicated that this situation is the same.

Mr. Myers stated that those situations related to someone wanting to change the garage or change a wall and that in by doing that, they have to apply this new ordinance.

Mr. Lane stated that the Board is overthinking this request since it related to GFA.

Chairman Adams stated that he is sympathetic to the applicants' plight and that the Village Council may overrule the Board's recommendation. He stated that the ordinance was put in place by the Village Council for good reason. Chairman Adams stated that the home could certainly benefit from a bigger mudroom and that part of what the ordinance change addressed was to make sure that homes of this type did not get the benefit of increased bulk on the first floor out of the ground. He noted that the change the applicants are proposing to make is in the rear of the home and not on the street. Chairman Adams stated that the Board cannot point to a unique circumstance for this home. He stated that the applicants can see what the issues are before they present their case to the Village Council. Chairman Adams stated that in connection with reasonable return, it is generally a hard standard to quantify and referred to Mr. Lane's comments as to whether it is monetary or related to the reasonable use of the home. He questioned how big is a mudroom supposed to be. Chairman Adams then asked for a motion.

Mr. Myers moved that the Board recommend denial of the requested variation given that the applicants have not demonstrated that the property cannot yield a reasonable return if not

permitted to use the mudroom that is currently proposed. He also stated that the plight of the owners is not due to unique circumstances and that the variation may alter the essential character of the locality given that the backyard appearance and flooding issues of adjoining properties. Mr. Myers stated that the Board believed that the applicants have made a significant effort to address the supply of light and air. He stated that there would be no hazard from fire or adversely affect the taxable value of the land. Mr. Myers stated that congestion would not increase and that the public safety, comfort, morals and welfare of the inhabitants of the Village would not be otherwise impaired.

Ms. Hickey seconded the motion. A vote was taken and the motion was passed, 5 to 1.

AYES: Adams, Hickey, Johnson, McCoy, Myers  
 NAYS: Lane

### **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 not in harmony with the general purpose and intent of the Winnetka Zoning Ordinance. The proposal is not compatible, in general, with the character of existing development within the immediate neighborhood with respect to architectural scale and other site improvements.
3. There are no practical difficulties or a particular hardship which prevents strict application of Section 17.30.040 [Maximum Building Size] of the Winnetka Zoning Ordinance which is related to the use or the construction or alteration of buildings or structures.

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

1. The property can yield a reasonable return if permitted to be used only under the conditions allowed by regulations in the R-5 zoning district.
2. The plight of the applicants is not due to unique circumstances which are related to the property and not the applicants. No evidence has been provided to prove any unique circumstances. The zoning ordinance was revised in 2002 to specifically include basements with such exposure above grade in the total gross floor area.
3. The location of the rear addition and the flooding issues in the immediate area that may be exasperated by the addition will alter the essential character of the locality.
4. An adequate supply of light and air to adjacent property will not be impaired by the proposed variations, although there are proximate structures to the proposed addition.

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 generally an improvement to the property.
7. Congestion in the public streets will not increase. The structure will continue to be used as a single-family residence and no additional bedrooms are proposed.
8. The public health, safety, comfort, morals and welfare of the inhabitants of the Village will not be otherwise impaired.

DRAFT

## **AGENDA REPORT**

**SUBJECT:**                               **D’Haute Dogs – Liquor License Request**

**PREPARED BY:**                       Katherine S. Janega, Village Attorney

**REF:**                                       March 16, 2010                               Council Agenda, pp. 394 - 410  
                                                      October 20, 2009                             Council Agenda, pp. 62 – 69

**DATE:**                                     May 11, 2011

Jared Boyar, owner of D’s Haute Dogs, has requested an opportunity to renew his request that the Council allow him to serve beer and wine along with food at his establishment. (See Attachment 1) His initial request, considered by the Council in October of 2009, was for the service of beer in cans. (See Attachment 2) In March of 2010, he expanded his request to include wine as well as beer, citing the licenses issued to Marco Roma Pizza and to the Winnetka Wine Shop. (See Attachment 3) Minutes of the relevant portions of the Council meetings on October 20, 2009, and March 16, 2010, are attached. (See Attachments 4 and 5) The floor plan and menu for D’s Haute Dogs are also attached, as Attachments 6 and 7.

