VILLAGE·OF·WINNETKA

Incorporated in 1869

ZONING BOARD OF APPEALS REGULAR VIRTUAL MEETING AGENDA

MONDAY, MAY 11, 2020 - 7:00 PM

In accordance with social distancing requirements and Governor Pritzker's Stay at Home Executive Order, **the Winnetka Zoning Board of Appeals meeting on Monday, May 11, 2020 will be held virtually. The meeting will be livestreamed via the Cisco WebEx platform.**

The public has the following two options **for observing and participating during this virtual Zoning Board of Appeals meeting, including the ability to provide testimony or comments.** Persons wishing to participate are strongly encouraged (but not required) to complete the Sign-In form found at www.villageofwinnetka.org/meetingsignin.

1) **Telephone (audio only)**. Call: 408-418-9388; when prompted enter the Meeting ID – 294020613 (Please note there is no additional password or attendee ID required.)
2) **Livestream (both audio and video feed).** Download the Cisco WebEx meetings app to your smart phone, tablet or computer, and then join Meeting ID – 294020613 Event Password – ZBA051120

If you wish **to provide testimony or comments prior to the meeting**, you may provide them one of three ways:

1) By sending **an email** to planning@winnetka.org;
2) By sending **a letter** to Community Development Department, Village of Winnetka, 510 Green Bay Road, Winnetka, IL 60093, or
3) By leaving **a voice mail message** at the phone number 847-716-3524. All voicemail messages will be transcribed into a written format.

All comments received by 6:00 PM the day of the meeting will be read at the hearing by staff. Written public comment is limited to 200 words or less and should identify both (1) the subject of the comment being offered (such as property address or case number of the agenda item) and (2) the full name of the individual providing the comments. In addition, you may wish to include your street address, phone number, and the name of the organization or agency you represent, if applicable.

General comments for matters not on the agenda will be read at the end of the meeting under Public Comment. Comments specific to a particular agenda item will be read during the discussion of that agenda item.

All emails received will be acknowledged either during or after the meeting, depending on when they are received.

Persons seeking additional information concerning any of the applications, accessing the virtual meetings, or requesting alternative means to provide testimony or public comment are directed to email inquiries to planning@winnetka.org or by calling 847-716-3525.

ZONING BOARD OF APPEALS REGULAR VIRTUAL MEETING AGENDA - MONDAY, MAY 11, 2020 - 7:00 PM

AGENDA ITEMS

1. Call to Order & Roll Call.

2. Introductory Remarks Regarding Conduct of Virtual Meeting

3. Approval of February 10, 2020 meeting minutes.

4. Approval of March 9, 2020 meeting minutes.

5. **Case No. 20-15-V: 1246 Spruce Street:** An application submitted by Patricia and Christopher O'Connell seeking approval of zoning variations to allow a second floor addition to the existing residence at 1246 Spruce Street. The requested zoning variations would permit the residence (a) to provide less than the minimum required front yard setback; (b) to provide less than the minimum required side yard setback; and (c) to provide less than the minimum required total side yard setback. The Zoning Board of Appeals has final jurisdiction on this request.

6. **Case No. 20-16-V2: 425 Birch Street:** An application submitted by Collin Nailor seeking approval of zoning variations to allow installation of an egress window well and construction of a two-story addition to the existing residence at 425 Birch Street. The requested zoning variations would permit the residence (a) to exceed the maximum permitted building size; (b) to exceed the maximum permitted roofed lot coverage; (c) to exceed the maximum permitted front yard lot coverage; (d) to provide less than the minimum required front yard setback; (e) to provide less than the minimum required total side yard setback; (f) to provide less than the minimum required rear yard setback. The Village Council has final jurisdiction on this request.

7. Other Business.
    a. Community Development Report
    b. Comprehensive Plan Status Update.
    c. June 8, 2020 Meeting - Quorum check.

8. Public Comment.

9. Adjournment

Note: Public comment is permitted on all agenda items.

NOTICE

All agenda materials are available at www.villageofwinnetka.org/agendacenter .

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).

WINNETKA ZONING BOARD OF APPEALS
FEBRUARY 10, 2020

Zoning Board Members Present:	Matt Bradley, Chairman Sarah Balassa E. Gene Greable Wally Greenough Lynn Hanley Kimberly Handler Mike Nielsen
Zoning Board Members Absent:	None
Village Staff:	David Schoon, Director of Community Development Ann Klaassen, Senior Planner

Minutes of the Zoning Board of Appeals
February 10, 2020

Call to Order:
Chairman Bradley called the meeting to order at 7:00 p.m.

Call to Order & Roll Call
Ms. Klaassen took roll call of the Board Members present.

Chairman Bradley welcomed new Board Member Mike Nielsen to the Board.

Community Development Report
Mr. Schoon informed the Board the Village Council reviewed the concept plan for the former One Winnetka site for CA Ventures submitted last fall. He stated the applicant presented a revised plan which reduced the height from five to four stories and reduced the number of units to 90 and they are only looking at using privately owned property. Mr. Schoon stated the Village Council informed the applicant they were heading in the right direction in terms of the scale and number of units noting there was discussion with regard to appropriateness of the type of units being proposed which include studios and one bedroom units. He also stated there was discussion regarding the design and the Tudor influence noting there were questions about how it would be executed. Mr. Schoon stated it is now up to the applicant as to whether they would submit a formal preliminary application which would go to the DRB and Planned Development Commission before going to the Village Council.

Mr. Schoon then stated the Winnetka Presbyterian Church application was reviewed by the Village Council last week; the Council was generally in favor of granting special use relief. He stated a condition was added in that the church will use their efforts to work with the Village to address regional flooding issues in the neighborhood at the Village's expense. Mr. Schoon noted there are a few pocket areas in the community with drainage issues that need to be addressed separate from the larger storm sewer project.

Chairman Bradley asked Mr. Schoon for clarification, when the Board reviewed the application, they were guided by the special use in front of them and did not feel empowered to apply a condition to the

DRAFT

application and the Village Council decided to address the broader problem of water damages, storm water runoff, etc. and asked if that was a guidance area the Board had the authority to take advantage of in their deliberations. Mr. Schoon responded that the broader storm water issues are out of the Board's purview. Mr. Greable stated there are various areas of Winnetka that have been addressed from a storm water standpoint and asked if that is what Mr. Schoon is referring to with regard to special conditions or special projects in that area. Mr. Schoon responded the issues are those the neighbors are facing which relate to the storm water issue but there is an issue in that block where water is pooling in backyards and there needs to be a system to address that issue.

He also stated for the Board's information, the Village Council referred to the DRB to look at making amendments to the sign regulations and to consider allowing internally illuminated signs and to allow display board signs similar to what you would find on the exterior of a restaurant such as menu displays which are currently not allowed. Ms. Handler asked if it covered signage on private property like banners and election signs. Mr. Schoon confirmed the sign regulations regulate that and stated some signs are allowed by right and other signs require review by the DRB. Ms. Handler referred to signs coming down after certain events but did not specify when.

Ms. Balassa asked if the proposed One Winnetka plan was only for rental units. Mr. Schoon confirmed the current proposal is only for rental. Mr. Greable asked has One Winnetka sold to this group. Mr. Schoon stated they are still going through foreclosure proceedings and were given authorization to submit this proposal. He stated they would also need to secure the property from the current owner and they are working with the current lender.

Approval of December 9, 2019 meeting minutes

Chairman Bradley asked if there were any comments to give to the Village staff or a motion to approve the December 9, 2019 meeting minutes. Mr. Greenough noted he submitted changes and moved to approve the December 9, 2019 meeting minutes, as amended. Ms. Hanley seconded the motion. A vote was taken and the motion unanimously passed.

Approval of January 13, 2020 meeting minutes

Chairman Bradley asked if there were any comments to give to the Village staff or a motion to approve the January 13, 2020 meeting minutes. Mr. Greenough stated he submitted his changes to the Village staff and moved to approve the January 13, 2020 meeting minutes, as amended. Ms. Hanley seconded the motion. A vote was taken and the motion unanimously passed.

Case No. 20-06-V: 381 Fairview Avenue: An application submitted by Joseph and Julie Magnani seeking approval of zoning variations to allow an addition to the existing residence at 381 Fairview Avenue. The requested zoning variations would permit the residence (a) to exceed the maximum permitted building size; (b) to exceed the maximum permitted roofed lot coverage; (c) to exceed the maximum permitted front yard lot coverage; and (d) to exceed the maximum permitted width of a front-facing attached garage. The Zoning Board of Appeals has final jurisdiction on this request.

Chairman Bradley swore in those speaking to this matter.

Ms. Klaassen stated the owners filed the application seeking four variations, the first for GFA, proposing 3,908 square feet whereas a maximum of 3,705 square feet is permitted, a variation of 203 square feet or 5.5%. She noted the site currently contains 3,800 square feet exceeding the maximum by 96 square feet and the proposed addition would add 106 square feet. Ms. Klaassen then stated the applicants are also asking for a variation for RLC of 2,912 square feet whereas a maximum of 2,552 square feet is

DRAFT

permitted, a variation of 360 square feet or 14%, a variation for front yard lot coverage of 734 square feet whereas 612 square feet is permitted and a variation of 122 square feet or 20% as well as a variation to allow a front-facing attached garage width of 22 feet 8 inches whereas a maximum of 22 feet is permitted. Chairman Bradley stated the numbers are different in the packet of materials and referred to front yard lot coverage and garage width. Ms. Klaassen stated the garage width is 22 feet 8 inches, or 22.67 feet. She explained she was converting the feet and inches into decimal points and that the figures are actually the same.

Ms. Klaassen then stated the property is located on the east side of Fairview Avenue between Willow Road and Ash Street and currently has a two-story residence and a one car attached garage and is located in the R-4 residential district. She stated the residence and attached garage were built in 1971 and designed by Joseph Fujikawa who was the architect and longtime owner, noting the applicants acquired the property in December 2019. Ms. Klaassen stated the variations are being requested to allow a two story addition on the south side of the home with the area in gray representing the proposed addition and the driveway addition. She then stated the proposed addition would project 11 feet from the south wall of the home into the south side yard and complies with the required setback with the proposed addition being set back 9 feet 3 inches from that lot line.

Ms. Klaassen stated the first floor addition would consist of a one car garage, mudroom and storage room and would be set back from the front wall 3.5 feet noting the two garage doors would not be on the same plane and whose width is exceeding the maximum permitted width.

Chairman Bradley asked if there would be two separate garages. Ms. Klaassen confirmed that is correct and the applicants can address that. She then stated on the second floor, they are proposing a master suite addition which would expand the existing bedroom and add a master closet and master bath. Ms. Klaassen stated because the first floor is not fully exposed above ground level, the method for calculating the basement GFA is used to calculate the first floor of the home. She stated a portion of the first floor of the home is exposed more than 4 feet above grade and is included in GFA calculations, which is why the increase in GFA is 106 square feet and RLC is increased 550 square feet.

Chairman Bradley asked if they would be adding 840 square feet. Ms. Klaassen confirmed that is correct and referred the Board to a photo of the south elevation which is currently exposed to the same extent where the front of the garage is located and due to the amount of exposure, the first floor contributes 1,154 square feet to the existing GFA. She then stated the design of the proposed addition would reduce the exposure of the south building wall such that the exposure reduces the extent to which the proposed addition contributes to the GFA. Ms. Klaassen stated consequently, the entire first floor would contribute 190 square feet of GFA which is why the net increase in GFA is 106 square feet. She then stated a majority of the proposed addition is considered a basement in terms of calculating GFA and reducing the size of the addition on the first floor would not have a corresponding effect to the calculable amount.

Ms. Klaassen then stated in order to access the proposed garage addition; the driveway would be expanded to the south and would add 239 square feet to the front yard lot coverage. She noted the Board has final jurisdiction on the request and the Village staff drafted resolutions either approving or denying the request. Ms. Klaassen then stated following public comment and Board discussion, a motion could be made or the Board could also continue the request if they found that additional information was necessary. She then asked if there were any questions. Chairman Bradley also asked if there were any questions. No questions were raised at this time.

DRAFT

Michael Freiburger introduced himself as the owner of Newlook Design Build & Development of Wilmette. He stated he is representing Jason Magnani and family who are moving to the home from the North Shore. He stated he would provide details of the project and then he would give Mr. Magnani the opportunity to speak to the Board and read a letter he put together. Mr. Freiburger stated the applicants tried hard to find a modern home and want to do something to restore the home versus knocking it down and building a new home. Jason Magnani then read his letter to the Board.

Mr. Freiburger stated they are excited to have the opportunity to restore the home and worked for a while to find the property. He then stated they talked about an offer on another property which was subsequently torn down. Mr. Freiburger then stated in connection with the creative architecture of the home, there are significant cantilevers on the front and back which are added into almost all of the calculations. He stated if they remove them, RLC and GFA would go away in terms of the calculations and the cantilevers count more than the GFA and RLC request.

Mr. Freiburger then stated the request for a second car garage is typical for Winnetka and they tried to get it as tight as possible so as to not exceed the 22 foot limit, which is not possible comfortably. He also stated with regard to the front yard impervious coverage, without changing the architectural character of the walls, sidewalk or driveway, there were no other options that would make a usable garage bay.

Chairman Bradley asked if there were any questions. Mr. Greenough asked the applicant if they thought about ripping out the wall between the two garages. Mr. Freiburger referred to significant structural analysis on the building to see how it would open up and there are structural elements on that side. He then stated if they can open it, they would like to do so which would make for more usable space.

Mr. Greable stated in connection with the proposed first floor plan, the garage portion is 229 square feet, the additional mudroom is 85 square feet and the storage room is 190 square feet for a total of 504 square feet. Mr. Freiburger confirmed that is correct. Mr. Greable then stated for the second floor plan, the master bedroom would add 100.8 square feet and the master bath is 106 square feet for a total of 206 square feet. Mr. Freiburger stated it would be a total of 342 square feet and referred the Board to page SD-7 of the second floor plan.

Chairman Bradley asked about the existing cantilevers as the architectural significance of the home and they are juxtaposing it against the double count toward RLC and GFA. Mr. Freiburger noted Figure SD-12 showed the model views of the existing and proposed home and stated the top is the southwest and southeast views with the cantilevers mirrored. He stated the front provides the overhang and articulation to the building and on the second floor there is the full width of the terrace and protected roof space over the first floor glass structure. Mr. Freiburger then stated the typical rectangular box is the crux of the mid-century modern movement and was done to articulate the character to the home. He informed the Board the usable portion of the home itself with the proposed addition is very close to fit in with GFA if there was not the rule to count the cantilevers.

Chairman Bradley asked if the overhang from the second floor creates the overage counted to RLC and creating a fake wall for the area on the ground floor. Mr. Freiburger stated it counted on the first and second floors and noted the square footage of the balcony is 200 square feet. He described it as very complex for this structure. Ms. Klaassen informed the Board any time there is a second floor cantilevered over the first floor, it counts and there would be an additional 478 square feet of GFA which is outside of the home on the front and back combined.

DRAFT

Chairman Bradley referred to understanding the value of GFA on the second floor since it is covered space and the idea of the first floor is outside of the home being counted toward GFA. Ms. Klaassen stated it is a bulk ordinance and did not necessarily measure the usable square feet of the home. She stated to clarify with regard to RLC, she noted it is not counted twice on both levels and is only counted once.

Ms. Hanley referred to the standards the Board has to apply to grant the variation request and the part they look at is what they are seeking to do as a driver of the variation request. She then stated a one car garage is not atypical in Winnetka or in the R-4 district and it looks like for the proposed first floor plan, it already has a mudroom, study, storage room and bonus room as well as a mechanical and laundry room. Ms. Hanley then stated with regard to the need for the garage, mudroom and storage, two of them already exist in the home's footprint.

Mr. Freiburger confirmed that is correct and stated the ultimate need is for the garage and access through the mudroom. He stated the reality is for the mudroom and storage room, the home's layout is quirky and the request would make it a more usable home. Mr. Freiburger then stated those two pieces did not change any of the requests.

Chairman Bradley stated the existing footprint has a master bedroom and bath and they are calling it bedroom no. 3 now and would be turning the bathroom into a closet and creating a pantry and laundry room on the second floor. He then stated he is trying to understand what the home needs versus what they need to modernize it. Mr. Freiburger stated it checks the boxes in terms of what is there, but they are not typical rooms and are much smaller in the 1970's home with three bedrooms being extremely small for a home of this stature. He then stated they would be hard pressed for a modern family to live in the home's existing condition. Mr. Freiburger stated the alternative is to demolish the home for its land value as opposed to renovation. He stated they cannot renovate within the existing walls and described the exceptions as more of a typical code detail as opposed to exceeding the allowable amount of square feet.

