



ZONING BOARD OF APPEALS REGULAR MEETING

MONDAY, MARCH 9, 2020 - 7:00 p.m.

WINNETKA VILLAGE HALL COUNCIL CHAMBERS – 510 GREEN BAY ROAD

AGENDA

1. Call to Order & Roll Call.
2. Community Development Report.
3. **Case No. 20-09-V2: 859 Sheridan Road:** An application submitted by Tom and Alison Walker seeking approval of zoning variations to allow an addition to the existing residence at 859 Sheridan Road. The requested zoning variations would permit the residence (a) to provide less than the minimum required side yard setback; (b) to provide less than the minimum required rear yard setback; and (c) to exceed the maximum permitted width of front-facing attached garage doors. The Village Council has final jurisdiction on this request.
4. **Case No. 20-10-V2: 191 Sheridan Road:** An application submitted by Scott and Nancy Santi seeking approval of a zoning variation to allow the construction of an accessory building at 191 Sheridan Road. The requested zoning variation would permit the accessory building to provide less than the minimum required front yard setback from Lake Michigan. The Village Council has final jurisdiction on this request.
5. Other Business.
 - a. Comprehensive Plan Status Update.
6. Next meeting – April 13, 2020 - Quorum check.
7. Public Comment.
8. Adjournment

Note: Public comment is permitted on all agenda items.

NOTICE

All agenda materials are available at villageofwinnetka.org (*Government > Boards & Commission > Agenda Packets*).

The Village of Winnetka, in compliance with the Americans with Disabilities Act, requests that all persons with disabilities, who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting or facilities contact the Village ADA Coordinator at 510 Green Bay Road, Winnetka, Illinois 60093, (Telephone (847) 716-3543; T.D.D. (847) 501-6041).

510 Green Bay Road, Winnetka, Illinois 60093

Administration and Finance (847) 501-6000 Fire (847) 501-6029 Police (847) 501-6034 Community
Development (847) 716-3520

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



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: ZONING BOARD OF APPEALS
FROM: ANN KLAASSEN, SENIOR PLANNER
DATE: MARCH 5, 2020
SUBJECT: CASE NO. 20-09-V2: 859 SHERIDAN ROAD -VARIATIONS

INTRODUCTION

On March 9, 2020, the Zoning Board of Appeals will conduct a public hearing on an application filed by Tom and Alison Walker (the “Applicants”) as the owners of the property at 859 Sheridan Road (the “Subject Property”). The Applicants request approval of the following zoning variations to allow an addition to the existing residence on the Subject Property:

1. Side yard setback of 4.31 feet, whereas a minimum of 12 feet is required, a variation of 7.69 feet (64.08%) [Section 17.30.060 – Side Yard Setback] [Note: The residence currently provides a side yard setback of 5.73 feet.];
2. Rear yard setback of 20.31 feet, whereas a minimum of 20.44 feet is required, a variation of 0.13 feet (0.64%) [Section 17.30.070 – Rear Yard Setback] [Note: The residence currently provides a rear yard setback of 20.31 feet.]; and
3. A single front-facing attached garage door width of 16 feet, whereas a maximum of two 9-foot wide doors are permitted [Section 17.30.110 – Garages].

A mailed notice was sent to property owners within 250 feet of the Subject Property in compliance with the Zoning Ordinance. The hearing was properly noticed in the *Winnetka Current* on February 20, 2020. As of the date of this memo, staff has received one written comment from the public regarding this application. This comment is provided in Attachment D of this report.

The Village Council has final jurisdiction on this request as only the Council has the authority to grant a variation to reduce a rear yard setback for a principal building by more than 50% of the required setback.

PROPERTY DESCRIPTION

The Subject Property, which is approximately 0.31 acres in size, is located on the east side of Sheridan Road, between Lloyd Place and Tower Road, and contains an existing two-story residence (see Figure 1). The property is zoned R-2 Single Family Residential, and it is bordered by R-2 Single Family Residential to the north, south, and east, and R-3 Single Family Residential to the west (see Figure 2). The Comprehensive Plan designates the Subject Property as appropriate for single family residential development. The zoning of the property is consistent with the Comprehensive Plan.



Figure 1 – Aerial Map

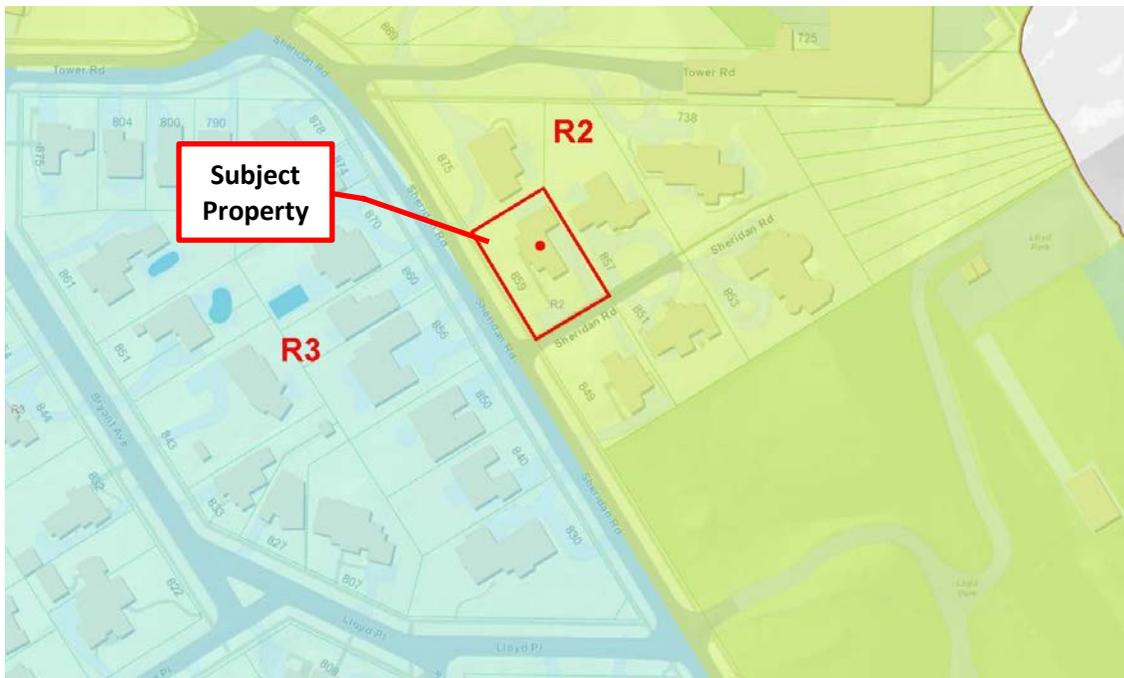


Figure 2 – Zoning Map

PROPERTY HISTORY AND PREVIOUS ZONING APPLICATIONS

The residence and attached garage were built in 1926. The following subsequent building permits were issued in:

1. 1930 to erect an addition;
2. 1974 to add a one-story addition; and
3. 2010 to remove an enclosed porch.

Other permits for interior remodeling have also been issued over the years. The Applicants acquired the property in December 2009.

There are four (4) previous zoning cases on file for the Subject Property:

1. In 1930, Case No. 433 was approved, granting a variation from the side yard setback requirement to allow an addition;
2. In 1974, Case No. 1128 was approved, granting a variation to allow an attached greenhouse within the required front yard setback from the private road easement;
3. In 2005, Case No. 05-42-V was approved by the ZBA, granting variations from the front yard setback and rear yard setback regulations to allow three additions. The approved project was never built; and
4. In 2010, Case No. 10-08-ZA was approved by the Zoning Administrator, granting a variation to allow a new sliding patio door in the legally-nonconforming north building wall.

Figures 3 through 5 contain photos of the site.



Figure 3 – Subject Property (West Elevation)



Figure 4 – Subject Property (South Elevation)



Figure 5 – Subject Property

PROPOSED PLAN

The variations are being requested in order to rebuild the existing legally-nonconforming attached garage and the space above it, but with a slightly larger footprint. The existing garage measures 18.58 feet by 22.08 feet. The proposed addition would expand the garage 1.42 feet to the east and 1.92 feet to the south so that the proposed garage would be 20 feet by 24 feet.

The space above the garage currently consists of a bedroom with an in-suite bathroom and a laundry nook in the hallway. The proposed addition would expand the bedroom and provide a walk-in closet as well as a laundry room. The second floor addition would add approximately 174 square feet of GFA. In total, the proposed addition would add approximately 243 square feet of gross floor area (GFA).

Excerpts of the proposed site plan, south building elevation, and floor plans are provided below as Figures 6 through 8. The complete set of plans representing the existing conditions as well as the proposed addition is provided in Attachment C.

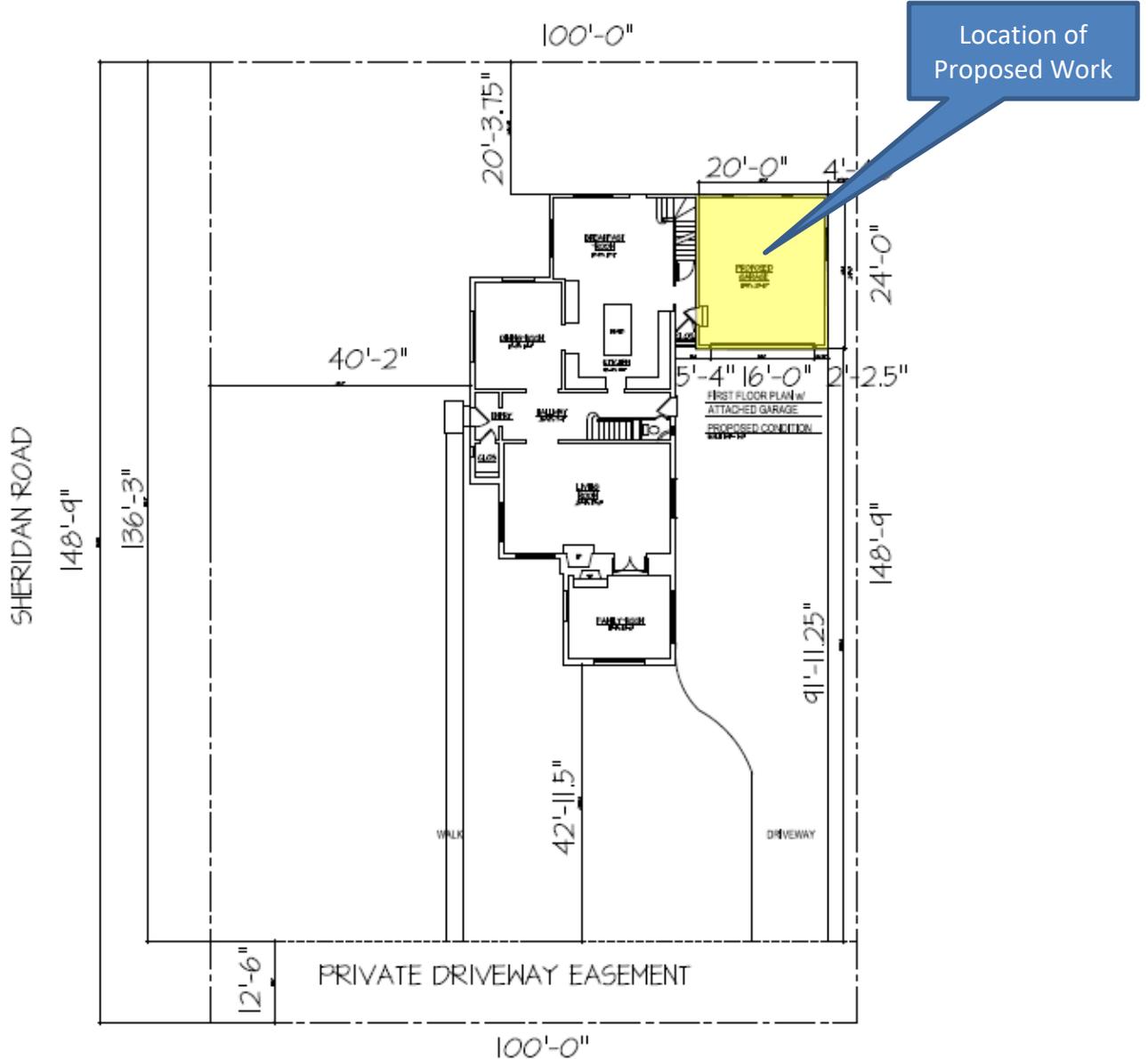


Figure 6 – Excerpt of Proposed Site Plan

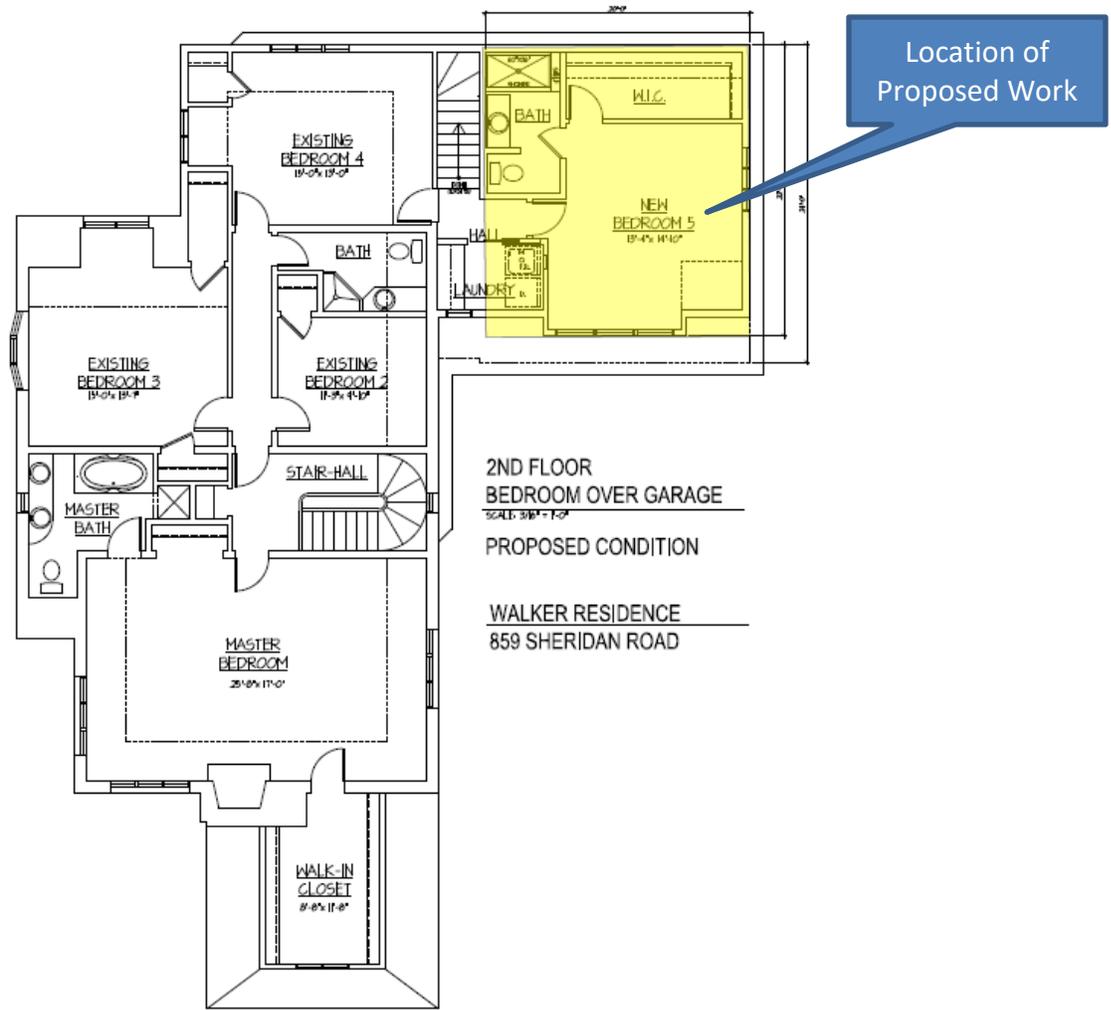


Figure 7 – Proposed Second Floor Plan



Figure 8 – Excerpt of Proposed South Elevation

Given the ZBA often receives questions regarding the stormwater regulations applicable to a specific request being considered by the ZBA, attached is a Stormwater Matrix (Attachment B). Based on the proposed plan, it appears additional stormwater detention would not be required. However, a final determination will be made by Village Engineering staff. Additionally, Figure 10 below represents the Subject Property's proximity to the floodplain. The grey represents the 100-flood area and the purple represents the 500-year flood area.



Figure 10 – GIS Floodplain Map

REQUESTED ZONING RELIEF

The attached zoning matrix highlights the existing lot and the proposed improvement's compliance with the R-2 zoning district (Attachment A). Three variations are being requested: (1) Side Yard Setback (2) Rear Yard Setback; and (3) Front-facing attached garage door width.

Side Yard Setback. The residence is legally nonconforming with respect to the side yard setback as the residence currently provides a side yard setback of 5.73 feet from the east property line, encroaching the minimum required setback of 12 feet by 6.27 feet (52.25%). The proposed addition would expand the residence an additional 1.42 feet to the east, and it would provide a setback of 4.31 feet.

Rear Yard Setback. The residence is also legally nonconforming with respect to the rear yard setback as the residence currently provides a rear yard setback of 20.31 feet from the north property line, encroaching the minimum required setback of 20.44 feet by 0.13 feet (0.64%). The proposed addition would match up with the rear of the existing residence and provide the same setback of 20.31 feet.

Front-Facing Attached Garage Door. Lastly, the existing front-facing attached garage door is also legally nonconforming at a width 16 feet. A maximum of two 9-foot wide garage doors are permitted on attached front-facing garages. The proposed garage would also have a single garage door measuring 16 feet in width.

REQUESTED ZONING CONSIDERATION

The Applicants are requesting approval of the following zoning variations to allow an addition to the existing residence on the Subject Property:

1. Side yard setback of 4.31 feet, whereas a minimum of 12 feet is required, a variation of 7.69 feet (64.08%) [Section 17.30.060 – Side Yard Setback] [Note: The residence currently provides a side yard setback of 5.73 feet.];
2. Rear yard setback of 20.31 feet, whereas a minimum of 20.44 feet is required, a variation of 0.13 feet (0.64%) [Section 17.30.070 – Rear Yard Setback] [Note: The residence currently provides a rear yard setback of 20.31 feet.]; and
3. A single front-facing attached garage door width of 16 feet, whereas a maximum of two 9-foot wide doors are permitted [Section 17.30.110 – Garages].

FINDINGS

Does the ZBA find that the requested variations meet the standards for granting such variations; and if so, is the ZBA prepared to make a recommendation to the Village Council regarding the requested relief? If so, a ZBA member may wish to make a motion recommending approval or recommending denial based upon the following:

Move to recommend **approval [denial]** of the following variations granting:

1. Side yard setback of 4.31 feet, whereas a minimum of 12 feet is required, a variation of 7.69 feet (64.08%) [Section 17.30.060 – Side Yard Setback] [Note: The residence currently provides a side yard setback of 5.73 feet];
2. Rear yard setback of 20.31 feet, whereas a minimum of 20.44 feet is required, a variation of 0.13 feet (0.64%) [Section 17.30.070 – Rear Yard Setback] [Note: The residence currently provides a rear yard setback of 20.31 feet.]; and
3. A single front-facing attached garage door width of 16 feet, whereas a maximum of two 9-foot wide doors are permitted [Section 17.30.110 – Garages].

The Zoning Board of Appeals finds, based on evidence in the record or a public document, that the variations requested are **in harmony [not in harmony]** with the general purpose and intent of the Zoning Ordinance and that each of the following eight standards on which evidence is required pursuant to Section 17.60.050 of this Code **has been met [has not been met]** in connection with this variation application **[subject to the following conditions...]**

The eight standards to consider when granting a variation are as follows:

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

ATTACHMENTS

Attachment A: Zoning Matrix

Attachment B: Stormwater Matrix

Attachment C: Application Materials

Attachment D: Public Correspondence

ATTACHMENT A

ZONING MATRIX

ADDRESS: 859 Sheridan Road

CASE NO: 20-09-V2

ZONING: R-2

ITEM	MIN/MAX REQUIREMENT	EXISTING	PROPOSED	DIFFERENCE BETWEEN PROPOSED & EXISTING	ZONING CODE COMPLIANCE (2)
Min. Lot Size	25,200 SF	13,625 SF (1)	N/A	N/A	EXISTING NONCONFORMING
Min. Average Lot Width	115 FT	100 FT	N/A	N/A	EXISTING NONCONFORMING
Max. Roofed Lot Coverage	3,406.25 SF (3)	2,452.22 SF	2,521.79 SF	69.57 SF	OK
Max. Gross Floor Area	4,540 SF (3)	3,786.76 SF	4,029.94 SF	243.18 SF	OK
Max. Impermeable Lot Coverage	6,812.5 SF (3)	5,258.51 SF	5,283.12 SF	24.61 SF	OK
Min. Front Yard (Private Easement/South)	50 FT	42.97 FT	42.97 FT	0 FT	EXISTING NONCONFORMING
Min. Corner (Front) Yard (Sheridan/West)	28 FT	39.93 FT	39.93 FT	0 FT	OK
Min. Side Yard (East)	12 FT	5.73 FT	4.31 FT	(1.42) FT	7.69 FT (64.08%) VARIATION
Min. Rear Yard (North)	20.44 FT	20.31 FT	20.31 FT	0 FT	0.13 FT (0.64%) VARIATION

NOTES:

- (1) Net lot area. Gross lot area of 14,875 s.f. includes 1,250 s.f. of private ingress/egress easement, which is excluded for zoning purposes.
- (2) Variation amount is the difference between proposed and requirement.
- (3) Based on lot area of 13,625 s.f.
- (4) A variation is also requested to allow a front-facing attached garage door 16 feet in width, whereas a maximum of two 9-foot wide doors are permitted.**

ATTACHMENT B

Stormwater Volume Requirements for Development Sites

In addition to meeting the following storm water volume detention requirements, development sites must meet all other Village storm water management requirements such as drainage and grading, storm water release rates, storage system design requirements, etc.

	Storm Water Detention Volume Requirements	Applicable Requirement
A. New Home Construction - Previously Developed Lot	The amount of additional required storm water detention volume is based upon the difference between maximum impermeable lot coverage, per Zoning Code, and existing lot coverage, using the run-off coefficient for a 100-year storm event for both.	
B. New Home Construction - Previously <u>Undeveloped</u> Site	The amount of required storm water detention volume is based upon the maximum impermeable lot coverage, using the run-off coefficient for 100-year storm event.	
C. Redevelopment of Site for Different Use (e.g. single family to multi-family, or commercial)	The amount of required storm water detention volume is based upon the maximum impermeable lot coverage, using the run-off coefficient for 100-year storm event.	
D. Improvements to Existing Home and/or Lot, causing an increase in impermeable lot coverage <u>greater or equal to 25%</u>.	The amount of additional required storm water detention volume is based upon the difference between the proposed and existing impermeable lot coverage, using the run-off coefficient for 100 year storm event. (Note: If the increase in impermeable lot coverage is less than 25%, additional storm water detention volume is <u>not</u> required.)	<i>Applies to 859 Sheridan Road</i> <i>Based upon preliminary review of information to date, it appears that 859 Sheridan Road <u>would not</u> have to provide additional storm water detention volume. However, a final determination will be made by Village Engineering staff.</i>

ATTACHMENT C

Village of Winnetka
ZONING VARIATION APPLICATION

VILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT

ZONING VARIATION APPLICATION

Case No. 20-09-VA

Property Information

Site Address: 859 SHERIDAN ROAD

Owner Information

Name: TOM & ALISON WALKER

Primary Contact: TOM WALKER

Address: 859 SHERIDAN ROAD

Phone No. [REDACTED]

City, State, ZIP: WINNETKA, IL 60093

Email: [REDACTED]

Date property acquired by owner: 12/2009

Architect Information

Name: TLH ARCHITECTS & DEVELOPERS, LTD

Attorney Information

Name: N.A.

Primary Contact: THOMAS HICKMAN

Primary Contact: _____

Address: 6519 RED

Address: _____

City, State, ZIP: LONG GROVE, IL 60047

City, State, Zip: _____

Phone No. (847) 772-8443

Phone No. _____

Email: TOM.HICKMAN@TLHARCHITECTS.COM

Email: _____

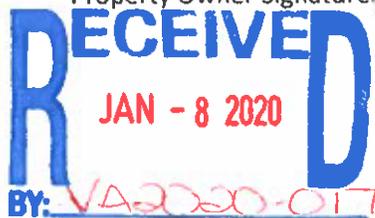
Nature of any restrictions on property: 12'-6" X 100' PRIVATE ROADWAY EASEMENT @ SOUTH
EDGE OF LOT

Brief explanation of variation(s) requested (attach separate sheet providing additional details): _____

SETBACK VARIANCES REQUESTED TO RE-BUILD EXISTING, ATTACHED
GARAGE W/ GUEST SUITE & LAUNDRY ABOVE. SEE FURTHER
VARIATION REQUEST EXPLANATION NARRATIVE. (ATTACHED)

Property Owner Signature: [REDACTED]

Date: 1/8/2020



1/8/2020

Attachment to Zoning Variation Request

859 Sheridan Road

January 8, 2020

Explanation of Variation Requested:

The applicants, Tom and Alison Walker, purchased the home at 859 Sheridan Road in 2009. It is a vintage 1925 “pre FAR” building. As such, by the current ordinance, the home is non-compliant with setback restrictions on its North and East sides. Since purchasing the Walkers have made two subtractive changes to the footprint of the home, each removing earlier homeowner additions to the original home. The subtractive changes made the home more compliant to current zoning regulations and more consistent with the character of the original Tudor style home. There is an existing attached garage with guest suite above (part of the original construction) that is behind the home (to the east) when viewed from Sheridan Road and that extends the non-compliant north wall of the home to the east. This garage wing of the home is the object of the variance request. The north and east sides of that portion of the existing structure both encroach on current zoning setbacks. Both of those sides, however, are currently settling due to deterioration of the foundation and the frame wall structure.

Although the maintenance issues could arguably be repaired in place (with considerable difficulty and expense), because the garage is already non-compliant, to fully demo and reconstruct the garage, even exactly as it currently exists, would require approval of a variance. Due to the extent of the work necessary to adequately repair the existing garage, the Walkers would prefer to fully rebuild the garage and the space above it, but slightly larger than its current footprint, in order to make it more functional while simultaneously resolving the condition issues that must be addressed in any case.

The Walkers are now requesting setback variations for the proposed reconstruction of the existing attached 2 car garage /guest suite. The existing garage interior is only 18’ wide, significantly narrower than what is currently considered to be fully functional. It is almost impossible to (a) park two cars in the garage and access the door to the home; (b) open the doors to the cars wide enough for egress, and; c) store typical outdoor items and tools where they can be reached without removing the cars. Related to the issue of storage, it should be noted that in winter storage of bicycles, yard equipment and exterior furniture need to be moved to the basement down a narrow hall and stairs in order to park cars inside. Further compounding the problem, the subtractive changes mentioned previously, while positively

improving the “character” of the home, also removed existing space that previously provided some alternate area for storage. Within the confines of the ordinance, a storage shed could be added to alleviate storage issues, but would effectively undo much of the “character” benefit that was achieved by the applicants’ removal of the earlier additions.

The variance request is to increase the width of the garage easterly by an additional 1’-5”, from 18’-7” currently to a proposed 20’-0”. This increases the non-compliance on the east side and extends the existing non-compliance on the north. It would result in a setback on the east that is reduced from 5’-9 ½” to 4’-4 ½”.

It is also requested to increase the depth of the garage southerly from 22’-1” to 24’-0”. (The applicants’ original concept was to extend southerly an additional 2’, to 26’-0”, but was reduced at the suggestion of department staff as possibly being construed to be excessive.) It should be noted that the southerly garage wall, currently and as proposed, is compliant with setback requirements from the south border of the lot. However, because it extends the east wall of the garage, it increases the width of the non-compliance on the east side.

Finally it is noted that the existing garage overhead door is a 16’ wide door facing south. Two 9’-0” wide doors would not fit in the old façade nor do they fit in the re-built garage as proposed because it is only 1’-5” wider than the previous. Accordingly it is also requested that the original 16’ width of the original door be allowed in the new south-facing façade.

The variances as proposed enhance vehicle egress into the garage and occupant access to the connecting door to the home. Storage capacity at the rear of the garage is increased with better access to move items in and out. Additionally, within the guest suite area above, the increase in space enables a larger bedroom closet and more functional bathroom. It also enables a fully enclosed adjacent laundry that is separate from the hallway connecting the suite to the egress stairs. The existing laundry literally spills out into the hallway in an obstructive and unsightly way.

The strict application of the provisions of the zoning ordinance result in a particular hardship to the applicant because the lot is treated as a corner lot due to the 25’ private driveway established on its south side. Although the address of the residence and the front entry are on Sheridan Road, the private drive side (south) is treated as a front yard, and the Sheridan Road side is treated as a corner front yard. The result of this configuration is that 50’ of the 100’ E-W width of the lot is taken up by setbacks with a 28’ setback on the Sheridan Road side and a 12’ “rear” setback required on the east side. There is literally no location for this existing home upon which a compliant 2-car garage will fit.

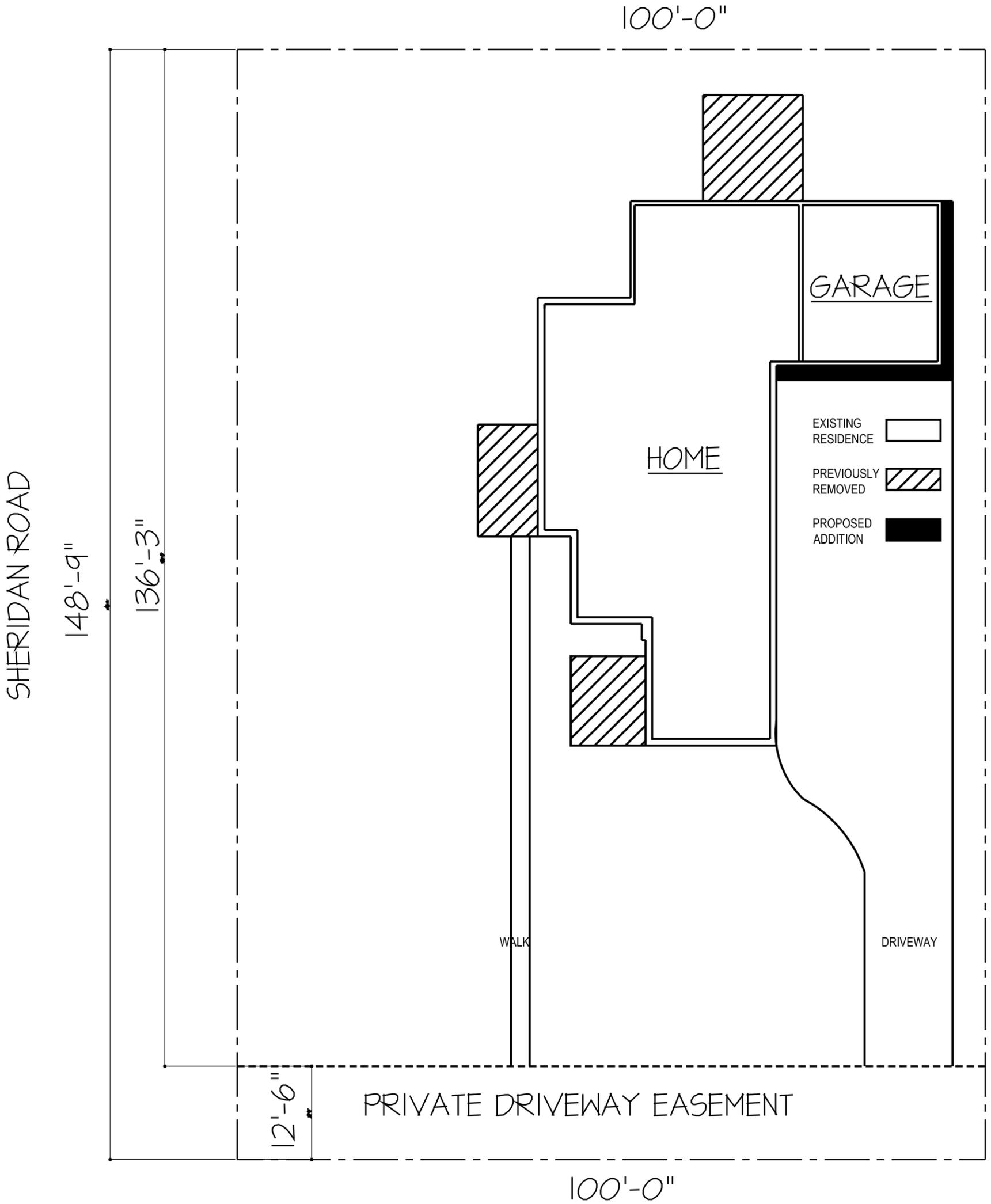
Accordingly:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by regulations in this zone, because, based on past experience in the village, even on smaller lots, a functional 2-car garage is perceived to be a minimum requirement in determining value. Standards of functionality have changed as automobile sizes have increased over the years since this home was constructed such that this garage is now clearly below minimum standard.
2. The plight of the homeowner is due to unique circumstances, namely the size of the lot in combination with its status as a "corner lot" and the greater setback requirement when compared to a more typical interior lot.
3. The variation, if granted, will not alter the essential character of the locality. There will be minimal perceptible increase in mass, the style of the rebuilt portion of the structure will remain in keeping with the existing style of the home and the existing fence that separates the garage from the neighboring property to the east will remain intact.
4. An adequate supply of light and air will be unaffected since the change will not result in a greater height to the home and since the garage of the existing home to the east is the only element of that property within 25' of the lot line.
5. The hazard from fire and other damages to the property will not be increased.
6. If the variation is allowed, the taxable value of the developed property will not be diminished and it will not affect the taxable value of other property within the Village.
7. There will be no negative impact to congestion in the public street as the variation, if granted, will not increase or decrease the number of cars entering or leaving the property and will not alter their route to and from the property.
8. The public health, safety, comfort, morals and welfare of the inhabitants of the Village will not be otherwise impaired or impacted in any way by the granting of this variance.