Based on previously submitted information, the service being proposed would have the following characteristics:

- Beer and wine sales would be incidental to food purchases.
- All food sales are counter service only.
- Food is served in plastic baskets with “conventional utensils” for eat-in service.
- Food is packaged and plastic utensils are provided for carry-out items.
- The beer sales would be conducted by only by Mr. Boyar or his wife.
- The beer and wine would be kept in a glass cooler behind the service counter, and there would be no direct customer access.
- The beer would be sold and served in cans, and would only be available to dine-in guests, with the following beers offered: Amstel Light \$3.50, Budweiser \$3.00, and Bud Light \$3.00. As initially proposed, the beer would be sold and served in cans, but Mr. Boyar also indicated it could be served in glasses.
- No beer would be sold on tap and there would be no packaged beer sales.
- No details have been provided regarding the wine service.
- Mr. Boyar would also be applying for a sidewalk rider to allow beer (and presumably wine) consumption outdoors with a hot dog.

The Village’s Liquor Control regulations are found in Chapter 5.09 of the Village Code. Section 5.09.100 establishes the following license categories:

- Class A: Restaurant.
- Class A-1: Restaurant with bar.
- Class B: Packaged liquor sales in a full-service grocery store.
- Class C: Special events.
- Class D: Retail sale of liquor in its original packaging, with delivery via mail or a package delivery service.
- Class D-1: Wholesale sale of wine in its original packaging, by an importer or distributor.
- TV Rider: Available only to Class A and A-1 licensees.
- Class E: Retail sale of wine only by a limited food products store.
- Class E-1: Retail sale of beer or wine by a limited food products store.
- Class E-2: Retail sale of fine wines, premium imported beer and domestic craft beer at a specialty beverage store.
- Packaged Meal Rider: Available only to Class A and A-1 licensees.
- Sidewalk Restaurant Rider: Available only to Class A, A-1, E-1 and E-2 licensees
- Class P: Winnetka Park District Golf Course Club House

The only license categories that might apply to D’s Haute Dogs are the Class A and Class A-1 licenses. However, to be a restaurant as defined in Section 5.09.100 of Chapter 5.09, a food service establishment must have the following characteristics:

- It is a public place kept, used, maintained, advertised and held out to the public as a place where complete meals are served.
- It is a public place where complete meals are actually and regularly served.
- The space has an “adequate and sanitary” kitchen and dining room equipment to prepare, cook and serve suitable food for its patrons.
- The business employs a sufficient number and kind of employees to prepare, cook and serve suitable food for its patrons.
- Patrons are seated by a host or hostess.
- Patrons order from individual pre-printed menus.
- Orders are taken from and food is served to patrons while they are seated at tables.
- Meals are served using nondisposable dishes, glassware and utensils.
- The service of alcoholic beverages is incidental and complementary to the meal service.

Because of the absence of a host or hostess, the absence of a service staff, the ordering and pick-up of food at the counter and the use of baskets rather than nondisposable dishes, glassware and utensils, D’s is not a “restaurant” as defined in Section 5.09.010.

The eligibility standards of Section 5.09.080 of Chapter 5.09 also confirm that D’s Haute Dogs is not eligible for a liquor license, as Paragraph 22 of Section 5.09.080(A) provides that the following type of food establishment is not eligible for a liquor license:

22. Any limited food establishment, such as, but not limited to, fast food restaurants and drive-in restaurants as defined in the Winnetka Zoning Ordinance, luncheonettes, lounges, diners, drive-ins, or self-service or carry-out establishments.