Chairman Bradley stated the application noted the benefit to the home as the addition of a real master suite for reasonable return and referred to what is being added to the second floor of a laundry area and pantry with the applicants asking to move the master suite to a new location. Mr. Magnani responded they originally looked at the expanded master suite on that side and referred to getting rid of the second bath which is an on-suite. He also stated they worked with Mr. Freiburger to try to maintain the home without making it look funny, to keep the front and have a sympathetic addition. Mr. Magnani also stated in connection with the extra laundry room, they want to get rid of the spiral staircase because of their two young children and noted the laundry room is currently in the basement. He also stated in the mudroom is the spiral stair adjacent to the kitchen.

Ms. Hanley referred to having a modern home look and feel and stated she agreed with Chairman Bradley in terms of the standards and the zoning district and they are limited to the zoning ordinance. She also stated lots are small leading to smaller, affordable homes and to say it is atypical to have a one car garage is inaccurate and there are a lot of homes with small lots which have one car garages that can still yield reasonable return as they exist. Ms. Hanley also stated it still provides a home with all of the rooms they would like and the home is limited to the small lot, GFA and RLC.

Mr. Freiburger responded he appreciated the comments and stated one of the opportunities to allow for a variation is because of a lot's atypical configuration. Ms. Hanley stated she definitely agreed with

DRAFT

that in that it pertains to the property and for a smaller than regular R-4 lot, she questioned why the GFA is smaller than a regular R-4 lot. She also stated when you shrink the lot, the side yards do not get shrunken and you cannot squeeze in what you want. Mr. Freiburger noted the cantilever counted as a detail and forced them to seek the variation request. Chairman Bradley commented that really hurts and helps in that the first floor GFA calculation is much lower than it would otherwise be since the basement counted toward GFA. He then stated 109 square feet of GFA overage is giving them a lot of square feet which is not available to someone else making a similar request. Chairman Bradley stated he is torn as to which factors are greater and asked if there were any other comments.

Mr. Greenough commented the applicants did a good job on keeping the character of the building. Mr. Freiburger stated they tried hard to minimize what they are asking for to get what the family wanted and needed. He also stated because of the atypical nature of the request, they tried to be as sustainable as they could.

Chairman Bradley asked if there were any comments from the audience. No comments were made at this time. He then called the matter in for discussion.

Chairman Bradley stated as he reviewed the request prior to the meeting, he did not appreciate the cantilever situation and what it is doing to the GFA. Ms. Hanley asked if there is an example other than a cantilevered roof where it comes into play other than the ordinance. Ms. Klaassen responded it is specific to GFA to include cantilevered areas and referred to bay windows on a second floor.

Chairman Bradley stated there are not a lot of homes with cantilevered areas in Winnetka. He then stated the Plan Commission wants to maintain and restore the housing stock for people buying homes and referred to the harsh plight. Ms. Klaassen stated it can lead toward certain architectural designs. Chairman Bradley stated on the change as it relates to the GFA figure, the other side calculations are skewed in their favor which nets out 106 square feet of GFA.

Ms. Balassa stated it also makes the other things more complicated taking that into account and it is difficult for them to make small adjustments. She described it as a benefit on one end and complicates small adjustments in situations which are not cantilevered and the benefit is it being over-counted.

Ms. Handler stated the home did not have an attic or basement and from a functional perspective, based on the floor plan, the basement storage space is a closet measuring 11x4 square feet which meant there is functional storage of less than 200 square feet in the entire home. She then stated while the applicants did not address that as a need, it is a real need and the current mudroom and other space upstairs taken up by the spiral stair left no room for storage. Ms. Handler commented it is addressed with the plan tastefully.

Ms. Hanley stated that it goes to the occupants and not the property. Ms. Handler stated people expect a mudroom and they have had such cases before. She also stated a garage at 10 feet in width is not full size. Mr. Greenough commented the applicants provided a thoughtful addition to the home which deserved being saved. He then stated in terms of the Board's persuasion, mudrooms are important and he is a believer in having storage space and he did not see how they could do a better job than they have done and he would be in favor of the request.

Ms. Hanley stated for the record, the last home at a prior meeting did not even have a coat closet and it is not the same since they already have a mudroom and are asking to move it to a different location.

DRAFT

Chairman Bradley stated in terms of the observations of what is in the home now, a mudroom is there and the spiral stair led them through various rooms. He stated they can achieve options they desire within the footprint of the home which do not require variations. Chairman Bradley then stated the things the Board would call essential to maximize the beneficial gain to the homeowner, it would be hard to reconcile the variation request to cure things which are already present in the home. He added a garage is not that necessity.

Ms. Handler stated she agreed with Mr. Greenough and the fact that the home is 1.5 stories and they would not be adding a lot of bulk. She then stated the setback with the architecture even with the variation would not make the home overwhelming. Ms. Balassa stated while looking at the first floor plan on page 5 of the materials, she understood the comment that there is already a mudroom and storage and the storage can be renamed to a closet and there is no other closet. Mr. Freiburger confirmed there is no front closet. Ms. Balassa described some of it as semantics. Chairman Bradley stated the applicants have a study and bonus room and there are not many homes with a 14x11 square foot bonus room and study. He stated he appreciated the significance of the design and the attempt to preserve it but there are other rooms sufficient to satisfy traditional storage in a Winnetka home which did not necessitate granting a variation.

Ms. Balassa noted there is no dining room and some of the labeling is misleading in terms of what you would look for in a normal home. Ms. Hanley referred to the reasonable return standard and stated when you buy a home, you look at what your needs are and otherwise it would not be a home for them. She also stated you cannot make every home have 4 bedrooms, 2.5 baths, etc. Ms. Balassa stated while she understood the comments, she disagreed and stated it is a thoughtful plan. Ms. Hanley stated they have to stick to the standards and make it fit and every case has to meet the standards.

Chairman Bradley stated there is no way to jerry rig it because of the GFA calculations or truncating and losing aspects of the proposal that destroys GFA which is not 1:1. Ms. Klaassen confirmed that is correct on the first floor level. Ms. Hanley stated even with GFA and RLC, they have not discussed the front yard coverage which is for 20%. She then stated if they give an allowance because of the cantilevered space, she would be fine with 8 inches for the front facing garage and described the front yard coverage as huge. Chairman Bradley stated it would be made up entirely of the new driveway and the third variation request has no value with the fourth variation for a maximum of 22 feet being permitted and they are proposing 22 feet 8 inches. He questioned whether it is curable if they lose the wall. Ms. Klaassen responded they have to maintain something between in order to have two garage doors and they can only add a 9 foot door. Chairman Bradley then stated the proposed garage doors are as scaled back as possible. Ms. Klaassen noted the existing garage door is 10 feet 4 inches, which is existing nonconforming and they are proposing a door which complies.

Mr. Nielsen referred to the front yard situation being brought to light and commented 20% is on the extreme side. He then stated it is for a second garage and there is no other way to not have that.

Chairman Bradley stated he is not sure where the Board falls and noted they have final jurisdiction. He asked for a sense of where they are in terms of a vote. Mr. Greable asked if there is any way of carving it up or is it all or nothing. He then stated he would save the garage and take out the other aspects adding that standard no. 1 has not been met. Mr. Greable also stated a two car garage is not expected in this community and they are not entitled to have a two car garage.

DRAFT

Chairman Bradley asked Ms. Klaassen if the GFA overage is 1:1 on the second floor. Ms. Klaassen confirmed that is correct. Chairman Bradley stated that is tied into the equation and if there is an alternative that existed that is doable where on the second floor in the back, that is where the 18x5.5 foot master closet can be brought in from the east side to reduce it to 9x5 square feet which would shave off 45 square feet. Ms. Klaassen noted 100 square feet is the increase in the proposed GFA and the variation needed is 206 square feet since the existing GFA is already nonconforming. Chairman Bradley questioned whether there was no practical way to eliminate or reduce the addition and they did not want to force on the applicants to do something which would destroy the reason why they bought the home. He again asked the Board Members for their consensus.

Ms. Balassa stated she is struggling with Ms. Hanley's comments relating to the standards. She also stated she is struggling due to the nature of the home and the fact they do not have homes like this left and they want someone to live in the home a long time. Ms. Balassa then stated if they were to make an exception, this would be it.

Mr. Greenough agreed this is an exception the Board should make. Ms. Hanley agreed and stated she is also torn. She referred to the cantilevered space which is throwing her and to make the strong case it is extremely unique in Winnetka and worth the exception. Ms. Hanley indicated that section of the ordinance and the standard adopted did not apply to all of the housing stock.

Ms. Handler stated she would support the request. Mr. Greable stated he is leaning toward support only because when you look at the before and after photos, this particular addition fits in well on that lot on the south side of the wall. Mr. Nielsen stated he is torn by the uniqueness of it and he would go with Mr. Greenough's comment and the thoughtfulness of the project. He also stated he agreed with Mr. Greable and commented it is a cool home to start with which would be the same if not better after the project. Mr. Nielsen concluded he would be in favor.

Chairman Bradley stated for the record, they need more people like the applicants who wanted to maintain and restore homes they have. He then stated it is the Board's obligation to manage the asks against the laws of the Village. Chairman Bradley also stated while he understood the GFA issue relating to the cantilevers, he referred to what was contemplated in the ordinance and you cannot use it as a basis for an exception. He agreed the home is unique but is also benefited by its structure and GFA allowance treating the first floor as the basement. Chairman Bradley noted they did not address the front yard lot coverage issue if there is no garage and they have to embrace the totality of the zoning variations here.

Ms. Hanley suggested reducing the width of the walkway in the front yard to reduce the amount of lot coverage. Mr. Freiburger indicated it is possible to reduce it and while they studied that, it is the main architecture of the home. He also stated it would not get them far enough to have a usable driveway and they would still need a variance.

Chairman Bradley commented it pained him to not support the application. He then stated the 2040 planning would review the zoning ordinance for the next generation and noted there are enough votes in favor of approval. Chairman Bradley then asked for a motion to approve Resolution No. ZBA-2-2020, Attachment D, on page 28 of the materials. Mr. Greenough asked if there could be conditions on the motion. Ms. Klaassen responded they have to comply with the amendments in the agenda materials.

DRAFT

Mr. Greenough moved to approve Resolution No. ZBA-2-2020. The motion was seconded by Ms. Hanley. A vote was taken and the motion passed, 6 to 1.

AYES: Balassa, Greable, Greenough, Hadley, Handler, Nielsen
NAYS: Bradley

Comprehensive Plan Status Update

Mr. Schoon stated they are working with the consultants and there would be 15 different focus groups scheduled and a number of individual interviews with community members. He then stated the Environmental and Forestry Commission is meeting with the consultants on Wednesday and the DRB meeting would be next week. Mr. Schoon stated they would be continuing to do their data analysis and community input and scheduled an open house at the Community House for which he will send information and is scheduled for March 18, 2020. He noted the open house would provide the opportunity for people to talk about different community topics and small group one-on-one discussions.

Next meeting – March 9, 2020 - Quorum Check

The Board Members discussed their availability.

Public Comment

Chairman Bradley asked if there was any public comment on items not on the agenda. No comments were made at this time.

Winnetka Futures 2040 Plan Discussion

Mr. Schoon introduced Scott Freres of The Lakota Group and Kirk Bishop of Duncan Associates who would get direct input from the Board on issues they regularly address. He noted they shared the SWOT analysis the Board did with The Lakota Group.

Scott Freres introduced his team of Rachel Smith, Siraj Asfahani and Kirk Bishop, with Duncan Associates. He also refered to other members of the team Sam Schwartz & Associates for transportation issues, SB Friedman for market and economic development opportunities, and Strand for stormwater and other infrastructure issues.

Mr. Freres distributed a handout to the Board and explained what a Comprehensive Plan is and is not. He stated in terms of what they want to get out of the process is the question of how do they make it different than the 1999 Comprehensive Plan and the same process and the same outcomes, how to deliver the message which is different in today's world in terms of how people take in information, how they use and interpret it as well as to make it clearer and more legible, more direct and for it to be as holistic as possible. He then stated the Comprehensive Plan is a guide for the community moving forward on a 20 year timeline. Mr. Freres also stated over the last 20 years, none of them could have predicted technology and how they live their lives has changed. He stated a 20 year plan would have increments of 5 years in terms of revisiting it.

Mr. Freres stated they have all seen the changes over the last 20 years and they want to be ahead of those changes and to have a clear and concise community voice with regard to how they want to tackle them. He then stated while there would be different sides to the equation, they want for the Winnetka Futures plan to have a positive dialog and make sure they educate people on the topics and bring factual data to the table. Mr. Freres also stated they want to make sure the plan is built in community voice and

DRAFT

informed the Board they have a lot of people to talk to and listen to in this process. He stated they are not here to present ideas, solve anything or present findings of fact, but rather to listen to what has worked and what did not and how to move the community forward as well as to identify the hallmarks of the community. He also stated with regard to dialog of the community, they would be engaging persona of the community from young to old as well as all types of different profiles such as those retiring, those who want to stay and long term residents.

Mr. Freres then stated in terms of how they evaluate the community and the best way to do that is to bench mark the community against communities across the country with demographics He stated he has heard from the community that they are not Glencoe or Highland Park, etc. but they do look at other communities' profiles and mirrors of them around the country such as Scarsdale, New York, Greenwich, Connecticut, etc. and benchmarking the community against others to see how they are dealing with change and how their Comprehensive Plans have changed. Mr. Freres also noted they are using Hinsdale as a comparable.

Mr. Freres stated as they go through the conversation, Mr. Bishop has ideas on codes and development from other communities around the country to see what is working and what is not. He informed the Board they are here to listen and that the conversation would not end tonight noting there is an online presence and open houses which would be held.

Ms. Balassa asked if they are working with people who are specializing in commercial or residential areas. Mr. Freres responded yes. He described their group as the community engagement group and as part of The Lakota Group; they also have an historic preservation group in their office, as well as pure planners, commercial space and conductivity, etc. Mr. Freres then stated for all of those pieces, they need to understand the underlying fundamentals such as housing and what is needed to accomplish it. He then stated if they had the appropriate materials 10 years ago, they would have been better prepared to handle the One Winnetka plan and stated they want to tackle those types of proposals and to benchmark them against these pillars. Mr. Freres stated these projects should have been benchmarked against the Comprehensive Plan components such as whether it addressed open space, provided housing, whether it is economically viable, etc.

Ms. Balassa asked specifically in terms of a mix of business, Mr. Freres referred to SP Friedman which would handle the exact mix of business which would work in the Village. Ms. Balassa stated there is a big concern with regard to the mix of businesses and they need storefronts filled but with a mix of businesses. Mr. Freres stated there are a lot of answers to solving the dilemma and they need to understand the economics behind that. He also referred to the overlay district as an issue and stated those are the questions they would delve into and understand what they mean. Mr. Freres also stated the codes encourage knockdowns and there may be more options and flexibility which is needed to make those decisions. He added there is another group trying to save teardowns.

Ms. Balassa stated as an observation, during demolition, there are trees and water issues, etc. which have a ripple effect throughout Winnetka which she described as frustrating. Mr. Freres stated that is a topic for the Environmental and Forestry Commission. Ms. Handler commented she would love to see for those people who did a certain size of renovation, for them to be required to meet tree solutions and referred to wooded lots.

Chairman Bradley stated all of the issues are comingled and tonight's meeting represented a good example of the constraints of the Board and their duty which creates a problem they can get over but

DRAFT

procedurally, they cannot. He stated a home should be preserved and built into code and referred to the cantilever situation discussed earlier that evening by the Board which contributed to GFA, which seemed like an easy fix. Chairman Bradley suggested they create some flexibility within the application and code to provide an incentive to not tear down and referred to the veiled threat in all applications to tear down the home. He reiterated they want to incentivize people to preserve homes and character which is what makes Winnetka as nice as it is. Chairman Bradley stated there should be incentives for people to build or maintain a home rather than tear it down. He also stated they should look for developments such as One Winnetka, the Green Bay Road corridor and the huge planned developments and while they are waiting for proposals, there is a missed opportunity to take advantage of incentivizing homeowners to retrofit garages into suites. Chairman Bradley then stated there are not many options and in connection with the code and whether there is a way to incentivize developers to build ranch homes for the older population. He described it as an easy way to kick up the housing stock and add value to the home and property.

Mr. Greenough asked if the role of the Board is to jump start ranch homes or the job of developers to decide what will work. Mr. Freres stated part of their job in the Comprehensive Plan is to say what type of housing product is needed, what would be successful and what the impacts are and then they would come back to the Board to say how to change zoning to allow regulations to allow that. Mr. Greenough asked if other communities have catchall provisions since an unusual situation negates zoning variations which would otherwise be required. He added he is concerned that the last request did not meet the standards.

Mr. Bishop stated they are trying figure out how to use variation procedures based on hardships, etc. to do what is right. He then stated most communities do not have it on the books or a one size fits all solution and they have to think creatively how to do it. Mr. Bishop then stated there are rules for existing buildings which are legal nonconforming and the need for them to be crafted differently than new construction as a starting point. He also stated there are opportunities to modernize the ordinance and give the Board the tools to look at requests as design exceptions as opposed to variations. Mr. Bishop added the ordinance does not capture the Village as it is built out and indicated there is a way to get there.