For the reasons stated above, the applicants, Tom and Alison Walker, hereby request that the Village of Winnetka grant the requested variances to reduce the permitted garage/guest suite setback from the east property line 1'-5" to 4'-4 1/2", and allow an extension of 1'-5" of the nonconforming north wall of their attached garage as it relates to its reconstruction at 859 Sheridan Road.

Your consideration and cooperation in this matter is greatly appreciated.





SITE ILLUSTRATION

SCALE = 1" : 20'-0"



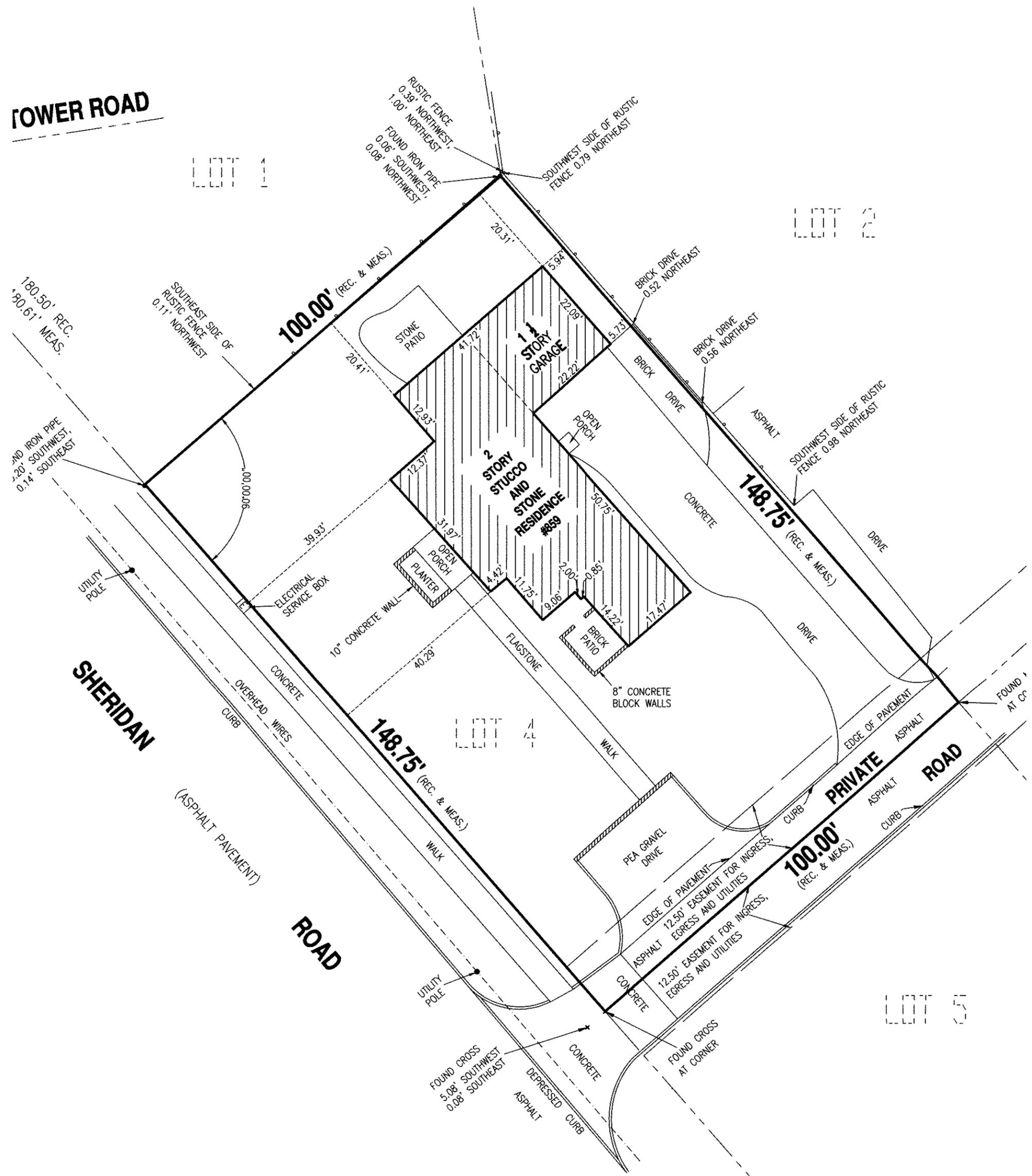
859 SHERIDAN ROAD
WINNETKA, IL

PLAN OF SURVEY

LEGAL DESCRIPTION:

LOT 4 OF TRUSTEES SUBDIVISION OF ALL THAT PORTION OF LOT 1 NORTH AND NORTHWESTERLY OF A LINE DRAWN PERPENDICULAR TO THE CENTER LINE OF SHERIDAN ROAD (FORMERLY CALLED LAKE AVENUE) AND PASSING THROUGH AN IRON STAKE, WHICH SAID STAKE IS IN THE EAST LINE OF SAID SHERIDAN ROAD 478 FEET SOUTHEASTERLY ALONG SAID EAST LINE FROM THE POINT OF INTERSECTION OF SAID EAST LINE AND SOUTH LINE OF NORTH AVENUE, SAID LOT 1 BEING IN LLOYD AND ROBINSON'S SUBDIVISION IN SECTIONS 16 AND 17, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: **859 SHERIDAN ROAD, WINNETKA, ILLINOIS.**



SHERIDAN ROAD

148'-9"

136'-3"

40'-2"

20'-3.75"

100'-0"

18'-7"

5'-9.5"

22'-7.25"

EXISTING GARAGE
18'-0" x 21'-0"

22'-1"

DINING ROOM
13'-5" x 16'-7"

BREAKFAST ROOM
10'-6" x 12'-4"

KITCHEN
10'-4" x 11'-1"

4'-7"

16'-0"

6.5"

ENTRY

HALLWAY
20'-0" x 7'-4"

CLOS

LIVING ROOM
25'-4" x 11'-0"

FIRST FLOOR PLAN w/
ATTACHED GARAGE
EXISTING CONDITION
SCALE: 1/4" = 1'-0"

FAMILY ROOM
15'-4" x 15'-0"

93'-10.25"

148'-9"

WALK

42'-11.5"

DRIVEWAY

12'-6"

PRIVATE DRIVEWAY EASEMENT

100'-0"

EXISTING SITE PLAN

SCALE = 1" : 20'-0"



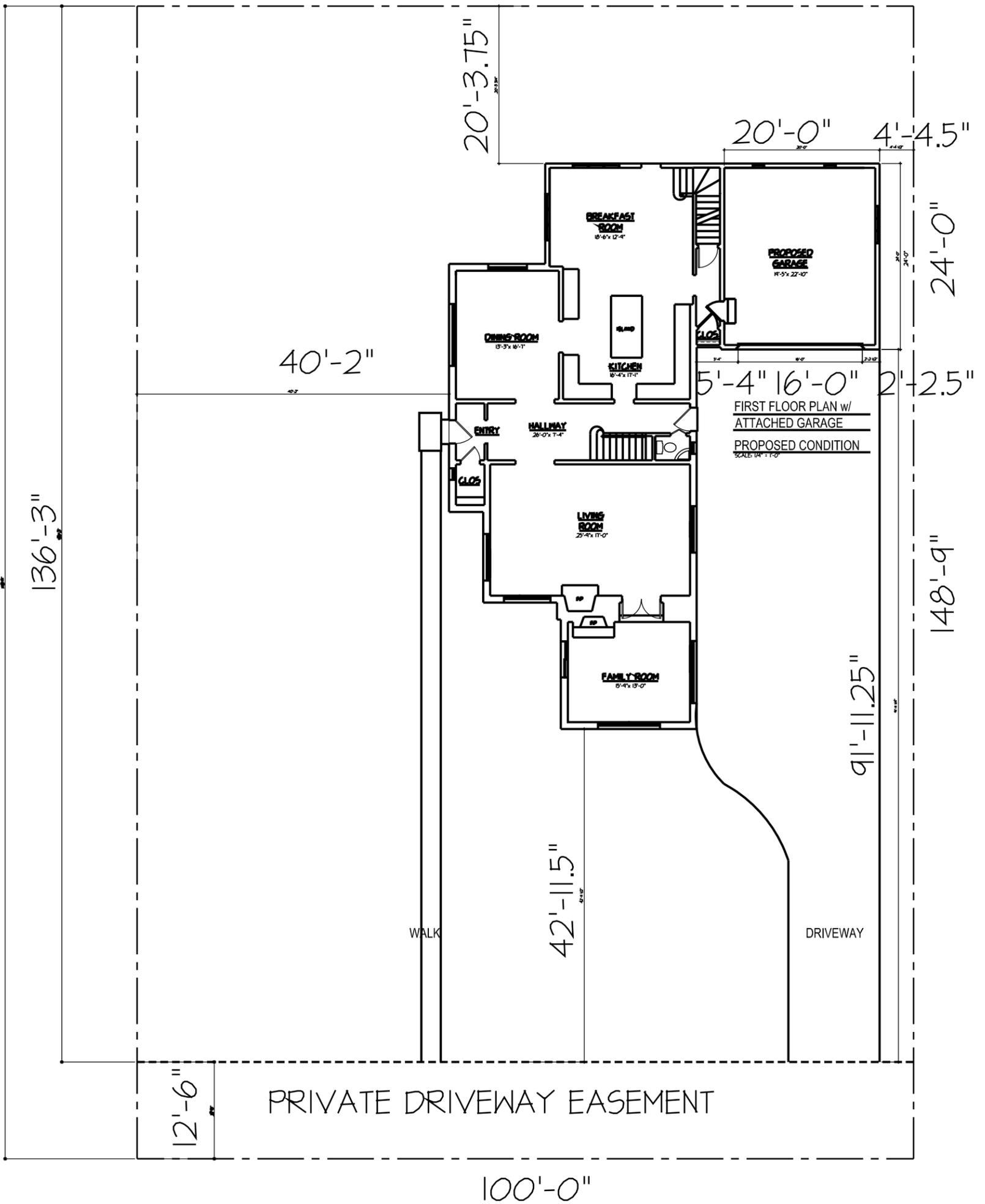
859 SHERIDAN ROAD WINNETKA, IL

SHERIDAN ROAD

148'-9"

136'-3"

100'-0"

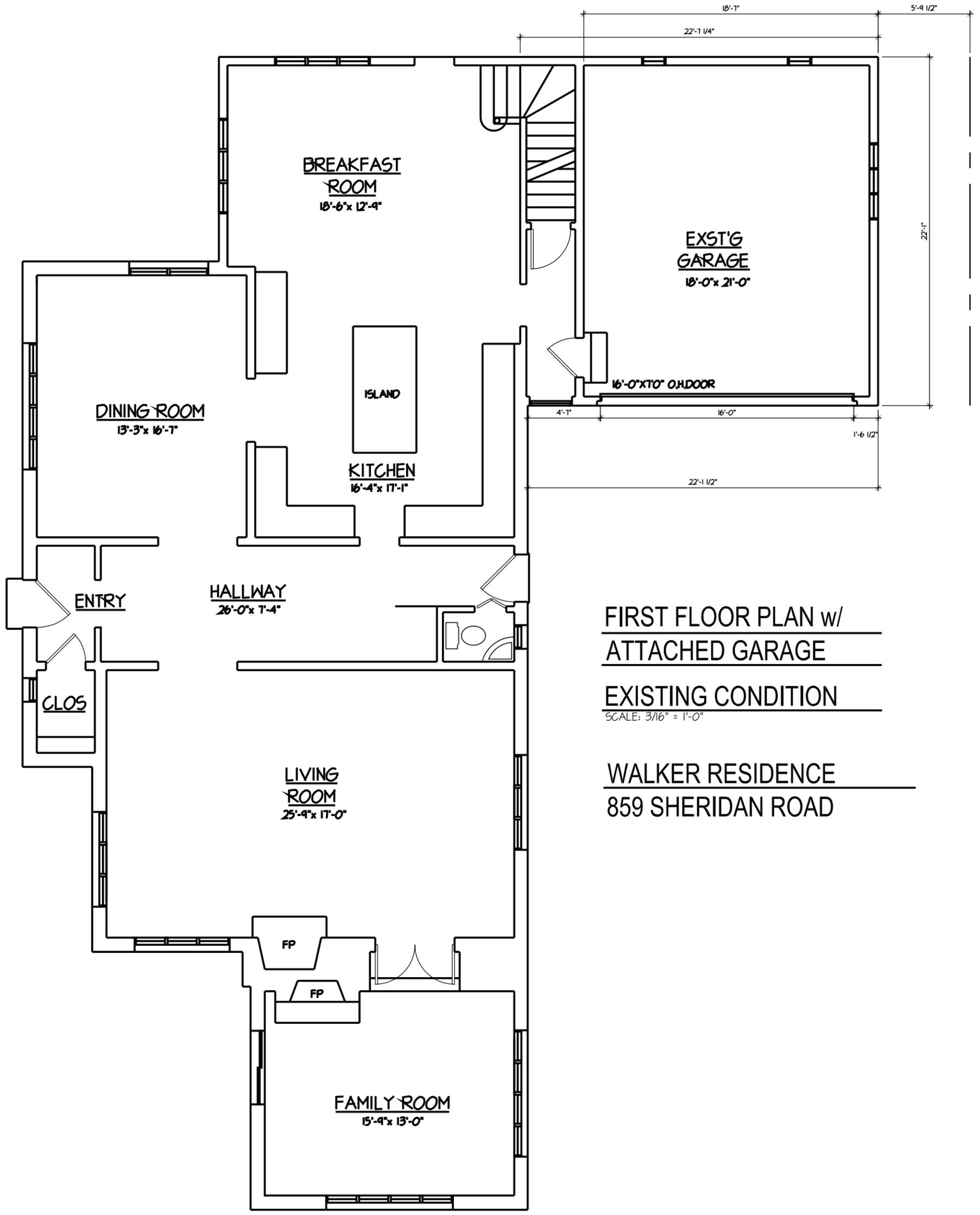


PROPOSED SITE PLAN

SCALE = 1" : 20'-0"



859 SHERIDAN ROAD WINNETKA, IL

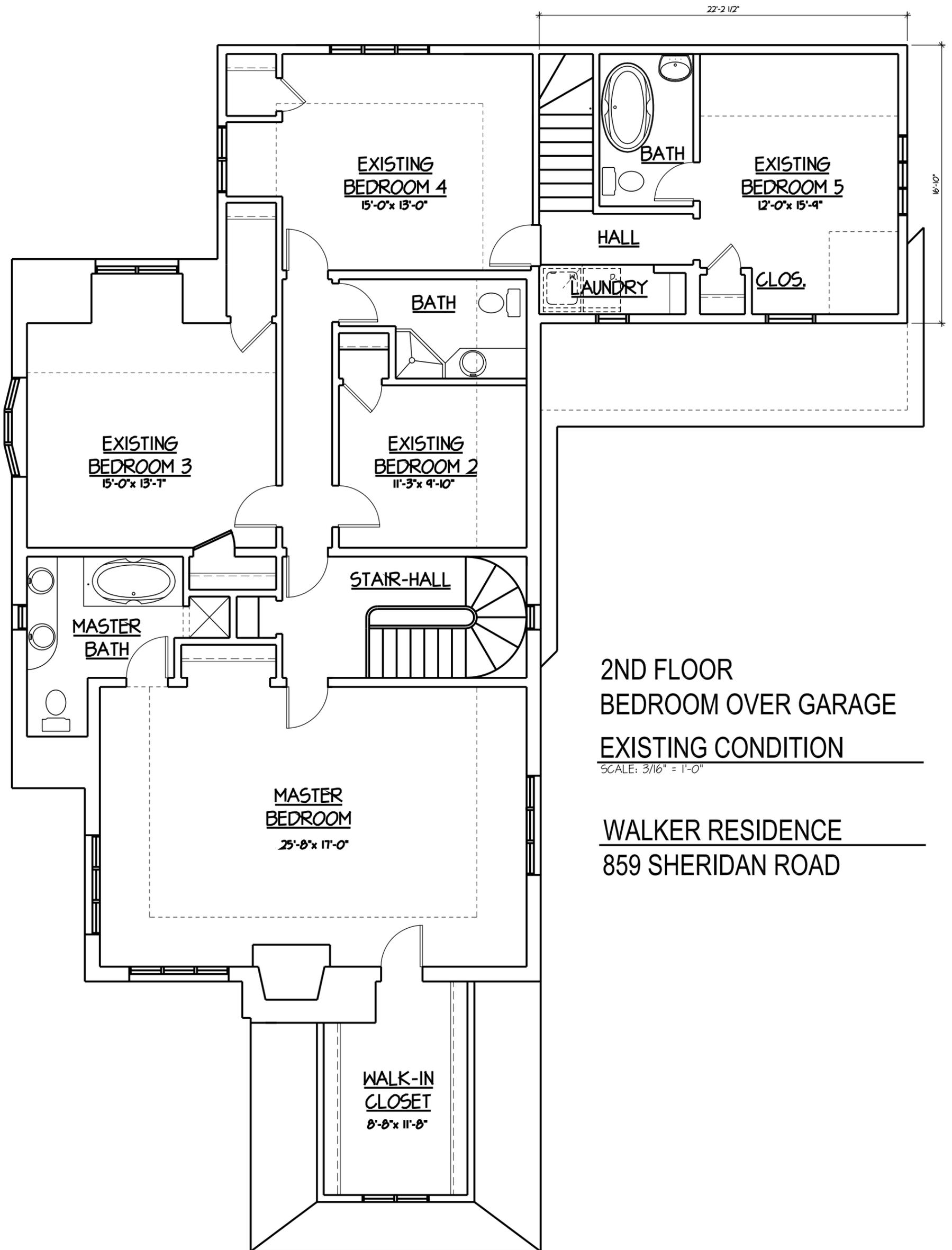


FIRST FLOOR PLAN w/
ATTACHED GARAGE

EXISTING CONDITION

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

WALKER RESIDENCE
859 SHERIDAN ROAD



2ND FLOOR
 BEDROOM OVER GARAGE
 EXISTING CONDITION

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

WALKER RESIDENCE
 859 SHERIDAN ROAD



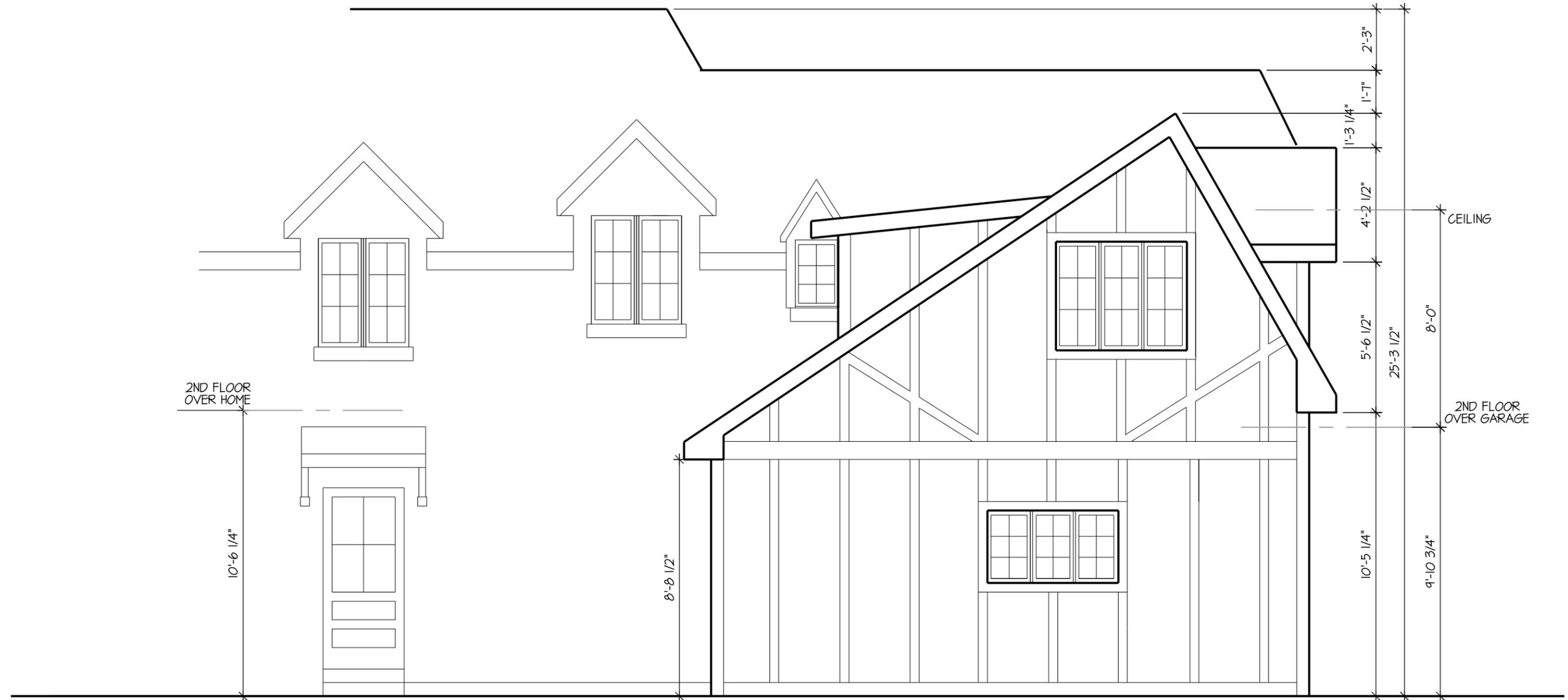
GARAGE EXISTING

SOUTH ELEVATION

SCALE: N.T.S.

WALKER RESIDENCE

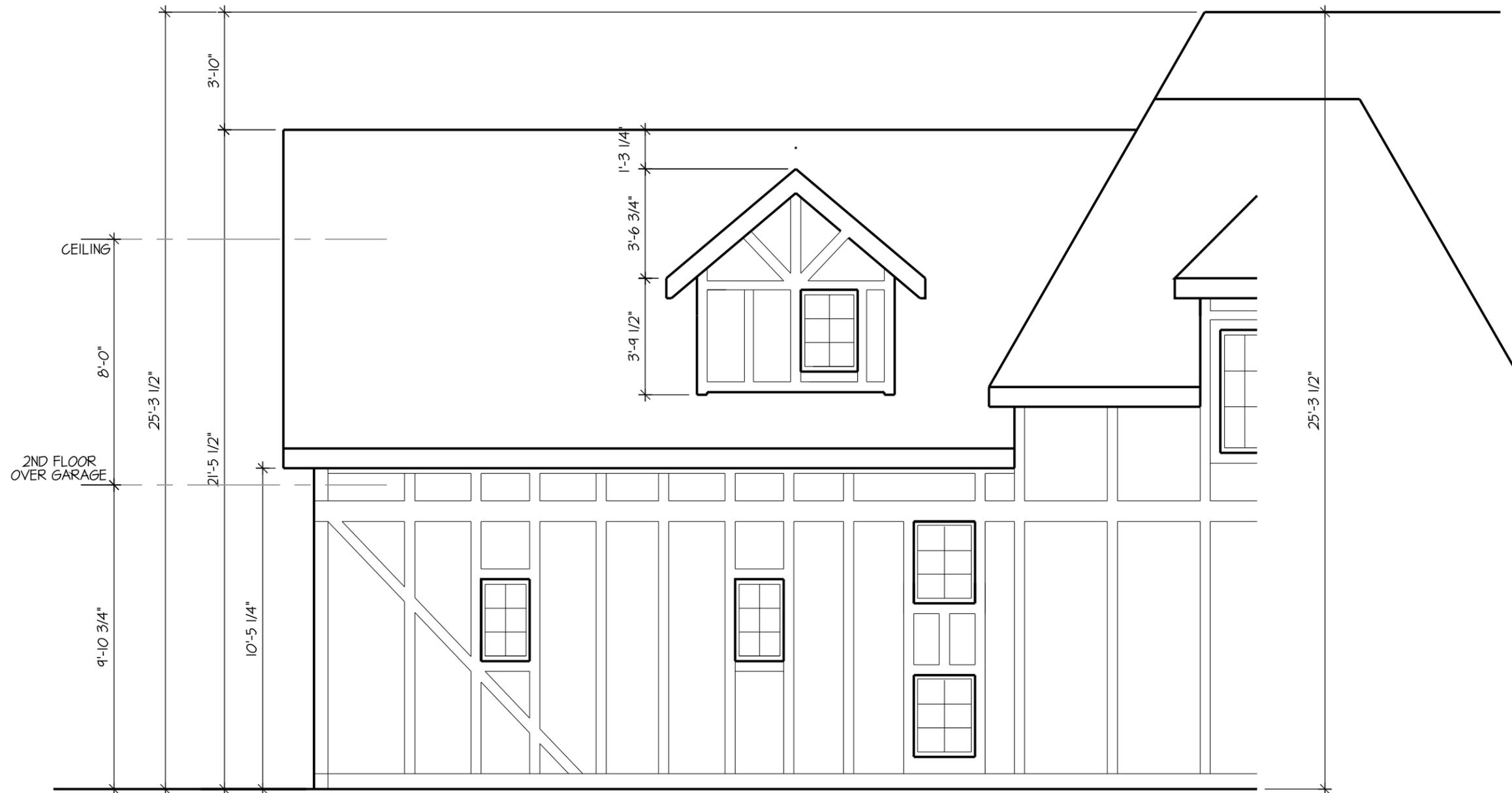
859 SHERIDAN ROAD



GARAGE EXISTING
EAST SIDE ELEVATION

SCALE: N.T.S.

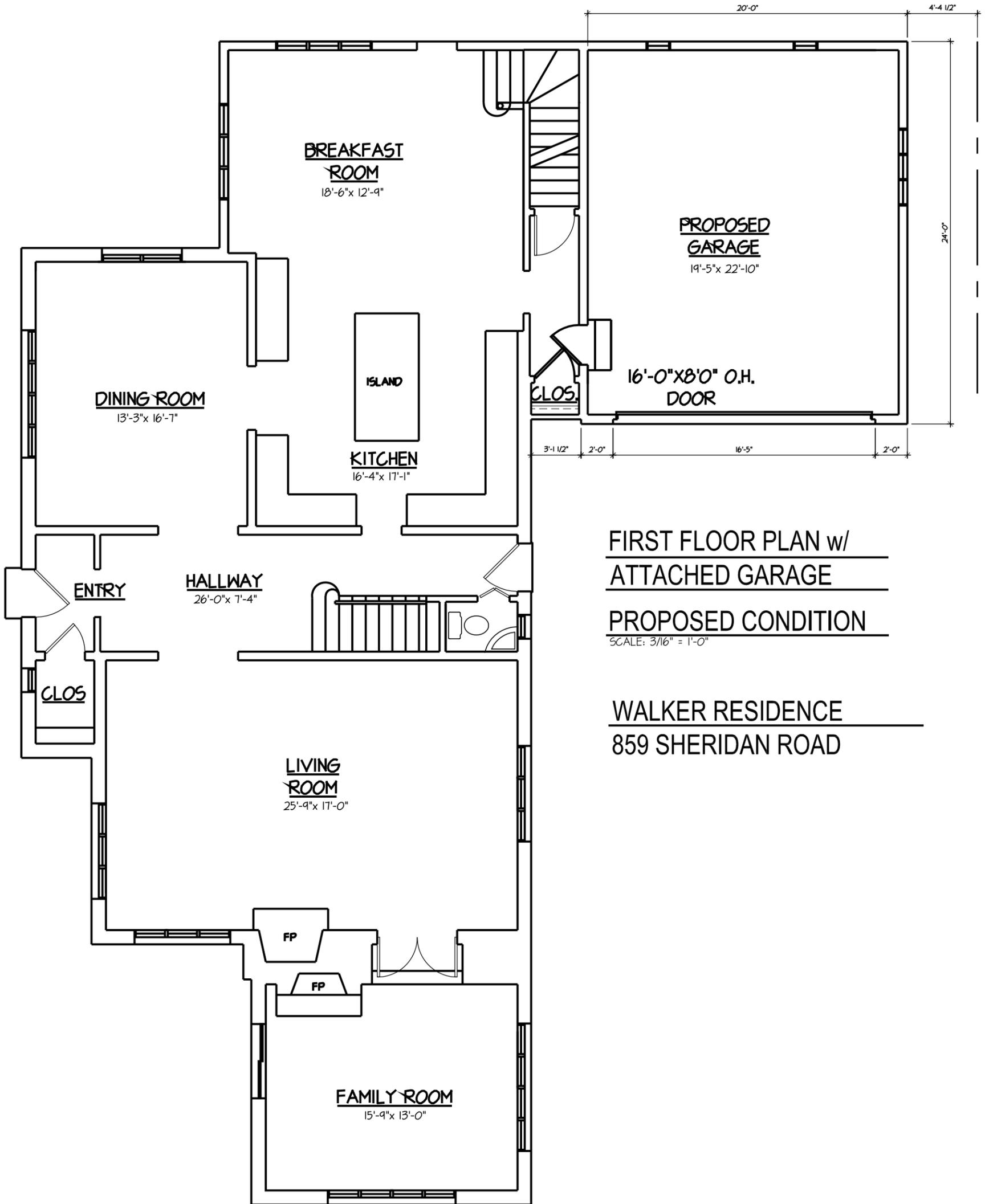
WALKER RESIDENCE
859 SHERIDAN ROAD



GARAGE EXISTING
NORTH SIDE ELEVATION

SCALE: N.T.S.