D’s Haute Dogs falls within the scope of the Zoning Ordinance’s definition of “fast food restaurant,” which is defined as “a restaurant where food is principally offered or served on or in disposable tableware or containers for immediate consumption on or away from the premises. A ‘fast food restaurant’ includes a business which provides home delivery or customer pick up services.” (WVC §17.04.030(R)(8))

Consequently, if the Council wishes to grant the request of D’s Haute Dogs, it will be necessary to amend Chapter 5.09 to establish a new license category. In addition to defining the characteristics of such new license category, the Council should consider the following policy questions:

- 1) Will the new category have any unintended consequences? For example, would it result in license requests from other, similar establishments, such as McDonald’s, Panera or Cap’n Nemo’s? If so, would the Council be willing to authorize the issuance of a license to these other food establishments?
- 2) Can the Council reasonably distinguish between the grounds for allowing a food establishment such as D’s Haute Dogs to sell beer and wine and for not allowing a diner such as Boris’ or Marco Roma to be eligible for a license? (Marco Roma had previously been issued a Class A license, but surrendered it after being informed that its business operations were not consistent with the definition of “restaurant” in WVC §5.09.010.)

**Recommendation:**

Provide policy direction.

**From:** Robert Bahan  
**Sent:** Friday, April 08, 2011 12:31 PM  
**To:** 'D's Haute Dogs'  
**Subject:** RE: Beer and Wine License

Jared,

Thank you for your email. I will share your email with the Village President/Liquor Commissioner and our Village attorney, and we will get back to you regarding the proper procedure for moving forward. As the new village manager, I need to check our local ordinances and procedures for your request. The new Council will begin their duties on May 3<sup>rd</sup>. It is unlikely that this matter would be placed before them during their first meeting. However, we have additional meetings in May and there may be an opportunity to move forward at that time.

Thank you for your email, and we will be in touch with you soon.

Sincerely,  
Rob Bahan  
Village Manager

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**From:** D's Haute Dogs [mailto:D@dshautedogs.com]  
**Sent:** Friday, April 08, 2011 12:23 PM  
**To:** Robert Bahan  
**Subject:** Beer and Wine License

Mr. Bahan:

My name is Jared Boyar and I am the owner of D's Haute Dogs @ 551 Lincoln Ave. I have been working with the Village on obtaining a Beer and Wine license for sometime now. I would like to present my case again in May before the new board. I have gathered a petition from my customers, and would like the opportunity to speak with you all. Can you instruct me as to the correct channels to go through in order to make sure I am on the agenda?

Best Regards-

Jared Boyar

You'll Relish Our Haute Dogs-

D's Haute Dogs  
551 Lincoln Ave  
Winnetka, IL  
60093  
847.386.6238  
[D@dshautedogs.com](mailto:D@dshautedogs.com)

**From:** Jared Boyar [jnboyar@aol.com]  
**Sent:** Monday, October 12, 2009 2:06 PM  
**To:** Doug Williams  
**Cc:** Joe DeLopez; Kathie Scanlan; Kathy Janega; Liz Rosenthal  
**Subject:** Re: D's Haute Dogs  
Mr. Williams:

As I mentioned before I would like to ask the Village Council to grant D's Haute Dogs the license to sell beer. We would like to sell canned beer only, and there wouldn't be any taps, wine or hard liquor sold on the premises. Canned beer would be sold by the cashier (either my wife or myself). Canned beer would be available for dine in guests only and there would not be any liquor packaged to go. The canned beer would be kept in a glass cooler behind the counter, where customers do not have access. Beer sales would accompany food sales and would not be available for consumption without the purchase of food. During the summer I ask that D's Haute Dogs would be granted a sidewalk rider for outdoor consumption for the three tables that we have in front of our store. Many of our customers have repeatedly asked that we offer beer as "a hotdog and a beer go well together". D's Haute Dogs has no intention of presenting itself to the Village of Winnetka as a "Tavern or Bar". We simply want to offer our patrons the opportunity to enjoy a beer with their meal. Please let me know if the Village will be able to discuss this topic at the October 20th meeting. If so I will be sure to be in attendance.