Mr. Greable commented infill is an open ended term and asked if it they should explain how it should be applied. Mr. Bishop agreed the term is overly broad and described everything in Winnetka as infill or as reusing or redeveloping a site. He indicated a more accurate term would be rehab and reuse as opposed to new construction and infill meant infilling underdeveloped spots. Ms. Hanley stated they should make the distinction of infill as new construction or teardown versus adaption, reconstruction or renovation. Mr. Freres stated infill implies residential neighborhoods and to clarify, all of the other sites beside residential properties are infill since they are opportunity sites. He referred to Green Bay Road as a prime example and stated most of those sites in the commercial business districts are opportunity sites. Mr. Freres then referred to where can they evaluate what could be visualized here as the highest or best use.

Mr. Greenough stated for zoning purposes, he indicated he is not savvy enough to say where the code needed tweaking and the Village staff can say where they keep having the same problem. Chairman Bradley stated some of it is specific such as cantilevers while there are others like the procedural process and they have to consider the way an application moves the through various advisory bodies.

DRAFT

Ms. Balassa referred to the example of the zoning code which allows certain lot sizes and new homes where they are very flood prone which are massive with engineering being done around it. She asked if it is possible to say for certain areas where there is flooding, to address the zoning concerns they currently have. Ms. Balassa also referred to sustainability and climate action which are topics on the sheet and considering storm water and infrastructure where it is already allowed. She then referred to homes built over the last several years knowing they had the discussion of storm water issues for a long time. Ms. Hanley stated since it is allowed under the ordinance; they do not come to the Board.

Mr. Freres stated they want to hear what is working from a procedural standpoint and would have discussions with the Village staff with regard to the host of things which do and do not work. He also referred to the consumer end user comments and for them to bring back solutions to the Village to make changes or say things are operating well. He then stated the Board cannot see the inefficiencies in the process that can be solved and there is an opportunity as a group to fix things in terms of the Board, the Village staff and end user. Mr. Freres referred to the sentiment of the difficulty of doing business in Winnetka in that it is too burdensome, inefficient and there is no consistency. The Board Members agreed with Mr. Freres. Mr. Freres then stated there is no one doing anything wrong and it is the way it is set up. He then stated it is their job to find a pathway to cure that ill and come up new things. Mr. Greable commented One Winnetka went through hell for five years and they learned something from that and the concept itself should be thought about and get objective viewpoints. Mr. Bishop stated they recognize it is difficult to talk about abstract zoning and the idea is to get the conversation flowing.

Ms. Handler stated in terms of process, they have eight standards with some they never touch on like congestion. She then stated in connection with the reasonable return standard, it can be argued that no one would have bought a home if they cannot do anything to improve it and that standard meant different things to different people. Ms. Handler stated it needs to be better defined to apply the standards more consistently.

Ms. Hanley added the uniqueness of the property also fell into that category. Ms. Handler then stated people come forward with heartwrneching stories including storage and building a private pool which are not unique to the property. She referred to one couple who made the situation worse by talking about family circumstances and stated residents should better understand the standards.

Mr. Freres agreed people should talk to the Community Development Department. Ms. Handler then stated people rely on real estate agents. Ms. Hanley stated there are people who have lived in the Village for 13 years who then say they cannot get reasonable return without an additional bathroom. Chairman Bradley agreed they are constantly seeing applicants who are trying to write a response to the standards and they are always off the mark. He stated they have to fight the conception of what an average home in Winnetka deserved or not and people are taking the reasonable return standard to mean things like a master bath, mudroom and two car garage as being the standard in a Winnetka home and used that as their basis. Chairman Bradley stated no one is owed a two car garage, mudroom, etc. and if it can be done within the home's footprint that is fine. He also stated he would rather put additions on the back and say things are expected in the Winnetka market. Chairman Bradley then stated it relates to education, how the zoning laws work, which is why they have different housing stock.

Ms. Handler stated part of the process is what do they want the housing stock to be over the next 20 years, to preserve what they have or do they envision having the housing look different. Mr. Freres stated that is the foremost question. Chairman Bradley stated the answer is not emphatically no as people might think and there are a lot of properties in town priced effectively for entry. He stated the

DRAFT

problem is that people benefit from that market value then they say they cannot raise a family and plead to the Board to allow them to take the fair market value of the home and turn it into something they did not pay for. Chairman Bradley then stated the Village drew out zones of what the homes should look like. Ms. Hanley stated when a home is torn down and a new home is not built within the confines, it destroyed the character.

Ms. Balassa referred to the situation where someone bought a home who did not know it had two front yards. Ms. Hanley stated it is unusual to count two front yards and the owner should get to pick the front yard. Ms. Klaassen indicated it depends on the width of the corner lot and the setback may be reduced. Mr. Greable stated in trying to look to the future, things have changed over the last 20 years and they have to make an effort to come up with something meaningful, positive and which would last for years. He suggested there be a completely new look at the zoning code and for it to be updated. Ms. Handler stated they need an outlet for substance over form and the right thing to do is approve certain things.

Chairman Bradley stated he agreed with Mr. Greable that they should look at the code but should not make changes to it before this process is done. Ms. Hanley asked if that is part of the Comprehensive Plan to rework the ordinance and Mr. Freres responded it is not. Ms. Handler asked if there are other places where they have one standard for new construction. Mr. Bishop responded yes and stated as the world changes, they are developing where there is existing context and character. He then stated as he read the ordinance, there are a lot of complex and unusual features in it such as FAR calculations, etc. and well-meaning standards which can get them what they want in a perfect world. Mr. Bishop then stated it did not account for the cantilever issue for instance. He agreed building to the maximum changes the character but when applied to tonight's case, logic is important and it would still only be an 85-90% solution.

Mr. Greenough asked if they can borrow other communities' solutions. Mr. Bishop agreed they could and they need to take a comprehensive look at the ordinance and establish policy and framework going forward to use it as a benchmark. He also stated to accommodate the broadening housing type range, the ordinance is coming up short and they need to identify those.

Mr. Greenough then stated for starter homes, he questioned whether they have enough. Ms. Handler stated the market has dropped and taxes are high. Mr. Greenough then stated the question is whether they need to change the housing stock. Ms. Hanley commented it needs to be more diverse and they should not allow McMansions on small lots where they would have small houses. Ms. Handler agreed they are missing homes for those who want to remain in the community. Ms. Hanley referred to a starter home for a family coming from the city with children. Ms. Balassa stated there are situations where Winnetka cannot be everything and while they want a whole range of homes, they cannot micromanage. Ms. Hanley questioned if those homes exist, should we keep them. Ms. Handler referred to the second bullet point of whether they feel the level of where decisions being made is working.

Mr. Schoon stated for Minor Variations, the Zoning Administrator may approve those during a public hearing and then there are Standard Variations the Board reviews and approves, and Major Variations where the Board provided recommendations to the Village Council, who then approves. Ms. Handler stated there are some which are required to go to the Village Council which can be covered by the Board and in depth and asked how Major is defined. She asked if that alternative would be better for residents. Mr. Schoon responded all new homes come to the Board which is a recommending body. Ms. Klaassen

DRAFT

stated the thought is that the applicant is working with a blank slate and the threshold is higher. She also referred to the thought to discourage people from applying for variations.

Chairman Bradley asked if there are matters which come to the Board which can be handled by the Zoning Administrator and stated 90% are an existing nonconformity. Ms. Handler referred to the Sheridan Road case. Mr. Schoon stated that case related to a plat of consolidation with variations associated with the plat. Chairman Bradley referred to recent cases where the Board is perfunctory and the cases are nonconforming and suggested doing something which required an active show of the Board's review. Mr. Schoon stated there may be one new variation and clean-up of granting nonconformities. Chairman Bradley stated the betterment would be to not waste residents' time. He then stated he is the Board's representative on the Plan Commission and referred to the redundancy of both the ZBA and the Plan Commission reviewing the same special use requests or subdivisions with variations requests. Ms. Hanley agreed that is the biggest observation and there are two tracks of review for special use requests. Mr. Schoon stated those are for locations outside of the Overlay District which go to the Board and the Plan Commission. Ms. Hanley stated the Planned Development Commission is a mixture of the Board and Plan Commission and she is on it. Chairman Bradley stated it was meant to streamline applicants such as One Winnetka so it would not have to go through all of the Boards and the Plan Commission. Ms. Balassa indicated some of the most divisive cases related to playground equipment exceeding maximum height and shed heights and some of them took way too much time.

Mr. Schoon stated there are communities where they allow a list of only certain things for which a variation can be requested and here in the Village, anyone can request a variation for anything. Chairman Bradley stated a lot of it relates to education and a lot of residents have bad information or are miseducated. He questioned how do they inform the community and make people understand what they are about before there is a need for something.

Chairman Bradley then stated in connection with the public notice, there are requirements and referred to the church's request for example where there was public outcry. He then stated while it was on par, they did not have much in the way of public comment on many applications and the comment is usually favorable. Chairman Bradley stated the Board is doing its job of providing adequate notice and people are unhappy with noticed things. He asked if there is an adaptive step into the modern world to hear from different voices. Ms. Hanley stated they meet all of the legal standards with signs, letters, newspaper and a posted agenda.

Mr. Schoon stated when he first came to the Village he needed staff to prepare a table in order to understand all of the different notice requirements, there is 15 days' notice for certain things and 10 days' notice for others, some have a sign or not, etc. and from a community communication perspective, they can clear that up. Ms. Handler questioned what are they hearing as concerns raised by the neighbors and stated she has heard comments about bad architectural design.

Ms. Balassa stated in connection with public notice, the Village did not provide homeowners notice when doing something on her parkway and they should change that policy. Mr. Schoon indicated they generally do provide notice with regard to infrastructure.

Mr. Asfahani stated that represented the end of the session and the Board has provided a lot of great insight. Mr. Bishop stated the discussion during the SWOT provided good information and informed the Board if it is any consolation, the themes they heard tonight are very common. He stated they can

DRAFT

broadly frame tools as to what can be done. Mr. Asfahani stated they can answer the questions provided to them more deeply and provide the responses to Mr. Schoon to share with the Board.

Ms. Handler asked why the project is entitled Winnetka Futures. Ms. Smith responded that is because there are many different futures to Winnetka. Mr. Schoon also stated as they are interviewing different persona groups, different futures, it depended on where you are in your stage of life, etc.

Adjournment:
The meeting adjourned a 9:36 p.m.

Respectfully submitted,

Antionette Johnson
Recording Secretary

DRAFT

WINNETKA ZONING BOARD OF APPEALS
MARCH 9, 2020

Zoning Board Members Present:	Matt Bradley, Chairman Sarah Balassa E. Gene Greable Wally Greenough Lynn Hanley Kimberly Handler Mike Nielsen
Zoning Board Members Absent:	None
Village Staff:	David Schoon, Director of Community Development Ann Klaassen, Senior Planner

Minutes of the Zoning Board of Appeals
March 9, 2020

Call to Order & Roll Call.
Chairman Bradley called the meeting to order at 7:00 p.m. Ms. Klaassen took roll call of the Board Members present.

Community Development Report.
Mr. Schoon informed the Board the Village Council approved the special use for the Winnetka Presbyterian Church plaza. He then stated the Village Council would hold a special meeting tomorrow to consider the intergovernmental agreements with the Park District for the storm water project at Crow Island and the Skokie playfields. Mr. Schoon stated the Park District has only concept plans and the zoning relief is for two yard variations. However, for any proposed improvements, the Park District would still need approval of a special use permit. Mr. Schoon also stated they plan to have a Planned Development Commission meeting on April 1, 2020 for the proposed multi-family building on Green Bay Road. Chairman Bradley asked if there were any questions. No questions were raised at this time.

Chairman Bradley then swore in those speaking to matters on the agenda.

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.
Chairman Bradley noted the Board is a recommending body and the Village Council would have final approval.

Ms. Klaassen stated the application was submitted by the owners, Tom and Alison Walker, for the property at 859 Sheridan Road and described the three variations as follows: (a) a side yard setback of 4.31 feet from the east property line whereas a minimum of 12 feet is required, a variation of 7.7 feet or 64%. She noted the residence currently provided a side yard setback of 5.73 feet. Ms. Klaassen stated

DRAFT

the second variation is for a rear yard setback of 20.31 feet from the north property line whereas a minimum of 20.44 feet is required, a variation of .13 feet or .64%. She stated the addition would match up with the rear of the home and would provide the same setback. Ms. Klaassen then stated the third variation is to allow a single front-facing garage door width of 16 feet whereas a maximum of two 9-foot wide doors are permitted. She stated the existing garage currently has a garage door width of 16 feet.

Ms. Klaassen stated the subject property is located on the east side of Sheridan Road between Lloyd Place and Tower Road and contains an existing two-story residence with an attached garage built in 1926. She stated the property is zoned R-2 single family residential and is bordered by R-2 to the north, south and east and R-3 to the west. Ms. Klaassen stated the variations are being requested to rebuild the existing nonconforming attached garage and the space above it with a slightly larger footprint. She noted the existing garage measured 18.58 feet x 22.08 feet. Ms. Klaassen stated the illustration showed the proposed garage and the excerpt of the proposed first floor plan showing the proposed addition would expand the garage 1.42 feet to the east and 1.92 feet to the south with the proposed garage measuring 20 feet x 24 feet in terms of its exterior dimensions.

Ms. Klaassen then referred to the floor plan of the proposed second floor with the space above the garage currently consisting of a bedroom with an in-suite bathroom and laundry nook in the hallway. She stated in the proposed floor plan, the proposed addition would expand the bedroom and provide a walk-in closet as well as a laundry room. Ms. Klaassen then stated the garage is considered front-facing as the garage is facing the front yard along the south property line where there is a private road. She stated in summary, three variations are being requested for the side yard, rear yard and garage door width.

Ms. Klaassen stated the Board is to consider whether or not the proposed variations meet the standards for granting the requested relief. She stated after public comment and Board discussion, the Board may make a recommendation to the Village Council as stated in the draft motion on page nos. 8 and 9 of the agenda report. Ms. Klaassen then asked if there were any questions. Chairman Bradley also asked if there were any questions. No questions were raised at this time.

Tom Hickman introduced himself to the Board as the architect for the applicants. He stated he was approached by the applicants due to the garage maintenance and deterioration problems and noticed settling in the garage. Mr. Hickman stated after they performed excavation, they could not find the foundation noting the home was built in 1926 and the garage was part of the original construction. He stated the current zoning ordinances were not in place at the time of its construction and because of that, it is nonconforming in several ways.

Mr. Hickman stated he informed the applicants he would have to first speak with Ms. Klaassen to determine the zoning parameters. He stated he was surprised to find they could not move in any direction with the garage. Mr. Hickman stated the applicants initially wanted to repair the garage after receiving estimates and decided to tear it down and rebuild it in its current location but slightly larger to solve functional problems. He informed the Board the interior of the garage is only 18 feet wide and the entrance to the home is off the side. Mr. Hickman then stated if there are two vehicles in the garage, you cannot open the car doors or the door to the home. He noted 22 feet is typically the standard used for a two car garage minimum width. Mr. Hickman stated they found they were over the north setback line by 2 inches and over by several feet to the east. He added while they were not in the south requirements, they would be increasing the degree of nonconformance on the east. Mr. Hickman also stated the 16-foot wide front-facing garage door was also noncompliant but currently existed. He then

DRAFT

stated the proposed footprint expansion from 18.7 feet to 20 feet to the east would still not allow room for two 9-foot garage doors which is why they are asking to retain the existing garage door and continue the north building line which is 2 inches over as well as to extend the garage width 1.5 inches to get to 20 feet.

Mr. Hickman then stated he brought in blow ups of several illustrations noting one in particular. He informed the Board the applicants state they are probably the only residents who have shrunken their home and consulted with the Historical Society to make it more closely match the home's original architecture. Mr. Hickman identified three hatched areas of the home which were taken away consisting of a breakfast room over the deck as well as an entry on the Sheridan Road side. He then referred to the entrance added which he described as tastefully done and in character with the home. Mr. Hickman then stated the greenhouse in the southwest corner was added in 1974 and removed by a previous owner. Mr. Hickman stated to make the home more in character with what it originally was, the proposal would add a sliver of space on two sides of the garage.

Chairman Bradley stated in order to be mindful of the time, the question posed to the Board related to the side yard setback to the east as well as keeping the 16 foot wide garage door. He then stated with regard to the portions of the home which have been removed, the Board does not consider the totality of the circumstances and there is no offset credit. Chairman Bradley then asked how the width increasing by 1.5 feet would solve the problem with the entry staying the same. Mr. Hickman responded one issue is a garage storage problem as well as having only 18 feet of clear space inside and parking two vehicles inside. He noted there are a couple of steps from the door leading into the home which are projecting into the garage.