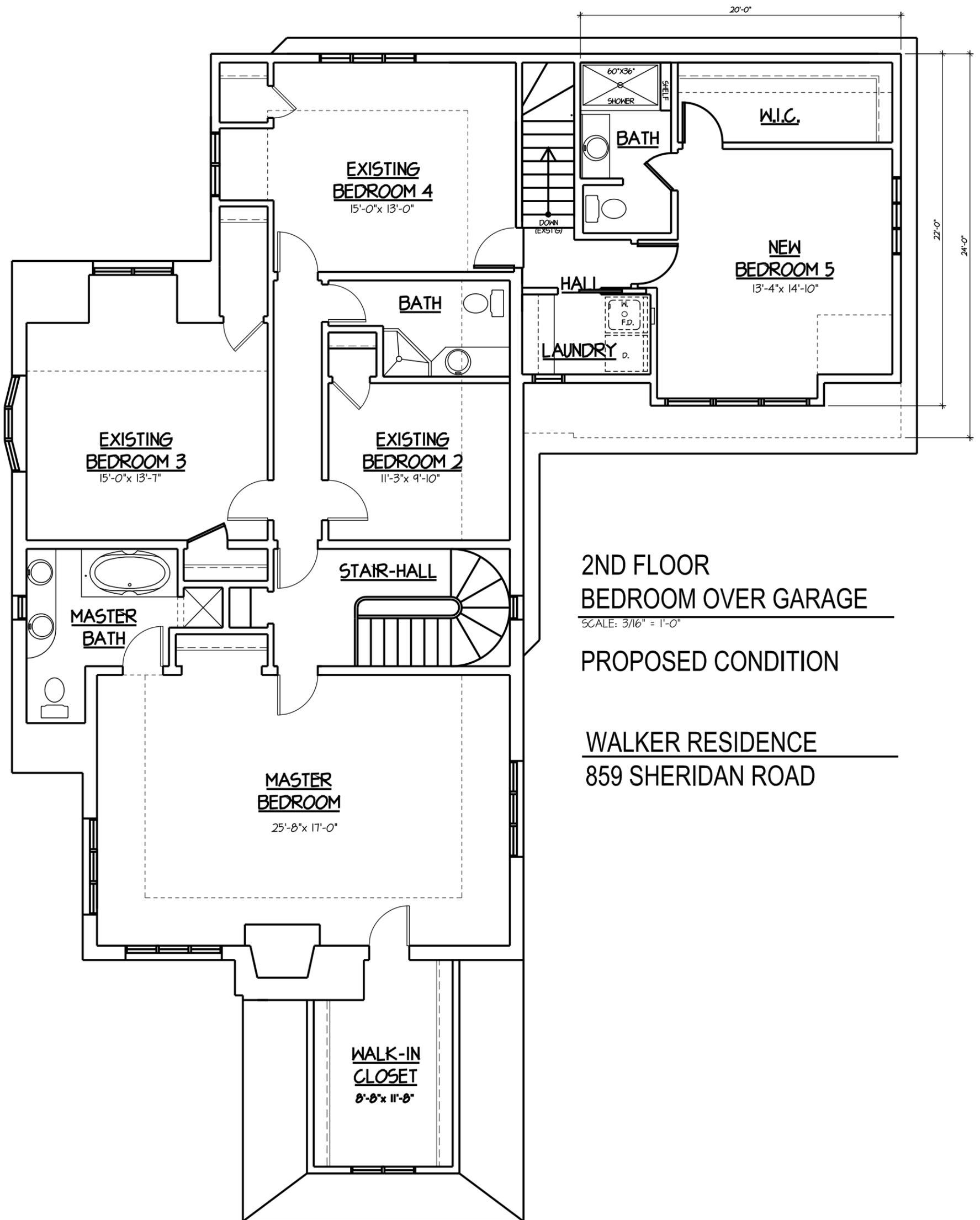
WALKER RESIDENCE
859 SHERIDAN ROAD

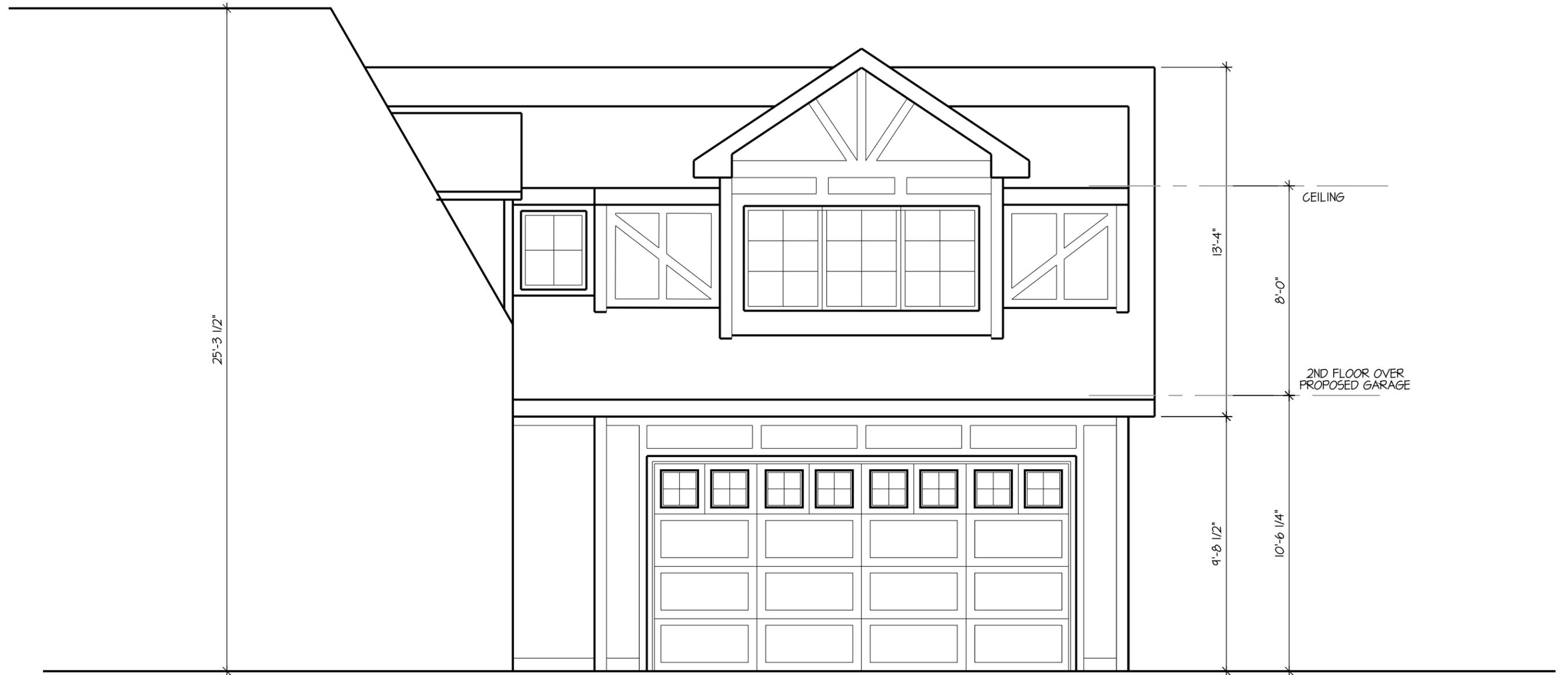


**FIRST FLOOR PLAN w/
ATTACHED GARAGE**

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

WALKER RESIDENCE
859 SHERIDAN ROAD

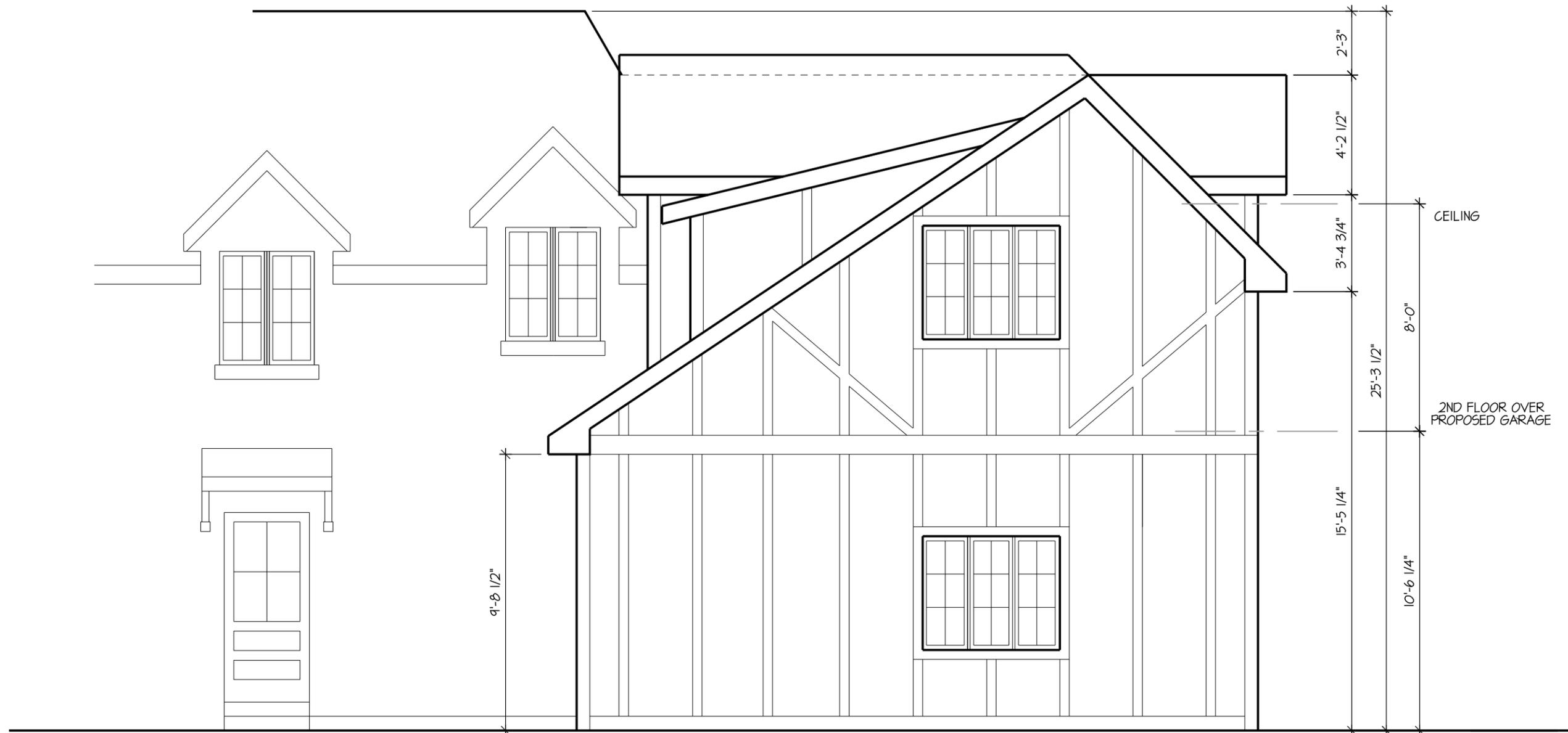




GARAGE PROPOSED
SOUTH ELEVATION

SCALE: N.T.S.

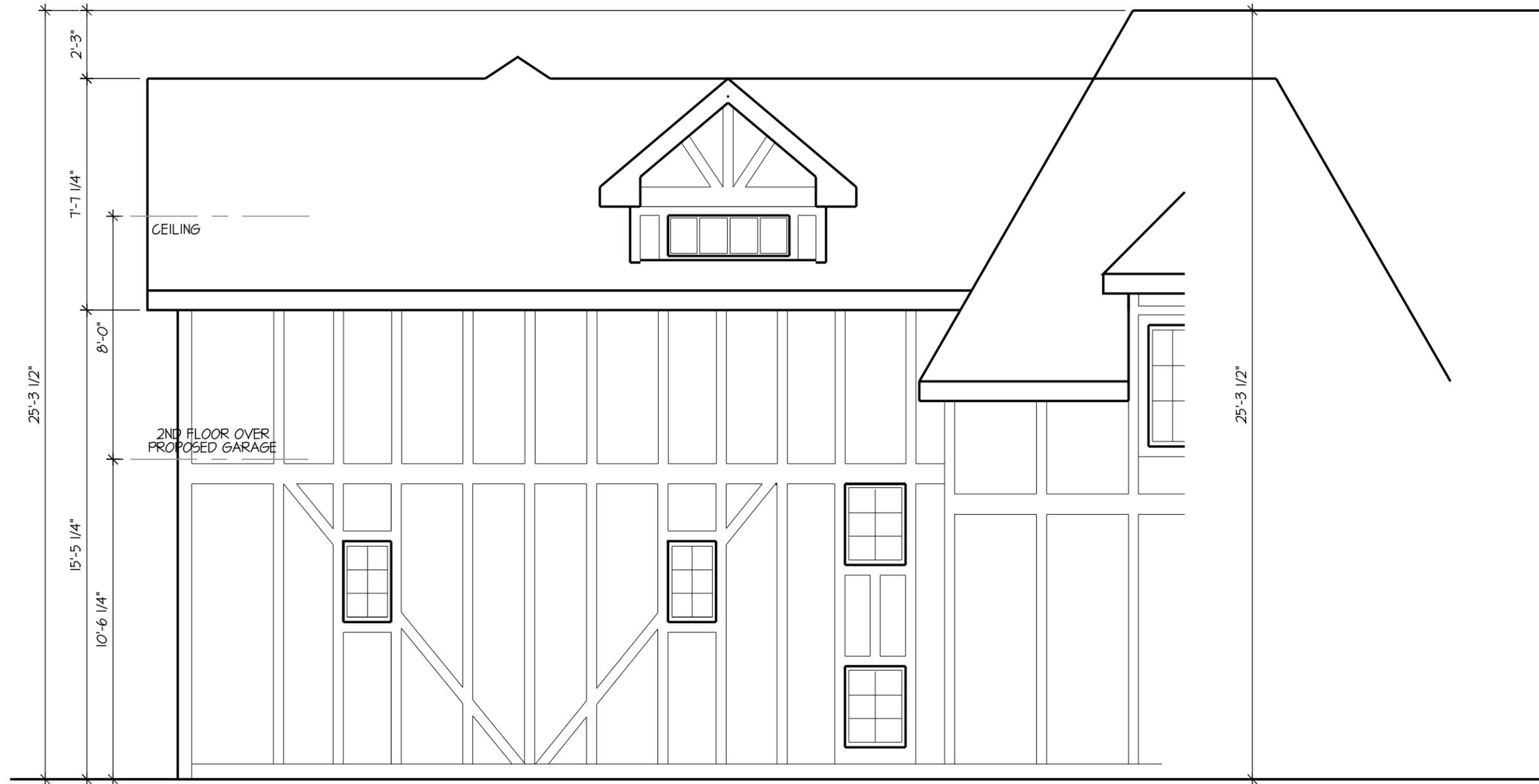
WALKER RESIDENCE
859 SHERIDAN ROAD



GARAGE PROPOSED
EAST SIDE ELEVATION

SCALE: N.T.S.

WALKER RESIDENCE
859 SHERIDAN ROAD



GARAGE PROPOSED
NORTH SIDE ELEVATION

SCALE: N.T.S.

WALKER RESIDENCE
859 SHERIDAN ROAD

ATTACHMENT D

Ann Klassen, Senior Planner
Village of Winnetka Community Development
510 Green Bay Road
Winnetka, IL 60093

Dear Ms. Klassen:

Re: Proposed Variance at 859 Sheridan Rd.
Winnetka, IL (Walker Residence)

My name is Aleksandar Radovic, M.D. and I reside at [REDACTED] Sheridan Rd., Winnetka, IL – the property directly to the east of the residence of Thomas and Alison Walker. I am a long time resident of the North Shore, having attended New Trier High School and my family recently moved to and updated our current Winnetka residence.

I received notice from the village regarding the Walkers' plan to seek a zoning variance to essentially tear down their existing garage and replace it with an updated version. Since then, I have seen the proposed plans from the Walkers' architect, along with the updated survey. I understand that the current garage is itself a permitted variance to the village code and the Walkers' planned garage will move even closer to our home and the property line (by approximately two feet).

I am writing to inform you that we have no objection to the Walkers' proposed variance application and construction. The changes to the elevation and size are minimal compared to the overall structure and their (existing and proposed) garage is adjacent to our garage. We feel there is sufficient space between the two garages; thus we have no concern about the variance application and proposed changes.

Sincerely,

[REDACTED]



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: ZONING BOARD OF APPEALS
FROM: ANN KLAASSEN, SENIOR PLANNER
DATE: MARCH 2, 2020
SUBJECT: CASE NO. 20-10-V2: 191 SHERIDAN ROAD -VARIATION

INTRODUCTION

On March 9, 2020, the Zoning Board of Appeals will conduct a public hearing on an application filed by Scott and Nancy Santi (the “Applicants”); the Applicants are representing the Nancy S. Santi Revocable Trust dated May 25, 2006, the owner of the property at 191 Sheridan Road (the “Subject Property”). The Applicants request approval of the following zoning variation to allow construction of a lakefront accessory building on the Subject Property:

1. Front yard setback from Lake Michigan of 20.93 feet, whereas a minimum of 50 feet is required, a variation of 29.07 feet (58.14%) [Section 17.30.050 – Front Yard Setback] [Note: The existing accessory building to be replaced currently provides a front yard setback of approximately 33.5 feet from Lake Michigan].

A mailed notice was sent to property owners within 250 feet of the Subject Property in compliance with the Zoning Ordinance. The hearing was properly noticed in the *Winnetka Current* on February 20, 2020. As of the date of this memo, staff has not received any written comments from the public regarding this application.

The Village Council has final jurisdiction on this request as only the Council has the authority to grant a variation to reduce a front yard setback by more than 50%.

PROPERTY DESCRIPTION

The Subject Property, which is approximately 1.07 acres in size, is located on the east side of Sheridan Road, between Winnetka Avenue and Fuller Lane, and contains an existing residence and lakefront accessory building (see Figure 1). The property is zoned R-2 Single Family Residential, and it is bordered by R-2 Single Family Residential to the north and south, and R-4 Single Family Residential to the west (see Figure 2). The Comprehensive Plan designates the Subject Property as appropriate for single family residential development. The zoning of the property is consistent with the Comprehensive Plan.



Figure 1 – Aerial Map



Figure 2 – Zoning Map

PROPERTY HISTORY AND PREVIOUS ZONING APPLICATIONS

The residence was built in 1927. Subsequent building permits were issued in 1927 to construct an addition and in 1987 to construct an underground garage. The Applicants acquired the property in 2015. There is one previous zoning case on file for the Subject Property:

1. Ordinance M-7-2017 was adopted by the Village Council in November 2017, granting variations to allow the construction of an artist studio, stone walk and swimming pool. The variations were to (a) permit a swimming pool within the front yard; and (b) permit the construction of the proposed improvements with a minimum front yard setback of 13.58 feet. Ordinance M-7-2017 is included in this report as Attachment D.

A building permit for the improvements described above was approved in June 2018, however, construction did not begin and the permit has expired. Additionally, one of the conditions of approval of Ordinance M-7-2017 was that construction was to commence within 12 months of the effective date of the Ordinance. Since that time, the Applicants have scaled back the proposed construction and have submitted the variation application currently before the Board.

PROPOSED PLAN

The variation is being requested in order to construct a lakefront accessory building that would be built into the bluff. The existing lakefront cabana (identified below in Figure 3) would be removed to accommodate the proposed accessory building. As represented in Figure 5 on the following page, the proposed building would include a living area, powder room and storage areas, and measure approximately 22.5 feet by 16.6 feet (374 square feet). Unlike the plan that was approved by the Village Council in 2017, the current proposed plan does not include the construction of a pool or a tunnel connecting the accessory building to the residence. The proposed plan also includes maintaining the vast majority of the existing stairs down the bluff as well as maintaining the existing walk along the water's edge. It is worth noting that the artist studio approved in 2017 measured approximately 47.9 feet by 24 feet (1,129 square feet).

Excerpts of the proposed site plan, east building elevation, and floor plan are provided on the following pages as Figures 4 through 6. For reference, the east building elevation approved in 2017 is provided as Figure 7 later in this report. The complete set of plans representing the existing conditions as well as the proposed accessory building is provided in Attachment C.



Figure 3 – Existing Cabana to be replaced

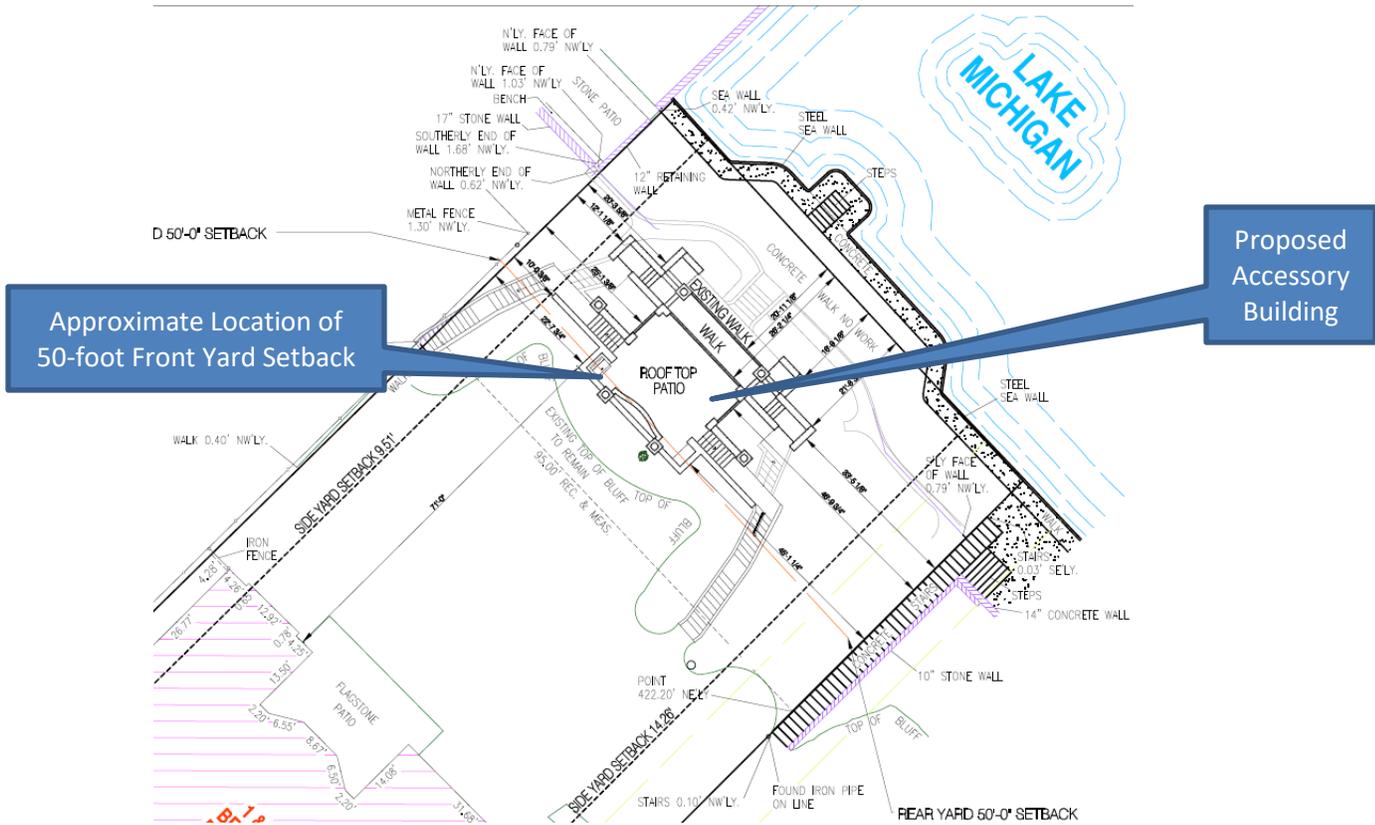


Figure 4 – Excerpt of Site Plan

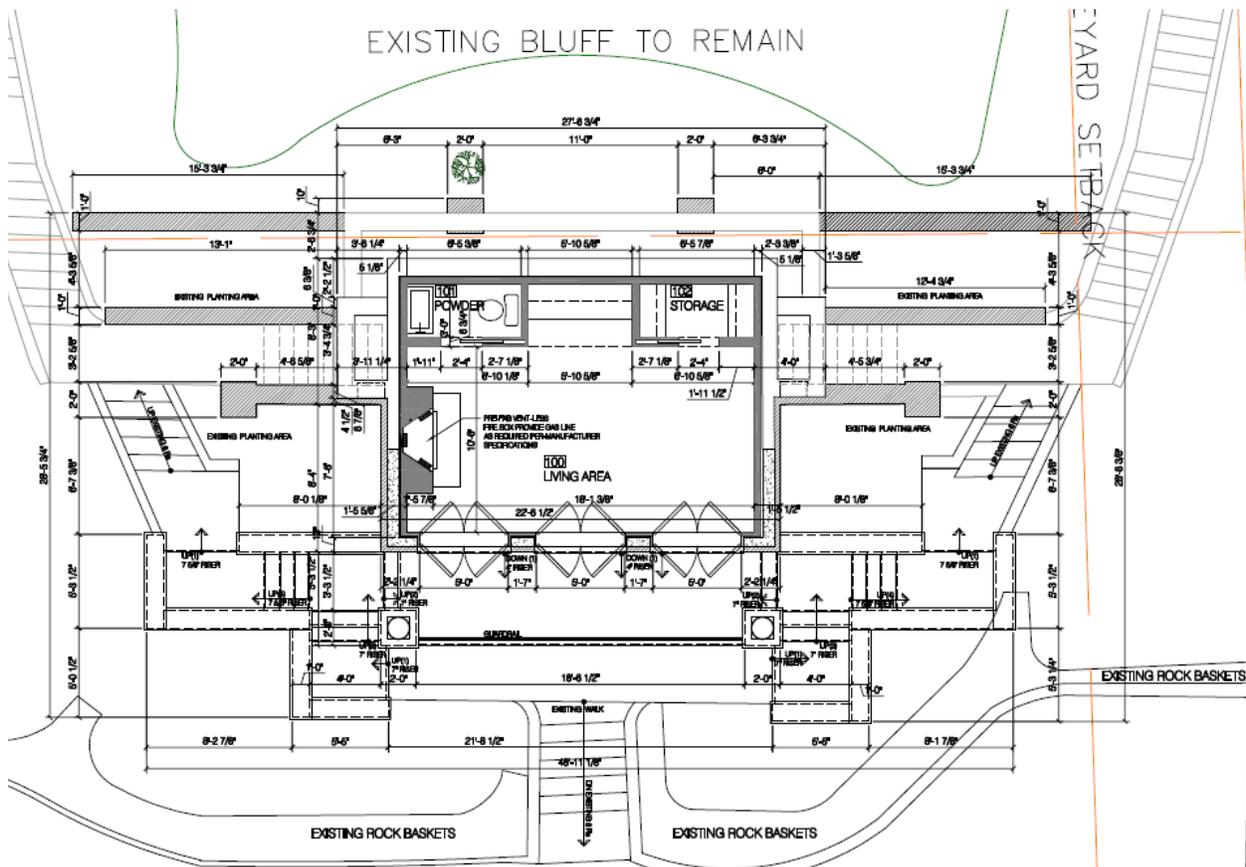


Figure 5 – Excerpt of Proposed Floor Plan (Lower Level)

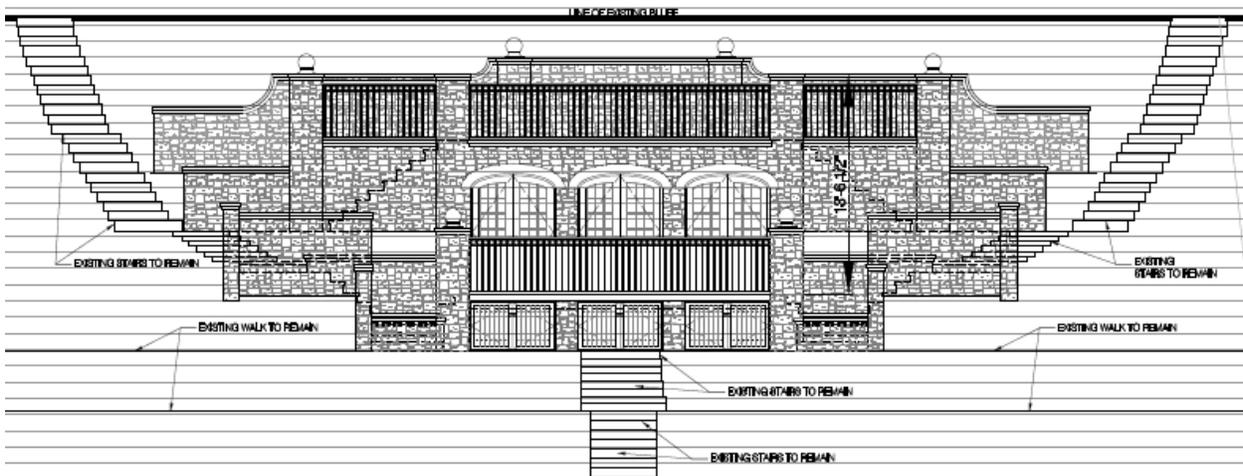


Figure 6 – Excerpt of Proposed Building Elevation

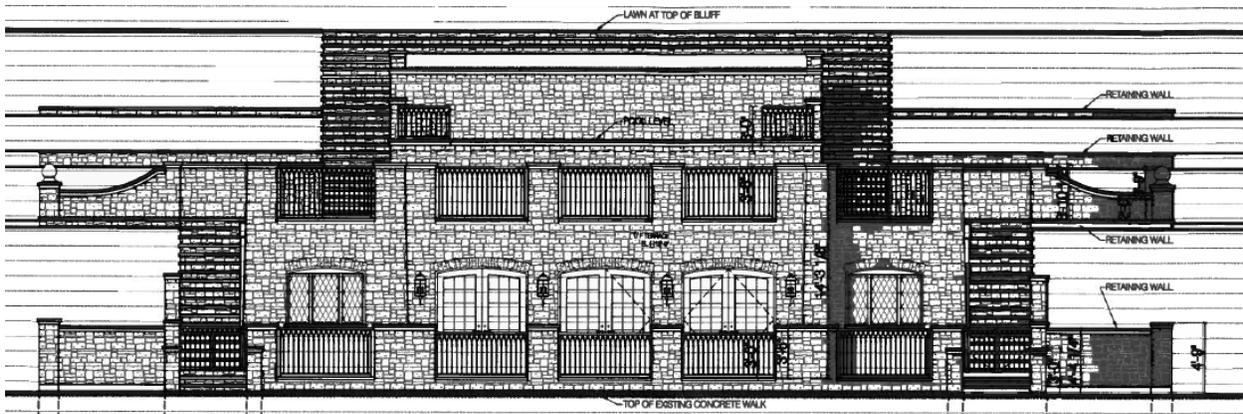


Figure 7 – Excerpt of Approved 2017 East Elevation

Given the ZBA often receives questions regarding the stormwater regulations applicable to a specific request being considered by the ZBA, attached is a Stormwater Matrix (Attachment B). Based on the proposed plan, it appears additional stormwater detention would not be required. However, a final determination will be made by Village Engineering staff. Additionally, Figure 8 on the following page represents the Subject Property's proximity to the floodplain. The grey represents the 100-flood area and the purple represents the 500-year flood area.



Figure 8 – GIS Floodplain Map

REQUESTED ZONING RELIEF

The attached zoning matrix highlights the existing lot and the proposed improvement’s compliance with the R-2 zoning district (Attachment A). One variation is being requested for the Front Yard Setback from the water’s edge of Lake Michigan. The existing cabana is legally nonconforming with respect to the front yard setback as the cabana currently provides a setback of approximately 33.5 feet from the water’s edge, encroaching the minimum required setback of 50 feet by 16.5 feet (33%). The proposed improvements would provide a setback of 20.93 feet. A variation of 29.07 feet or 58.14% is required.

FINDINGS

Does the ZBA find that the requested variation meets the standards for granting such variation; and if so, is the ZBA prepared to make a recommendation to the Village Council regarding the requested relief? If so, a ZBA member may wish to make a motion recommending approval or recommending denial based upon the following:

Move to recommend **approval [denial]** of the following variation granting:

1. Front yard setback from Lake Michigan of 20.93 feet, whereas a minimum of 50 feet is required, a variation of 29.07 feet (58.14%) [Section 17.30.050 – Front Yard Setback] [Note: The existing accessory building to be replaced currently provides a front yard setback of approximately 33.5 feet from Lake Michigan].