Thank You-

Jared Boyar  
[jnboyar@aol.com](mailto:jnboyar@aol.com)

On Oct 9, 2009, at 3:37 PM, Doug Williams wrote:

Mr. Boyar,  
The Village needs more information regarding your request for a liquor license. Police Chief DeLopez will be contacting you to clarify your request. After he meets with you, please draft a letter for the Village Council which outlines your liquor license request.  
Doug Williams  
Village Manager

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**From:** Jared Boyar [<mailto:jnboyar@aol.com>]  
**Sent:** Friday, October 09, 2009 8:00 AM  
**To:** Doug Williams  
**Subject:** D's Haute Dogs  
Hi:

My name is Jared Boyar, I am the owner of D's Haute Dogs at 551 Lincoln Ave. I was hoping to procure a liquor license from the Village of Winnetka but upon further inspection of Winnetka code I found that there is not an existing classification for the type of business that I operate, nor is there a classification for "bottled/canned beer only". I would like to request that the village put this topic on the agenda for the meeting on the 20th of the October.

My store has a cashier (myself or my wife), two cooks and a busboy. All drinks are currently served by the cashier at the time of order. We do not want to sell any hard liquor, mixed drinks, or packaged goods. Please let me know if the Village will be able to discuss this at the October meeting. If so I will make sure to be there.

Many Thanks -  
Jared Boyar  
[jnboyar@aol.com](mailto:jnboyar@aol.com)

==

Attachment 2

**Joe DeLopez**

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**From:** Jared Boyar [JNBoyar@aol.com]  
**Sent:** Wednesday, March 10, 2010 2:04 PM  
**To:** Doug Williams; Joe DeLopez; Kathy Janega  
**Subject:** D's Haute Dogs

Dear All:

I applied for a beer and wine/liquor license back in the fall and was turned down for a myriad of reasons. One being that there is not a beer and wine license in the village of Winnetka. Another being that I don't have a waiter or a host at my store. Also, one member cited a census from 2005 that stated that 64% of Winnetka residents didn't want a proliferation of bars in town. Finally, I was told by one board member that my store was a "family place where children eat" and that they didn't think I needed beer or wine in my business.

Over the past few months many things have occurred in town. Marco Roma's on Greenbay Road was given a beer and wine license. Marco Roma's is an Italian restaurant that actually has a "childrens menu". I recently went into their establishment where I ordered a slice of pizza and an Amstel Light. The cashier handed me the beer from a cooler. There was no host, no waiter. I simply placed my order and was handed a beer. This was exactly what I proposed at my store. The board granted them the right to do it, but denied me. I feel that this is a complete injustice. What's more family oriented than Italian food? Pizza, Spaghetti and Meatballs? I believe it's the Olive Garden that uses the slogan "where families come to eat".

Also, the Winnetka Wine Shop is due to open shortly. I have included their flier which is posted at the entryway of KID MOTION, a children's daycare center. They advertise beer and wine sales, along with food, and beer and wine samples in their store. I am quite confused as to how the board would approve a liquor store/bar directly above a daycare center? If the board is trying to steer kids away from alcohol, then why would they allow the Winnetka Wine Shop to open in the space above Kid Motion?

Finally, Burger King has just launched a series of stores that now serve beer and wine in order to garner more revenue.

I have included the photos of the Winnetka Wine Shop Flyer and both Marco Roma's and my store to substantiate my argument in a separate email.

Jared Boyar  
[jnboyar@aol.com](mailto:jnboyar@aol.com)

~~ATTACHMENT 2~~

**EXCERPT OF MINUTES  
WINNETKA VILLAGE COUNCIL  
REGULAR MEETING  
October 20, 2009**

(Approved: November 3, 2009)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, October 20, 2009, at 7:30 p.m.

- 1) Call to Order. President Tucker called the meeting to order at 7:32 p.m. Present: Trustees Gene Greable, Bill Johnson, Linda Pedian, King Poor, Chris Rintz, and Jennifer Spinney. Absent: None. Also present: Village Manager Doug Williams, Village Attorney Katherine Janega, Director of Community Development Michael D'Onofrio, Police Chief Joe DeLopez, and four persons in the audience.