Chairman Bradley stated there is no ability at the western part of the garage and there is no way to ameliorate the problem from within the garage walls and no ability to move the western wall over. He stated what they are looking to do is if the 1.5 feet could be achieved on the western side as opposed to the east side, if that is reasonably practical and asked Mr. Hickman to explain why it is not. Mr. Hickman stated the wall under the separation between the garage and stair is a foundation wall. He also stated the hallway is only 3 feet wide and there is no room to take space from there. Mr. Hickman then stated while they would be adding a closet and making the hallway a little bigger, there is no practical way to push to the west.

Chairman Bradley asked if the applicants are grappling with space that is otherwise available in a noncompliant home. He then stated two vehicles can be parked in the garage and other items one would expect to put in a garage cannot be put there. Mr. Hickman stated because of the garage width, you cannot park two vehicles in there and open the doors or easily get into the door of the home.

Tom Walker, the property owner, stated the garage storage is a small part of the overall problem and the bigger problem is immediately to the west and if they could have solved the problem by moving the west wall, they would have done that 10 years ago. He referred to it as a load bearing wall. Mr. Walker stated the hallway entry point is a challenge and is a problem now that their children are older.

Chairman Bradley asked if there were any questions. Ms. Handler asked if the option to lose the staircase in the hallway is not an option since it is a structural wall. Mr. Hickman stated that is the staircase to the basement. Mr. Greable asked if the garage was built when the home was built in 1927. Mr. Hickman confirmed that is correct. He added the area on the front of the home which was removed

DRAFT

was for storage. Mr. Nielsen asked if the area above the garage is being completely remodeled. Mr. Hickman stated it is proposed to be rebuilt and would contain the same functions as are there now.

Chairman Bradley stated the three variations are all the Board is authorized to consider and the side yard setback is in furtherance of the use of the garage. He then asked if there were any other questions. No additional questions were raised at this time. Chairman Bradley asked if there were any comments from the audience. Mr. Hickman referred to the letter in the packet from the east neighbor. Chairman Bradley called the matter in for discussion.

Ms. Balassa stated she understood the difficulty of the two vehicles and the nature of the home's setbacks are being addressed. Mr. Greenough stated he is not troubled by the proposal and it seemed to be a minor variation to improve the character of the home and he would be in favor. Ms. Hanley stated they are talking about 17 inches and the fact that it is a little off in terms of it being consistent with the rest of the home because of the grade, she had no problem with 17 inches. Ms. Handler agreed it is a reasonable request given the actual amounts and what the few inches would allow them to gain. She also stated there are garage doors that appear to be two doors that maybe they could consider. Mr. Greable stated he supported the application and referred to the first portion of the request with the remaining two being a continuation of that. He then stated the change to be made cannot be seen from Sheridan Road. Mr. Greable added there would be no impact to the locality.

Mr. Nielsen asked where the 17 inches is coming from. A Board Member stated they are adding 1 feet 5 inches to the east side of the garage, which is 17inches. Chairman Bradley stated the required side yard setback is 12 and they are already existing nonconforming. Mr. Nielsen then stated while he is not indifferent and the request is not a huge ask, he stated what is there is being kept and the home's character is not being altered too much. He then stated he questioned the circumstance altogether and referred to the garage not being much bigger and would still hold two vehicles. Mr. Nielsen also stated although the request is small, he questioned whether it is necessary.

Chairman Bradley stated he would be in support of recommending approval and in taking each of the variations standing alone and applying the standards to them, the rear yard setback and front-facing garage are not intended to change and are procedural in nature. He stated they would continue to use the home in the manner intended and with regard to the first one relating to the 17 inches they are pushing further out, it is already existing nonconforming. Chairman Bradley then stated for the side yard setback, in looking at the standards, it is a unique situation and is special to the property along with the fact there is no other viable place to put a two car garage. he then stated while a lot of people would say a two car garage is expected to get reasonable return, that is not true but is a convenience you would expect to see in the R-2 district and the ability of the applicants to not be able to maximize the full potential of the property to get reasonable return would likely necessitate a functioning two car garage. He stated the testimony expressed their inability to meet that. Chairman Bradley also stated in terms of alternatives so as not to require granting variances, moving inward of the garage on the western wall would create undue hardship to the applicants. He concluded he is support of the application.

Ms. Balassa and Mr. Nielsen agreed the request would be fine.

Chairman Bradley then asked for a motion to recommend approval of the request as stated on page 8 of the staff report. Mr. Greable moved to recommend the approval of the variations as set forth on page 8. Several Board Members seconded. Ms. Hanley then stated while the Village Council has final jurisdiction, she asked if it is because the rear yard setback is not over 50%. Ms. Klaassen responded the

DRAFT

side yard variation of 64% triggers the entire application counting as a major variation and going to the Village Council for final approval.

A vote was taken and the motion unanimously passed, 7 to 0.

AYES: Balassa, Bradley, Greable, Greenough, Handler, Hanley, Nielsen
NAYS: None

<u>Case No. 20-10-V2: 191 Sheridan Road</u>: 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.

Ms. Klaassen stated the front yard setback the applicants are requesting is to allow a setback 20.93 feet whereas a minimum of 50 feet is required, a variation of 29.07 feet or 58%. She noted there is an existing accessory building in the approximate location of the proposed structure which currently provides a front yard setback of 33.5 feet and is considered legal nonconforming. Ms. Klaassen then stated the lake front property is located on the east side of Sheridan Road and contains an existing residence along with the accessory structure mentioned. She stated the property is zoned R-2 single family residential and is bordered by R-2 to the north and south and R-4 to the west.

Ms. Klaassen stated in November 2017, the Village Council adopted an ordinance granting variations to allow the construction of an artist's studio, stone wall and swimming pool in the front yard of the property. The variations were to permit: (a) a swimming pool in the front yard and (b) the construction of the proposed improvements with a front yard setback of 13.58 feet. She stated the building permit for those improvements was approved in June 2018, however construction did not begin and the permit expired. Ms. Klaassen then stated one of the conditions of approval was for the construction of those improvements to begin within 12 months of the approval date and since that did not occur, the approval expired.

Ms. Klaassen stated the applicants have since scaled back the proposed construction and have submitted the variation request currently in front of the Board. She stated the existing lake front cabana would be removed to accommodate the proposed accessory building. Ms. Klaassen then stated as identified in the floor plan, the building would provide a living area, powder room and storage areas and measure approximately 22.5 feet x 16.6 feet or approximately 374 square feet. She stated unlike the plan previously presented in 2017, the current plan did not include the construction of a pool or tunnel connecting the structure to the existing residence. Ms. Klaassen stated the proposed plan also includes maintaining the vast majority of the existing stairs down the bluff and maintaining the existing concrete walkway along the water's edge. She then stated the slide shows the proposed front elevation and the proposed front elevation of the artist's studio approved in 2017 which measured 1,129 square feet.

Ms. Klaassen stated the Board is to consider whether or not the requested variation meets the standards for granting the variation and after public comment and Board discussion, a Board Member can make a motion as shown on the draft on page nos. 6 and 7 of the agenda report. She then asked if there were any questions. Chairman Bradley also asked if there were any questions for Ann. No questions were raised at this time.

DRAFT

Jeff Harding of GTH Architects introduced himself to the Board along with his clients, the contractor and north/south neighbors. He stated he would summarize where they started 2.5 years ago in terms of scope of the work with the Village Council approving the request. Mr. Harding stated in the following months while undergoing an evaluation of the scope and means and methods of construction, with regard to the scale and working with the neighbors, they came back to the table to reduce the scope, construction and length of time the project would take in order to be more mindful of the neighbors. He stated in that vein and to maintain the overall character which was originally presented and maintaining and balancing of the needs and desires of the structure, they went back to the drawing board. Mr. Harding stated there would be the same footprint of the existing cabana structure since its condition is deteriorating. He noted it is not due to neglect, but due to the age and type of block used. Mr. Harding also stated they tried to bring back as much as they could to use the cabana type beach structure and have storage and maintain a terrace on top of the roof.

Chairman Bradley stated he, Ms. Balassa and Mr. Greable were on the Board at the time of the prior approval. He stated he went over the minutes and the Board voted unanimously to recommend approval. Chairman Bradley stated what was discussed then were the improvements necessary in securing the bluff and the damage and erosion to the existing structure. He then stated he appreciated that this would be a more modest proposal than before. Chairman Bradley asked Mr. Harding to address whether those fears have been allayed over the years since they are planning on keeping stairs and structure which was there and was the basis of their argument to maintain bluff before.

Mr. Harding responded in the revised proposal, the existing stairs are not in bad shape and do need some repairs but did not require them to be removed. He also stated the area between the two stair cases is represented by a dotted line and the area down to the structure is the area which has to be addressed for stability. Mr. Harding then stated the grading of the property from the bluff's edge down would be addressed with drainage which is not there now, as well as addressing vegetation to hold the bluff in place.

Ms. Balassa asked how much of the planting has changed. Mr. Harding stated from the previous plan, the only change is that there would be less grading work going from the existing stair to the neighbor's property. He then stated Mariani's landscape plan would change between the stairs since there is a broader area between the stairs with the plantings keeping with the covenant with the neighbors visually and for it to be more aesthetically pleasing lakeside. Mr. Harding noted it would not have a tall height or block the neighbors' views. He added Mariani Landscaping would be involved heavily in the project.

Chairman Bradley asked if there were any other questions. Mr. Greenough stated in terms of the design, he asked if the difference between this and the previous plan is attributable to the encroaching lake. Mr. Harding referred to the approved plan to the floor level of the cabana space at 3 feet to give it breathing room. He also stated they brought it back and are asking for less of a setback variance while leaving some of the gambit walls and stairs to the lake. Mr. Harding noted they were mindful of the fluctuating lake level and stated while they have the opportunity, they determined it would be wise to take a look at it and ease it a bit. He then stated in the previously approved plan, they were comfortable based on the recommendations from the experts at the last hearing. Chairman Bradley asked if there were any other questions. No additional questions were raised at this time. He then asked if there were any comments from the audience.

DRAFT

Dr. Mesutta, 181 Sheridan Road, introduced herself as the south neighbor and just got notice about the meeting a week ago. She stated she was in Miami for the winter and was not here at the meeting when the Board considered the previous proposal. With the previous proposal, Dr. Mesutta stated the contractor told them there were going to be some repairs only and not major work and asked if they could use some of her property which she originally agreed to.

Dr. Mesutta stated the reason the project changed is because she had big concerns about her foundation. She informed the Board her home and the Santi's home were built in 1924 with a pool and bluff. Dr. Mesutta stated she was very worried about the excavation and a structural engineer was hired to make sure they would not crack the pool or foundation. She then stated they objected to the applicants using the easement on her land for access for construction equipment. Dr. Mesutta also stated the project was stopped and scaled back with a much smaller project. She then stated if there is no excavation, she had no objection and asked if the height of the building was high enough to obstruct her view from the bluff. Dr. Mesutta also claimed that she was not given the proper 30 day notice.

Chairman Bradley stated the Board appreciated her comments and assumed proper notice was given. Mr. Schoon responded notice is done according to the code requirements. Ms. Klaassen added notice is mailed a minimum of 10 days prior to the hearing via regular mail and is also published in the paper 15 days prior to the meeting. Dr. Mesutta commented that is short notice and stated in the winter, no one is here.

Charles Hannon, 181 Sheridan Road, stated from the original project, problems were discontinued and the applicants shared the new project with them to build on the existing foundation and eliminate the need for heavy equipment. He also stated it would not precipitate mitigation between the homes since there is only 11 feet between them. Mr. Hannon then stated it is no longer a problem and the applicants have now agreed to bring the stone in on a barge. He then stated with regard to the view and easement, years ago, it used to be a family complex with three buildings and now there are three properties. Mr. Hannon noted their property line follows the line of the foundation and the easement came with the sidewalk and they could not mow their lawn if not for the easement. He then stated that problem has been solved.

Mr. Hannon stated they were worried when the previous owner of the subject property dug a basement to park vehicles and the dirt from that went into the front yard. He noted the O'Malleys were the original owners of all three homes. Mr. Hannon informed the Board their bluff is reinforced with concrete and is an issue. He referred to the cost and stated everyone on the lake front is worried about erosion and they do not want any problems with the bluff. He then stated if they plan to build on the existing foundation and not use drills and the heavy equipment is brought in on a barge if needed, they had no problem.

Mr. Hannon then stated in terms of wording on the application, it is described as construction and it is actually a remodeling and asked if there is a difference between new construction and remodeling. Chairman Bradley stated, in either case, plans need to get submitted. Mr. Hannon stated they are here for the variation issue only. The Board Members confirmed that is correct. Mr. Hannon then asked if the variation is not issued, if it would defeat the project. Chairman Bradley stated the Board is a recommending body to the Village Council which has final jurisdiction to grant the variation and they rely on this Board as an advisory body. He asked if there were any other comments from the audience.

DRAFT

Leo Birov, 195 Sheridan Road, stated he had concerns and was not given notice and that Ms. Klaassen called him. He suggested they find a better way to communicate. He then stated he did not receive notice last time and was concerned with the scale. Mr. Birov referred to the investment in the property, trees, etc. and stated if it is necessary to do shoring, they should require it. He also stated he is concerned with the use of the existing foundation and that he made a bluff and stair investment in his property. Mr. Birov informed the Board he is a builder and noted Kenilworth has 75 feet protection from the bluff, Highland Park has 40 feet, etc. and Winnetka is the only one which allowed building into the bluff. He also stated the lake is very high and questioned whether anyone should be doing it.

Chairman Bradley noted for the record, the matter was properly noticed and the residents' comments are incorporated into the record. He then asked if there were any other comments. Mr. Greable asked for the applicants to respond.

Nancy and Scott Santi introduced themselves to the Board. Mrs. Santi stated it all started because the building looks awful and was built after the historic home. She stated they are trying to live in the home forever and do not want to change the home. She stated they want to replace the building which looked awful and did not match the home. Mrs. Santi noted they would rebuild using the same craftsman carved stone of the original home and would make it beautiful. She then stated as they were planning the project, they worked with the neighbors and addressed their concerns. Mrs. Santi stated since they were not sure they would finish the original proposed project before their neighbors' party, they stopped the project. She also stated she and her husband were respectful of the neighbors and found experts to ensure they do it the right way and protect the bluff with minimum negative consequence to the neighbors. Mrs. Santi also stated they have done sight lines and if they slid it up the hill to meet the setback, it would be above the sight lines and they want it to stay low. She also stated there is a huge retaining wall on their property and they all have nice retaining walls.

Chairman Bradley asked if there were any other comments. No additional comments were made at this time. He then called the matter in for discussion.

Ms. Balassa recalled the neighbors' concern and stated the neighbors built their home and changed their experience which impacted her approval before. She then stated she appreciated the balance of the neighbors' concerns and they are wedged in a difficult situation. Ms. Balassa stated the Village allowed a massive change to the north and what was proposed now is generous to the neighbors compared to what was proposed before. She also stated there was discussion of the effect of the north home which affected them before and there are compromises which need to be made. Ms. Balassa concluded it is a very reasonable plan and in light of what was already approved, she would be in strong support of the scaled down plan.

Chairman Bradley stated he was in favor before and it would be a true about face to say he would not be in favor of the application which further reduced the amount of the variation. He then stated in terms of the background, the challenge is to make sure historic homes are preserved and the opportunity is there as owners to take advantage and maximize what is available under the conditions allowed to build a new home. Chairman Bradley referred to the north neighbors who took advantage of it. He then stated he hoped these owners stay in the historic home, and they should be supportive as best as they can to allow it to continue. He added the existing structure is eroding around them and with regard to shoring up the bluff, he appreciated the neighbors saying it is their bluff. Chairman Bradley stated any part of bluff erosion has an effect on all of Winnetka's residents and any effort to help solidify the structure should be done.

DRAFT

Chairman Bradley then stated in terms of tonight's testimony and not in 2017 since the south residents were not there, the neighbor interaction still needed to still happen once it moves forward in terms of mitigating potential effects of the bluff and surrounding infrastructure. He described the north neighbors' argument as valid in that activity on that space needs to be done in the right way with the right engineering so that their investment is not affected. Chairman Bradley then stated he was further impressed by the application because it recognized concession needed to be made to get approval. He also stated while timing was an issue, they could have come back with the same proposal and the same dilemma and they would further reduce the impact on the area and give them what they already have as a structure to enjoy and further enhance and solidify the bluff. He stated he is fully in support and described it as an unusual situation in talking about these structures on the unique property of the lakeshore. Chairman Bradley reiterated there is work to do with the neighbors to make sure the execution worked.

Mr. Greable stated he recalled distinctly when he walked the property in 2017 that it is a very unique piece of property from Sheridan Road to the bluff. He also referred to the long driveway and beautiful home which is vintage 1920's. Mr. Greable then referred to the damage from the water against the bluff and stated the same thing when he walked the property today. He agreed something needs to be done and he is in favor of the request. Mr. Greable also stated there should be some way to make a recommendation that the neighbors have a conversation on their recommendation and their mutual admiration to cure the bluff area.