The Zoning Board of Appeals finds, based on evidence in the record or a public document, that the variation requested is **in harmony [not in harmony]** with the general purpose and intent of the Zoning Ordinance and that each of the following eight standards on which evidence is required pursuant to Section 17.60.050 of this Code **has been met [has not been met]** in connection with this variation application **[subject to the following conditions...]**

The eight standards to consider when granting a variation are as follows:

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

ATTACHMENTS

Attachment A: Zoning Matrix

Attachment B: Stormwater Matrix

Attachment C: Application Materials

Attachment D: Ordinance M-7-2017, adopted November 21, 2017

ATTACHMENT A

ZONING MATRIX

ADDRESS: 191 Sheridan Road

CASE NO: 20-10-V2

ZONING: R-2

ITEM	MIN/MAX REQUIREMENT	EXISTING	PROPOSED	DIFFERENCE BETWEEN PROPOSED & EXISTING	ZONING CODE COMPLIANCE (2)
Min. Lot Size	24,000 SF	46,463 SF	N/A	N/A	OK
Min. Average Lot Width	100 FT	95.08 FT	N/A	N/A	EXISTING NONCONFORMING
Max. Roofed Lot Coverage	11,615.75 SF (1)	7,289.08 SF	7,498.95 SF	209.87 SF	OK
Max. Gross Floor Area	12,501.49 SF (1)	6,619.07 SF	6,726.36 SF	107.29 SF	OK
Max. Impermeable Lot Coverage	23,231.5 SF (1)	21,468.63 SF	21,741.15 SF	272.52 SF	OK
Min. Front Yard (Sheridan/West)	50 FT	(+) 50 FT	(+) 50 FT	0 FT	OK
Min. Through Lot Front Yard (Lake/East)	50 FT	33.5 FT	20.93 FT	(-)12.57 FT	29.07 FT (58.14%) VARIATION
Min. Side Yard	9.51 FT	0.66 FT (3)	0.66 FT	0 FT	EXISTING NONCONFORMING
Min. Total Side Yards	23.77 FT	3.63 FT (3)	3.63 FT	0 FT	EXISTING NONCONFORMING

NOTES:

(1) Based on lot area of 46,463 s.f.

(2) Variation amount is the difference between proposed and requirement.

(3) Setback to existing residence. Proposed accessory building would comply with the required side yard setbacks.

ATTACHMENT B

Stormwater Volume Requirements for Development Sites

In addition to meeting the following storm water volume detention requirements, development sites must meet all other Village storm water management requirements such as drainage and grading, storm water release rates, storage system design requirements, etc.

	Storm Water Detention Volume Requirements	Applicable Requirement
A. New Home Construction - Previously Developed Lot	The amount of additional required storm water detention volume is based upon the difference between maximum impermeable lot coverage, per Zoning Code, and existing lot coverage, using the run-off coefficient for a 100-year storm event for both.	
B. New Home Construction - Previously <u>Undeveloped</u> Site	The amount of required storm water detention volume is based upon the maximum impermeable lot coverage, using the run-off coefficient for 100-year storm event.	
C. Redevelopment of Site for Different Use (e.g. single family to multi-family, or commercial)	The amount of required storm water detention volume is based upon the maximum impermeable lot coverage, using the run-off coefficient for 100-year storm event.	
D. Improvements to Existing Home and/or Lot, causing an increase in impermeable lot coverage <u>greater or equal to 25%</u>.	The amount of additional required storm water detention volume is based upon the difference between the proposed and existing impermeable lot coverage, using the run-off coefficient for 100 year storm event. (Note: If the increase in impermeable lot coverage is less than 25%, additional storm water detention volume is <u>not</u> required.)	<i>Applies to 191 Sheridan Road</i> <i>Based upon preliminary review of information to date, it appears that 191 Sheridan Road <u>would not</u> have to provide additional storm water detention volume. However, a final determination will be made by Village Engineering staff.</i>

ATTACHMENT C

Village of Winnetka
ZONING VARIATION APPLICATION

VILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT

ZONING VARIATION APPLICATION

Case No. 20-10-V2

Property Information

Site Address: 191 SHERIDAN ROAD

Owner Information

Name: MR. & MRS. SCOTT & NANCY SANTI

Primary Contact: SCOTT SANTI

Address: 191 SHERIDAN ROAD

Phone No. _____

City, State, ZIP: WINNETKA, IL.

Date property acquired by owner: 2015

Email: _____

Architect Information

Attorney Information

Name: GTH ARCHITECTS

Name: _____

Primary Contact: JEFF HARTING

Primary Contact: _____

Address: 105 REVERE DRIVE

Address: _____

City, State, ZIP: NORTHBROOK, IL 60062

City, State, Zip: _____

Phone No. 847.772.9679 MOBILE

Phone No. _____

Email: GTHARCHITECTS@SRCGLOBAL.NET

Email: _____

Nature of any restrictions on property: REAR YARD SETBACKS.

Brief explanation of variation(s) requested (attach separate sheet providing additional details): _____

SEE ATTACHED SHEETS

Property Owner Signature: _____
JEFFERY W. HARTING OWNERS AGENT

Date: FEBRUARY 5, 2020



February 5, 2020

Village of Winnetka Zoning Board of Appeals

RE; 191 Sheridan Road

Dear Zoning Board of Appeals,

Thank you, again, for your kind and careful consideration in reviewing our new and revised application for two specific variances for our homeowners property at 191 Sheridan Road, Winnetka. Our clients, The Santi's are seeking relief from to specific zoning requirements that currently impact the existing home, structure and conditions original to the properties development in approximately 1930. In order to make any improvements to the home, these current zoning regulations, that were not in place when the home was originally built, create a practical hardship to both the existing home and structure as well as any potential improvements both our clients and any other future homeowners would face given these current regulations.

We will make every effort to explain the existing, and continued, hardships that best emulate your requirements and conditions for understanding a specific hardship as well as explain alternative thoughts and ideas that could, would or not practically lessen this need and request for a variation.

Kind Regards,

Jeff Harting
GTH Architects

Variation Standards:

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

The current home was constructed in approximately 1930 and sits picturesquely far from Sheridan road along with its remaining "sister home" to the south. The home was constructed prior to the current zoning regulations regarding side and rear yard setbacks and setbacks currently in place for setbacks from the lake.

Given the ever changing lake water level, beach existence, and beach erosion and bluff erosion and changes over time since the home was constructed, many of the conditions that existed when the house was build have altered and changed, mostly due to these factors and none man made or created.

The home is currently a moderate "story and a half" home with one bedroom on the first floor and two bedrooms on the second floor. This is far from the current expectations for a home on this type of property and on the lake with most homes, historical and newly constructed, at minimum expecting four to six bedrooms and much more table land to the rear than the existing 45 feet the property has remaining to the grade of the bluff begins. Also, the home currently has no large kitchen, nor family room or grade level garage. Given the actual scale and amenities (eg actual bedrooms and afore mentioned modern expectations) the house is currently lacking, no reasonable return, other than the value of the land, could be permitted or expected without an actual "tear down" of the home and a resulting new home similar to that built to the north of this property. A solution not acceptable or desired by our client and homeowner as they have chosen this home and to add some amenities to allow it to remain in its historical setting and with its unique details without altering any of the facades.

2. The plight of the homeowner is due to unique circumstances. Such circumstances must be associated with the characteristics of the property in question, rather than be related to the occupants.

The mitigating circumstances that have lead us to seek your consideration for a variance and abundantly clear due to the existing home and the existing site conditions and property.

Our clients continue to wish to add a more modern living space and potential Artist studio within the proposed renovated and expanded bluff structure, and not the previously designed larger structure that was previously approved. This would include a small terrace above on the roof of the structure and no plans for an additional terrace and spa/pool as previously presented and approved. That is the basic premise of the proposed revised structure we are presenting. In conjunction with this revised program for needed space without altering the

existing historic home, the practical goal is to also mitigate the ever eroding bluff and space from the current bluffs edge to the current water level of the lake below. A fixed height and distance that over time continues to shrink and become less and less practical. This revised proposal for a less expansive structure also allows the existing pair of stairs to the existing beach house to remain and, thus, involves less retaining walls and grading alterations north and south to the neighboring properties.

With a home that, in some instances, exceeds the current side yard setbacks and sits predominately far from Sheridan road, the current remaining rear yard space before the bluff slope begins is only approximately 45feet. Any improvements to the historic home would essentially change the character either on the front or the rear and any additions to the rear (eg pool or structure) would greatly reduce the available tableland green space.

The current bluff is in a state of constant erosion and given the sight easement shared by the homeowners to the north and south, the proposed improvements need to be located as low and as close to the lower portion of the bluff as possible.

As previously mentioned, the home is actually quite moderate in rooms and sizes and the practical issue to add any additional space to the front would change the essential character and any improvements to the rear would do the same as well as reduce the current table land greenspace.

The current zoning regulations were created after the home was constructed and the changing bluff erosion and changing water levels and beach existence are contributing to the rear setback fluctuating year after year, sometimes increasing and at times decreasing.

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

In fact, the proposed improvements would secure the character of the locality as opposed to the subsequent improvements to the north property which have significantly altered the locality and neighboring properties. Past homeowners have gone to great lengths to improve the property with the addition of an underground garage that retained the original façade and setting.

Our homeowners are following that lead by planning improvements that will retain the essential character of home while adding amenities that both historic and new homes have already added along the lake and bluff in the area. The proposed building materials will be cohesive with the current homes materials and allow for greenspace to be retained in a manner that will manage beach erosion as well.

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

In fact, neither will be diminished in any way given the planned location of the proposed structure and improvements. Also, sight lines and views from our clients home as well as neighboring properties will not be diminished.

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

In fact, just the opposite. Given the planned location of the improvements and the distance from the existing home and neighboring homes will secure a reduction of any potential safety or hazardous conditions. Also, given the construction materials of mostly poured concrete with stone veneer walls and terraces, there is no hazard created by combustible materials.

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

Most likely, this will increase the taxable value of the homeowners property and be in line with the same similar improvements that have taken place along the lakeshore on both new and historic homes.

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

The proposed improvements are strictly for the use of the homeowner and does not increase traffic flow or congestion to the public streets.

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

The planned improvements shall not affect any of these in any way.

Property Challenges and Options explored for these proposed improvements:

As explained earlier in our Standards for Variance, the historic home was constructed prior to the current zoning regulations and set far from the Sheridan road streetscape along with its original two "sister homes". Unfortunately, one of those homes was lost a few years ago for a newer home to the north. The two remaining homes sit quite close to the bluff and lake and have underwent quite a bit of both bluff and beach erosion since they were originally constructed in the 1930's.

The current home has a significant amount of character and details that have been retained over the past 80 years and the possibility of any improvements to the front or rear on the available table land would dramatically alter forever the original structure and setting. Also, as mentioned, the home is actually quite modest in number and sizes of rooms and is actually a story and a half structure with one bedroom on the first floor and two bedrooms on the second floor. Our clients only wish to preserve the home while planning a proposed bluff structure that will serve as a more modern den/artists studio room and potential renovated roof terrace above, replacing the current one.

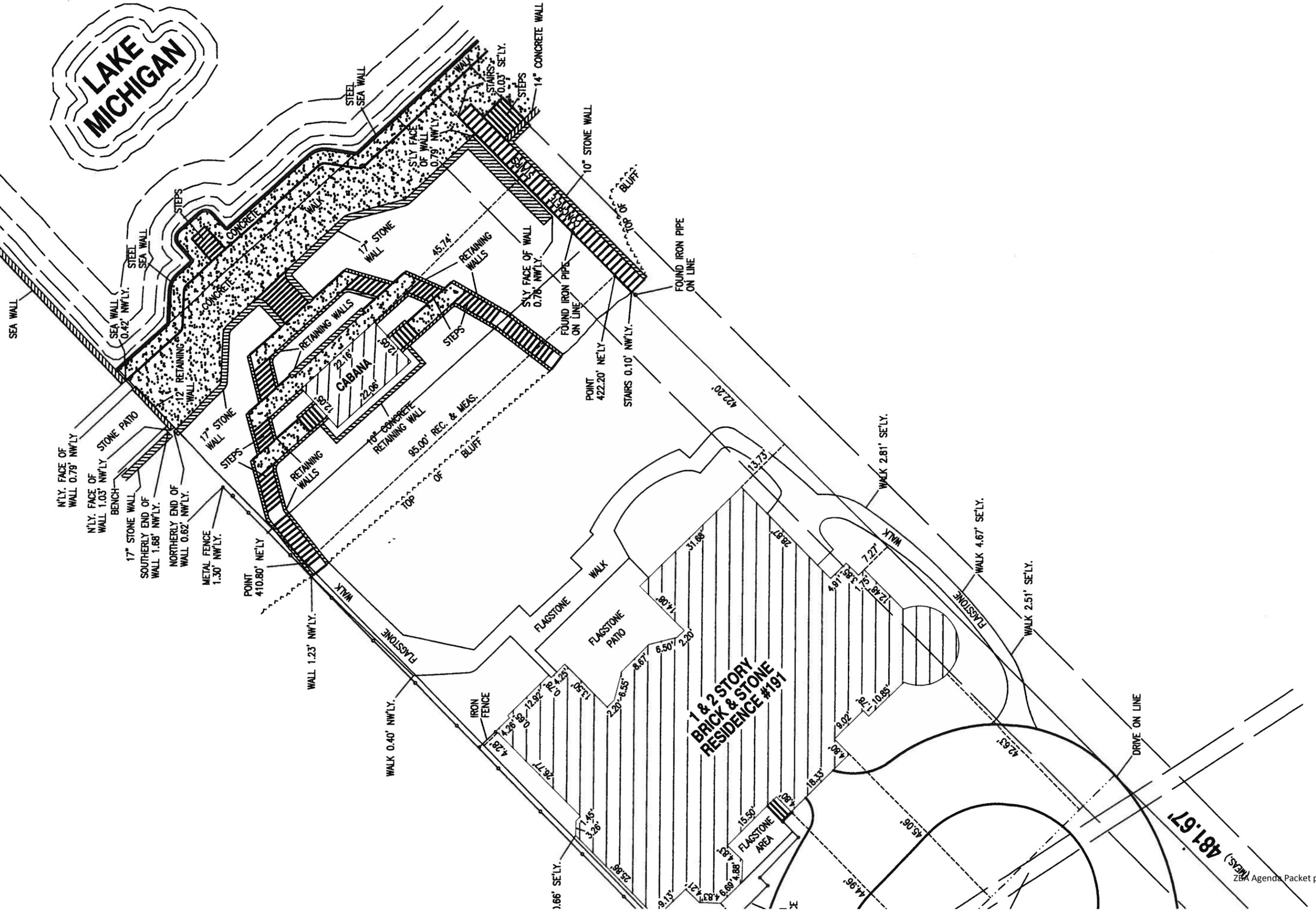
In order to have the proposed structure not interfere with the current homes sight line as well as the sight easement enjoyed by the two neighboring homes, the proposed improvements will need to be placed lower and closer to the current lake level. All of which will also be engineered to mitigate the current beach and bluff erosion in a more aesthetic manner to complement the existing home.

As previously mentioned, this revised version, of what was previously approved, is smaller in both length and depth and involves less extensive stair and retaining wall structures and eliminates the previously planned underground tunnel leading from the house down to the beach house. This revised version also has eliminated the second planned and previously approved pool deck terrace level as well as removal of the existing stairs and regrading.

In order to achieve these improvements without the need of seeking relief from the Zoning Board of Appeals, the current grades would dramatically need to be altered as there is only a set amount of space and steep grade from the waters edge to the beginning of the bluff slope. Simply put, the land would need to be carved out and grades altered in an unnatural manner and the existing small amount of existing table land would be dramatically decreased.

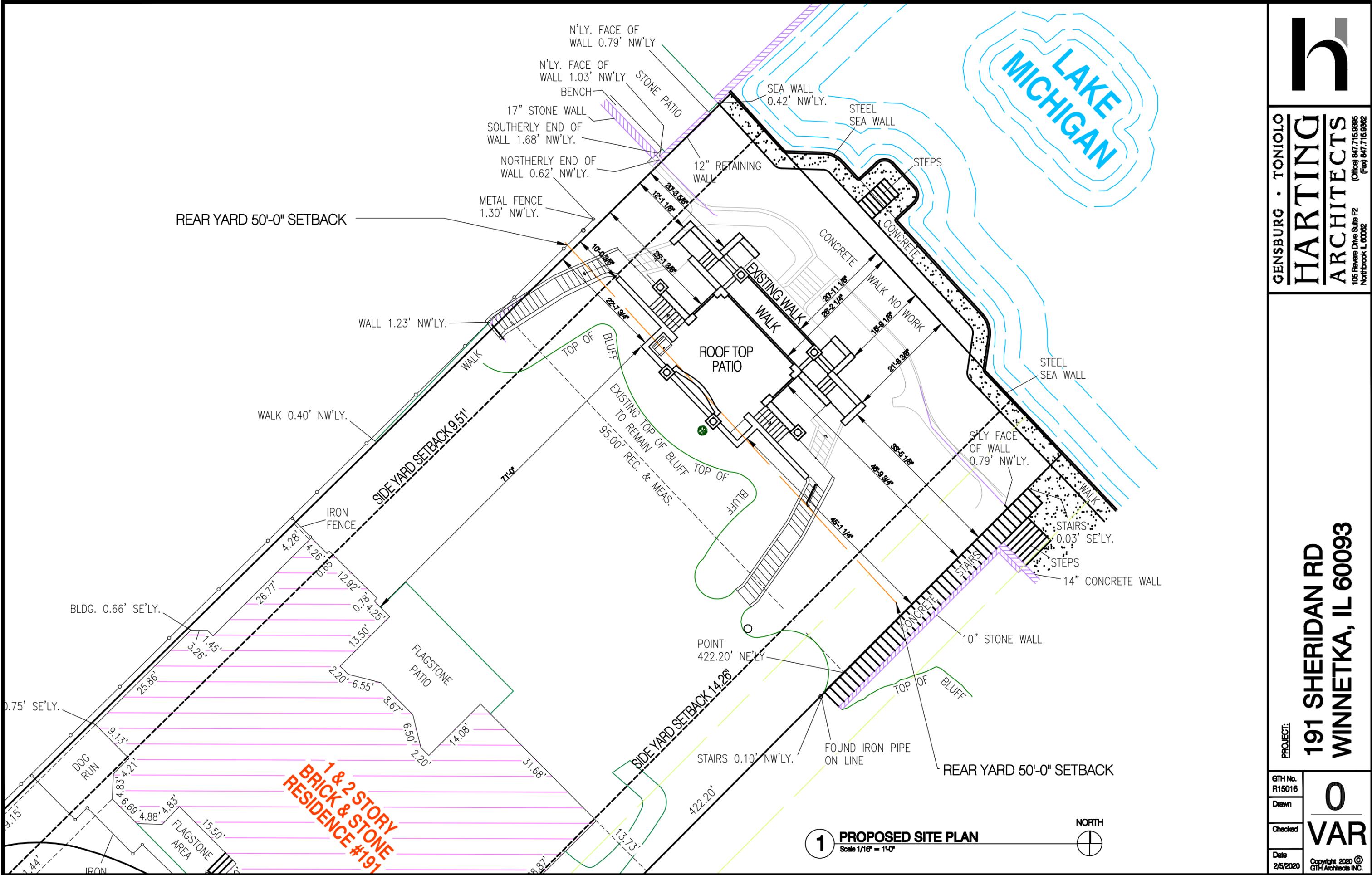
The relief we are seeking for the bluff proposed structure is approximately 24 feet and is dictated by the current waters edge. This is a fluctuating factor and if pilings or breakwaters were created and sand in place for an actual beach, this setback would not be a factor needing relief. As many properties have altered and created more sand beach setting for their properties, we felt leaving the existing conditions and waters edge was more appropriate rather than altering the course of nature and the existing waters edge and lake conditions. In fact, it may be that in the past, or potentially the future, this waters edge was or could be dramatically different or may change given other property improvements or the lake water fluctuations that could potentially increase this setback farther into the lake itself.

Typically a rear yard setback is established to create a buffer and a distance from neighboring properties to ensure sightlines and open space. However, in this case, a variation for the proposed structure would allow the proposed improvements to be less visible and impact the neighboring properties less than if the structure were placed at the current required rear setback. This also allows the existing grades to be maintained and ensured on the property and as they blend to the neighboring properties in their current conditions and remain unaltered.



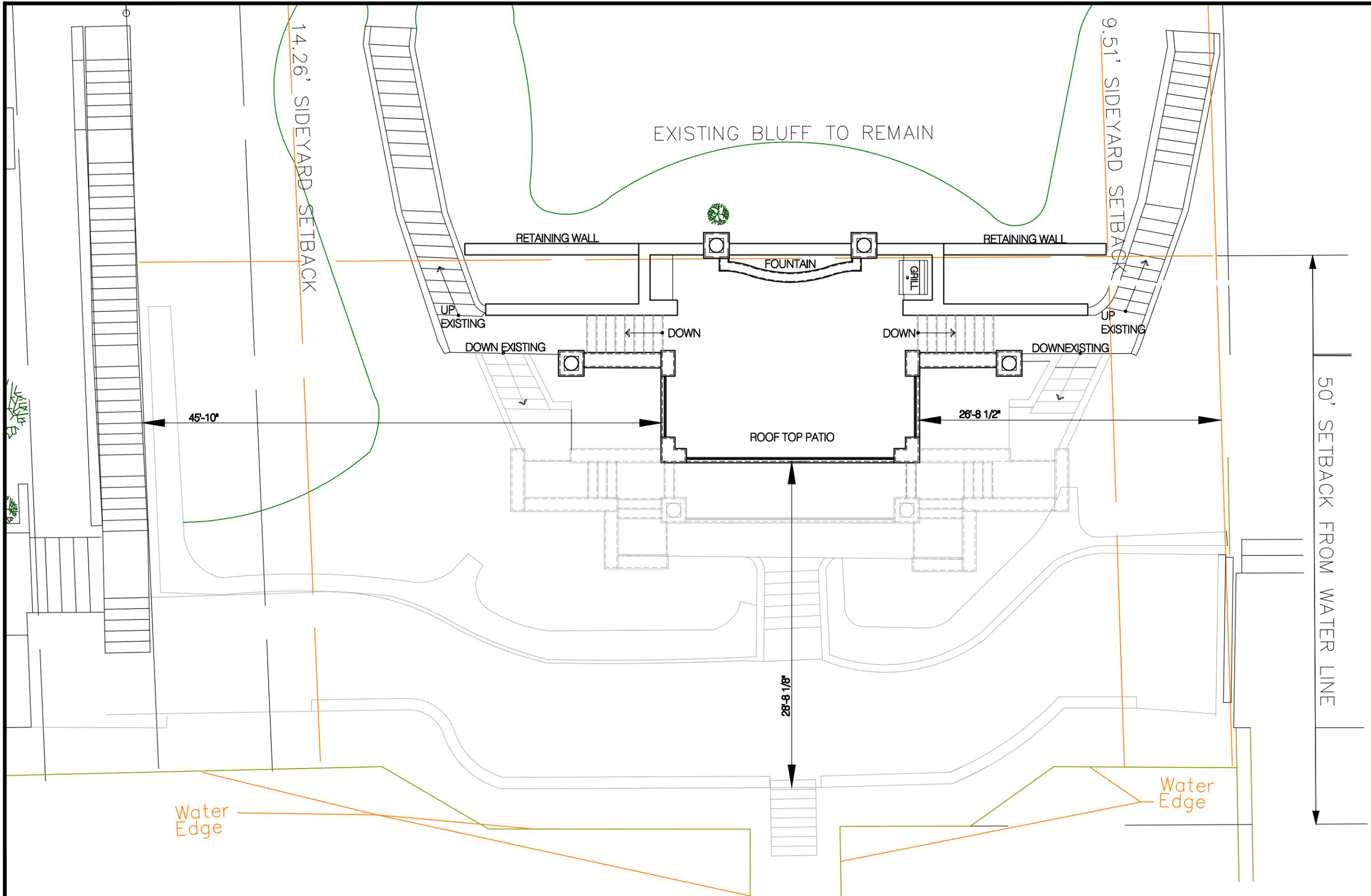
1 & 2 STORY
BRICK & STONE
RESIDENCE #191

(Dist.) 481.67'



1 PROPOSED SITE PLAN
 Scale 1/16" = 1'-0"





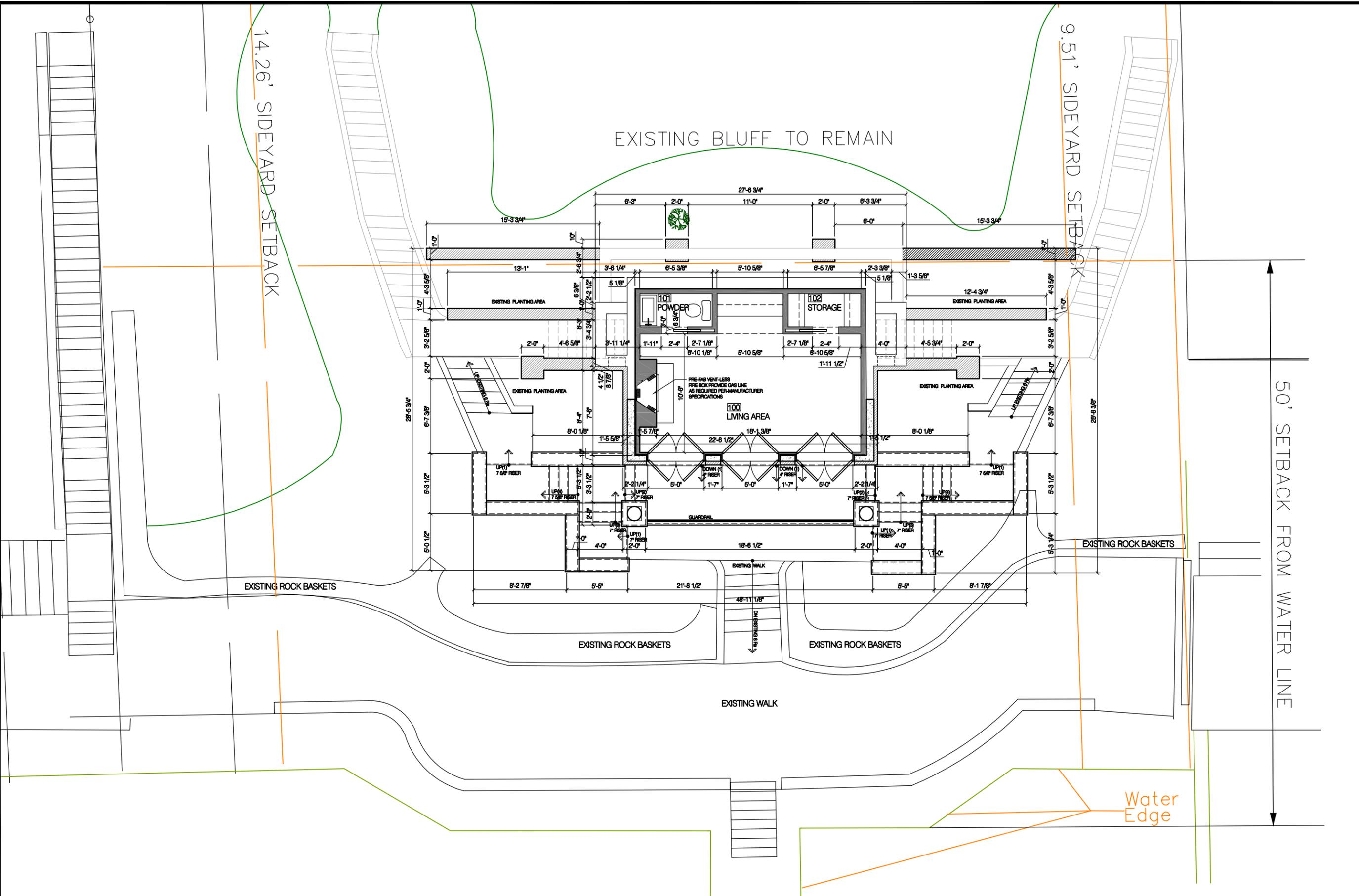
GENSBURG • TONIOLO
HARTING
ARCHITECTS
 105 Revere Drive, Suite P2
 Northbrook, IL 60062
 (Office) 847.715.9395
 (Fax) 847.715.9882

PROJECT:
191 SHERIDAN RD
WINNETKA, IL 60093

GTH No. R15016	1 VAR
Drawn	
Checked	
Date 2/5/2020	
Copyright 2020 © GTH Architects INC.	