\* \* \* \* \*

- 9) New Business. None.

- a) Policy Direction: Request for New Liquor License Category. Chief DeLopez reviewed a request for a new liquor license category from the owner of D's Haute Dogs, 551 Lincoln Avenue. The applicant has requested the creation of a license category that would permit him to sell canned beer with the purchase of a hot dog. Chief DeLopez referred the Trustees to the information provided by the applicant, as outlined in the Agenda Report and pointed out that the beer sales would be in cans only, would be incidental to the purchase of food, and that there would be no direct customer access to the beer cooler and no sale of beer to go.

Trustee Rintz asked Chief DeLopez his opinion of the request. In response, Chief DeLopez stated that this specific request does not greatly disturb him, but that canned beer is easily portable, and he is also concerned about a proliferation of requests to modify the Village's ordinances.

Responding to a question from Manager Williams, Mr. Boyar indicated that the beer could be served in glasses.

Trustee Pedian pointed to the casual nature of the operation and the fact that it caters to families as possible causes for concern, and asked if the sale of beer would have a significant positive impact on the applicant's business, or if it was merely "nice to have."

Chief DeLopez replied that the applicant reports frequent requests for beer service.

Trustee Spinney indicated that she was struggling with this request. She expressed concern about alcohol abuse in the community and about whether this would just be one more step down a "slippery slope."

Trustee Johnson referred to the 2005 Village Caucus Platform, noting the community's opposition to liquor code revisions, particularly anything that could resemble a "bar." He stated that, while he hopes applicant's business succeeds, he cannot support this proposal.

The applicant, Jared Boyar, spoke in support of his request and responded to questions from the Trustees.

Trustee Greable commented on the 2005 Caucus survey question and Platform. He observed that this is a fast food restaurant, which historically has been omitted from being considered an acceptable place for liquor service, and that until he is satisfied that the community wants to change its values relating to alcohol, he cannot support this or any similar request.

Trustees Rintz, Pedian and Poor also indicated that they would not vote in favor of this expansion to the liquor code at this time.

Noting the lack of support among the Trustees, President Tucker voiced her own concerns and commented that there needs to be further discussion in the community about expanding the parameters of liquor service in the Village.

**EXCERPT OF MINUTES  
WINNETKA VILLAGE COUNCIL  
REGULAR MEETING  
March 16, 2010**

(Approved: April 20, 2010)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, March 16, 2010, at 7:30 p.m.

- 1) Call to Order. President Tucker called the meeting to order at 7:33 p.m. Present: Trustees Gene Greable, Bill Johnson, Linda Pedian, King Poor, Chris Rintz and Jennifer Spinney. Absent: None. Also present: Village Manager Doug Williams, Village Attorney Katherine Janega, Finance Director Ed McKee, Community Development Director Mike D'Onofrio, Assistant Director of Community Development Brian Norkus, Director of Water & Electric Brian Keys and approximately 74 persons in the audience.

\* \* \* \* \*

9) New Business.

- a) Request for New Liquor License Category: D's Haute Dogs. Chief DeLopez reviewed a request from Jared Boyar, owner of D's Haute Dogs, for reconsideration of his October request for the creation of a new liquor license category that would permit his establishment to sell beer and wine.

Manager Williams reported that he had received two emails in support of this request.