Chairman Bradley stated the Board cannot put a condition to require the applicants to allow the neighbors' opinion on something they are otherwise entitled to do on their property.

Mr. Nielsen stated he agreed with being neighborly and having that discussion. He also stated bluff maintenance is important to them and there is a good amount of maintenance there and it is being thoughtfully addressed. Ms. Hanley stated she had concerns about 13 feet of backyard on the lake and described the variation as huge and that she also understood the bluff consideration. She indicated she is not comfortable with making the variation bigger than what is already there. Ms. Hanley then stated although she was not here in 2017, for the proposal at that time and now, she worried about the condition of the bluff in general and asked why they have to introduce more into the setback.

Chairman Bradley stated their purview is not the size of the structure. Ms. Hanley then stated she is concerned about the building going further toward the lake and she did not see the rationale for a variation bigger than what is currently there. Chairman Bradley asked for the architect to comment.

Mr. Harding stated in looking at the structure as the volume encroached on the lake. He stated with a rear yard of 13 versus 20 feet, for the structures on that property now, where they are bringing it forward, there is already a foundation wall and walkway into the structure which he clarified in an illustration. Mr. Harding noted they would only be increasing the massing 3 feet and the retaining wall is concrete. He also stated there would be more discussion with the neighbors with regard to the process and sight lines and they are mindful if they pulled it back and are mindful of the lake. Mr. Harding then stated they are designing it for the clients and neighbors including the bulk of the structure compared to where it is now.

Ms. Hanley then stated she is more comfortable. Mr. Greenough stated he would be in favor for the reasons stated. He then stated a couple of years ago, they approved a similar and larger project and it would be inconsistent to now to reject the application. Ms. Handler also stated she is in favor of the

DRAFT

application and the applicants did not take the project lightly. She also stated the plan is appropriate to the home which could have been torn down and the historic home benefits the community.

Ms. Hanley stated as long as the structure did not introduce more than what is already there and the structures already there would not be more intrusive than those. Chairman Bradley stated he would be in support and asked for a motion to recommend approval of the application as noted on page 6.

Mr. Greenough moved to recommend approval of the requested variation as noted on page 6 of the staff report. Mr. Nielsen seconded the motion. A vote was taken and the motion unanimously passed, 7 to 0.

AYES: Balassa, Bradley, Greable, Greenough, Handler, Hanley, Nielsen
NAYS: None

Other Business – Comprehensive Plan Status Update

Mr. Schoon passed out a flyer for the Open House scheduled for March 18, 2020 and encouraged everyone to come and give ideas. He then stated Board members have talked about zoning issues with the consultant, and now we want to hear from the Board on other issues and encouraged the Board members to invite their neighbors and friends to come. Mr. Schoon stated it would be from 6:30 to 8:30 p.m. and they can stay as long as they want.

Chairman Bradley asked if any of this planning on Open Houses as related to the corona virus would result in delaying or putting off the consultant's activities. Mr. Schoon responded they will discuss it this week to see whether it should or not and they would keep an eye on it to see if they should postpone or look at another means of gathering information. Chairman Bradley asked if there were any questions. No questions were raised at this time.

Next Meeting - April 13, 2020 - Quorum Check

The Board Members discussed their availability. Ms. Klaassen stated there would be a bare quorum. She noted the deadline is Wednesday and they are expecting applications.

Public Comment

Chairman Bradley noted there is no one in the audience to comment.

Adjournment

The meeting adjourned at 8:20 p.m.

Respectfully submitted,

Antionette Johnson
Recording Secretary

DRAFT

MEMORANDUM
VILLAGE OF WINNETKA
COMMUNITY DEVELOPMENT DEPARTMENT

TO: ZONING BOARD OF APPEALS

FROM: ANN KLAASSEN, SENIOR PLANNER

DATE: MAY 4, 2020

SUBJECT: CASE NO. 20-15-V: 1246 SPRUCE STREET –VARIATIONS

INTRODUCTION

On May 11, 2020, the Zoning Board of Appeals will conduct a virtual public hearing, in accordance with social distancing requirements and Governor Pritzker's Stay-at-Home Executive Order, on an application filed by Patricia and Christopher O'Connell (the "Applicants") as the owners of the property at 1246 Spruce Street (the "Subject Property"). The Applicants request approval of the following zoning variations to allow the construction of a second floor addition on the existing residence on the Subject Property:

1. Front yard setback of 49.97 feet, whereas a minimum of 50.02 feet is required, a variation of 0.05 feet (0.01%) [Section 17.30.050 – Front and Corner Yard Setbacks] [Note: The residence currently provides a front yard setback of 50.02 feet];
2. Side yard setback of 5.62 feet from the east property line, whereas a minimum of 7.5 feet is required, a variation of 1.88 feet (25.07%) [Section 17.30.060 – Side Yard Setback] [Note: The residence currently provides an east side yard setback of 5.62 feet]; and
3. Total side yard setback of 12 feet, whereas a minimum of 18.75 feet is required, a variation of 6.75 feet (36%) [Section 17.30.060 – Side Yard Setback] [Note: The residence currently provides a total side yard setback of 12 feet].

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 Talk* on April 23, 2020. As of the date of this memo, staff has not received any written comments from the public regarding this application.

The Zoning Board of Appeals has final jurisdiction on this request as the Board has the authority to grant variations to reduce front yard and side yard setbacks by no more than 50%.

PROPERTY DESCRIPTION

The Subject Property, which is approximately 0.34 acres in size, is located on the south side of Spruce Street, between Glendale Avenue and Hibbard Road, and contains an existing two-story residence (see Figure 1). The property is zoned R-4 Single Family Residential, and it is bordered by R-4 Single Family Residential to the east, west, and south and R-2 Single Family Residential to the north (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.

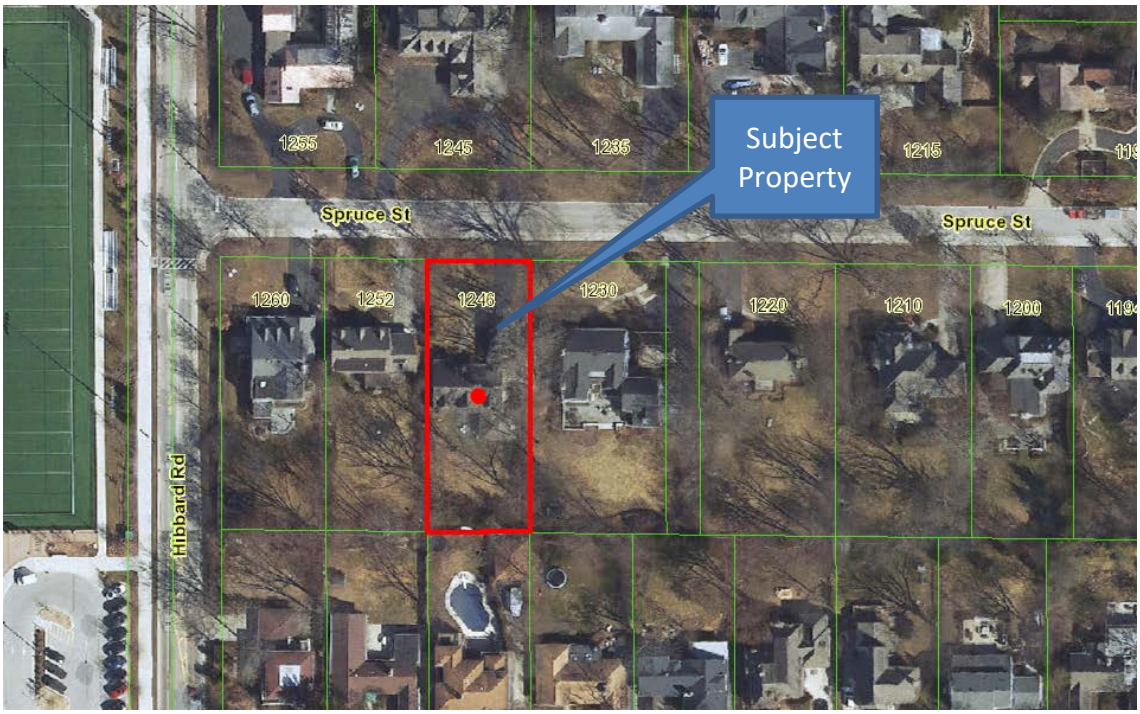


Figure 1 – Aerial Map

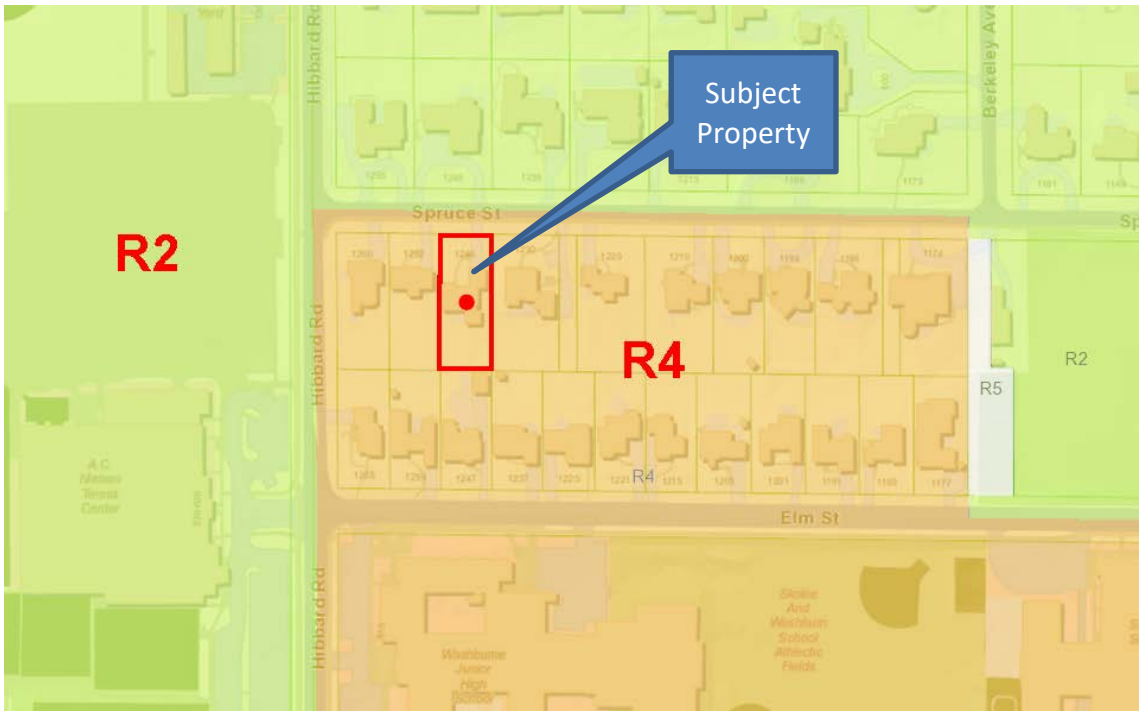


Figure 2 – Zoning Map

PROPERTY HISTORY AND PREVIOUS ZONING APPLICATIONS

The residence was built in 1950. Subsequent building permits were issued in 2010 to construct a one-story addition at the rear of the residence, and in March 2020 to expand a dormer on the second floor and add a front porch. Figures 3 and 4 on the following page contain photos of the site and identify the dormer expansion for which a building permit was issued in March. The Applicants acquired the property in November 2019. There are no previous zoning cases on file for the Subject Property.

Figure 3 – Subject Property

Figure 4 – Subject Property

PROPOSED PLAN

The variations are being requested in order to construct a second floor addition above the existing attached garage. The proposed addition would consist of a master suite measuring approximately 21.67 feet by 27 feet (588 square feet).

Excerpts of the proposed site plan, second floor plan, and north and east building elevations are provided below as Figures 5 through 8. The complete set of plans representing the existing conditions as well as the proposed addition is provided in Attachment C.