1 PROPOSED UPPER LEVEL PLAN
 Scale 1/8" = 1'-0"





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ARCHITECTS
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 R15016
 Drawn
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 Date
 2/5/2020
2
VAR
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1 PROPOSED LOWER LEVEL PLAN
 Scale 1/8" = 1'-0"



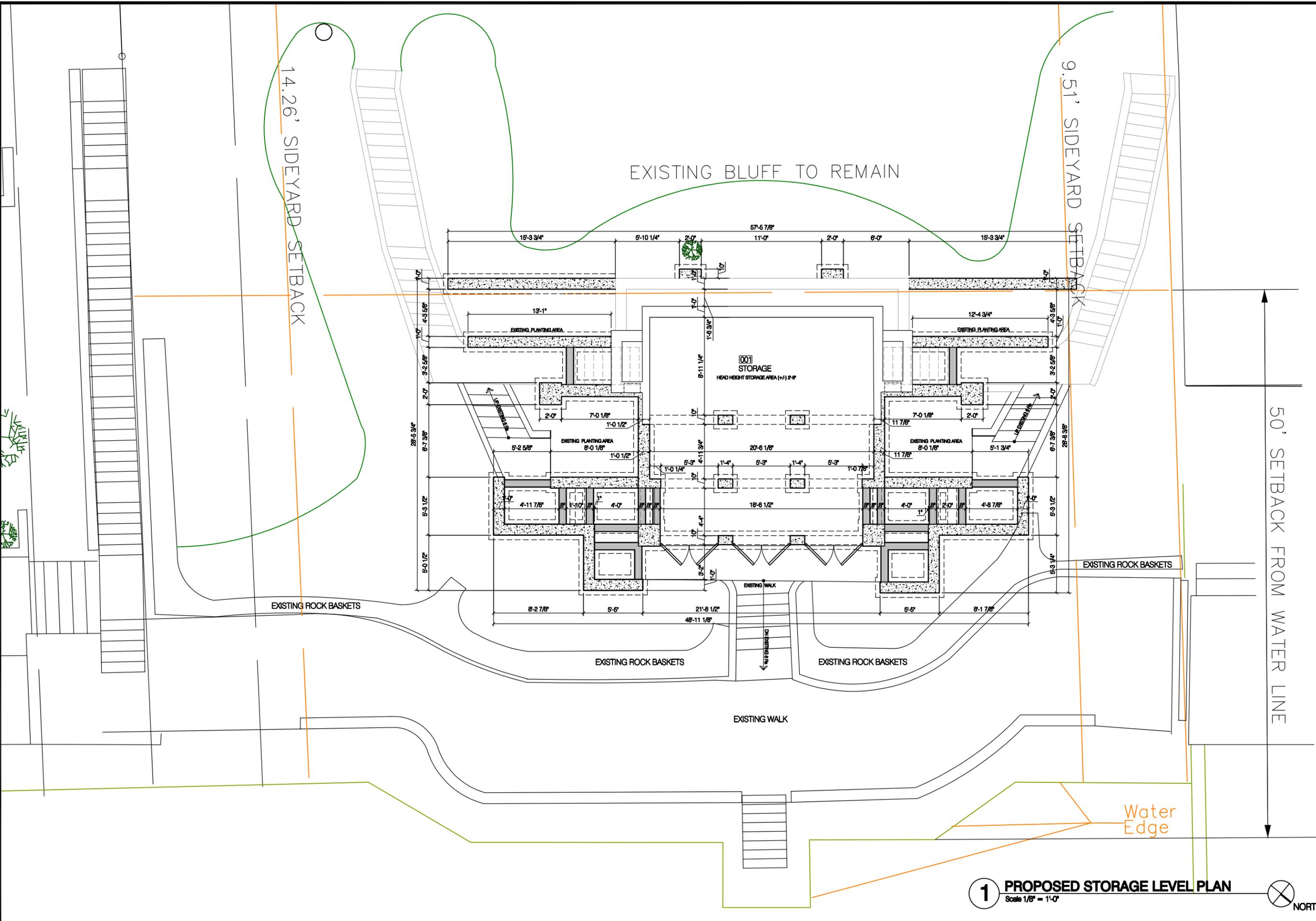


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PROJECT:
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WINNETKA, IL 60093

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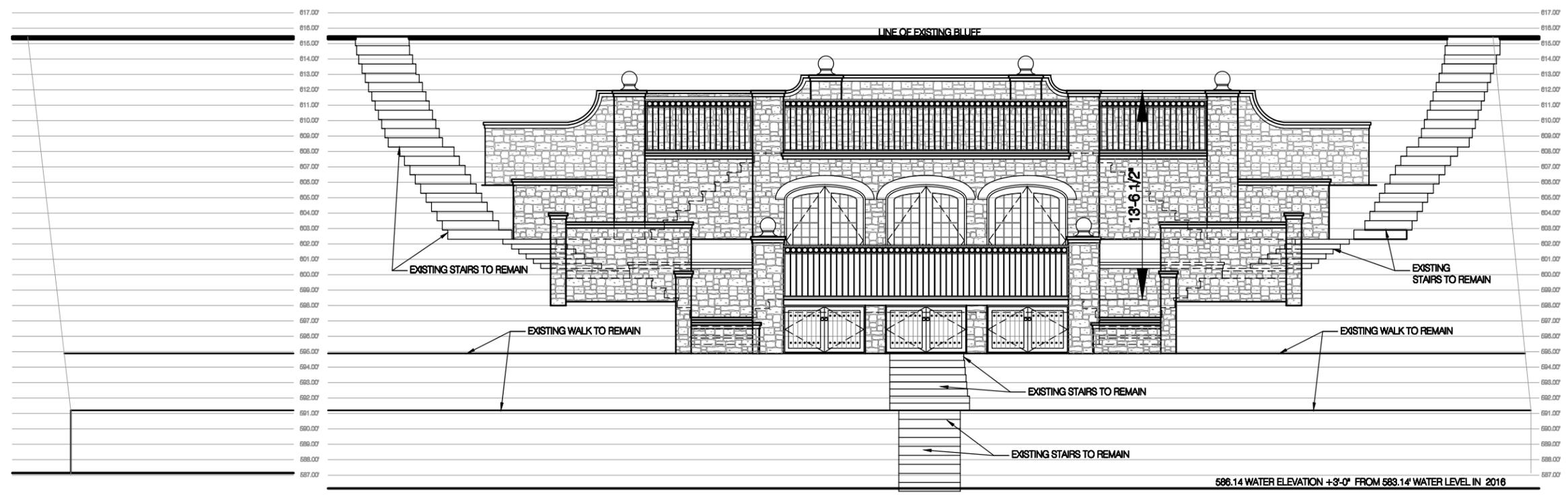


1 PROPOSED STORAGE LEVEL PLAN
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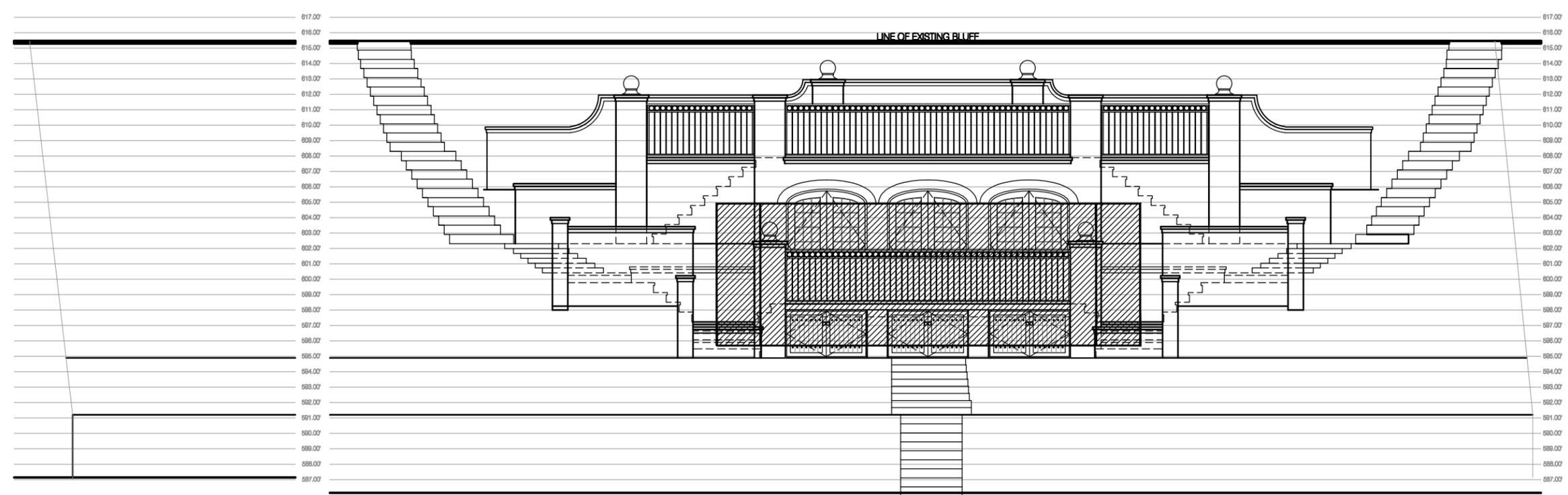




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 Northbrook, IL 60062



1 PROPOSED BUILDING SECTION
 Scale 1/8" = 1'-0"



2 PROPOSED EAST ELEVATION SHOWING THE LOCATION OF THE EXISTING CABANA
 Scale 1/8" = 1'-0"

PROJECT:
191 SHERIDAN RD
WINNETKA, IL 60093

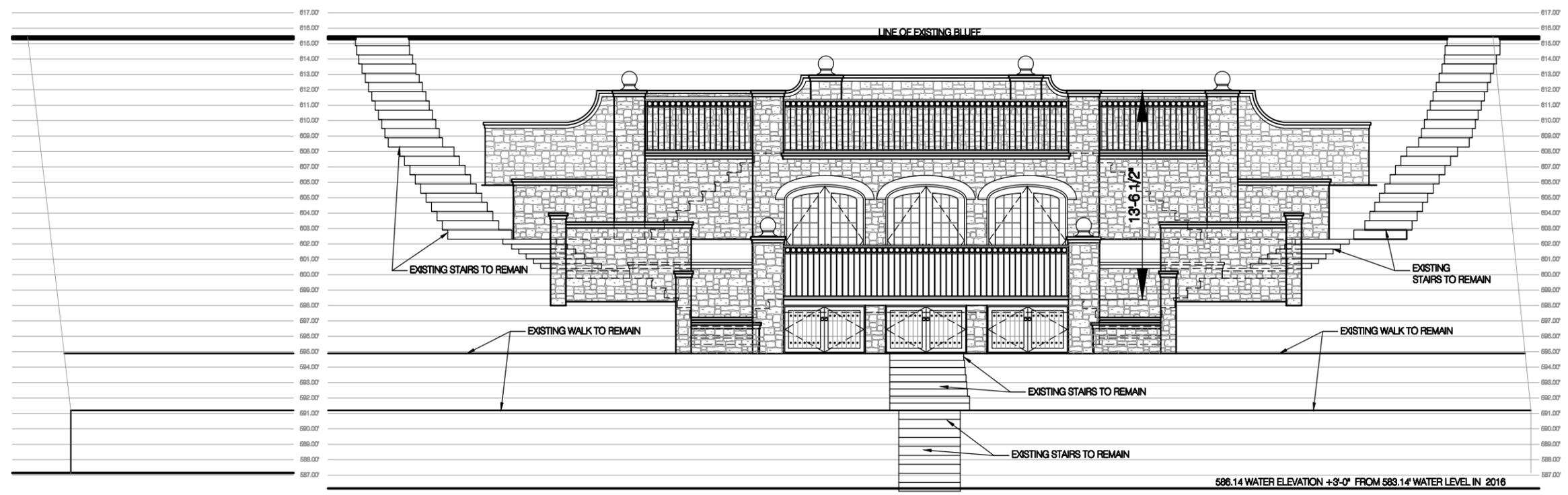
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 R15016
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 Date
 2/5/2020

3
VAR

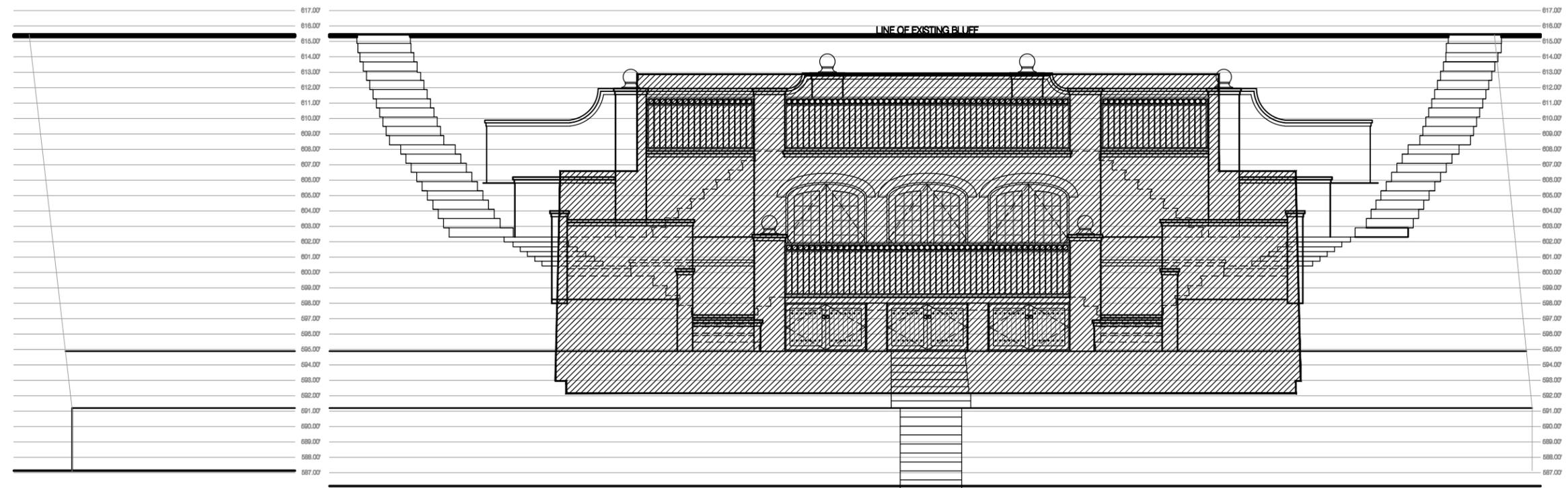
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 Northbrook, IL 60062
 (Office) 847.715.9395
 (Fax) 847.715.9882



1 PROPOSED BUILDING SECTION
 Scale 1/8" = 1'-0"



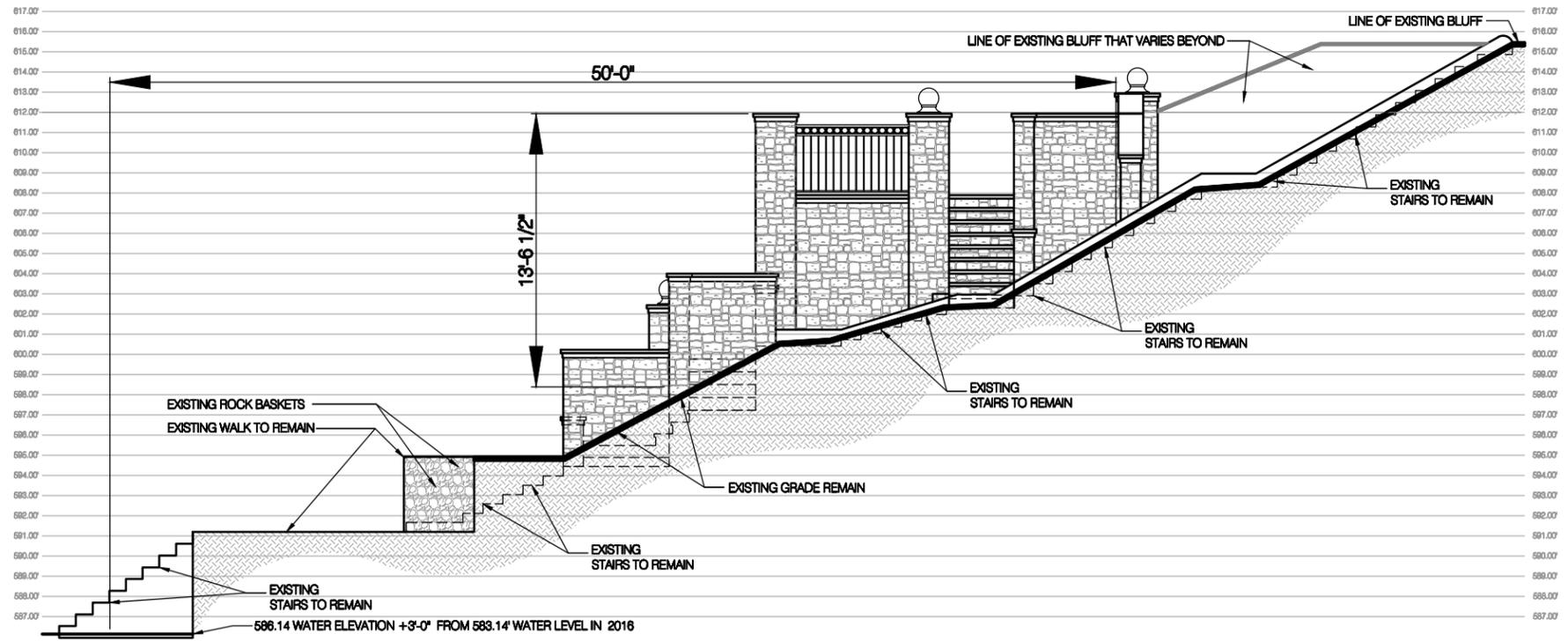
2 PROPOSED EAST ELEVATION SHOWING THE LOCATION OF THE PREVIOUSLY APPROVED VARIANCE
 Scale 1/8" = 1'-0"

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1 PROPOSED NORTH ELEVATION
Scale 1/8" = 1'-0"



2 PROPOSED NORTH ELEVATION SHOWING THE LOCATION OF THE EXISTING CABANA
Scale 1/8" = 1'-0"

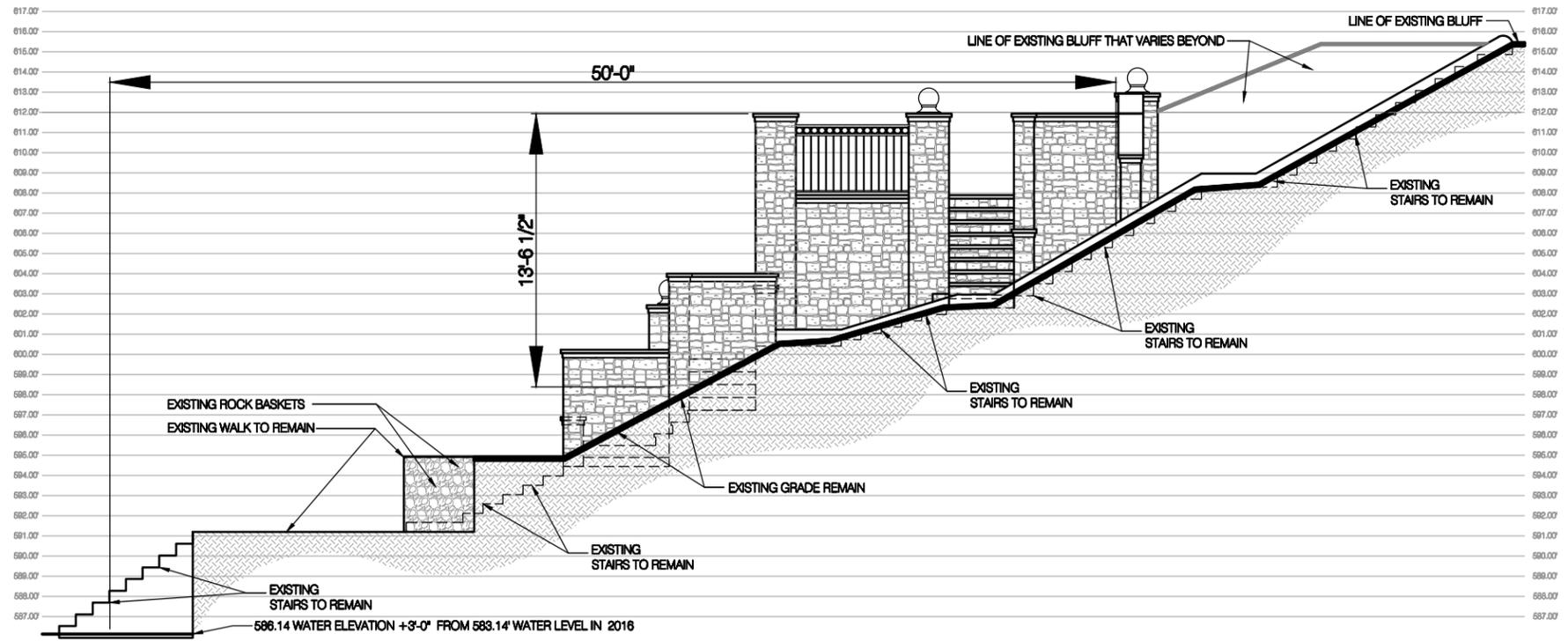


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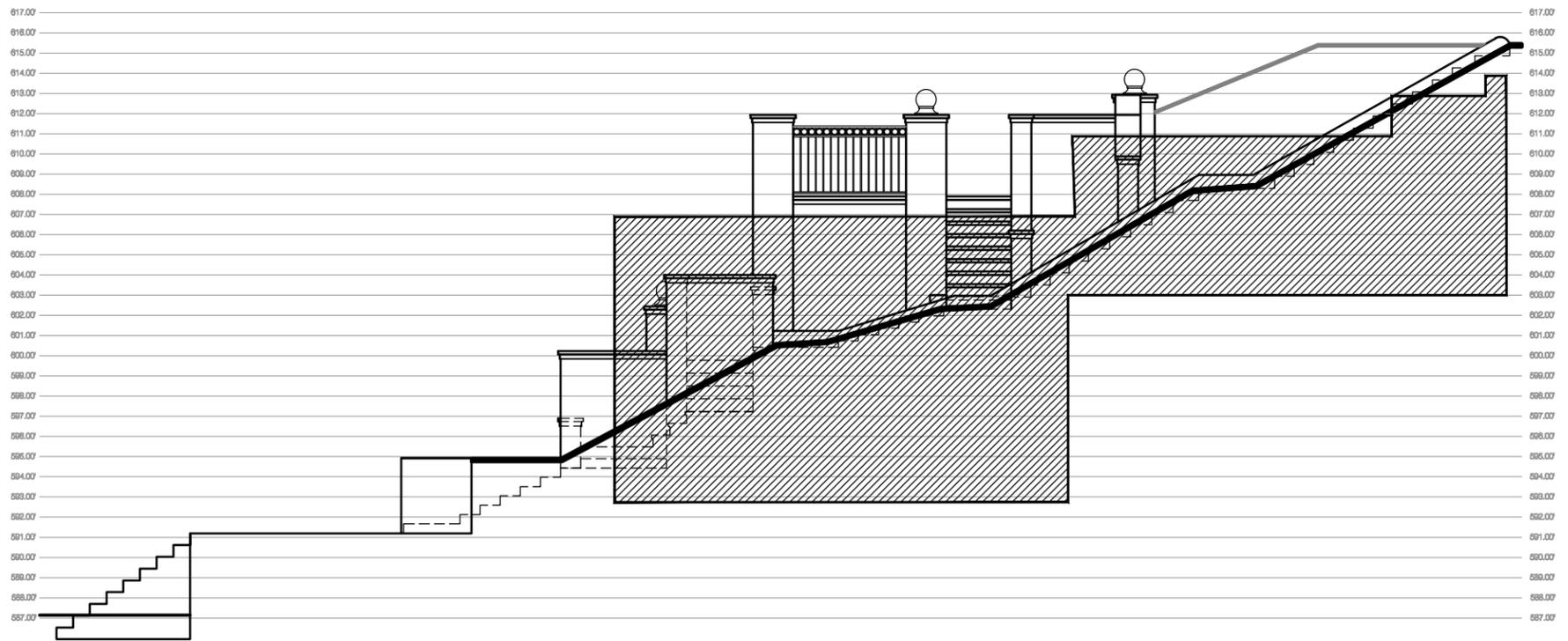
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1 PROPOSED NORTH ELEVATION
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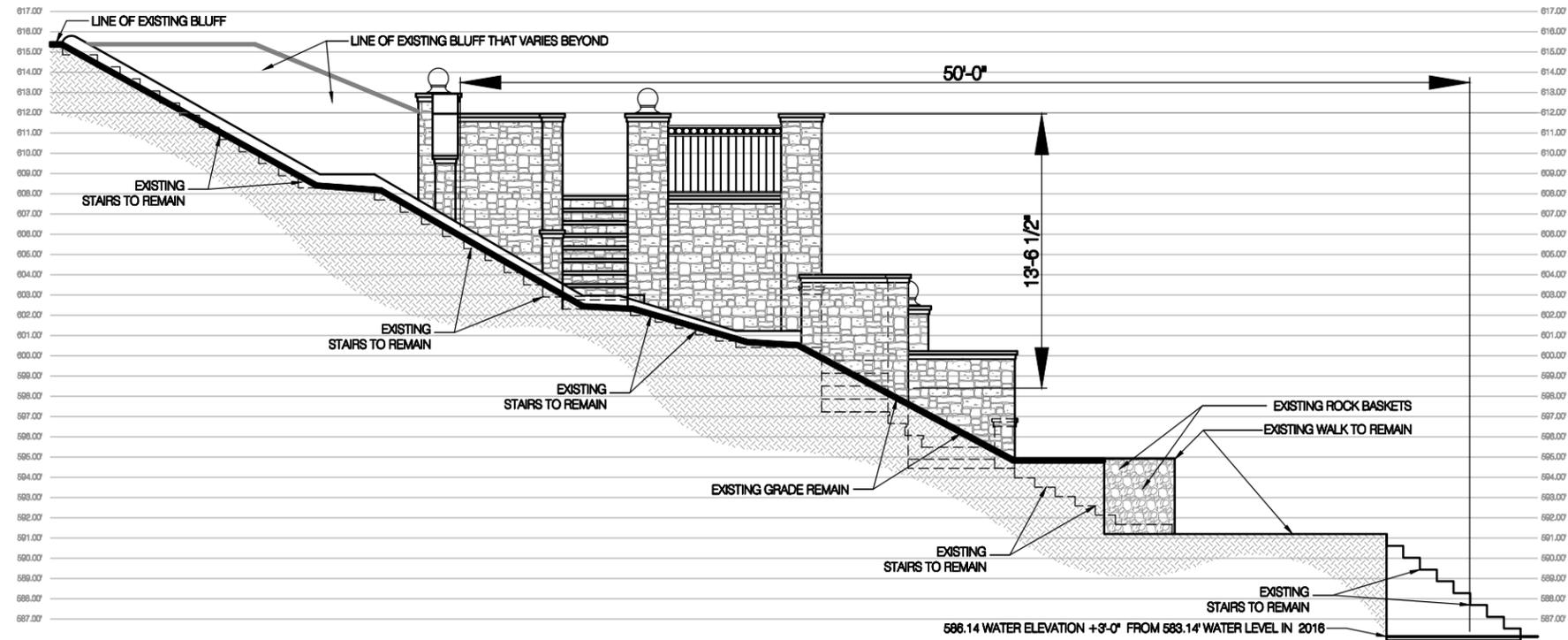
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Scale 1/8" = 1'-0"



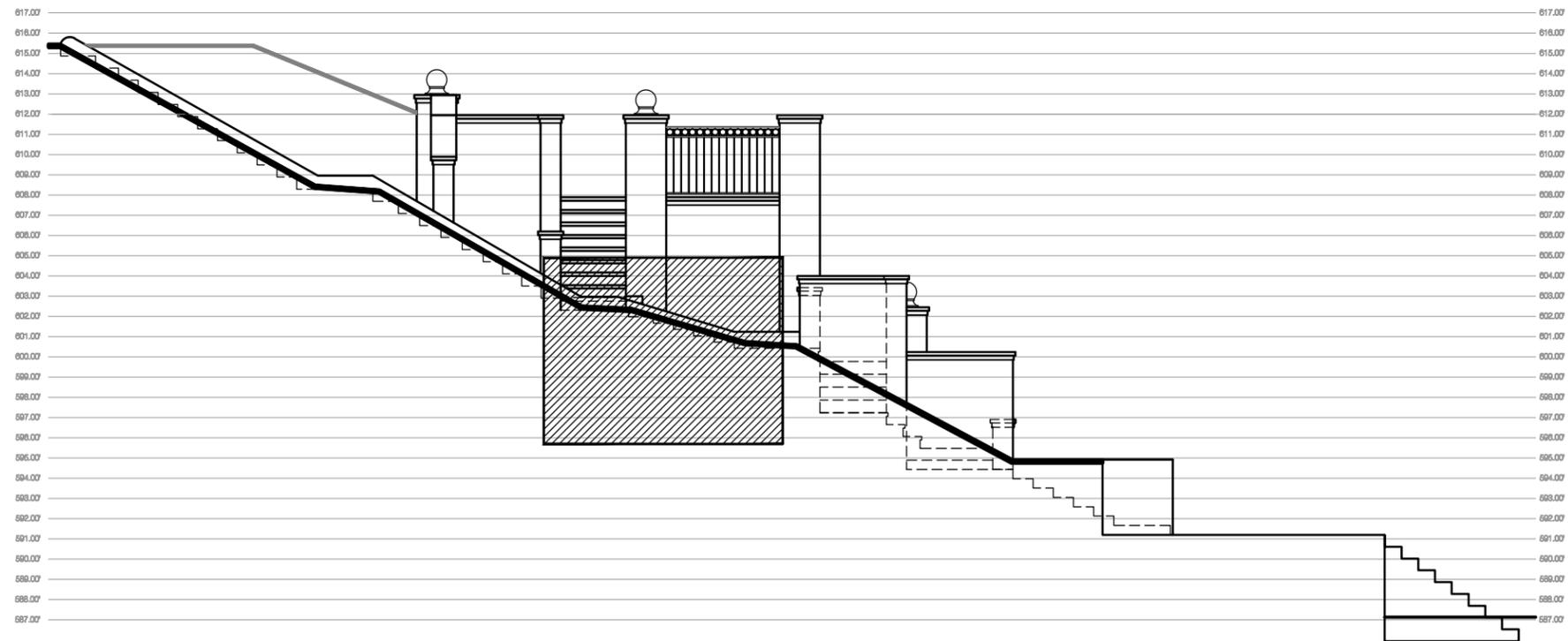
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1 PROPOSED SOUTH ELEVATION
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2 PROPOSED SOUTH ELEVATION SHOWING THE LOCATION OF THE EXISTING CABANA
Scale 1/8" = 1'-0"

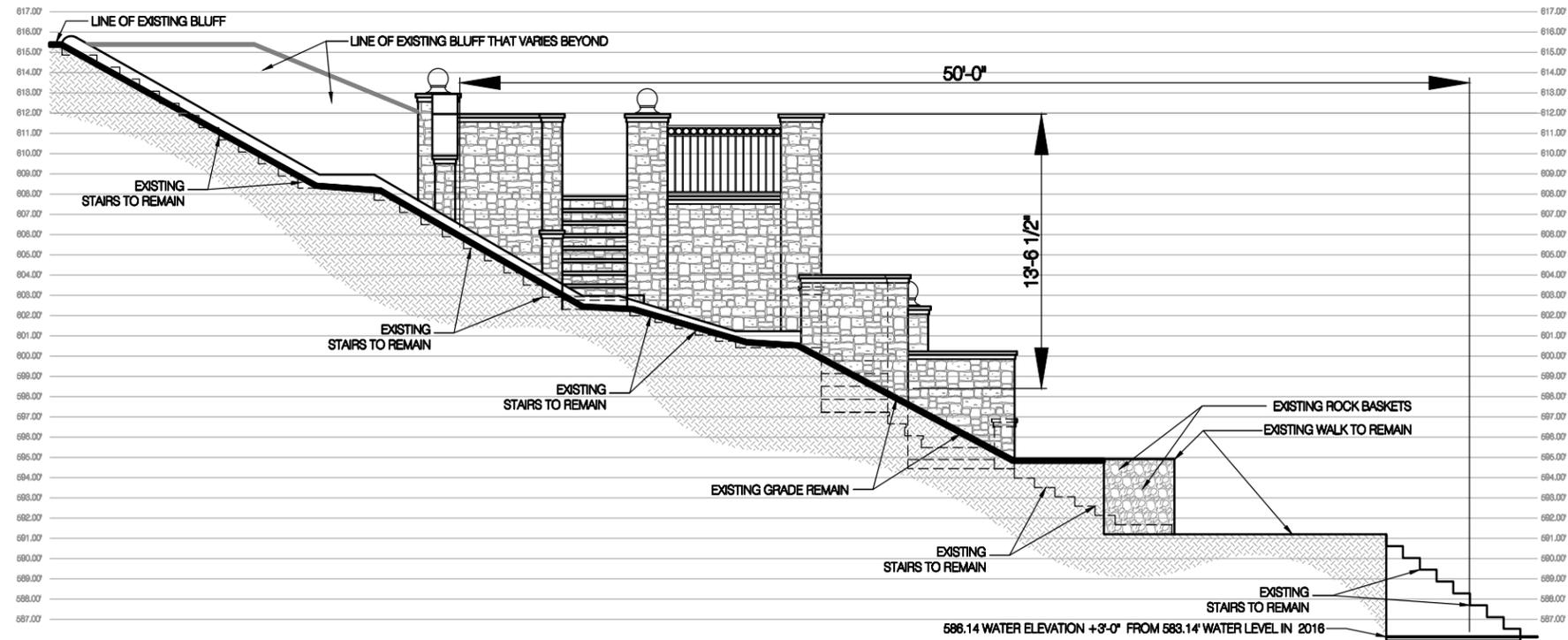


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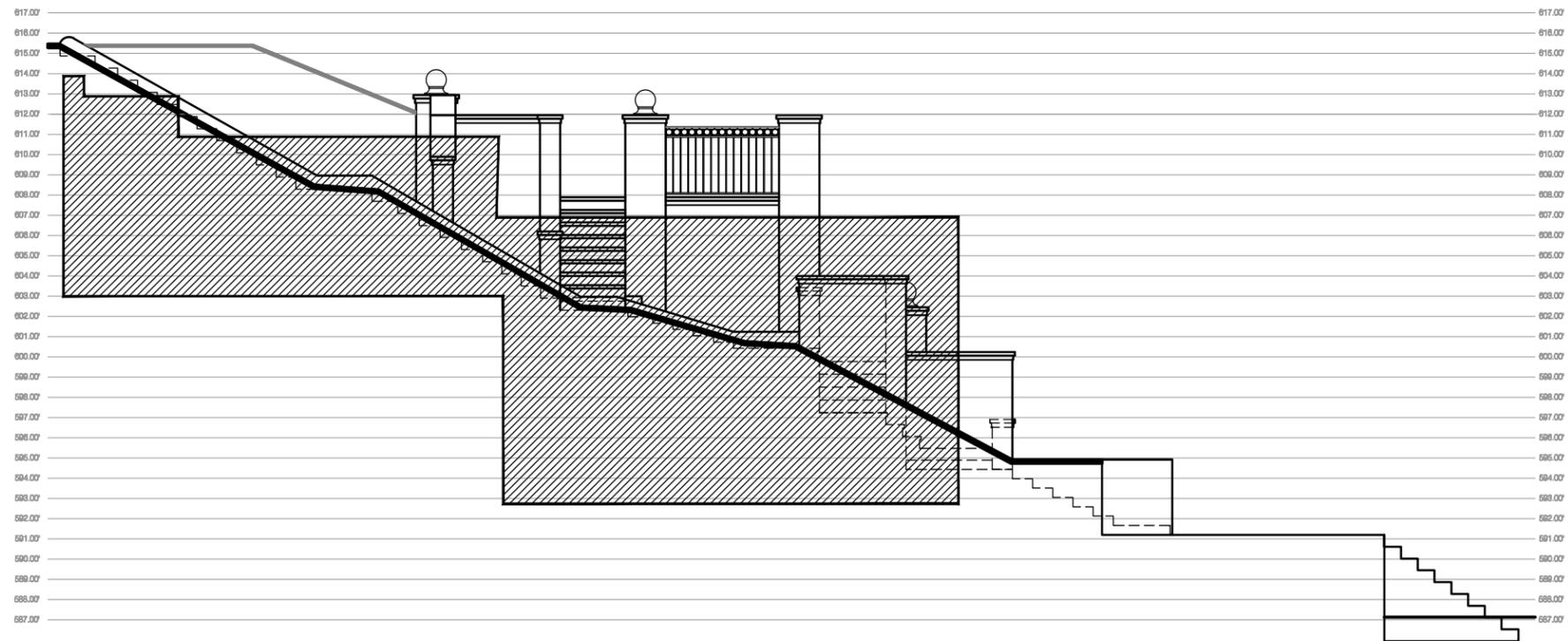
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1 PROPOSED SOUTH ELEVATION
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2 PROPOSED SOUTH ELEVATION SHOWING THE LOCATION OF THE PREVIOUSLY APPROVED VARIATION
Scale 1/8" = 1'-0"