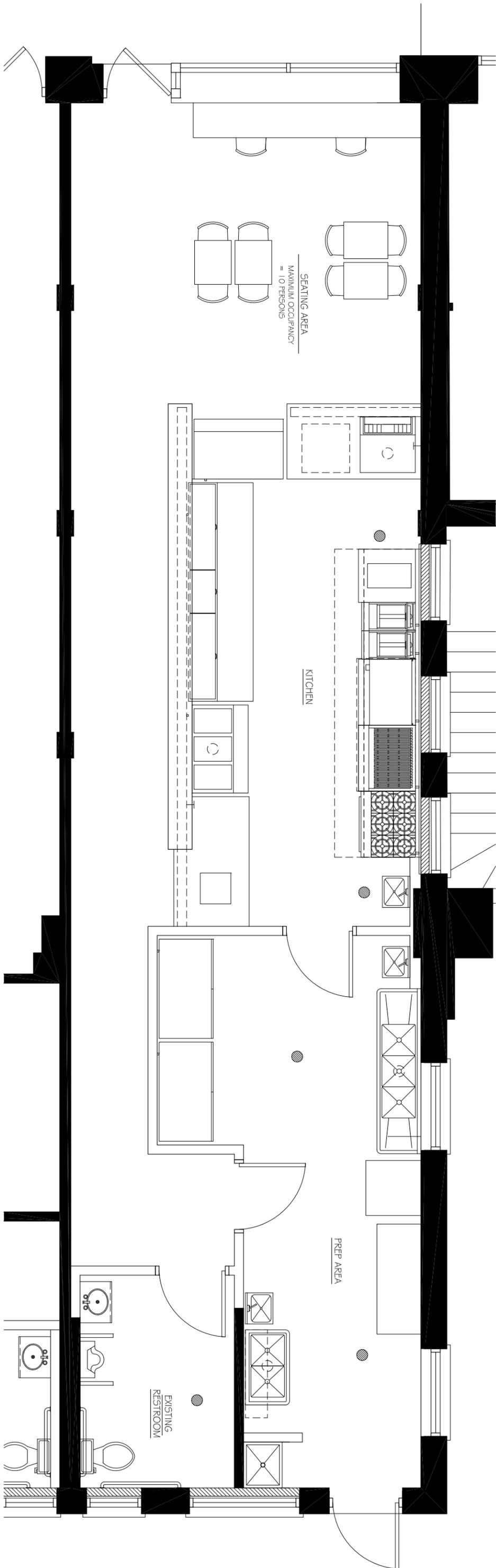
Chief DeLopez and Sgt. Marc Hornstein addressed issues of liquor service and display as well as the process for background investigations and on-site inspections to determine compliance with Village laws.

Mr. Boyar spoke in support of his request.

Trustee Greable suggested that the Council re-examine the question of expanding liquor service again at a study session.

Attorney Janega explained some of the differences between various existing license categories, saying that D's is a type of restaurant, but not as defined in the liquor ordinance. She said that a license category could be created to accommodate D's business model, but that kind of service and characteristics must be carefully delineated so that the Village doesn't inadvertently provide for liquor to be served at a fast food restaurant.

After a lengthy discussion, there was a consensus among the Trustees not to create a new license category at this time.





## HAUTE DOGS

All of our hot dogs are Vienna All-Beef franks

<b>THE CHICAGO</b>	<b>\$2.99</b>
Traditional Chicago-Style with all the fixings: green relish, tomato wedges, onions, sport peppers, celery salt & yellow mustard	
<b>THE CHILI DOG</b>	<b>\$3.74</b>
Topped with chili & onions	
Add Mercks cheddar	<b>\$4.74</b>
<b>THE CHAR POLISH</b>	<b>\$3.99</b>
Maxwell St. Polish, grilled onions & sport peppers	
<b>THE ERICKSON</b>	<b>\$3.99</b>
Oversized (much like Adam) brat, sauerkraut & brown mustard	
<b>THE CHERUBINI</b>	<b>\$3.99</b>
Italian sausage, onions & grilled peppers (add giardinera for a Spicy Italian)	
<b>MINI IOWAS</b>	<b>\$4.95</b>
Ten mini corn dogs served with our Creole mustard	
<b>THE SINATRA</b>	<b>\$2.99</b>
Have it your way... Hot dog or Turkey dog	