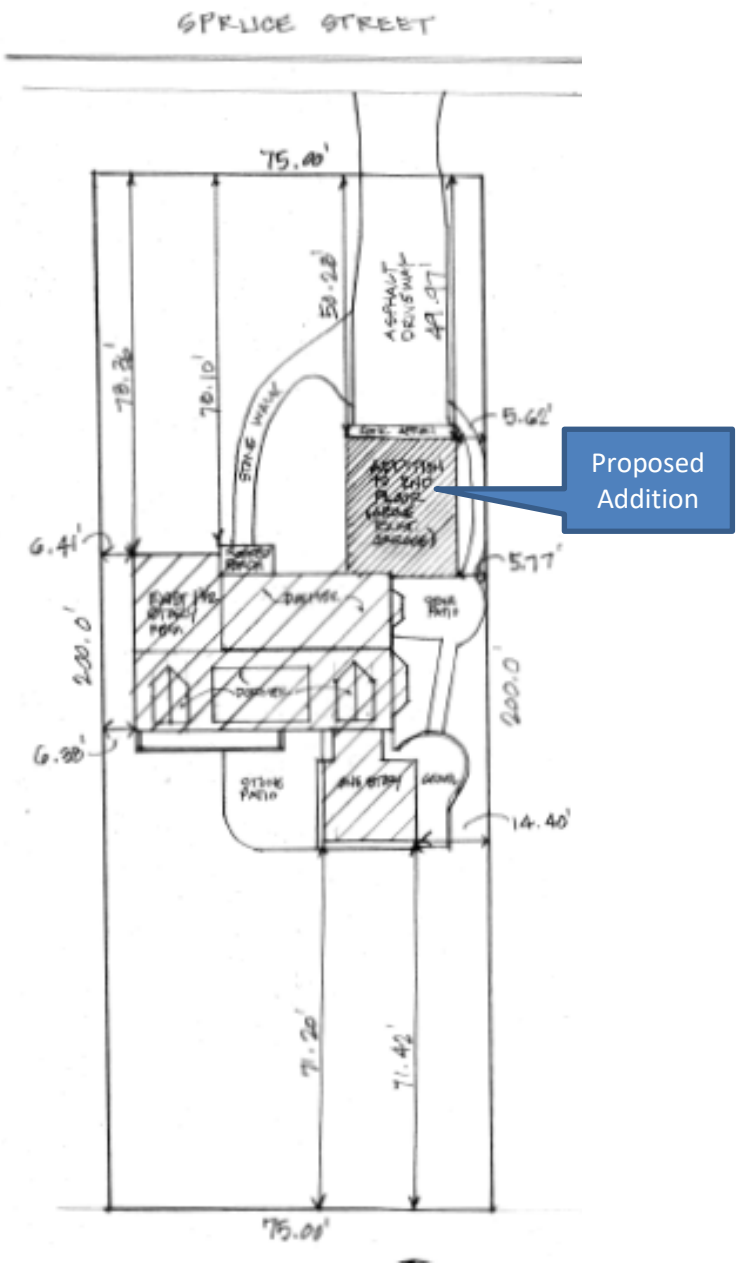


Figure 5 –Site Plan

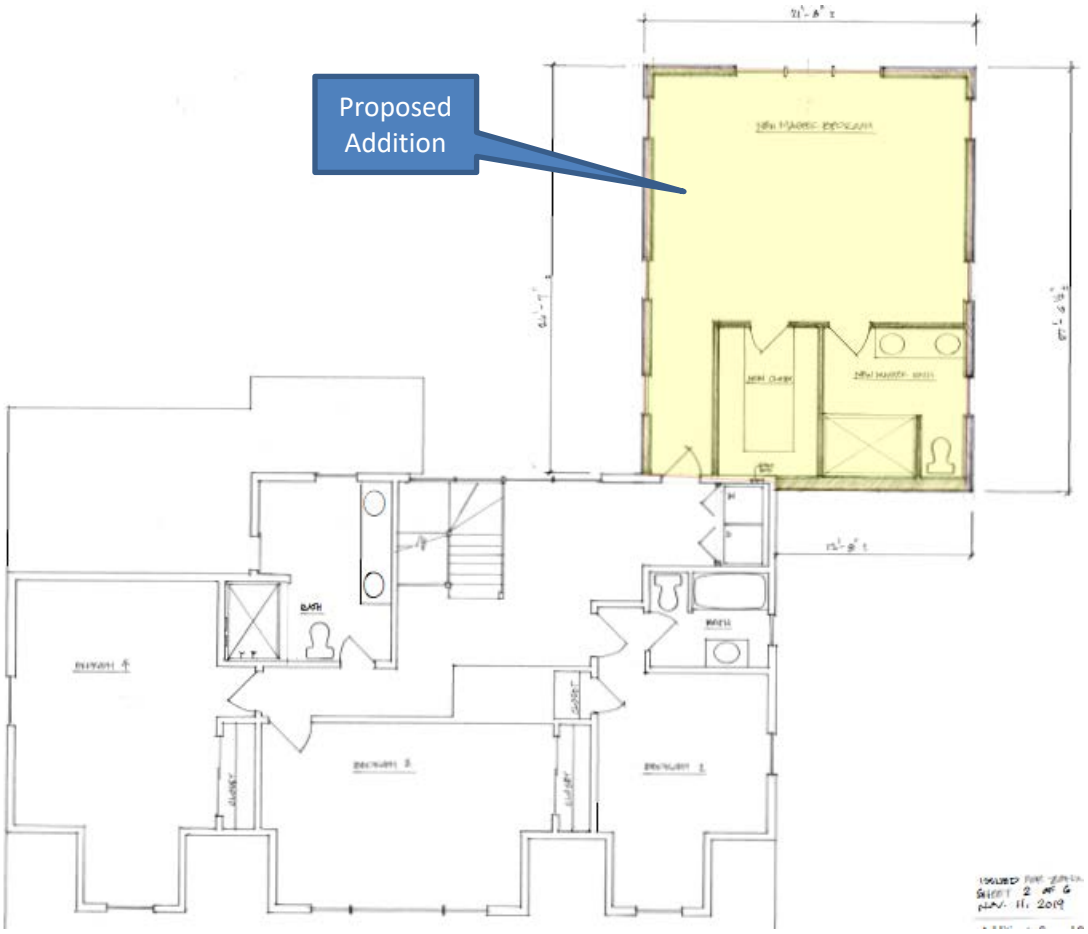


Figure 6 – Proposed Second Floor Plan

Figure 7 - Proposed North Elevation

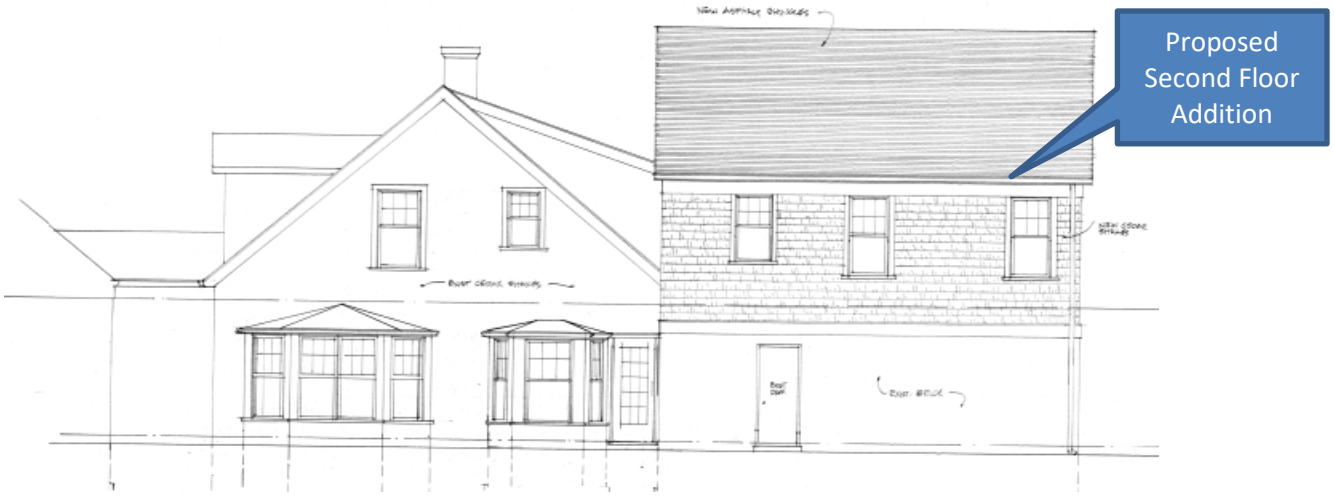


Figure 8 – Excerpt of Proposed East Elevation

Given the ZBA often receives questions regarding the stormwater regulations applicable to a specific request being considered by the ZBA, it is worth noting that portions of the property are located within the 100-year floodplain. Therefore, the proposed improvement must comply with the Village of Winnetka Flood Hazard Protection Ordinance. Village Engineering staff approved the improvements currently under construction and will review the proposed improvement as well. Due to the fact the proposed plan consists of a second floor addition without any additional impermeable lot coverage, it appears additional stormwater detention would not be required (see Attachment B – Stormwater Matrix). However, a final determination will be made by Village Engineering Staff. Additionally, Figure 9 below represents the Subject Property's proximity to the floodplain. The grey represents the 100-flood area.

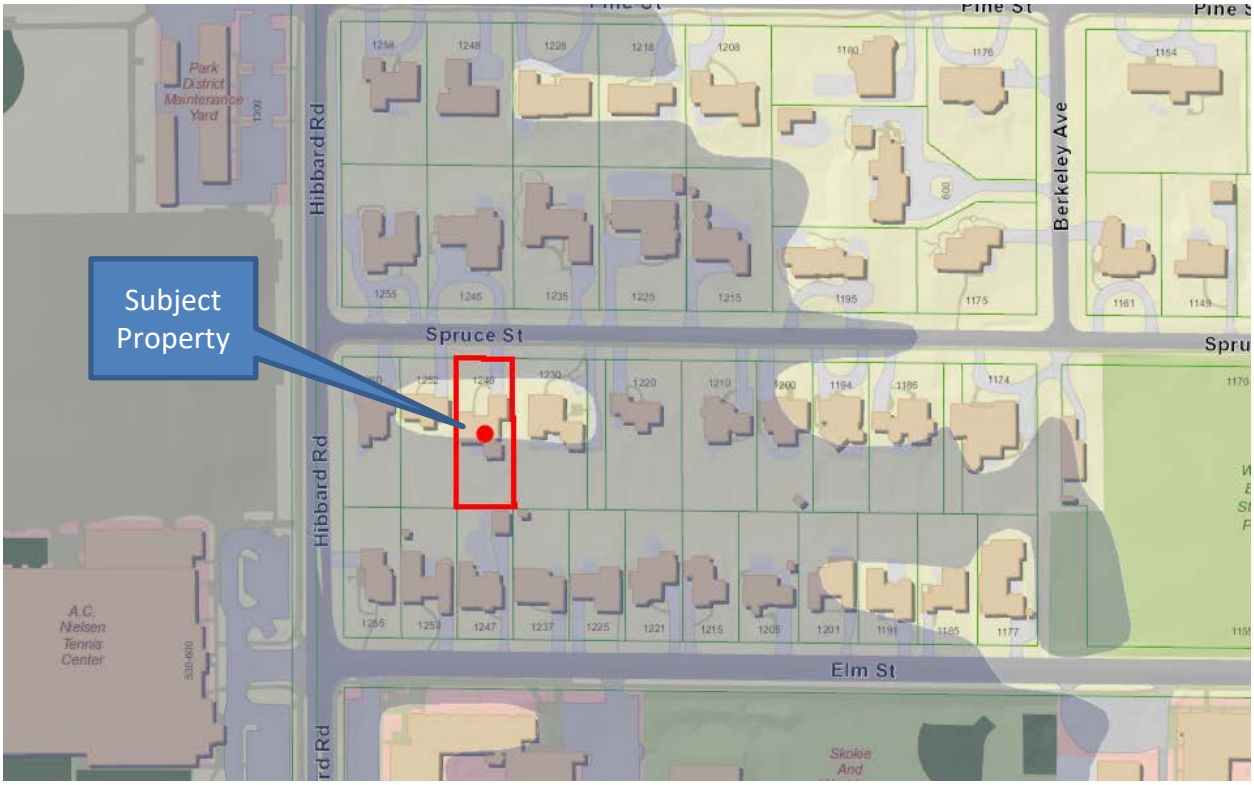


Figure 9 – GIS Floodplain Map

REQUESTED ZONING RELIEF

The attached zoning matrix highlights the existing lot and the proposed improvement's compliance with the R-4 zoning district (Attachment A). Three variations are being requested: (1) minimum front yard setback; (2) minimum side yard setback; and (3) minimum total side yard setback.

Front Yard Setback. The existing residence is legally nonconforming with respect to the front yard setback as the residence currently provides a front yard setback of 49.97 feet, encroaching the required front yard setback of 50.02 feet (the average of the block) by 0.05 feet (0.01%). The proposed addition would match up with the front of the existing attached garage and provide the same setback of 49.97 feet.

Minimum Side Yard Setback. The residence is also legally nonconforming with respect to the minimum side yard setback as the residence currently provides a setback of 5.62 feet from the east property line and 6.38 feet from the west property line, whereas the minimum required side yard setback is 7.5 feet. The proposed addition is located on the east side of the residence and would match up with the east wall of the existing garage and provide the same setback of 5.62 feet, encroaching the minimum required side yard setback of 7.5 feet by 1.88 feet (25.07%).

Total Side Yard Setback. Lastly, the existing residence is also legally nonconforming with respect to the required minimum total side yard setback of 18.75 feet as the residence currently provides a total side yard setback of 12 feet; encroaching the required total side yard setback by 6.75 feet (36%). The proposed addition would not encroach any further into the side yards; rather it would match the setbacks currently provided by the existing residence.

REQUESTED ZONING CONSIDERATION

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

1. Front yard setback of 49.97 feet, whereas a minimum of 50.02 feet is required, a variation of 0.05 feet (0.01%) [Section 17.30.050 – Front and Corner Yard Setbacks].
2. Side yard setback of 5.62 feet from the east property line, whereas a minimum of 7.5 feet is required, a variation of 1.88 feet (25.07%) [Section 17.30.060 – Side Yard Setback]; and
3. Total side yard setback of 12 feet, whereas a minimum of 18.75 feet is required, a variation of 6.75 feet (36%) [Section 17.30.060 – Side Yard Setback].

FINDINGS

In the attached application materials submitted by the Applicants, the Applicants have provided a statement of justification regarding how the requested variations meet the standards for granting the requested zoning variations. Does the ZBA find that the requested variations meet the standards for granting such variations; and if so, is the ZBA prepared to approve the requested variations?

Staff has prepared the attached draft resolutions for the Board's consideration (Attachment D). One resolution approves the request, while the other denies the request. A Board member may wish to make a motion to adopt either the resolution to approve the requested variations or the resolution to deny the requested variations.

ATTACHMENTS

Attachment A: Zoning Matrix

Attachment B: Stormwater Matrix
Attachment C: Application Materials
Attachment D: Draft Resolutions

ATTACHMENT A

ZONING MATRIX

ADDRESS: 1246 Spruce Street
CASE NO: 20-15-V
ZONING: R-4

ITEM	MIN/MAX REQUIREMENT	EXISTING	PROPOSED	DIFFERENCE BETWEEN PROPOSED & EXISTING	ZONING CODE COMPLIANCE (2)
Min. Lot Size	12,600 SF	14,998 SF	N/A	N/A	OK
Min. Average Lot Width	60 FT	74.99 FT	N/A	N/A	OK
Max. Roofed Lot Coverage	4,049.46 SF (1)	2,549.72 SF	2,549.72 SF	0 SF	OK
Max. Gross Floor Area	4,814.6 SF (1)	3,764.2 SF	4,352.35 SF	588.15 SF	OK
Max. Impermeable Lot Coverage	7,499 SF (1)	4,857.21 SF	4,857.21 SF	0 SF	OK
Max. Front Yard Lot Coverage	675 SF	535.5 SF	535.5 SF	0 SF	OK
Min. Front Yard (Spruce/North)	50.02 FT	49.97 FT	49.97 FT	0 FT	**0.05 FT (0.01%) VARIATION**
Min. Side Yard	7.5 FT	5.62 FT	5.62 FT	0 FT	**1.88 FT (25.07%) VARIATION**
Min. Total Side Yards	18.75 FT	12 FT	12 FT	0 FT	**6.75 FT (36%) VARIATION**
Min. Rear Yard (South)	25 FT	71.2 FT	71.2 FT	0 FT	OK

NOTES:
(1) Based on lot area of 14,998 s.f.
(2) Variation amount is the difference between proposed and requirement.

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.)	***Applies to 1246 Spruce Street*** *Based upon preliminary review of information to date, it appears that 1246 Spruce Street <u>would not</u> have to provide additional storm water detention volume.* ***However, a final determination will be made by Village Engineering staff****.*

ATTACHMENT C

VILLAGE OF WINNETKA, ILLINOIS

DEPARTMENT OF COMMUNITY DEVELOPMENT

RECEIVED MAR 11 2020 BY:

ZONING VARIATION APPLICATION

Case No. 20-15-V

VA-2020-161

Property Information

Site Address: 1246 Spruce street

Owner Information

Name: Patty & Chris O'Connell

Primary Contact: Same

Address: 1246 Spruce St

Phone No: [redacted]

City, State, ZIP: Winnetka IL 60093

Email: [redacted]

Date property acquired by owner: 11.1.19

Architect Information

Name: Donalee Floeter

Primary Contact:

Address: 3306 Hayes street

City, State, ZIP: Evanston IL 60201

Phone No: 847.322.7484

Email: Donaleefloeter@gmail.com

Attorney Information

Name: Phillip Cousi

Primary Contact: Cousi & Cousi

Address: 552 Lincoln Ave

City, State, Zip: Winnetka IL 60093

Phone No. 847.446.7372

Email: Pac@Cousilaw.com

Nature of any restrictions on property: None - Flood plain

Brief explanation of variation(s) requested (attach separate sheet providing additional details): Allow 2nd story above existing Garage

Property Owner Signat[redacted]

Date: 3.5.20

RECEIVED
MAR 11 2020
BY:

March 7, 2020

1246 SPRUCE STREET WINNETKA IL 60093

VILLAGE OF WINNETKA

EXPLANATION OF ZONING VARIATION 8 STANDARDS FOR GRANTING OF ZONE VARIATION.

1. The home we purchased at 1246 Spruce street is really a three bedroom home. We believe a previous owner turned the dining room into a 1st floor bedroom. We have looked at several comps and believe all other homes in the area have at least four bedrooms. We would like to bring this home up to the standards of the others in the neighborhood. We believe our request is for about a 6" the variation from the current code.
2. The circumstances of this request relate to the characteristics of the property and not the occupants. The garage built by the original owners was I'm sure according to the zoning codes or set-backs at that time which are different from those today.
3. The work we'd like to do will not alter the essential character of the house. Our intention is to enhance it.
4. None of the light or air to the adjacent property will be altered or impaired.
5. The chance of fire or damages to the property will not be increased.
6. The taxable value of the land will not be diminished.
7. The congestion in the public street will not increase.
8. The public's health, safety, comfort, morals or welfare will not be impaired by this addition above the garage.

PROFESSIONALS ASSOCIATED SURVEY, INC.

PROFESSIONAL DESIGN FIRM NO. 184-003023

7100 N. TRIPP AVENUE
LINCOLNWOOD, ILLINOIS 60712
www.professionalsassociated.com

TEL: (847) 675-3000
FAX: (847) 675-2167
e-mail: pa@professionalsassociated.com

PLAT OF SURVEY

OF

NORTH

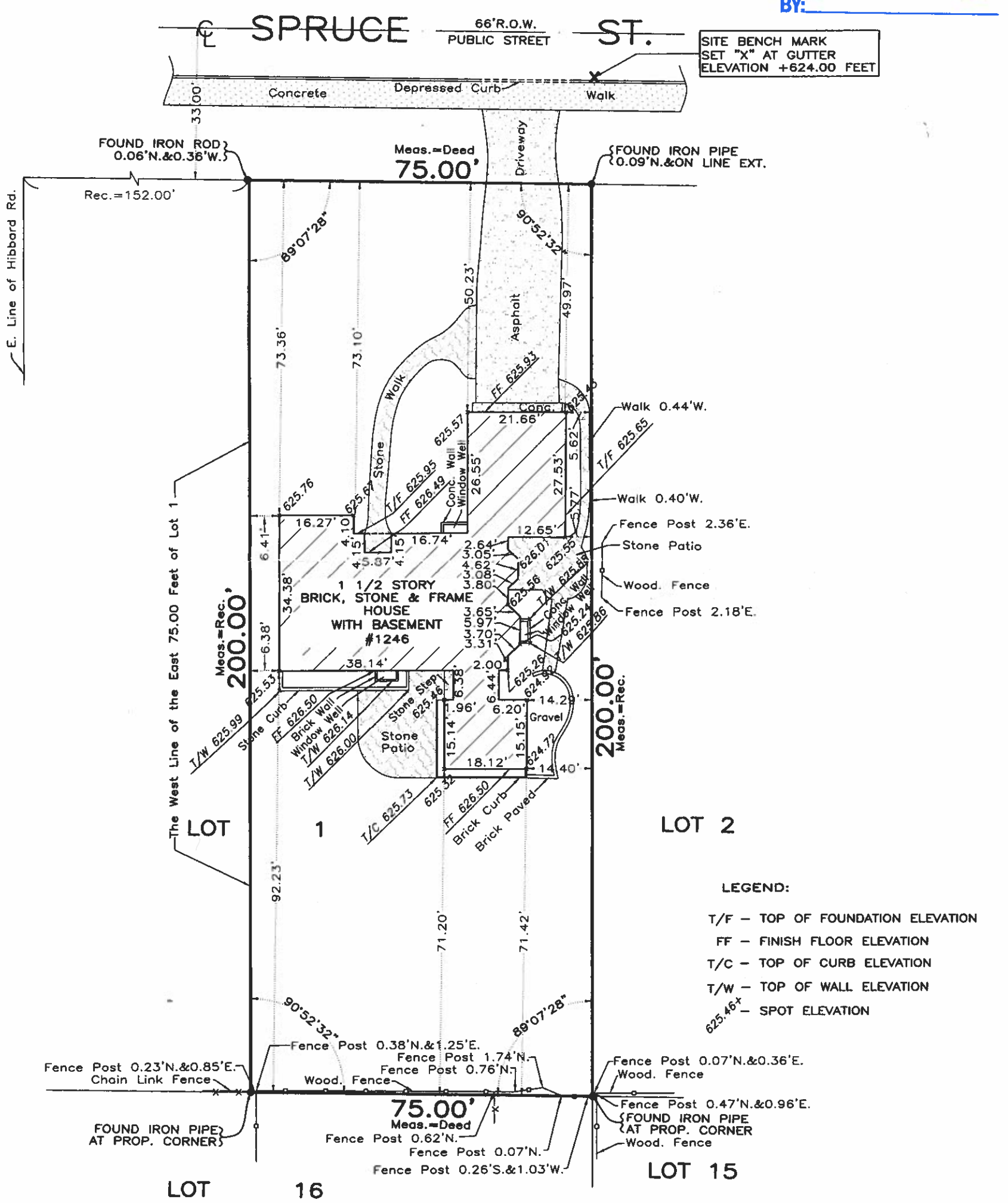
GRAPHIC SCALE
0 25
(IN FEET)
1 Inch = 25 Ft.