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1 PHOTOS - EXISTING SOIL EROSION
Scale NO SCALE



2 PHOTOS - EXISTING SOIL FILTERING THROUGH GABION
Scale NO SCALE



3 PHOTOS - EXISTING PAVERS CRACKED DUE TO MOISTURE
Scale NO SCALE



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1 PHOTOS - EXISTING INERIOR SPACES HAVING WATER DAMAGE SOIL FILTERING THROUGH THE WALLS
 Scale NO SCALE



2 PHOTOS - EXISTING PADIO CRACKED DUE TO MOISTURE
 Scale NO SCALE

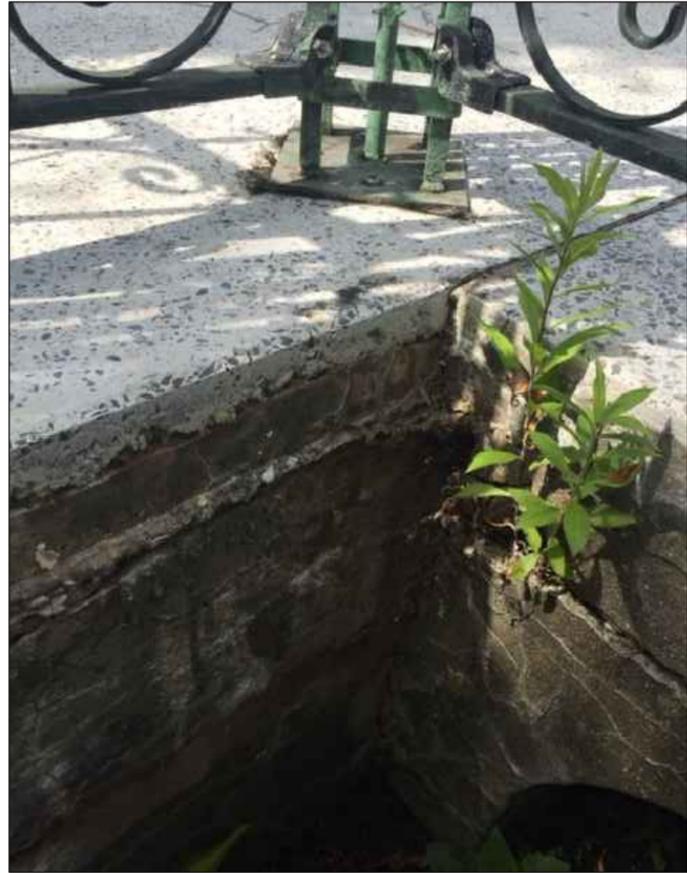


3 PHOTOS - EXISTING PAVERS CRACKED DUE TO MOISTURE
 Scale NO SCALE

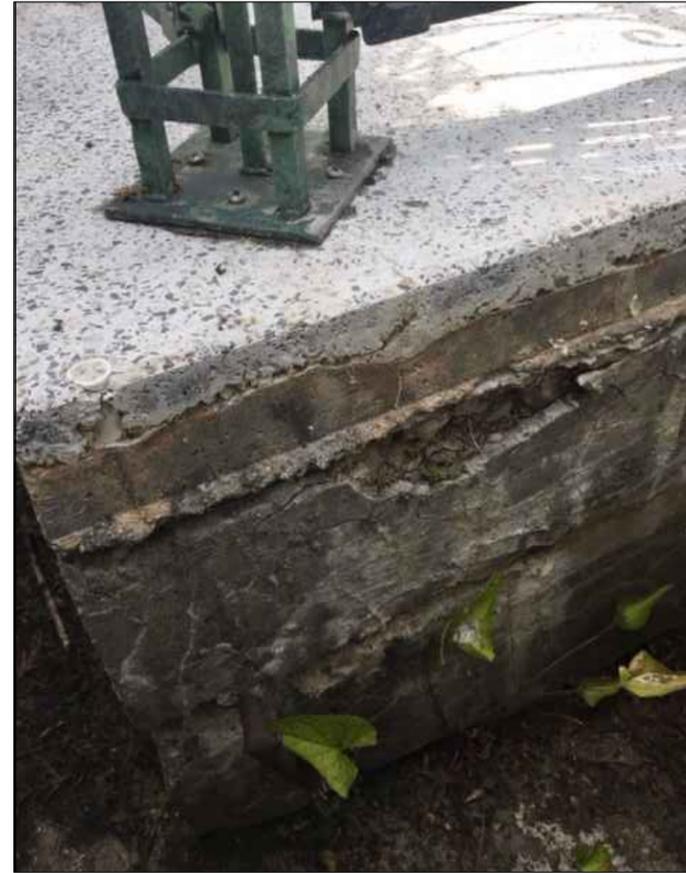
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1 PHOTOS - EXISTING FOUNDATION BREAKING DOWN - FREEZE THAW
Scale NO SCALE



2 PHOTOS - EXISTING FOUNDATION BREAKING DOWN - FREEZE THAW
Scale NO SCALE



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1 EXISTING ACCESSORY STRUCTURE AND RETAINING WALLS
Scale NO SCALE

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1 EXISTING ACCESSORY STRUCTURE AND RETAINING WALLS
Scale NO SCALE

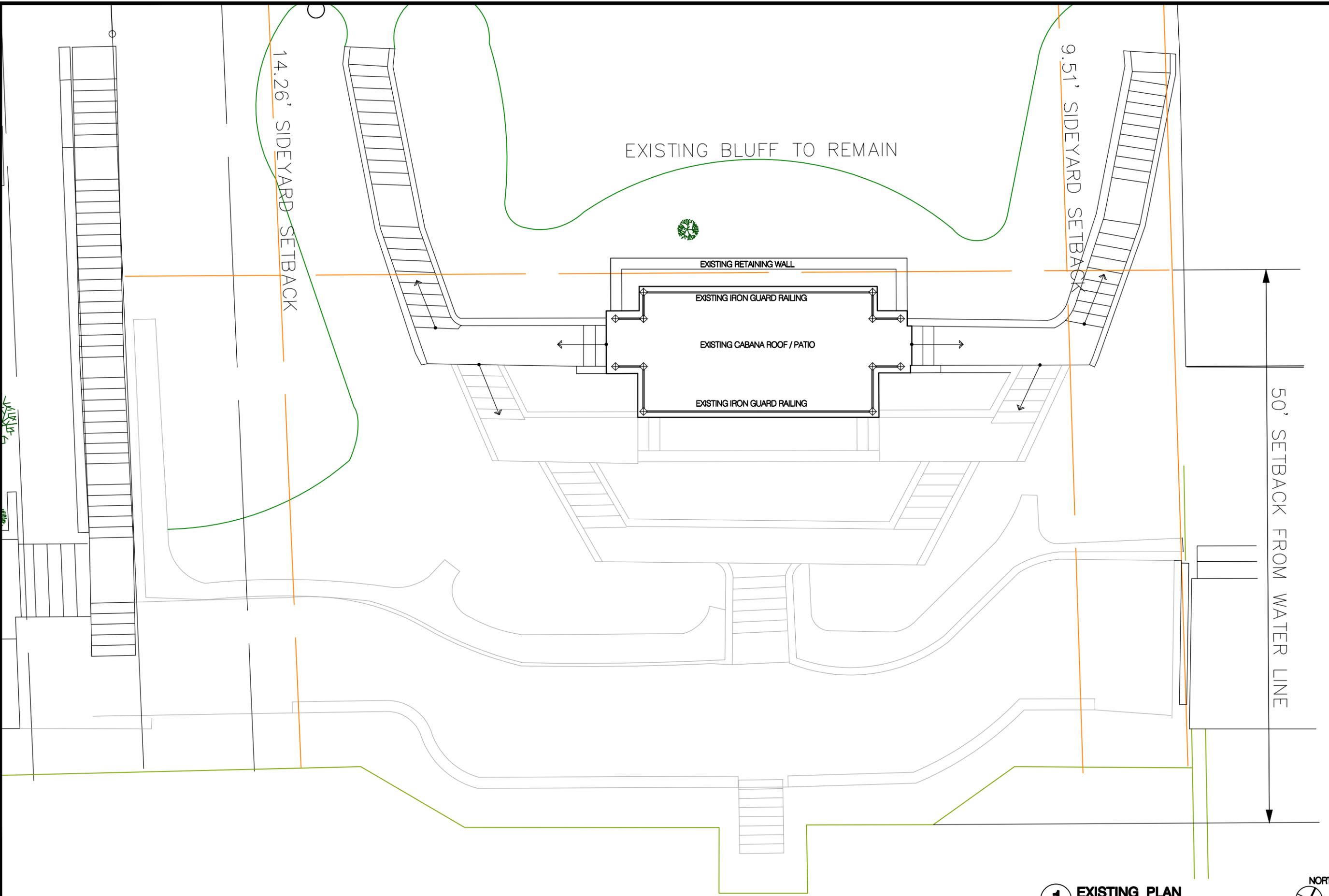


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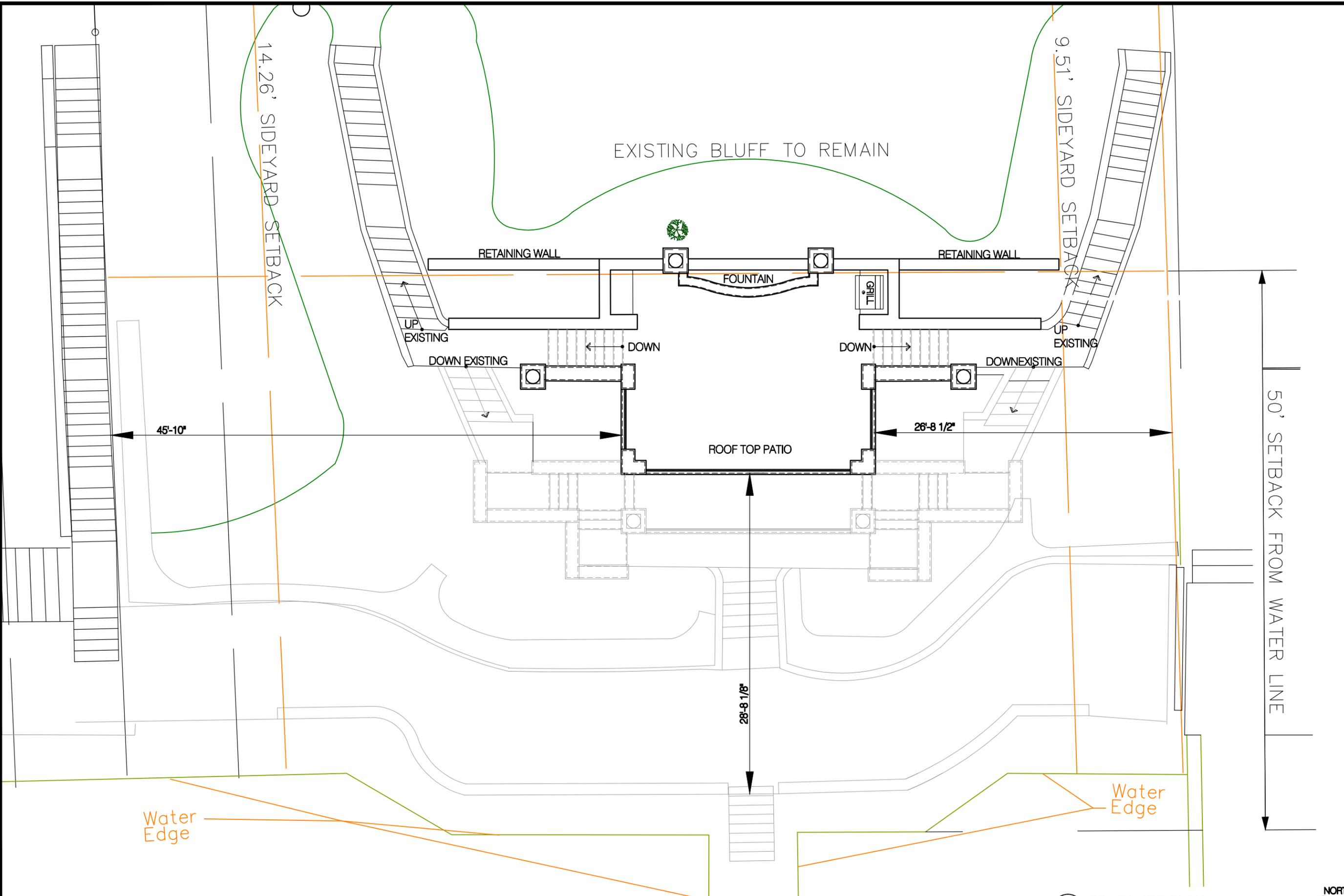
1 EXISTING PLAN
Scale 1/8" = 1'-0"



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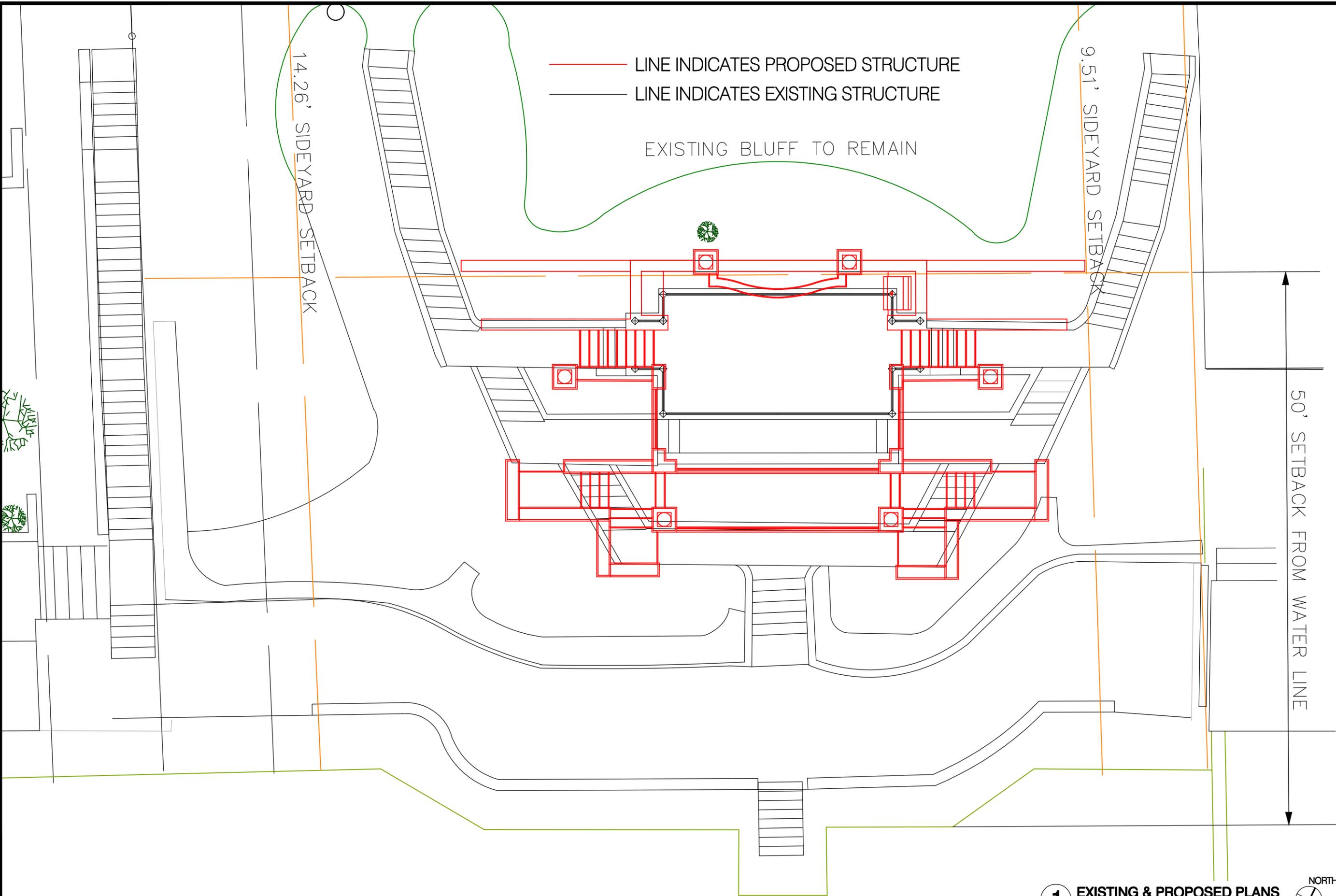
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1 PROPOSED PLAN
 Scale 1/8" = 1'-0"





— LINE INDICATES PROPOSED STRUCTURE
 — LINE INDICATES EXISTING STRUCTURE

EXISTING BLUFF TO REMAIN

14.26' SIDERYARD SETBACK

9.51' SIDERYARD SETBACK

50' SETBACK FROM WATER LINE

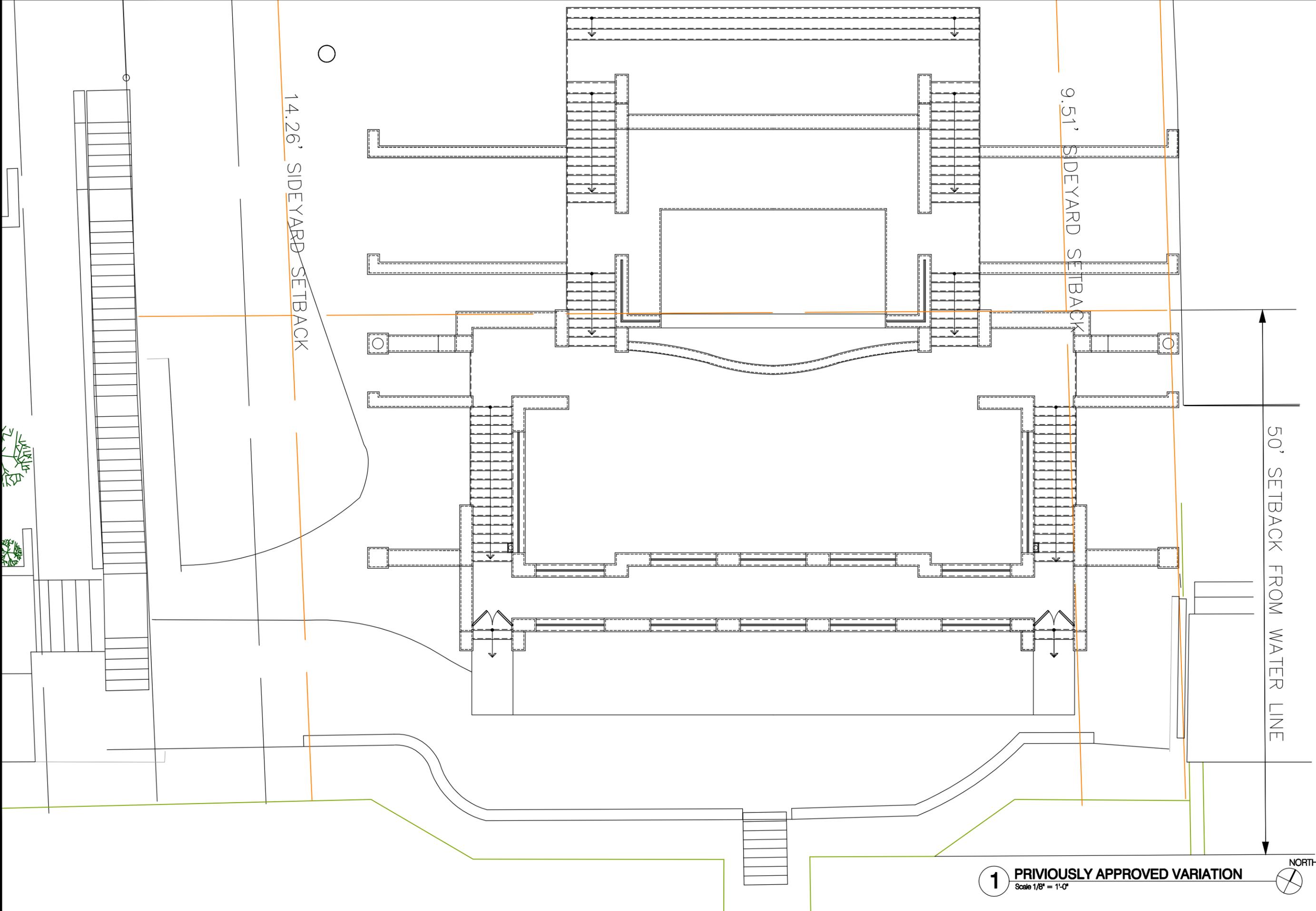
1 EXISTING & PROPOSED PLANS
 Scale 1/8" = 1'-0"



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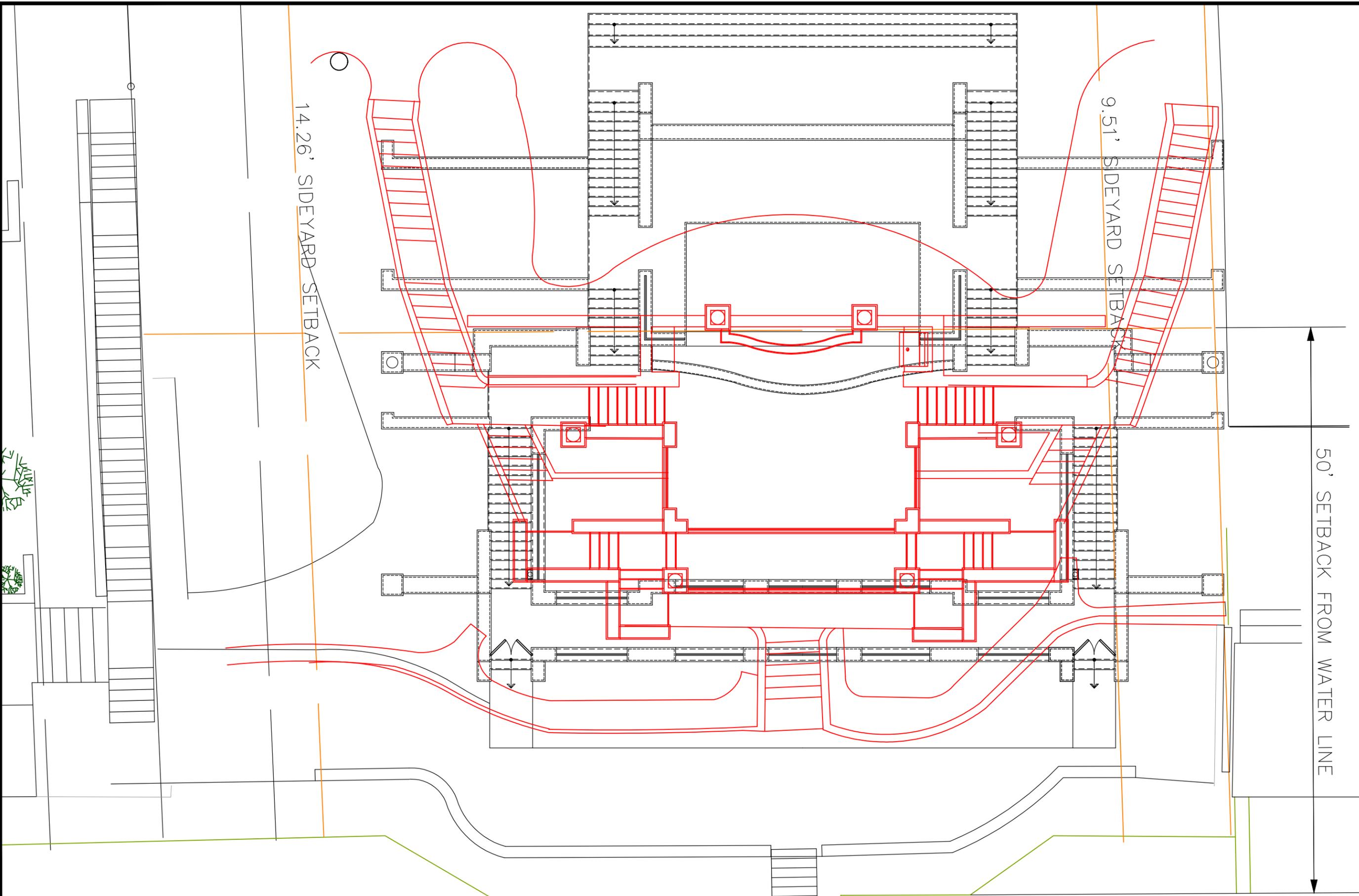
1 PREVIOUSLY APPROVED VARIATION
 Scale 1/8" = 1'-0"



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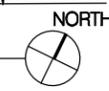
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— LINE INDICATES PROPOSED STRUCTURE AND EXISTING STAIRS
 — LINE INDICATES PREVIOUSLY APPROVED VARIATION

1 PREVIOUSLY APPROVED VARIATION AND PROPOSED PLANS
 Scale 1/8" = 1'-0"



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ORDINANCE NO. M-7-2017

**AN ORDINANCE GRANTING VARIATIONS
FROM THE WINNETKA ZONING ORDINANCE
FOR THE CONSTRUCTION OF AN ARTIST STUDIO,
STONE WALK, AND SWIMMING POOL WITHIN
THE R-2 SINGLE FAMILY RESIDENTIAL DISTRICT
(191 Sheridan Road)**

Doc# 1803645054 Fee \$114.00

KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 02/05/2018 04:38 PM PG: 1 OF 39



WHEREAS, the Nancy S. Santi Revocable Trust dated May 25, 2006 ("*Applicant*") is the record title owner of the parcel of real property commonly known as 191 Sheridan Road in Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made a part of this Ordinance ("*Subject Property*"); and

WHEREAS, the Subject Property is located within the R-2 Single Family Residential District of the Village ("*R-2 District*"); and

WHEREAS, the Subject Property is improved with a single family residence ("*Building*") and cabana adjacent to, and to the north and east of, the Building along the water's edge of Lake Michigan ("*Cabana*"); and

WHEREAS, the Applicant desires to remove the Cabana and construct on the Subject Property an artist studio, stone walk, and swimming pool (collectively, "*Proposed Improvements*"); and

WHEREAS, pursuant to Section 17.04.030 of the Winnetka Zoning Ordinance ("*Zoning Ordinance*"), the Subject Property is a "through lot" abutting Lake Michigan and, thus, both the street line and the water's edge of Lake Michigan are front lot lines; and

WHEREAS, pursuant to Section 17.24.020 of the Zoning Ordinance, properties in the R-2 District may not have swimming pools located within the front yard; and

WHEREAS, pursuant to Section 17.30.050 of the Zoning Ordinance, properties in the R-2 District are required to have a minimum front yard setback of 50 feet; and

WHEREAS, the Applicant desires to construct the Proposed Improvements on the Subject Property within: (i) the front yard; and (ii) within the front yard setback; and

WHEREAS, the Applicant filed an application for variations from: (i) Section 17.24.020 of the Zoning Ordinance to permit the construction of the swimming pool on the Subject Property with a swimming pool located within the front yard; and (ii) Section 17.30.050 of the Zoning Ordinance to permit the construction of the Proposed Improvements with a front yard setback of 13.58 feet (collectively, "*Variations*"); and

WHEREAS, on September 11, 2017, after due notice thereof, the Zoning Board of Appeals ("*ZBA*") conducted a public hearing on the Variations and, by a vote of six to one, the

members recommended that the Council of the Village of Winnetka (“*Village Council*”) approve the Variations; and

WHEREAS, pursuant to Chapter 17.60 of the Zoning Ordinance, the ZBA heard evidence and made certain findings in support of recommending approval of the Variations, which findings are set forth in the ZBA public hearing minutes attached to and, by this reference, made a part of this Ordinance as **Exhibit B**; and

WHEREAS, pursuant to Section 17.60.050 of the Zoning Ordinance, the Village Council has determined that: (i) the Variations are in harmony with the general purpose and intent of the Zoning Ordinance and are in accordance with general or specific rules set forth in Chapter 17.60 of the Zoning Ordinance; and (ii) there are practical difficulties or particular hardships in the way of carrying out the strict letter of the provisions or regulations of the Zoning Ordinance from which the Variations have been sought; and

WHEREAS, the Village Council has determined that approval of the Variations for the construction of the Proposed Improvements on the Subject Property within the R-2 District is in the best interest of the Village and its residents;

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

SECTION 1: RECITALS. The foregoing recitals are hereby incorporated into this section as the findings of the Village Council, as if fully set forth herein.

SECTION 2: APPROVAL OF VARIATION. Subject to, and contingent upon, the terms, conditions, restrictions, and provisions set forth in Section 3 of this Ordinance, the following variations are hereby granted to the Applicant in accordance with Chapter 17.60 of the Zoning Ordinance and the home rule powers of the Village:

A. A variation from Section 17.24.020 of the Zoning Ordinance to permit the construction of a swimming pool on the Subject Property within the front yard; and

B. A variation from Section 17.30.050 of the Zoning Ordinance to permit the construction of the Proposed Improvements on the Subject Property with a minimum front yard setback of 13.58 feet.

SECTION 3: CONDITIONS. The Variations granted by Section 2 of this Ordinance are subject to, and contingent upon, compliance by the Applicant with the following conditions:

A. **Commencement of Construction.** The Applicant must commence the construction of the Proposed Improvements no later than 12 months after the effective date of this Ordinance.

B. **Compliance with Regulations.** Except to the extent specifically provided otherwise in this Ordinance, the development, use, and maintenance of the Proposed Improvements and the Subject Property must comply at all times with all applicable Village codes and ordinances, as they have been or may be amended over time.

C. Reimbursement of Village Costs. In addition to any other costs, payments, fees, charges, contributions, or dedications required under applicable Village codes, ordinances, resolutions, rules, or regulations, the Applicant must pay to the Village, promptly upon presentation of a written demand or demands therefor, of all fees, costs, and expenses incurred or accrued in connection with the review, negotiation, preparation, consideration, and review of this Ordinance. Payment of all such fees, costs, and expenses for which demand has been made shall be made by a certified or cashier's check. Further, the Applicant must pay upon demand all costs incurred by the Village for publications and recordings required in connection with the aforesaid matters.

D. Compliance with Plans. The development, use, and maintenance of the Proposed Improvement on the Subject Property must be in strict accordance with the following documents and plans, except for minor changes and site work approved by the Director of Community Development or the Director of Public Works (within their respective permitting authority) in accordance with all applicable Village codes, ordinances, and standards:

1. That certain Proposed Conditions prepared by Daniel Creaney Company, consisting of one sheet, and dated August 7, 2017, a copy of which is attached to, and by this reference, made part of this Ordinance as **Exhibit C**;
2. That certain Proposed Site Plan prepared by Gensburg, Toniolo, and Harting Architects, consisting of one sheet, and dated September 11, 2017, a copy of which is attached to, and by this reference, made part of this Ordinance as **Exhibit D**;
3. That certain Upper Level Plan prepared by Gensburg, Toniolo, and Harting Architects, consisting of one sheet, and dated September 11, 2017, a copy of which is attached to, and by this reference, made part of this Ordinance as **Exhibit E**;
4. That certain Lower Level Plan prepared by Gensburg, Toniolo, and Harting Architects, consisting of one sheet, and dated September 11, 2017, a copy of which is attached to, and by this reference, made part of this Ordinance as **Exhibit F**; and
5. Those certain Proposed Elevations and Building Section Plans prepared by Gensburg, Toniolo, and Harting Architects, consisting of two sheets, and dated September 11, 2017, a copy of which is attached to, and by this reference, made part of this Ordinance as **Exhibit G**;

SECTION 4: RECORDATION; BINDING EFFECT. A copy of this Ordinance will be recorded with the Cook County Recorder of Deeds. This Ordinance and the privileges, obligations, and provisions contained herein inure solely to the benefit of, and are binding upon, the Applicant and each of its heirs, representatives, successors, and assigns.