## HAUTE SPECIALTIES

<b>THE ZEUS</b>	<b>\$5.95</b>
Gyros sausage, tomatoes, onions, cucumbers, feta cheese & Tzatziki sauce	
<b>THE RUBENS</b>	<b>\$5.95</b>
Corned beef sausage, Swiss cheese, sauerkraut & Russian dressing	
<b>THE MARLEY</b>	<b>\$5.95</b>
Jamaican jerk pork sausage, green onions, shredded lettuce & garlic aioli	
<b>THE CLUB</b>	<b>\$5.95</b>
Turkey dog, lettuce, tomatoes, bacon, cheddar cheese & mayonnaise	
<b>THE DELMONICO</b>	<b>\$5.95</b>
Rib-eye steak sausage, sautéed mushrooms, fried onion crisps & horseradish cream sauce	
<b>THE ROOSTER</b>	<b>\$5.95</b>
Tomato-basil chicken sausage, mozzarella cheese & marinara sauce	

## HAUTE BURGERS

Quarter Pound Beef Or Turkey Burger

<b>THE CLASSIC</b>	<b>\$4.25</b>
Lettuce, tomatoes & onions	
Add cheese	<b>\$4.75</b>
Add Mercks cheddar	<b>\$5.25</b>
<b>THE D'S</b>	<b>\$5.95</b>
Fried egg, bacon, American cheese & mayonnaise	
<b>THE FIRE ALARM</b>	<b>\$5.95</b>
Chili, pepper jack cheese, fresh jalapenos & chipotle mayonnaise	

<b>THE BLEU</b>	<b>\$5.95</b>
Bleu cheese, sautéed mushrooms, fried onion crisps & horseradish cream sauce	
<b>THE JHA</b>	<b>\$5.95</b>
Bacon, Merkts cheddar, fried onion crisps & barbecue sauce Make it a double for \$2 more... Jimmy would!	
<b>THE TRIPLE B</b>	<b>\$4.95</b>
Homemade black bean burger, lettuce, tomato & onions	
<b>THE CHICKEN</b>	<b>\$4.95</b>
7oz Grilled Chicken Breast, lettuce, tomato & onions	
<b>MRS W's TUNA SALAD</b>	<b>\$4.95</b>
Our Homemade Tuna Salad lettuce, tomato & onions... Add Avocado for \$1	

### HAUTE SALADS

Dressings: Balsamic, Bleu Cheese, Greek Vinaigrette, Ranch & Russian

<b>THE LINDSEY</b>	<b>\$8.95</b>
Chicken, avocado, bacon, eggs, tomatoes, green onions, cucumbers & bleu cheese	
<b>THE SANTORINI</b>	<b>\$5.95</b>
Kalamta olives, tomatoes, onions, cucumbers, feta cheese & Greek vinaigrette Add chicken	
	<b>\$7.95</b>
<b>THE BOTANIC</b>	<b>\$4.95</b>
Tomatoes, onions, cucumbers, green peppers & croutons Add chicken	
	<b>\$6.95</b>

### HAUTE SIDES

Hand-Cut Fries	<b>\$2.50</b>
Merkts Cheddar Fries	<b>\$3.50</b>
Chili Cheese Fries	<b>\$4.25</b>
Sweet Potato Fries	<b>\$2.99</b>
Chili/Soup	<b>\$3.95</b>

### HAUTE EXTRAS

Cheese (American, Bleu, Cheddar, Feta, Pepper jack & Swiss)	<b>50¢</b>
Merkts Cheddar	<b>\$1.00</b>
Chili	<b>75¢</b>
Bacon	<b>75¢</b>
Avocado	<b>\$1.00</b>
Fried Onions	<b>\$1.00</b>
Sauces (Chipotle Mayonnaise, Garlic Aioli, Horseradish Cream & Tzatziki)	<b>50¢</b>

### BEVERAGES

Fountain Drink	<b>\$1.59</b>
Horizon Organic Milk	<b>\$1.50</b>
Juice Box	<b>\$1.25</b>
Bottled Water	<b>\$1.25</b>
Sparkling Water	<b>\$1.69</b>

**551 Lincoln Avenue  
Winnetka, Illinois 60093  
847.386.6238  
www.dshautedogs.com**

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