THE EAST 75 FEET OF LOT 1 IN MID PARK A SUBDIVISION OF BLOCK 2 IN EDGEWOOD, A SUBDIVISION OF BLOCKS 1, 2, 3, 6, 7 AND 8 AND CERTAIN VACATED STREET AND ALLEYS IN THE WINNETKA LAND ASSOCIATION, A SUBDIVISION OF THE NORTH 1/2 OF THE WEST 90 ACRES OF THE NORTHWEST 1/4 OF SECTION 20, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

LAND TOTAL AREA: 14,998 SQ.FT. = 0.344 ACRE.

COMMONLY KNOWN AS: 1246 SPRUCE STREET, WINNETKA, ILLINOIS.

RECEIVED
NOV - 6 2019
BY:



THE LEGAL DESCRIPTION SHOWN ON THE PLAT HEREON DRAWN IS A COPY OF THE ORDER, AND FOR ACCURACY SHOULD BE COMPARED WITH THE TITLE OR DEED.

DIMENSIONS ARE NOT TO BE ASSUMED FROM SCALING.

BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE SO RECORDED IN THE MAPS, OTHERWISE REFER TO YOUR DEED OR ABSTRACT.

Order No. 19-95450

Scale: 1 inch = 25 feet.

Date of Field Work: June 20, 2019.

Ordered by: JAN MCLAREN

NOTE:
ALL ELEVATIONS SHOWN HEREON ARE IN REFERENCE TO U.S.C. AND G.S. DATUM BENCH MARK ELEVATION 624.03 FEET (NAVD 88), A CONCRETE MONUMENT LOCATED ON NORTHWEST CORNER OF INTERSECTION OF PINE STREET AND HIBBARD ROAD.

HYLTON E. DONALDSON
035-002819
PROFESSIONAL LAND SURVEYOR
STATE OF ILLINOIS
LINCOLNWOOD, ILLINOIS

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

THIS SURVEY HAS BEEN ORDERED FOR SURFACE DIMENSIONS ONLY, NOT FOR ELEVATIONS.
THIS IS NOT AN ALTA SURVEY.

COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE.

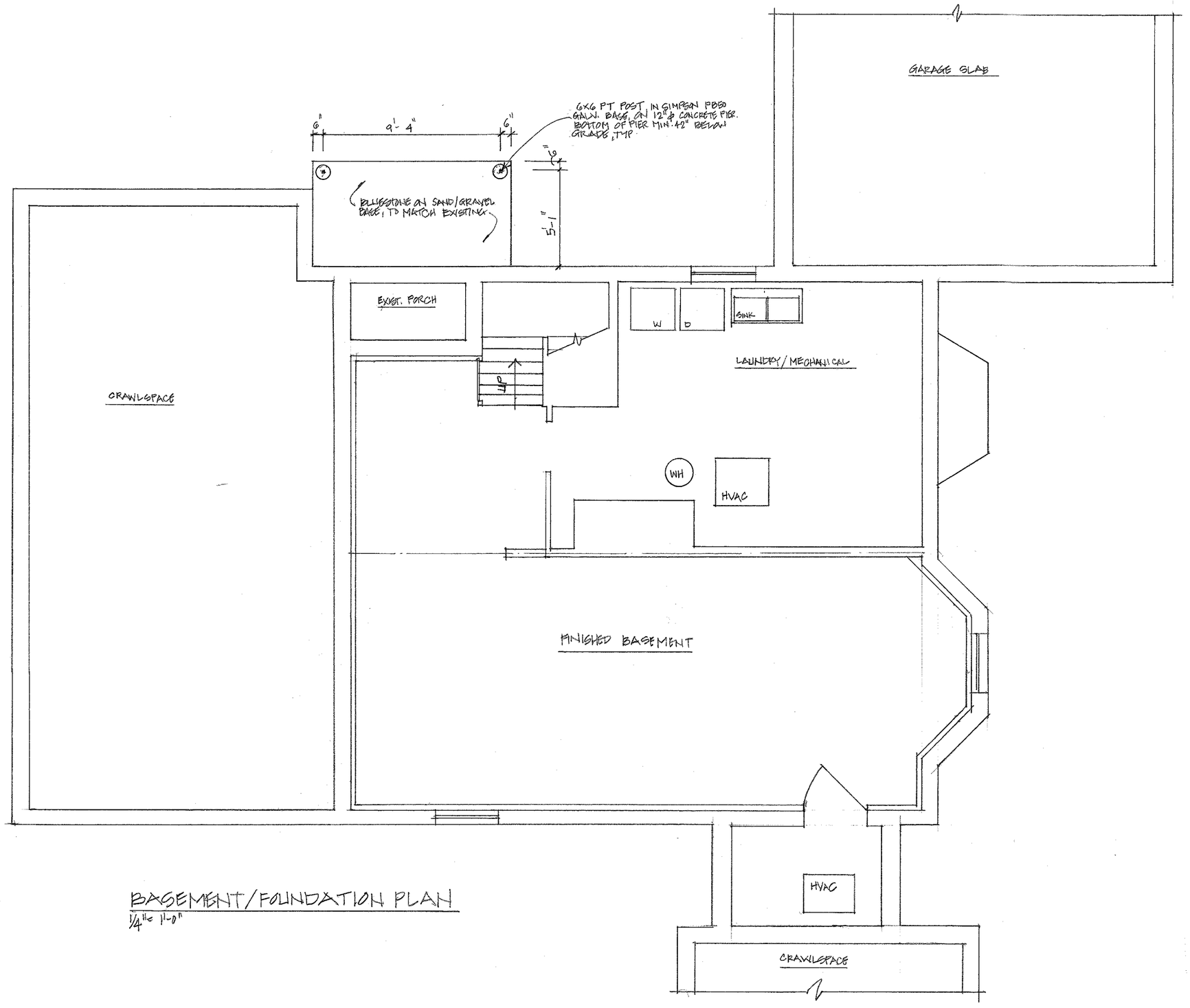
State of Illinois
County of Cook s.s.

We, PROFESSIONALS ASSOCIATED SURVEY INC., do hereby certify that we have surveyed the above described property and that, to the best of our knowledge, the plat hereon drawn is an accurate representation of said survey.

Date: June 27, 2019.

IL. PROF. LAND SURVEYOR - LICENSE EXP. DATE NOV. 30, 2020.

Drawn by: J.V.



BASEMENT/FOUNDATION PLAN
1/4" = 1'-0"

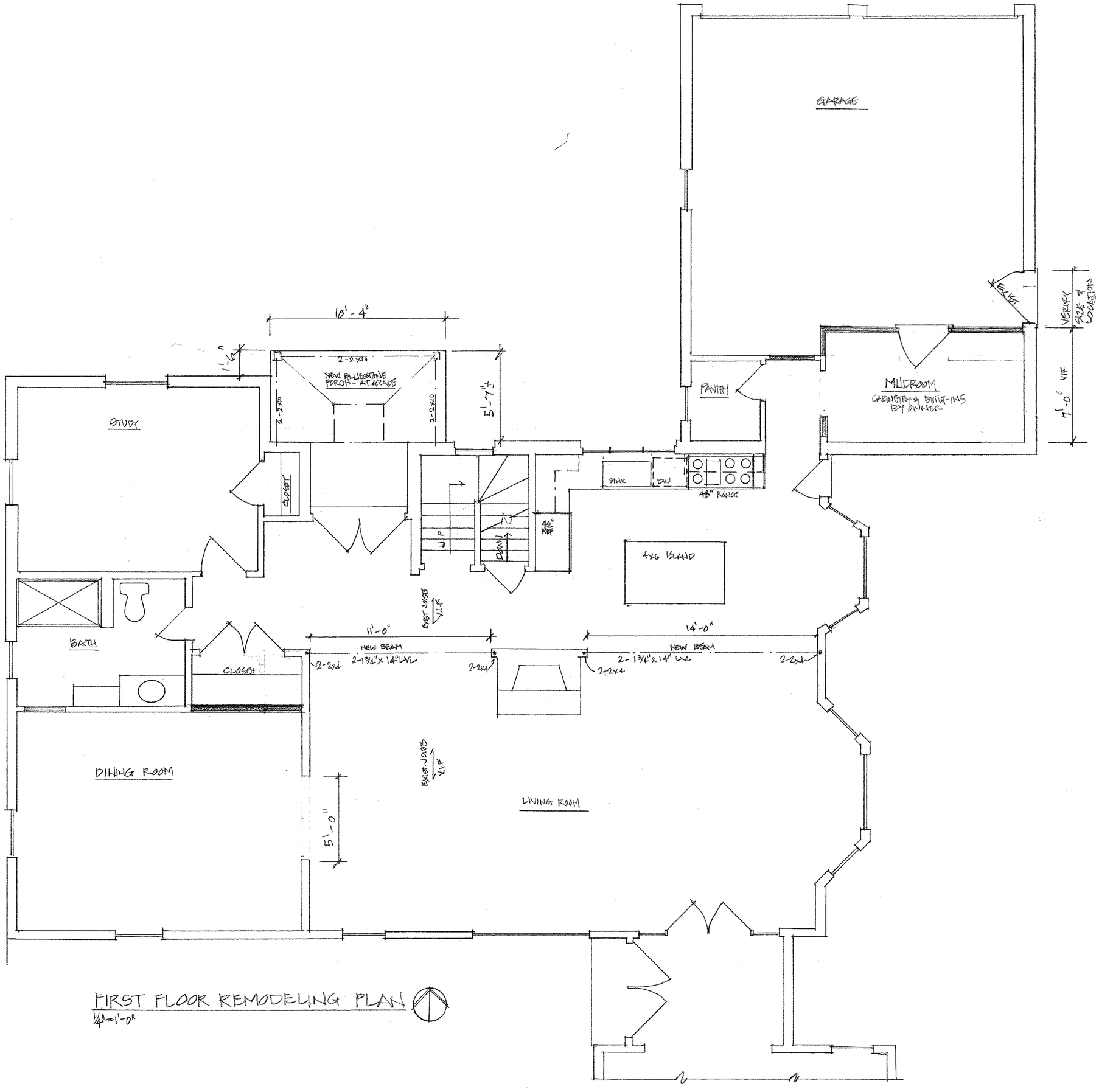
DonnaLee M. Floeter AIA
Architect
3306 Hayes Street
Evanston, Illinois 60201
P 847.322.7484 DonnaLeeFloeter@gmail.com

DATE
ISSUED FOR PERMIT
NOV. 6, 2019
△1 REV. 1/30/2020

Porch, dormer addition, bath remodel
1246 Spruce Street
Winnetka, Illinois 60093

BSMT/FOUNDATION PLAN

SHEET 2 OF 10



FIRST FLOOR REMODELING PLAN

¼"=1'-0"

DonnaLee M. Floeter AIA
Architect
3306 Hayes Street
Evanston, Illinois 60201
P 847.322.7484 DonnaLeeFloeter@gmail.com

DATE:
ISSUED FOR PERMIT
NOV. 6, 2019
△REV. 1/30/2020

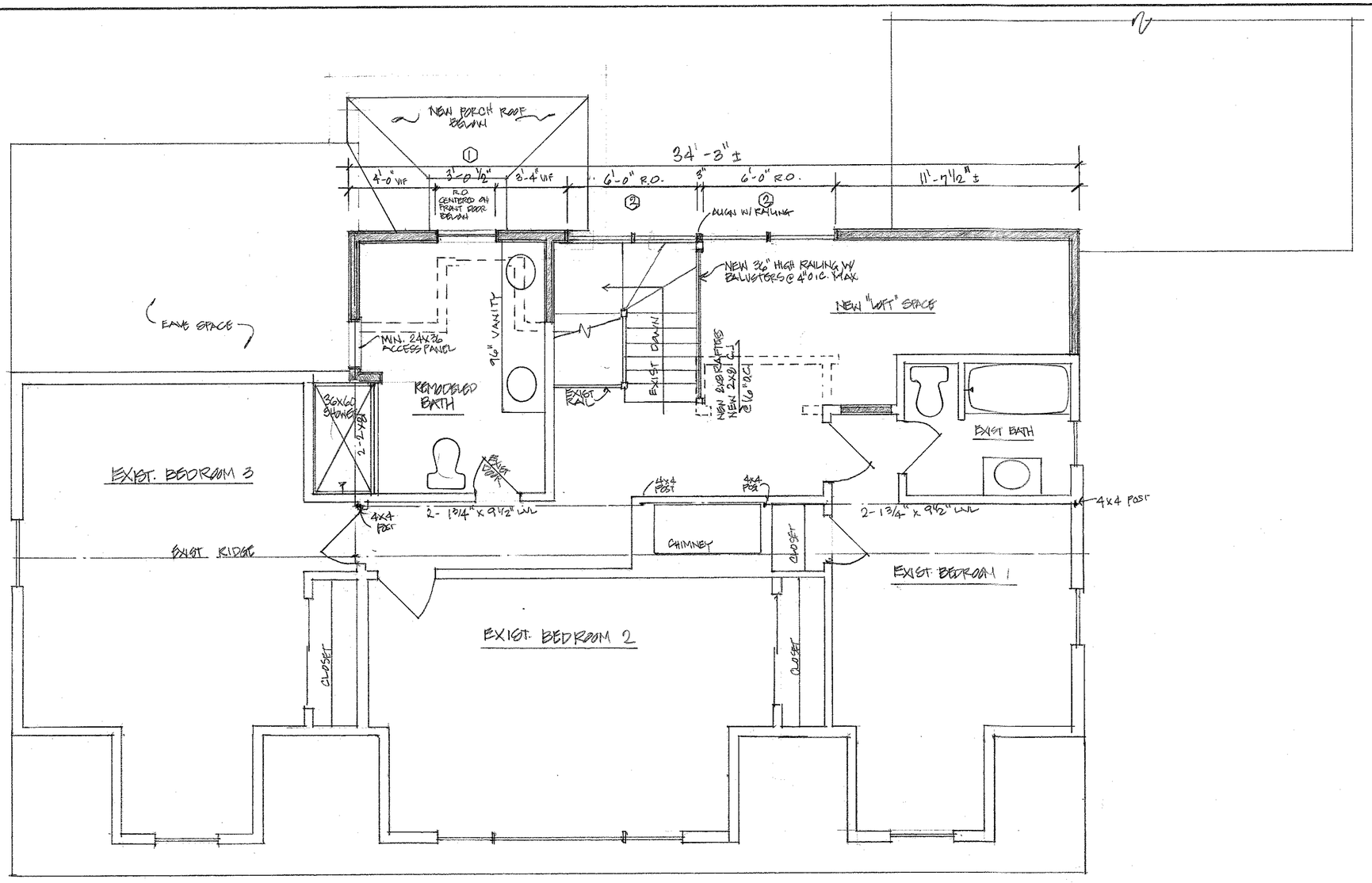
Porch, dormer addition, bath remodel

1246 Spruce Street

Winnetka, Illinois 60093

FIRST FLOOR REMODEL PLAN

SHEET 4 OF 10



SECOND FLOOR PLAN
1/4" = 1'-0"

WINDOW SCHEDULE

Symbol	Type	Mfr/model	Rough opening	Quantity	Location
1	Double hung	ITDH 3052	3'-0 ½" x 4'-4 ¼"	1	Bathroom
2	Double hung, pairs	ITDH 3052 2W	6'-0" x 4'-4 ¼"	2	Stairway/loft