SECTION 5: FAILURE TO COMPLY. Upon the failure or refusal of the Applicant to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, in addition to all other remedies available to the Village, the approvals granted in Section 2 of this Ordinance will, at the sole discretion of the Village Council, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village Council may not so revoke the approvals granted in Section 2 of this Ordinance unless it first provides the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Village Council. In the event of revocation, the development and use of the Subject Property will be governed solely by the regulations of the applicable zoning district and the applicable provisions of the Zoning Ordinance, as the same may, from time to time, be amended. Further, in the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances.

SECTION 6: AMENDMENTS. Any amendment to this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Zoning Ordinance for amending or granting variations.

SECTION 7: SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 8: EFFECTIVE DATE.

A. This Ordinance will be effective only upon the occurrence of all of the following events:

1. Passage by the Village Council in the manner required by law;
2. Publication in pamphlet form in the manner required by law; and
3. The filing by the Applicant with the Village Clerk of an Unconditional Agreement and Consent in the form of **Exhibit H** attached to and, by this reference, made a part of this Ordinance to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance and to indemnify the Village for any claims that may arise in connection with the approval of this Ordinance.

B. In the event that the Applicant does not file with the Village Clerk a fully executed copy of the unconditional agreement and consent described in Section 8.A.3 of this Ordinance within 60 days after the date of passage of this Ordinance by the Village Council, the Village Council shall have the right, in its sole discretion, to declare this Ordinance null and void and of no force or effect.

ADOPTED this 21st day of November, 2017, pursuant to the following roll call vote:

AYES: Trustees Cripe, Dearborn, Lanphier, Myers, Swierk and Ziv

NAYS: None

ABSENT: None

Signed



Village President

Countersigned:



Village Clerk

Published by authority of the
President and Board of Trustees
of the Village of Winnetka,
Illinois, this 22nd day of
November, 2017.

Introduced: November 7, 2017

Passed and Approved: November 21, 2017

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

LOT 8 IN R. WILLIAMSON'S SHERIDAN ROAD SUBDIVISION OF PART OF LOTS 2, 3 AND 4 IN SIMON & OTHERS SUBDIVISION OF PART OF THE SOUTHEAST FRACTIONAL QUARTER OF SECTION 21 AND FRACTIONAL QUARTER OF SECTION 22, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Commonly known as 191 Sheridan Road, Winnetka, Illinois.

EXHIBIT B

WINNETKA ZONING BOARD OF APPEALS EXCERPT OF MEETING MINUTES SEPTEMBER 11, 2017

Zoning Board Members Present:

Joni Johnson, Chairperson
Sarah Balassa
Matthew Bradley
E. Gene Greable
Thomas Kehoe
Carl Lane
Mark Naumann

Village Staff:

David Schoon, Director of Community
Development
Ann Klaassen, Planning Assistant

Case No. 17-19-V2:

191 Sheridan Road
Scott Santi
Variation by Ordinance
(1) Front Yard Setback

Case No. 17-19-V2: 191 Sheridan Road, Scott Santi, Variation by Ordinance - Front Yard Setback

Ms. Klaassen read the public notice. She stated that the request of the petitioner, Scott Santi, is to permit the construction of a stone walk, artist studio and pool that will result in a front yard setback from the water's edge of 13.58 feet whereas a minimum of 50 feet is required.

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

Mr. Kehoe asked Ms. Klaassen if they are here just for the 13.58 foot variation.

Ms. Klaassen responded that is just to the walk and the structure is also in that required setback, as well as pool.

Chairperson Johnson noted that it is one variation which involved three components.

Mr. and Mrs. Santi of 191 Sheridan Road introduced themselves to the Board.

Jeff Harting of GTH Architects also introduced himself to the Board as the architect for the remodeling project on the home. He stated that what brings them here and informed the Board that the home was built in the 1930's and that there are some of documents which describe a brief history of the home and the property. Mr. Harting stated that it is one of three homes originally built for a family and that the one home to the north was lost. He then stated that the home as it is now and that many of them have seen the home, he stated that it is original and that it is all set very far back on Sheridan Road in a picturesque setting. Mr. Harting described the property as having a lovely view from Sheridan Road and that the home is located close to the bluff's edge. Mr. Harting then stated that if they were building a new home in the same location, they could not have it in that location because of the distance from the water's edge. He also stated that in not knowing the topography and history of the property, they assumed that many homes on the North Shore in Glencoe, Lake Bluff, etc., have had significant soil erosion on the beach over the past 80 years and that they were left with a 45 foot backyard before the bluff and that then the walls were put in place at the bottom.

Mr. Kehoe questioned whether anything was done to slow the erosion.

Mr. Harting stated that when he was brought into the project, he informed the Board that the owners love the home, setting, character and history. He indicated that the home suits their needs in terms of its setting, location and size of the property and the home. Mr. Harting then stated that by most standards, it is a small home on a large lot. He also stated that with regard to impermeable surface and ILC, it looked more deceptive and that the underground garage was built in the past. Mr. Harting noted that they would not change the setting from the front and that they are trying to keep in that kind of sympathetic approach in terms of making it more habitable with the beach home and studio into the bluff and that they would be replacing the structure of the beach home which is in poor disrepair as well as look at better ways to control and landscape the bluff and living space of the home down to the beach and replace the beach structure which he reiterated is in disrepair. Mr. Harting stated that they do not want to add to the home from the front or rear and that there is a limited amount of table land which is usable and that there is no green space for available use.

Mr. Harting stated that lastly, he referred to the covenant agreement with the neighbors on each side that nothing can be constructed which would interfere with the sight lines of those homes. He then stated that with regard to the designs in the project, they had to depress the whole structure down given the topography to maintain and not alter it more than necessary. Mr. Harting indicated that while they would rather have the structure located further up and closer to the home, that would not be in compliance with the sight lines and covenants with the neighbors and what is not shown are the nonsupport measures.

Mr. Harting stated that as they go through the standards, he referred the Board to a PowerPoint presentation and documents in the packet of materials. He then stated that you can see where the 50 foot water's edge setback is. Mr. Harting noted that the water's edge can fluctuate and if they created more beach and added sand, that they did not want to change the course of nature and bluff erosion.

Chairperson Johnson asked with regard to the home to the north which is new construction at 195 Sheridan, she referred to a spot of sand and asked did they add that.

Mr. Santi confirmed that is correct.

Chairperson Johnson asked if it affected erosion to their property.

Mr. Harting responded that if the wall was not there, it would go away. He then stated that based on the currents from the north or west, it would collect and gather and keep the sand in place but that it pulls areas away from them. Mr. Harting also stated that the gabion walls were put in place because of those conditions to stop erosion. He stated that over time, rain and erosion of the soil affect the condition of the bluff. Mr. Harting also stated that it does impact on the neighbors' property on both sides.

Mr. Lane asked if it would be an Illinois DNR issue in terms of where they put construction.

Ms. Klaassen responded that it would be the Army Corp of Engineers.

Mr. Harting stated that he assumed they got approval, but that he cannot say for sure.

Chairperson Johnson asked whether the covenant Mr. Harting referred to was entered into when ownership of the property changed or if it has run with the land since the homes were built.

Mr. Harting responded that for the home which was constructed to the north, both neighbors are to be compliant and that they are not allowed to create or alter sight lines. He stated that there could be no trees or anything to change that. Mr. Harting stated that is why they have to try to depress anything as far down as possible.

Mr. Bradley asked if they inherited the covenant.

Mr. Santi confirmed that is correct and stated that it goes back to the 1960's. He also stated that it was previously one big lot and that three homes were carved into separate properties.

Ms. Balassa stated that with regard to erosion and the addition of the new home, she asked did they own the home prior to that being put up.

The Santis stated that they purchased the property in 2015 and that it was already there.

Ms. Balassa asked if they have seen a marked difference in erosion since they have owned the property.

Mr. Santi stated that the pictures reflect the condition and that there is mud flowing through and that dirt flowed off of the bluff.

Mrs. Santi then stated that it washes down to the structure.

Mr. Santi stated that they want to replace what is there and maintain the integrity of the bluff.

Ms. Balassa stated that she is curious about the beach and waterfront.

Mr. Santi referred to the concrete wall.

Mr. Harting then stated that there is a walkway and gabion gravel rock wall held in place with wire mesh. He described that as more of a stopgap and that it is not a permanent solution. Mr. Harting stated that they are trying to accomplish something more aesthetic, which would be a permanent solution. Mr. Harting also referred to the amount of construction to the north which impacted the north end of this property. He added that it may have stopped to some extent since there are plantings there now and that it is more stable to the north now.

Mr. Greable asked about the extent of the soil erosion over the years.

Mr. Harting responded that they have had five projects between here and Lake Bluff and that some homes were built in the 1910's and 1920's and that they have lost 30 or 40 feet over the years with other areas being 15 or 20 feet. He indicated that it can vary.

Mr. Lane asked do they know how much bluff this property has lost since the home was built.

Mr. Harting stated that there is no survey to show that.

Mr. Kehoe indicated that Sanborn maps will show the erosion amounts.

Mr. Harting stated that he can look.

Mr. Lane asked how long was the sea wall in place.

Mr. Harting informed the Board that the gabion wall dated to 20 or 25 years and that it is falling apart as they speak and that it would not last another 20 years. He then stated that in terms of how much of the bluff was lost, he can gather that information. Mr. Harting described it as a moving target and moving setback and that they are responding to it as it is today.

Mr. Lane stated that the setback is measured from what part of the sea wall.

Mr. Harting responded from the water's edge. He informed the Board that other properties have created sand beaches through engineering or through time and that the sand moving may have added another 30 or 40 feet to their water's edge which was much further out.

Chairperson Johnson referred to the property being consistent with the one to the north.

Mr. Greable asked if they talked with Steve Saunders about the property and the effect of the lake on the property.

Mr. Harting stated that they have not and that they are not dealing with water issues other than the storm damage to the walls.

Mr. Greable asked if they did not need any other approvals.

Mr. Harting responded that they did not. He then stated that you can see the 50 foot setback of land and follow the step back of land they are trying to follow as opposed to altering them and creating more maintenance issues. Mr. Harting also identified the footprint from the lake front and stated that you can see the bow where the water touches the property and sea walls. He stated that they planned to create a small terrace outside of the studio to be near the lake. Mr. Harting also stated that there would be a small little pool area on the second terrace level down and that there would be steps on either side. He stated that the idea in the design is to step down gradually and fit in with the bluff and landscape.

Mr. Harting went on to provide the Board with an illustration of the space for the studio which would contain an artist's studio, kitchenette, bathroom and tunnel space and access from the rear of the structure to touch the home so that they can access it in the winter.

Mr. Lane asked if there is a tunnel, how would that change the zoning requirements.

Ms. Klaassen stated whether there is a connection to the home or not, you have to be careful with accessory structures that can be separate dwelling units which consist of having a bedroom, bathroom and kitchen.

Mr. Lane then stated that if there is no tunnel, would it be considered a separate dwelling unit.

Ms. Klaassen stated that they had not considered it to be a separate dwelling unit as proposed; it is to be an artist's studio without a bedroom or a closet that will also have a bathroom and kitchenette.

Mr. Lane referred to the clean-up space in the studio being similar to a closet.

Chairperson Johnson stated that in the application, they stated that they would be using it as a guest bedroom.

Mr. Harting agreed that you could spend the night there.

Chairperson Johnson stated that it would raise the same issue of it being considered a dwelling unit.

Mr. Naumann referred to the applicant's offering of removing the cabana and asked what is the size of it.

Mr. Harting responded that it is 12 feet x 22 feet approximately. He added that it is built into the hillside.

Chairperson Johnson stated that the studio is double that.

Mr. Harting then clarified all of the spaces along with the mechanical spaces.

Mr. Lane asked if it measured 20 feet by what.

Mr. Harting confirmed that it measured 44 feet x 20 feet.

Ms. Klaassen stated that it is almost 48 feet.

Mr. Bradley stated that in connection with some of these changes they are proposing to make, he asked if they have vetted it in terms of the effect on the current erosion or the bluff. He then referred to the tunnel to the new artist's room and build out and whether all of that protects the bluff.

Mr. Harting stated that it protects the backyard from sloughing and informed the Board that they are working with Dan Creaney and that part of the construction will include temporary pilings to protect the loss of table land. He also stated that they would protect the table land which is there and keep the soils on either side from eroding further in the property and for the neighbors on either side.

Ms. Balassa asked how tunneling affects that.

Mr. Harting stated that there would be a clear cut 18 feet down. He then stated that when they excavate and tuck into the hillside, there would be retaining walls which would hold the bluff in place and the structure. Mr. Harting noted that the tunnel would be clean cut and would consist of an oversized dig like for a pipe instead of getting into the bluff itself.

Chairperson Johnson stated that the proposed cabana studio would be 15 feet from the water's edge and that the current cabana is 30 plus feet. She then asked the applicant if they could minimize the variation by making the studio less deep.

Mr. Harting responded that they explored that alternative and referred the Board to an illustration of what would happen when they pull the structure back and that it would need to come up. He also stated that it would be more visible to the neighbors. Mr. Harting also stated that if they were to make it lower, it would need more retaining walls for the structure. He added that they want to follow the existing grade and that they would be tucking it in. Mr. Harting described it as an engineering thing and referred to the sight lines from the properties of the neighbors.

Chairperson Johnson asked if they could bring it back further if they eliminated the pool.

Mr. Harting stated that they could not and that there would still be a step down to be where they want it be from the elevation sight line.

Chairperson Johnson asked if there were any other questions.

Mr. Bradley asked Mr. Harting to go back to an illustration.

Mr. Harting referred the Board to an illustration of the topography and the fact that you can see more detail in terms of the bluff and the grade adjoining. He also referred the Board to an illustration of the existing conditions they are trying to mitigate and stop.

Mr. Bradley stated that with regard to the cracks due to moisture, that is not going away.

Mr. Harting stated that in changing the structure, it has reached the point where it is beyond reasonable repair based on the concrete under the structure. He indicated that there is no way to repair it or waterproof it. Mr. Harting then informed the Board that it has already had two roof repairs to solve water issues. He then referred the Board to an illustration of the beach and structure from the water's edge.

Mr. Bradley stated that conceptually, the wall identified becomes the new façade of the artist's studio and that it would go up and square with the wall and then above that is where the pool is.

Mr. Harting confirmed that is correct.

Mr. Bradley stated that from a vantage point, he asked with regard to the bottom.

Mr. Kehoe stated that on the photograph, he asked how the bluff is not already protected from further erosion.

Mr. Harting noted that it is currently failing. He stated that it is also quite steep. Mr. Harting then described for the Board how the gabion walls were made.

Mr. Lane stated that with regard to the proposed building section in the illustration, why not take the structure up and to the left so that it would be behind the 50 foot setback line so that it is level with the backyard.

Mr. Harting stated that it would then affect the sight line of the neighboring properties.

Mr. Lane referred to the top of the studio being level with the land at the bottom.

Mr. Kehoe questioned where the top of the patio is now.

Mr. Harting stated that represented two things and that with regard to the setback from the structure and pool going 18 inches in the setback, the pool would go up into the yard table land. He indicated that it would be possible to move the artist's studio up and to the left and that it may be 40 to 45 feet.

Chairperson Johnson stated that if the pool is on the table land, it would not violate the covenant.

Mr. Harting agreed that is correct but that with only 45 feet, there is not a lot of room and that it would be a more visible element year round to the neighbors. He informed the Board that the neighbors to the north have a pool that you cannot see.

Chairperson Johnson asked if it is on the table land.

Mr. Santi confirmed that it correct and that the home is located further forward.

Mr. Lane stated that the south home has a pool on the south side which is tucked around the corner.

Mrs. Santi noted that both homes are closer to Sheridan Road and have bigger backyards than them. She then stated that the pool came about since they had a terrace and a nice little level which will be there as they are walking down the hill and that they wanted a wading reflecting pool in that spot.

Chairperson Johnson stated that it would be a 4 foot x 10 foot pool.

Mr. Naumann asked Ms. Klaassen if there were any cases which were synonymous with this one that they can refer to in terms of context or precedent.

Ms. Klaassen responded that she cannot recall one for a variation request. She stated that you see these types of developments on the lakefront but that they are all setback the minimum required 50 feet.

Chairperson Johnson stated that the Board did have a boat house request where the owner wanted to put it an in area not at the water's edge, but in the side yard setback. She stated that the applicant claimed that moving it would provide better sight lines for everyone. Chairperson Johnson noted that was for a boat house.

Mr. Bradley then asked to what extent the Board had to make a decision without additional assurances of what they are doing architecturally complied with the Army Corp of Engineers and if there are any other pieces of information.

Ms. Klaassen stated that the applicant would have to submit for permit if the request is approved and that those documents are not required to be submitted with a zoning variation application.

Mr. Lane referred to the similarity to flooding requests.

Mr. Harting stated that they are working with Dan Creaney, who is the only person he trusts with the project and also in terms of liability. He then stated that he would not propose something which would be problematic for anyone.

It was noted that Dan Creaney is a civil engineer who has consulted with Village.

Mr. Harting then stated that he could provide a better example of the topography in an illustration for the Board. He noted that it follows the grade down the bluff.

Mr. Lane asked if the line to the far left is the side of the home.

Mr. Harting confirmed that is correct. He then referred the Board to an illustration of the landscape plan.

Mr. Lane asked if the patio there would be different than the current patio.

Mr. Harting responded that the current terrace is in the back courtyard space and that it contained 5 to 7 foot stones. He informed the Board that they lost a 1/3 of the grass with the plan.

Mr. Bradley stated that there would be the artist's studio and windows and then it steps down and referred to the pathway identified.

Mr. Harting indicated that there would be a small terrace outside of the French doors.

Mr. Bradley stated that as part of the variation from the lake, he asked to what extent is that necessary.

Mr. Harting informed the Board that there is no access out of the structure without the doors or need for a walkway. He also stated that you cannot access the pool into the studio and that they would be on two different levels.

Mr. Bradley then asked if there is no conforming alternative to angle the steps to the studio for an entrance off the side.

Mr. Harting stated that to maintain the grades and retaining walls, there would be 3 feet on each side. He also stated that there would be plantings against the actual structure. Mr. Harting then referred the Board to an illustration of the conceptual plan.

Ms. Balassa asked for the distance to the water's edge from the walkway of the studio.

Mr. Harting responded 20 feet.

Ms. Klaassen confirmed that it would be 18 feet 7 inches from the water's edge to the front of the studio.

Mr. Harting agreed that is the closet point.

Mr. Bradley asked what is the elevation of the floor of the studio and how high up would it be.

Mr. Harting responded that it would be 4 feet approximately.

Mr. Naumann asked if there would be any safety concerns in terms of the proximity to the lake in the event of a storm.

Mr. Harting stated that it would be 8 feet up from the water's edge.

Chairperson Johnson asked if engineering would look at that.

Ms. Klaassen stated that they would not and that the required setback it is not based on safety concerns.

Mr. Harting then informed the Board that they are done with their presentation.

Chairperson Johnson asked if there were any other questions. No additional questions were raised by the Board at this time. She then called the matter in for discussion. Chairperson Johnson noted that the Board did not have final jurisdiction.

Mr. Lane stated that in focusing on the standards, he referred to reasonable return and commented that is a difficult one when you are dealing with a home on the lakefront on a large piece of land and which is a bluff property. He indicated that reasonable return for a property like that is different than it would be for others. Mr. Lane referred to the view of the evidence which suggested that they can have reasonable return without building a pool and studio. He then stated that at the end of the day, with regard to a living area, bathroom, kitchen, etc., the applicants refer to it as a space which is a guest room and that they would be building additional living space into the bluff. Mr. Lane stated that did not represent a reasonable return issue and that the home can exist without the additional living quarters.

Mr. Lane stated that with regard to unique circumstances, the home is historic and was built back closer to the lake and that there is not a lot of backyard space but that there is a grand front yard. He stated that there is always a balance. Mr. Lane stated that it is not unique when related to where they decided to build the home.

Mr. Lane stated that lastly, with regard to erosion, for the bluff erosion, there is not 30 feet of erosion which required them to build 30 feet further into the setback. He concluded by stating that while he is sympathetic and that it is a nice design, there is a reason why they have 50 foot setbacks from the lake so that you do not build into the bluff.

Mr. Kehoe stated that he had one concern and referred to the applicant which hinted with regard to reasonable return the possibility of the home being a teardown if they cannot maintain the property as they like. He then stated that the Board should not take that into account. Mr. Kehoe then stated that with regard to the property to the north, it is obvious more than just hypothetical. He also stated that he agreed with Mr. Lane with it being something different.

Mr. Lane then stated that there is an alternative to build something small and the pool is not big. He stated that they can build a structure within the 50 foot setback and that if they took the pool out, they could build there.

Chairperson Johnson stated that they would still need a variation for the pool but they could make a smaller studio.

Mr. Greable stated that when he looked at the property and walked it, he described it as a very unique home and the placement of it. He reiterated that the home is unique and that the piece of land is unique. Mr. Greable then stated that in reading the application, a lot of thought was given and that he appreciated that. He referred to the uniqueness of what they are trying to do and that the lakefront view is immaculate. Mr. Greable stated that the only question is that Mr. Saunders was not talked to about the uniqueness or looked at it and his questions as far as whether he should be consulted. He stated that if it is a requirement, there is a lot in the lakefront area and that they are deciding what is right or wrong. Mr. Greable then stated that if they vote yes, the Board should make a condition based on Mr. Saunders' input to see if there would be any trouble with the lake front area that he is not capable of assessing.

Chairperson Johnson stated that the Board did not have final jurisdiction and that the Village Council made that decision.

Ms. Balassa stated that they are battling with the need to mitigate erosion with building in the bluff. She then stated that she is uncomfortable. Ms. Balassa then stated that she understood how the home could be razed if they cannot figure it out. She also stated that while they should not consider that, but that is what is at hand. Ms. Balassa then stated that if they knew the answer to that, either way, she would be more comfortable.

Mr. Lane stated they are not to consider that as part of their evaluation of the home as to whether it would be torn down if they did not get what they are asking for and that the standards are the standards. He referred to it as blackmail.

Chairperson Johnson stated that they have heard that argument made before. She then stated that she is struggling and commented that it is a gorgeous home. Chairperson Johnson then stated that she was disappointed to see the home to the north town down and that its replacement impaired the character of the two homes to the south. She also stated that she agreed with Mr. Lane and that they should look at the merits of the request.

Mr. Bradley stated that he agreed with Mr. Greable's comments that a lot of thought went into this. He then stated that he is torn about what can be seen from a boat in the lake as a sweeping change to the character of the locality of the bluff being replaced with homes, extensions and boat homes which are now becoming the essential character of the locality. Mr. Bradley referred to the erosion and the replacement of peoples' preferences and what the land should be. He stated that he appreciated the structure there to ensure the bluff, but that he is torn with eroding the character of the bluff in its natural setting. Mr. Bradley also stated that there is no basis architecturally or from engineering and that for the approval of the application, it would be scrutinized by others who are more capable in the views on what the integrity of the bluff means. He stated that his sense is that it was done thoughtfully as long as the math clears out and that other conforming alternatives did not exist architecturally or engineering-wise and that what they chose to allow would continue to happen or they can make a good from a negative and upgrade the home and the value and to the Village.

Ms. Balassa stated that it would still be an upgrade. She stated that she is sympathetic and that it is a very old home. Ms. Balassa then stated that she battled with the precedent being set versus restoring a home in the bluff. She then stated that if the bluff is landscaped and secured without the building, she referred to the way in which they could renovate the home. Ms. Balassa then referred to the unintended consequences to the bluff and that others would use this as a precedent.

Mr. Bradley agreed and stated that she hit the nail on the head. He added that the bar continues to get further and that it would set 13 feet at the shoreline as the precedent.

Mr. Lane stated that is the whole point of having a 50 foot setback.

Ms. Balassa stated that the applicants have her extreme sympathy but that with regard to precedent and everything it is going to push, she referred to new construction and not renovation.

Mrs. Santi stated that she could answer the questions raised by the Board.

Chairperson Johnson stated that after the discussion, the applicants would be asked to weigh in on possibilities.

Mr. Naumann gave kudos to the proposal and that there was a lot of thought in trying to get it to balance with the surroundings and protecting what they have and to find a balance. He commented that it is not optimal and asked if there is something that gives guidance around this type of situation. Mr. Naumann stated that with regard to precedent, it is a very significant setting here. He also stated that in connection with the questions raised with regard to erosion, he asked how much erosion have they seen since the 50 foot setback has been in place, etc. and added that he is conflicted and commented that it looks beautiful. Mr. Naumann referred the optimal use of the

space. He also stated that the pool adds to the flavor of the development, but that he is worried if there is a precedent that other owners may not be as thoughtful and that it poses a risk for future members. Mr. Naumann concluded by stating that he is on the fence.

Ms. Balassa described them as great stewards of the lake and the home and asked with regard to the north neighbor, she questioned if there is a precedent for a 13 foot setback to them and the next one. She described it as a push to maximize profit.

Mr. Lane stated that with regard to the running into the precedent issue, every issue is different. He then stated that for a home close to the bluff and eroding, it is a small home for the property and that for the home for the next one, there may not be the same facts. Mr. Lane then stated that he cannot get over the standards being met. He added that he is not concerned with precedent but with applying the standards.

Chairperson Johnson stated that one of the arguments that the architect made is that the home is small, but that it is still a large home. She described it as a false comparison when compared to if they were starting from scratch. Chairperson Johnson then stated that in making up for the lack of a family room, bedroom, the fact that there is no large kitchen, those are the three things and that the question is does this make up for that in terms of there being no reasonable return for the home unless there is a large studio which they would also be using as a dwelling unit. She also stated that there may be ways of enhancing or adding on to the home.

Mrs. Santi stated that everything is original which is why they love the property so much.

Chairperson Johnson also stated that another permit was issued in 1927 after the home was built in 1927.

Ms. Klaassen confirmed that permit was issued for an addition after the original permit was issued.

Chairperson Johnson asked when rebuilding something that is in disrepair triggers a variation request.

Ms. Klaassen informed the Board that related to work which is beyond repair and maintenance or if they chose to completely demolish the cabana and rebuild. She stated that they would still need a variation to replace it as is and that only a one-for-one replacement is considered a Minor Variation. Ms. Klaassen added that the Zoning Administrator has jurisdiction on such a request.

Chairperson Johnson then stated that she is on the fence. She stated that she would recommend approval if they were to push it back. Chairperson Johnson also stated that in terms of minimizing the variation, the Board asks that all applicants do that if possible and that she is not sure how the rest of the Board felt regarding alternatives. She then asked them to explain where they stand in order to give the applicants the opportunity to decide. Chairperson Johnson then asked the Board members who would be in favor of recommending approval with no change.

Mr. Bradley and Mr. Naumann agreed they would be and Mr. Greable stated that he would agree with a condition on the vote.

Chairperson Johnson responded that they cannot do that. She then stated that if there are three, they would need four votes for a positive recommendation to the Village Council or the Board can change their vote based on a revised proposal. She stated that the applicants can come back with a revised plan which may get more votes for a favorable recommendation. Chairperson Johnson then stated that if they had a bare quorum, that would be a different situation.

Mr. Kehoe referred to a vote to deny the request and stated that there are better alternatives than what they have seen. He then stated that he would be in favor of the project.

Mr. Santi stated that they would like to respond to the concerns raised and that they were given a mixed review.

Mrs. Santi began by informing the Board that they both love old homes and that they would always keep the home and pass it to their children. She stated that they want to save the home and that it had been on the market for three years since it had little modern amenities. Mrs. Santi then stated that they do not want to change anything about it. She described its craftsmanship as amazing and referred to the hand carved stone and that the builder is working on the home to recreate that in the studio. Mrs. Santi also stated that they did not want to see boat homes.

Mrs. Santi described the home as a French Normandy home and that the purpose is to have it look like the outer building being made to look like it was originally part of it. She commented that what is there is ugly and was built in the 1950's. Mrs. Santi informed the Board that they would be using the same stone and brick and hand carving it to look like it is the same and was there in the 1920's. She then stated that it started small as a cloud and that as they took into consideration the retaining walls and being able to use and keep the same footprint, no one wanted to tear it down because they would have a new amazing thing which would be so usable. Mrs. Santi also stated that if they set it back in, it would be in the yard more and for the neighbor to the north who planted trees on the fence. She also stated that with regard to the view on the patio, you would not be able to see up the lake. Mrs. Santi added that if they set it back a little bit, they would sit and be looking at a hill. She stated that they are concerned as much as the Board and that they want it to appear as if it was part of the home originally. She then referred to it being a stone building and a space to enjoy the lake.

Ms. Balassa asked what is the difference in the size of the old cabana and the studio.

Mr. Harting responded that it would be twice the size in terms of its width mostly and that a majority of it would be in the bluff itself. He also stated that the cabana would be two feet above the altered grade and that it would be a more block bunker structure. Mr. Harting indicated that the width of the studio would be approximately twice as long in lieu of the same size retaining wall.

Mrs. Santi also informed the Board that there would not be a kitchenette but only a sink and counter. She stated that they also need to have a bathroom. Mrs. Santi stated that they tried to keep it as small as they could and that it would make the home more desirable so that no one would ever want to tear it down.

Mr. Harting stated that in terms of clarity, the Board is worried about setting a precedent with regard to 13 feet from the water's edge.

Chairperson Johnson noted that the current setback is 33 feet.

Mr. Harting stated that the actual structural wall is 20 feet and that it comes down to interpretation around the water's edge and how it would bend.

Mr. Lane stated that the existing cabana measured 12 feet x 22 feet and that the new space would measure 48 feet x 20 feet which is 4 times as large. He stated that he wanted the record to be clear about what double is.

Chairperson Johnson stated that the zoning matrix says that it would be 862 square feet.

Mr. Harting noted that they do not have a FAR issue.

Chairperson Johnson agreed that is correct and compared what is there now to the proposal. She then stated that if they were to make it smaller or push it back, they could achieve what they want with a smaller variation.

Mrs. Santi stated that there would not be much usable space and reiterated that they kept it as small as they could. She stated that now, it is just a changing room.

Chairperson Johnson stated that it is not just a matter of the size of the space but how far back it is from the water's edge.

Mr. Harting stated that it is not just an issue of its size, but its location. He referred to if there is a way to move the structure back so that the variation would not be so big.

Mrs. Santi informed the Board that they considered that a lot and stated that you would not be able to see up and down the lake. She indicated that it would be like a hole looking at the side of a hill at the retaining wall.

Mr. Greable stated that they could get more comfortable if they gave them more time to think about it.

Chairperson Johnson stated that the applicants have the right to go to the Village Council regardless of the vote.

Mr. Santi stated that the neighbor on the second floor can see it.

Mr. Lane stated that would be the case for any lakefront property. He stated that the whole point is that you cannot build a home right on the lake edge.

Ms. Balassa asked Ms. Klaassen if there were any zoning variations for the new construction.

Ms. Klaassen responded that there were not.

Mrs. Santi stated that they are basing the request on where it is now.

Zibby Miechowicki, the builder, stated that one of the points is that with regard to the existing concrete structure with the stairs to the property line, they would bring that in to make it smaller and less bulky. He also stated that would give them more greenery and separate it on both sides. He noted that the bluff is covered 2/3 in concrete now and that they would be taking the north side further in and that there would be less of a structure than there is now. He added that the stairs sit on the gabions now leaning toward the lake.

Chairperson Johnson stated that she would be willing to vote yes since the applicants explained the structural difficulties with pushing it back further. Chairperson Johnson then described it as a tasteful renovation which would not set a precedent and that each property is unique, even on the lake front. She stated that because the new home to the north now dominates the sight lines of the applicant's front yard, the applicant's use and enjoyment of their front yard was impaired. Chairperson Johnson stated this could be viewed as a unique circumstance that justifies the variance for the proposed studio and spa pool in the applicant's rear yard. She reiterated that she would recommend approval.

Ms. Balassa stated that now that it has been phrased that way, she referred to the drastic change to the neighborhood with the way in which the north home was built. She described it as glaring and that she rides by it every day. Ms. Balassa questioned how to mitigate the damage done without variations. She then stated that with regard to standard no. 1, she is concerned from that standpoint and how to buffer themselves from the north and how it affects reasonable return.

Mrs. Santi stated that most of it would be behind them and described that property as a resort looking area which would be behind them versus if it is on the patio and they would have to look right at it.

Mr. Harting stated to comment on the earlier issues of what happened to the north, the comment that many properties have a small backyard and a grand front yard, the north property dwarfs their front yard. He then described the front yard as pretty from Sheridan Road but that there is no privacy and that all they have is the 45 feet in the backyard.

Chairperson Johnson referred to the attempt to get the Village to impose a design standard.

Mrs. Santi stated that they feel like they have saved another home and that it could have been a teardown. She informed the Board that their mission is to make it so that no one would want to tear it down and be an example.

Mrs. Santi then stated that you would see a stone house as opposed to boat homes from the lake and that they want the type of living that people expect here.

Chairperson Johnson asked for another motion.

Mr. Bradley moved to recommend approval of the application for the variance on the property at 191 Sheridan Road as submitted on the basis that all of the standards set forth in the zoning ordinance are met. He stated that the property cannot yield a reasonable return, particularly in light of the unique character of this home and the setting on the lake front property. Mr. Bradley stated that the plight of the owners is due to unique circumstances and that it will not alter the essential character of the locality.

Chairperson Johnson suggested that Mr. Bradley add some details to the findings.

Mr. Bradley then stated that the plight of the owners is due to unique circumstances and referred to a covenant which runs with the land between the owners to the north and to the south as it relates to sight lines of the lake. He then stated that the variation would not alter the character of the locality but that it would in fact it meant to further secure the character by engineering safety strongholds in the bluff. Mr. Bradley stated that the adjacent supply of light and air to adjacent properties would not be diminished and that sight lines will not be diminished and would remain aligned with the neighboring properties. He stated that the hazard from fire would not be increased and that the taxable value of the land and other buildings in the Village would not be diminished. Mr. Bradley concluded by stating that congestion would not increase and that the public health, comfort, morals, safety and welfare of the Village would not be affected in any way.

Chairperson Johnson then suggested that Mr. Bradley add something with regard to reasonable return for a lakefront home requiring some sort of lakefront feature and referred to the need for retaining walls for erosion.

Mr. Bradley stated that the reasonable return of the property cannot be met without a lakefront feature.

Chairperson Johnson stated a lakefront feature is essential for reasonable return and in this case, there is a need for the retaining wall. She stated that there could not be a less significant variation request by pushing it further toward the home.

Mr. Bradley then stated that any sort of alternative would implicate the existing covenant in place that would make the proposed space unusable.

Ms. Klaassen stated that the Board can finalize the meeting minutes before they go to the Village Council.

Mr. Naumann seconded the motion. A vote was taken and the motion was passed, 6 to 1.

AYES: Balassa, Bradley, Greable, Johnson, Kehoe, Naumann

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 in harmony with the general purpose and intent of the Winnetka Zoning Ordinance. The proposal is compatible, in general, with the character of existing development within the immediate neighborhood with respect to architectural scale and other site improvements.
3. There are practical difficulties or a particular hardship which prevents strict application of Section 17.30.050 [Front Yard Setback] of the Winnetka Zoning Ordinance which is related to the use or the construction or alteration of buildings or structures.

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

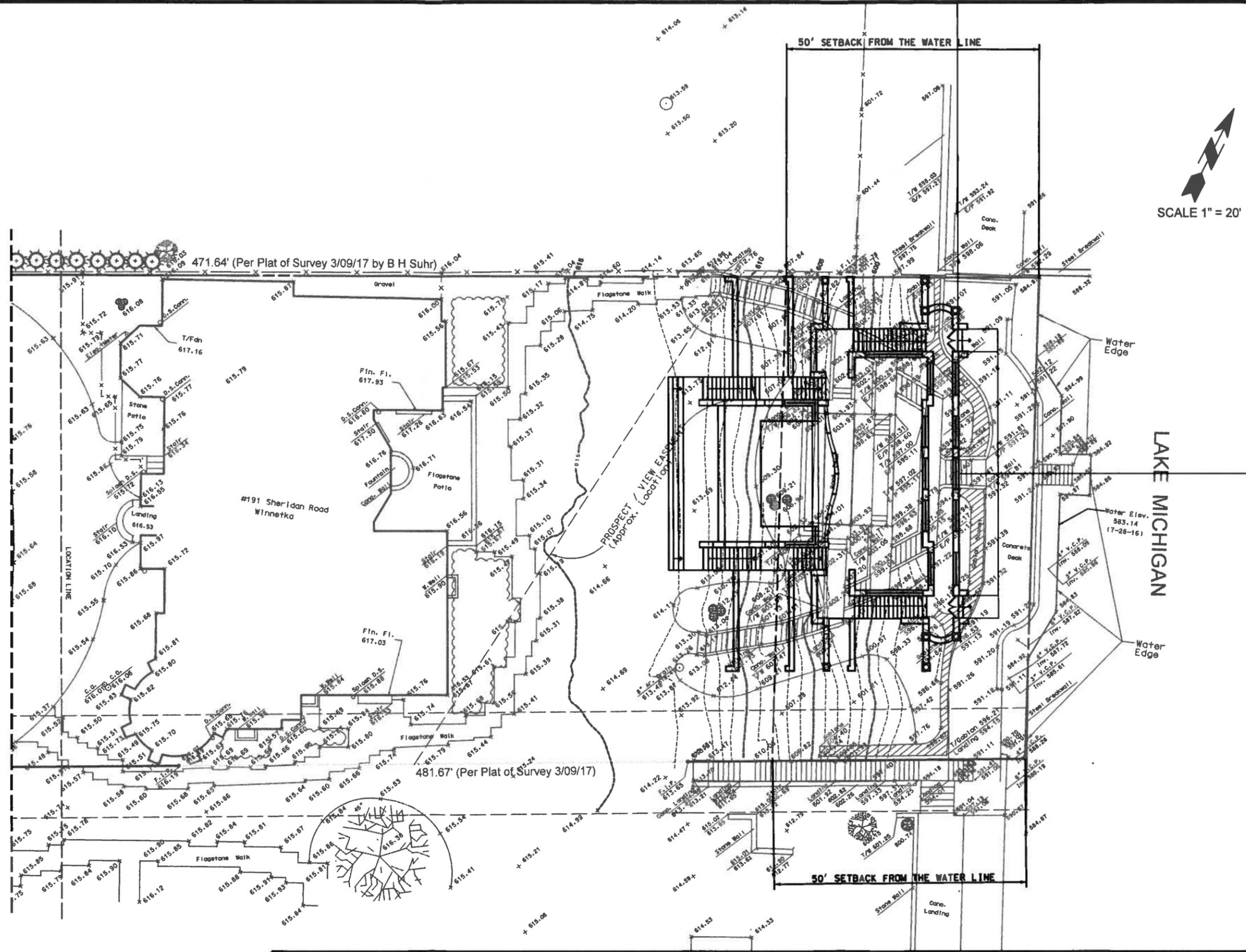
1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone. In light of the unique character of the home and the setting of the home on the lakefront, without approval of the variation the property cannot yield a reasonable return without a lakefront improvement such as the proposed studio and associated improvements.
2. The plight of the owner is due to unique circumstances. Such circumstances must be associated with the characteristics of the property in question, rather than being related to the occupants. The unique circumstance is the private covenant between the subject site and the neighboring properties to the north and south that relates to sight lines of the lake. The proposed improvements are set low on the bluff, within the required setback, to avoid impacting the required sight lines.
3. The variation, if granted, will not alter the essential character of the locality. The proposed improvements would further secure the character by engineering safety strongholds in the bluff.
4. An adequate supply of light and air to the adjacent property will not be impaired. The proposed improvements will comply with the required side yard setbacks and be built in the bluff so the sight lines will not be diminished.
5. The hazard from fire and other damages to the property will not be increased. The proposed improvements will be constructed according to the required building code.
6. The taxable value of the land and buildings throughout the Village will not diminish. The proposed improvements will not diminish the taxable value of the land.
7. The congestion in the public street will not increase. The residence will continue to be used as a single-family residence and the proposed improvements will not impact congestion in the public street.
8. The public health, safety, comfort, morals and welfare of the inhabitants of the Village will not be otherwise be impaired. No evidence was provided to the contrary.

EXHIBIT C

Proposed Conditions

(SEE ATTACHED EXHIBIT C)

EXHIBIT C



SCALE 1" = 20'

8/8/2017 J:\DCC\7433\CAD\2_Exhibit_Proposed_Variance.dgn

 <p>DANIEL CREANEY COMPANY CONSULTING CIVIL ENGINEERS 450 SKOKIE BLVD. SUITE 105 NORTHBROOK, ILLINOIS (847) 480-5757</p>	<p>VARIANCE EXHIBITS 191 SHERIDAN ROAD WINNETKA, ILLINOIS</p>		<p>SHEET 2 OF 2</p>	
	<p>DESIGNED BY: M.P. CHECKED BY: D.A.C. SCALE: _____ DRAWN BY: M.P. JOB NO.: 7433 BOOK: _____</p>		<p>PROPOSED CONDITIONS</p>	
<p>DATE: 8-08-17</p>	<p>BY: M.P.</p>	<p>ISSUED FOR REVIEW</p>	<p>REVISION</p>	<p>DATE: 8-07-17</p>

EXHIBIT D

Proposed Site Plans

(SEE ATTACHED EXHIBIT D)

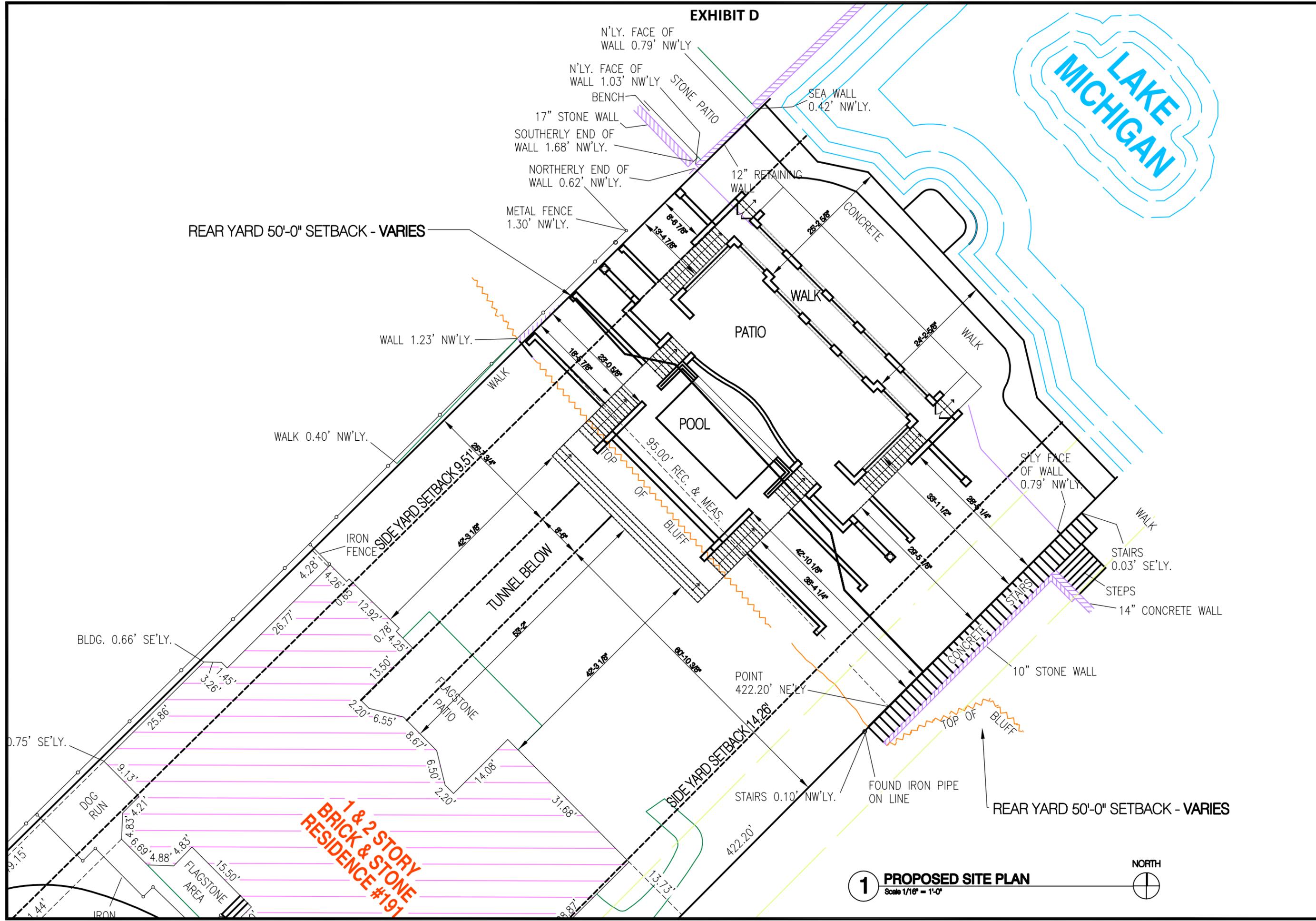


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PROJECT:
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 WINNETKA, IL 60093

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 Drawn
 Checked
 Date 9/11/17
VAR
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EXHIBIT D



1 PROPOSED SITE PLAN
 Scale 1/16" = 1'-0"



**1 & 2 STORY
 BRICK & STONE
 RESIDENCE #191**

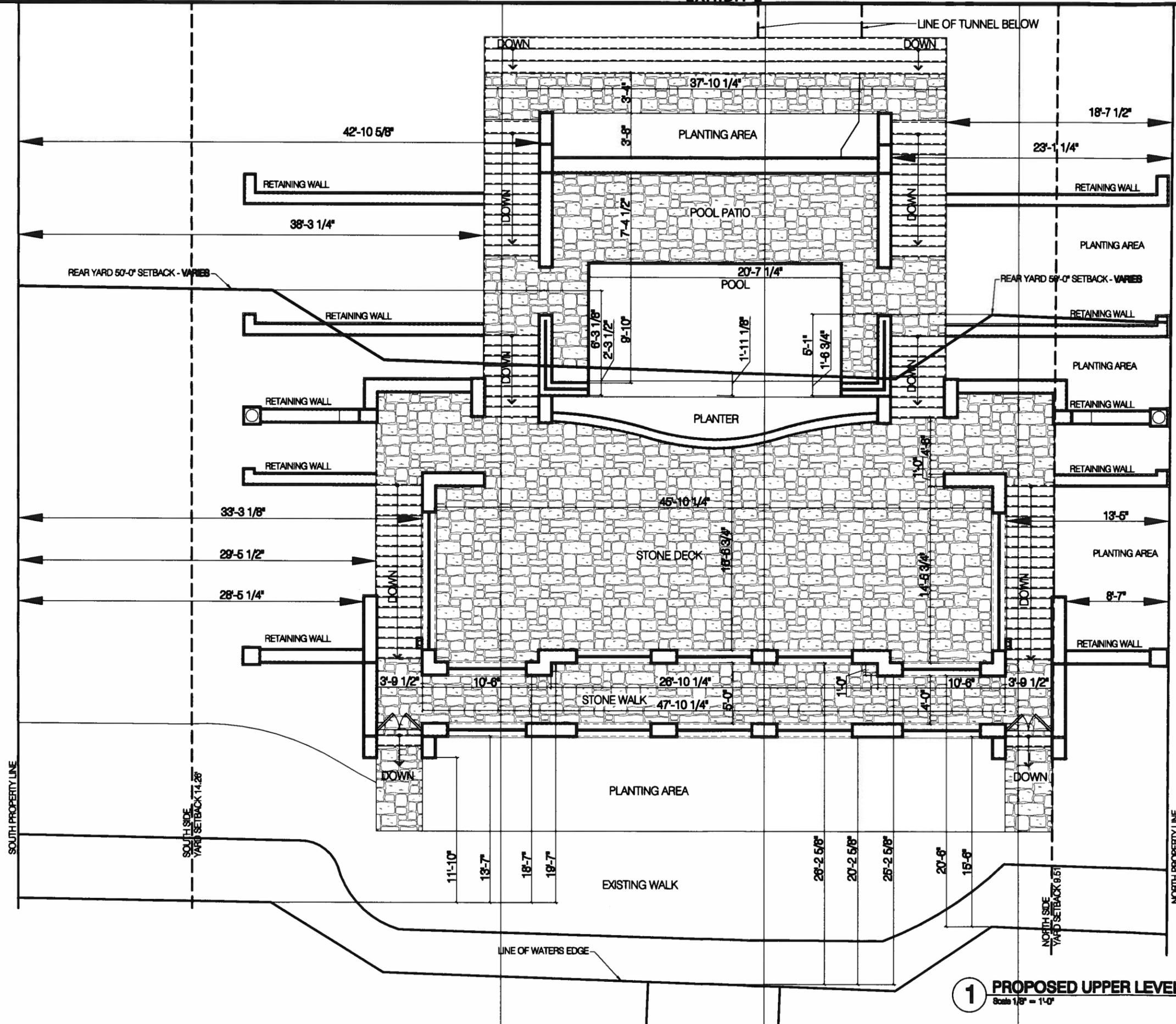
**LAKE
 MICHIGAN**

EXHIBIT E

Proposed Upper Level Plan

(SEE ATTACHED EXHIBIT E)

EXHIBIT E



1 PROPOSED UPPER LEVEL PLAN
Scale 1/8" = 1'-0"



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EXHIBIT F

Proposed Lower Level Plan

(SEE ATTACHED EXHIBIT F)

EXHIBIT F



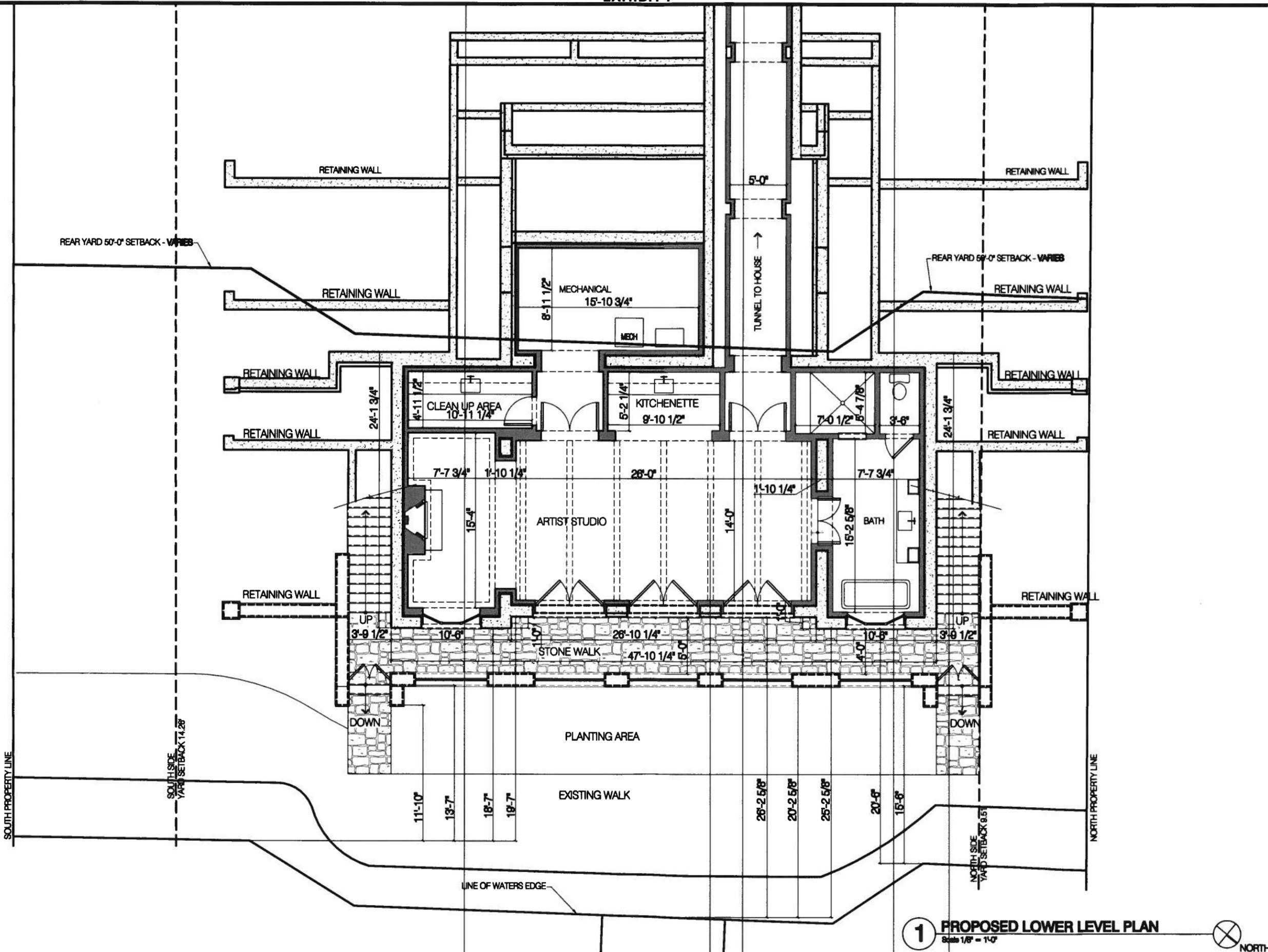
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1 PROPOSED LOWER LEVEL PLAN
 Scale 1/8" = 1'-0"

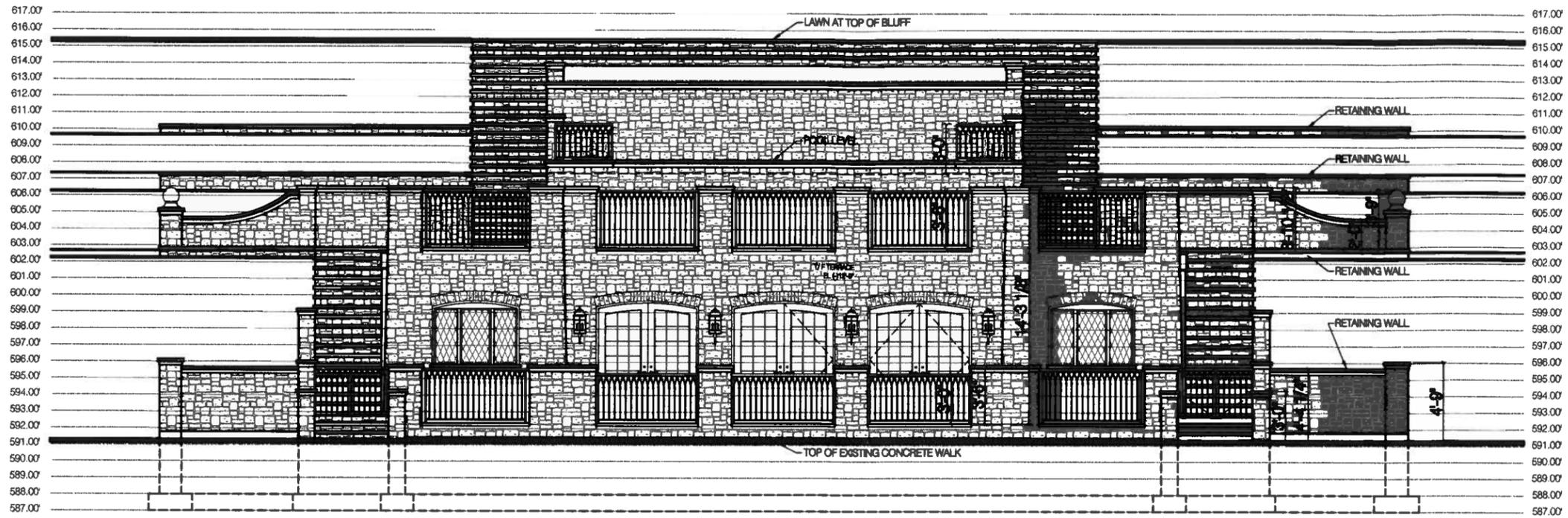


EXHIBIT G

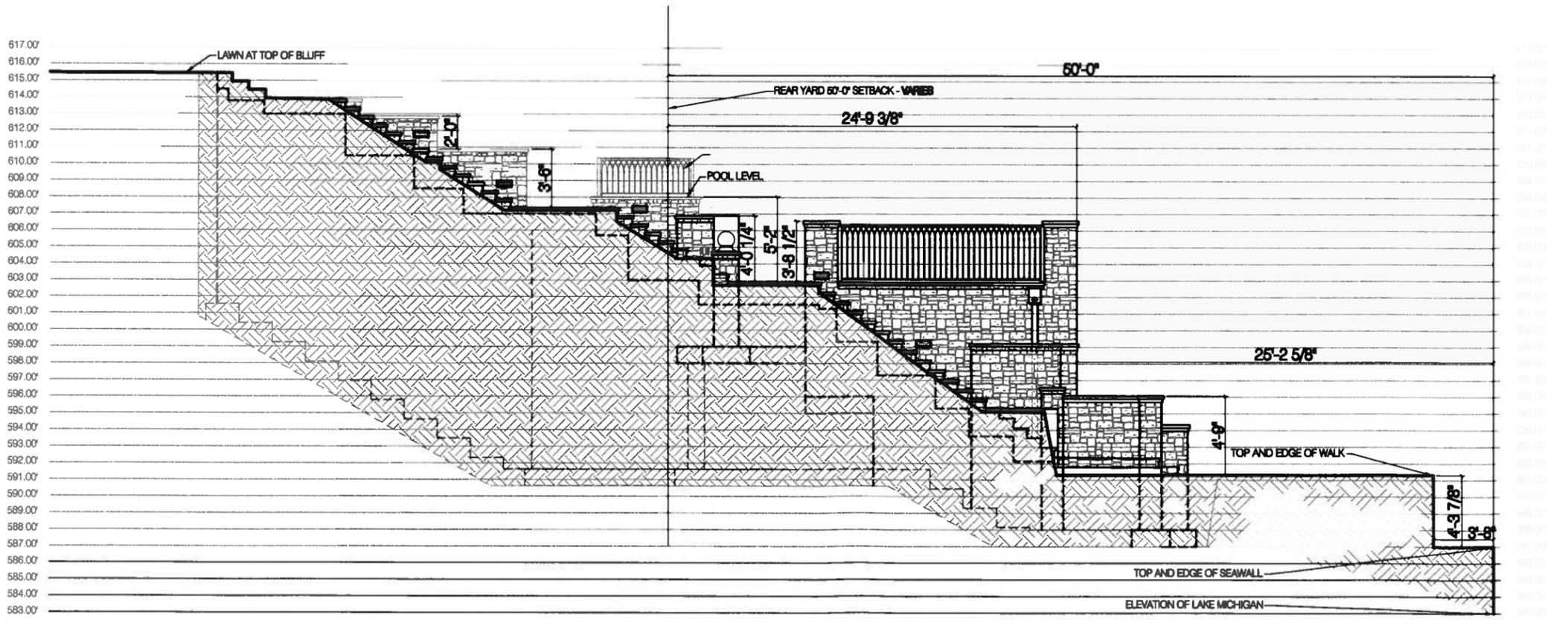
Proposed Elevations and Building Section Plans

(SEE ATTACHED EXHIBIT G)

EXHIBIT G



1 PROPOSED EAST ELEVATION
Scale 1/8" = 1'-0"



2 PROPOSED SOUTH ELEVATION (NORTH ELEVATION SIMILAR)
Scale 1/8" = 1'-0"



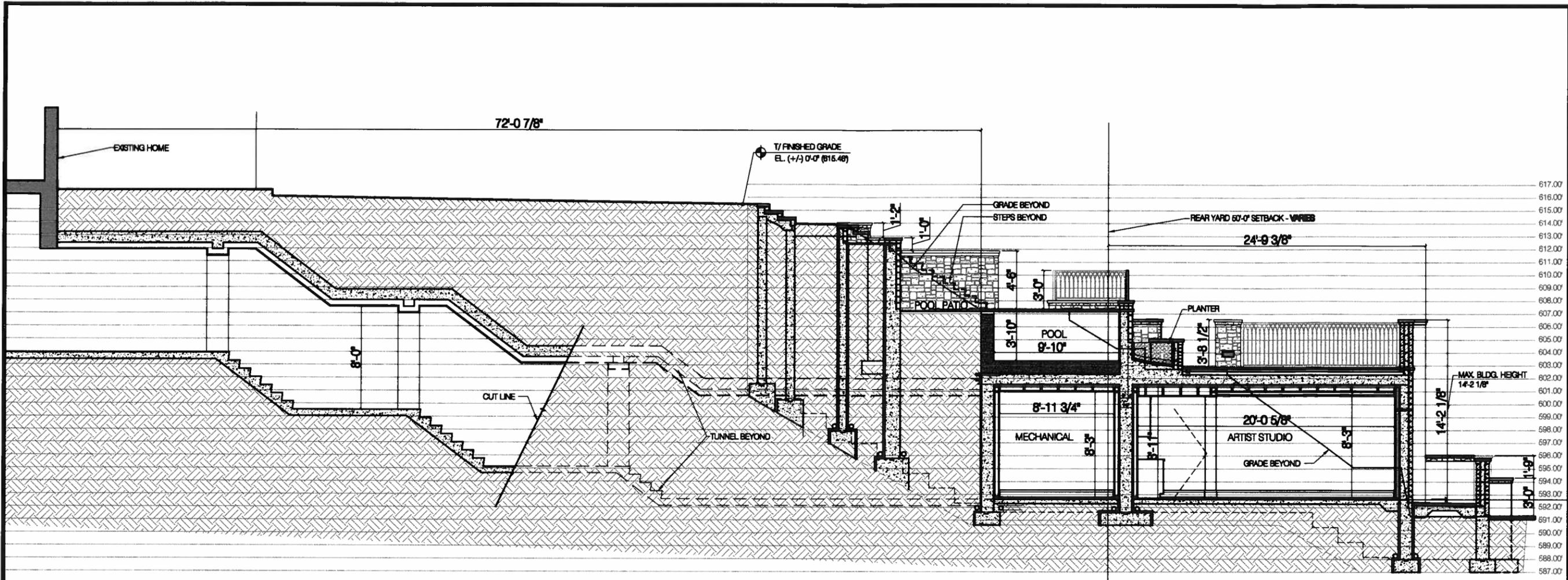
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1 PROPOSED BUILDING SECTION
 Scale 1/8" = 1'-0"

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EXHIBIT H

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The Village of Winnetka, Illinois ("*Village*"):

WHEREAS, the Nancy S. Santi Revocable Trust dated May 25, 2006 ("*Applicant*") is the record title owner of the property commonly known as 191 Sheridan Road in the Village ("*Subject Property*")

WHEREAS, the Subject Property is improved with a single family residence ("*Building*") and cabana adjacent to, and to the north and east of, the Building in the front yard along the water's edge of Lake Michigan ("*Cabana*"); and

WHEREAS, the Applicant desires to remove the Cabana and construct in its place on the Subject Property an artist studio, stone walk, and swimming pool (collectively, "*Proposed Improvements*"); and

WHEREAS, Ordinance No. M-7-2017, adopted by the Village Council on 11/21, 2017 ("*Ordinance*"), grants variations from the provisions of the Winnetka Zoning Ordinance to the Applicant to permit the construction of the Proposed Improvements on the Subject Property with: (i) a swimming pool located within a front yard; and (ii) a minimum front yard setback of 13.58 feet; and

WHEREAS, Section 8 of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Applicant has filed, within 60 days following the passage of the Ordinance, its unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

NOW, THEREFORE, the Applicant does hereby agree and covenant as follows:

1. The Applicant does hereby unconditionally agree to accept, consent to, and abide by each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.
2. The Applicant acknowledges that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.
3. The Applicant acknowledges and agrees that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's grant of the variations for the Subject Property or its adoption of the Ordinance, and that the Village's approvals do not, and will not, in any way, be deemed to insure the Applicant against damage or injury of any kind and at any time.

4. The Applicant does hereby agree to hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with the Village's adoption of the Ordinance granting the variations for the Subject Property and the Proposed Improvements.

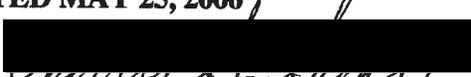
5. The Applicant hereby agrees to pay all expenses incurred by the Village in defending itself with regard to any and all of the claims mentioned in this Unconditional Agreement and Consent. These expenses will include all out-of-pocket expenses, such as attorneys' and experts' fees, and will also include the reasonable value of any services rendered by any employees of the Village.

Dated: December 14th, 2017

ATTEST:

**NANCY S. SANTI REVOCABLE TRUST
DATED MAY 25, 2006**

By: 

By: 
Its: Trustee