UNITS IN STAIRWAY/LOFT ARE TO HAVE TEMPERED GLASS, PER CODE

Windows (unless noted otherwise) are to be Marvin "Elevate Collection" Wood-Ultrex products with low-e insulating glass, argon filled; U-factor is to be 0.30 or less, per 2015 International Energy Conservation Code. Clad color to be selected by owner, primed wood interior, muntins per elevation or per owner. VERIFY ALL DIMENSIONS PRIOR TO PLACING WINDOW ORDER

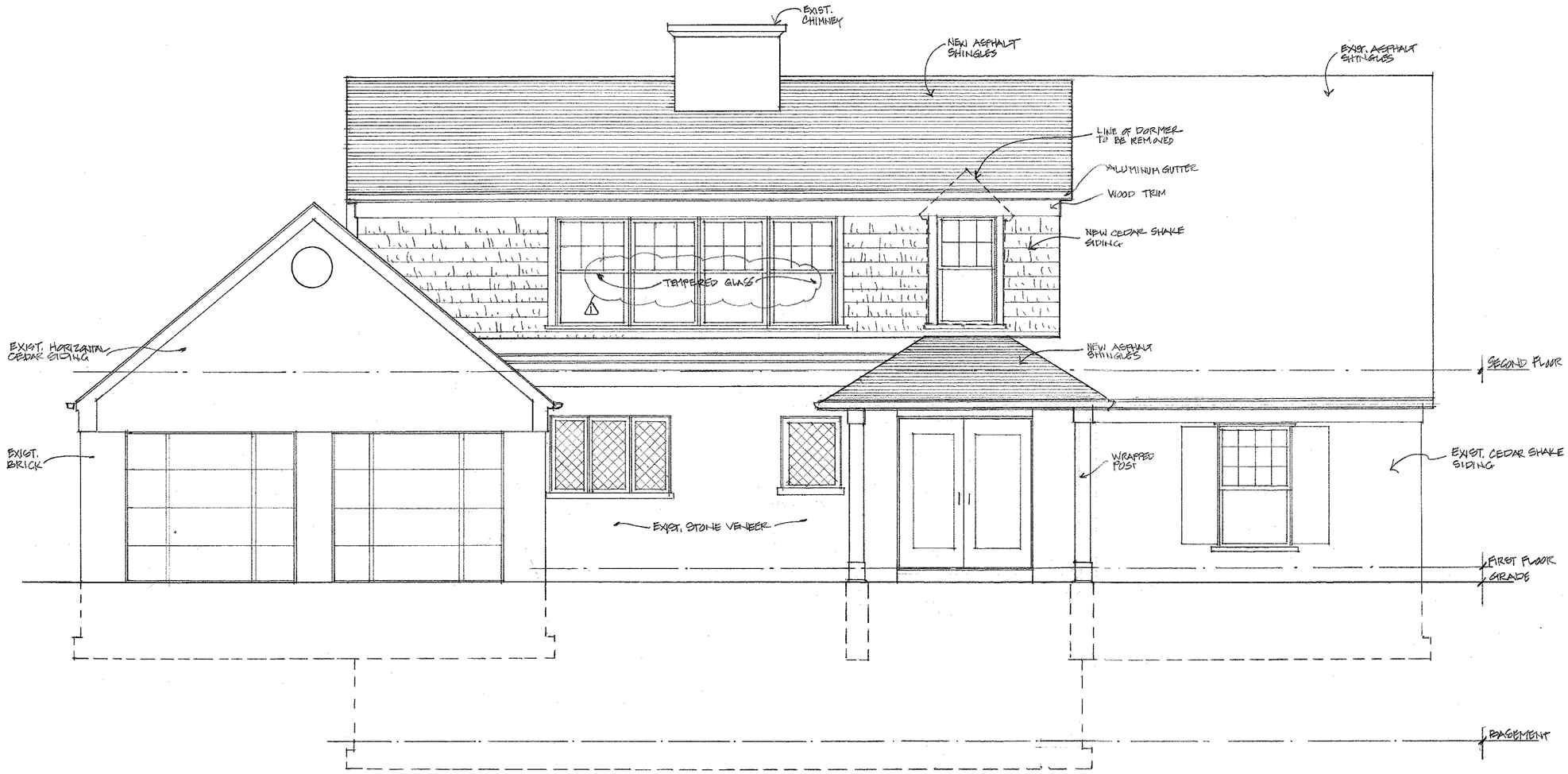
DonnaLee M. Floeter AIA
Architect
3306 Hayes Street
Evanston, Illinois 60201
P 847.322.7484 DonnaLeeFloeter@gmail.com

DATE
ISSUED FOR OWNER REV. 10/26/2019
ISSUED FOR PERMIT NOV. 6, 2019
△REV. 1/30/2020

Porch, dormer addition, bath remodel
1246 Spruce Street
Winnetka, Illinois 60093

SECOND FLOOR PLAN

SHEET 5 of 10



NORTH ELEVATION
1/4" = 1'-0"

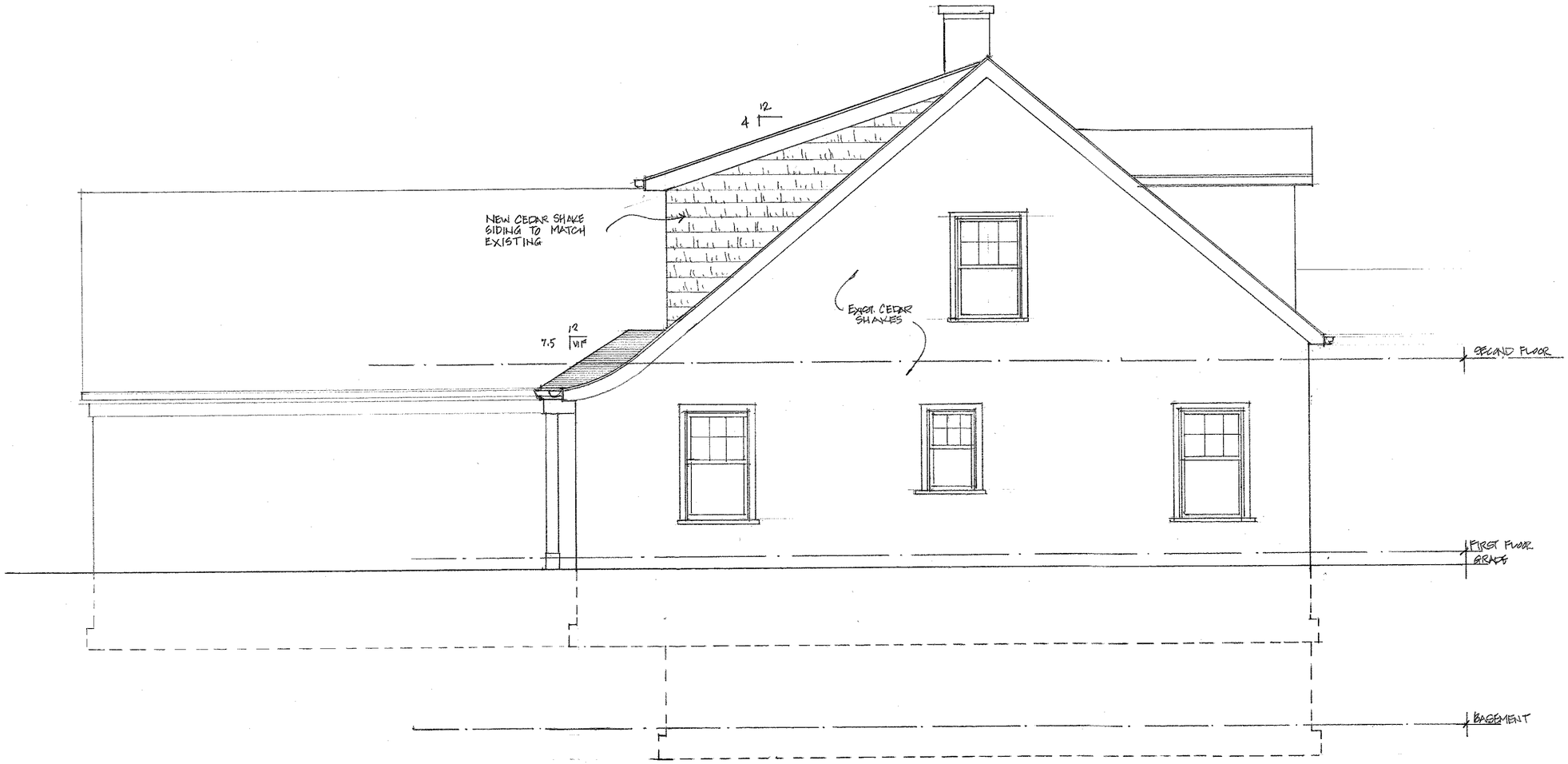
DonnaLee M. Floeter AIA
Architect
3306 Hayes Street
Evanston, Illinois 60201
P 847.322.7484
DonnaLeeFloeter@gmail.com

DATE
ISSUED FOR OWNER REV. 10/26/2019
ISSUED FOR PERMIT NOV. 6, 2019
△1 REV. 1/30/2020

Porch, dormer addition, bath remodel
1246 Spruce Street
Winnetka, Illinois 60093

NORTH ELEVATION

SHEET 6. OF 10



WEST ELEVATION
1/4" = 1'-0"

DonnaLee M. Floeter AIA
Architect
3306 Hayes Street
Evanston, Illinois 60201
P 847.322.7484
DonnaLeeFloeter@gmail.com

DATE
ISSUED FOR ZONING REV. 10/26/2019
ISSUED FOR PERMIT NOV. 6, 2019
△REV. 1/30/2020

Porch, dormer addition, bath remodel
1246 Spruce Street
Winnetka, Illinois 60093

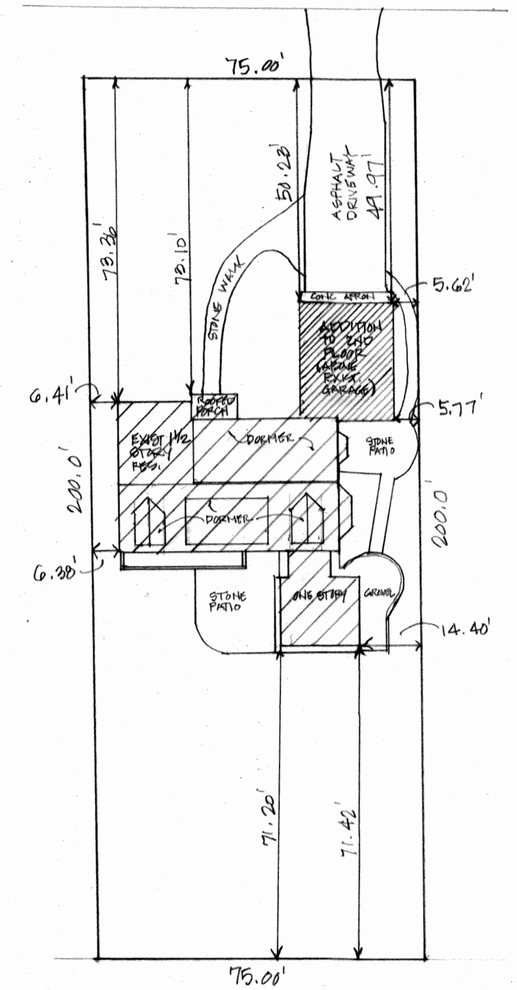
WEST ELEVATION

SHEET 7 OF 10

EAST ELEVATION EXISTING

1/4" = 1'-0"

SPRUCE STREET



SETBACK REQUIREMENTS

	CODE REQUIRED	EXISTING	PROPOSED
FRONT	30.0'	49.97'	49.97' (AT ADDITION)
SIDE (E)	7.5'	5.62'	5.62' (AT ADDITION)
SIDE (W)	7.5'	6.38'	6.38 (UNCHANGED)
COMBINED SIDES	18.75'	12.0'	12.0' (AT ADDITION)
REAR	25.0'	71.20	71.20 (UNCHANGED

SITE PLAN

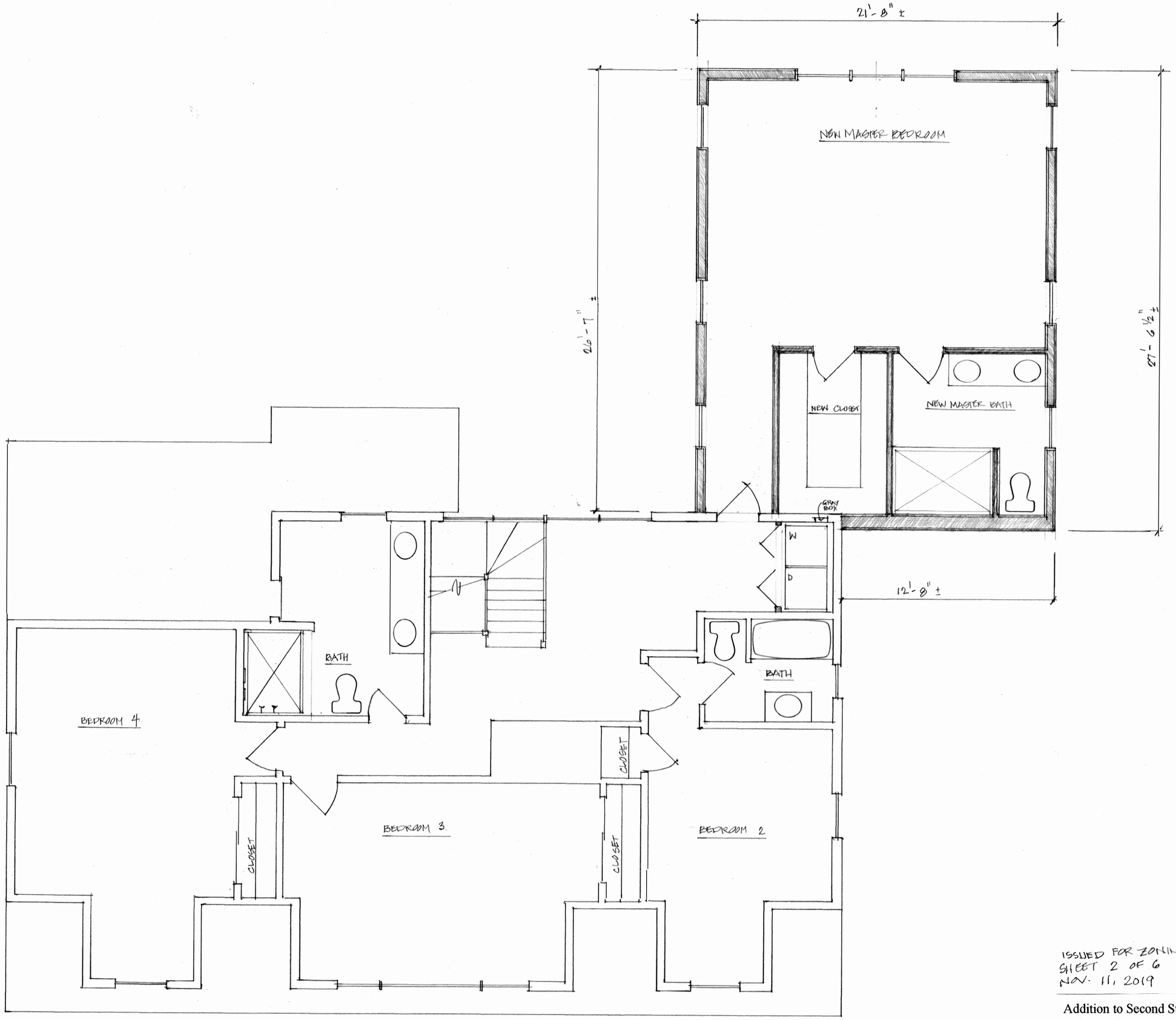
1" = 25'-0"

BASED ON PLAT OF SURVEY BY PROFESSIONALS ASSOCIATED SURVEY INC. ORDER NO 19-95450 DATED JUNE 20, 2019 AND PERMIT DRAWINGS FOR PORCH & NORTH DORMER DATED NOV 6, 2019

ISSUED FOR ZONING
SHEET 1 OF 6
NOV. 11, 2019

DonnaLee M. Floeter AIA
Architect
3306 Hayes Street
Evanston, Illinois 60201
P 847.322.7484 DonnaLeeFloeter@gmail.com

Addition to Second Story
1246 Spruce Street
Winnetka, Illinois 60093



ISSUED FOR ZONING
SHEET 2 OF 6
NOV. 11, 2019

Addition to Second Story

1246 Spruce Street

Winnetka, Illinois 60093

DonnaLee M. Floeter AIA
Architect
3306 Hayes Street
Evanston, Illinois 60201
P 847.322.7484 DonnaLeeFloeter@gmail.com

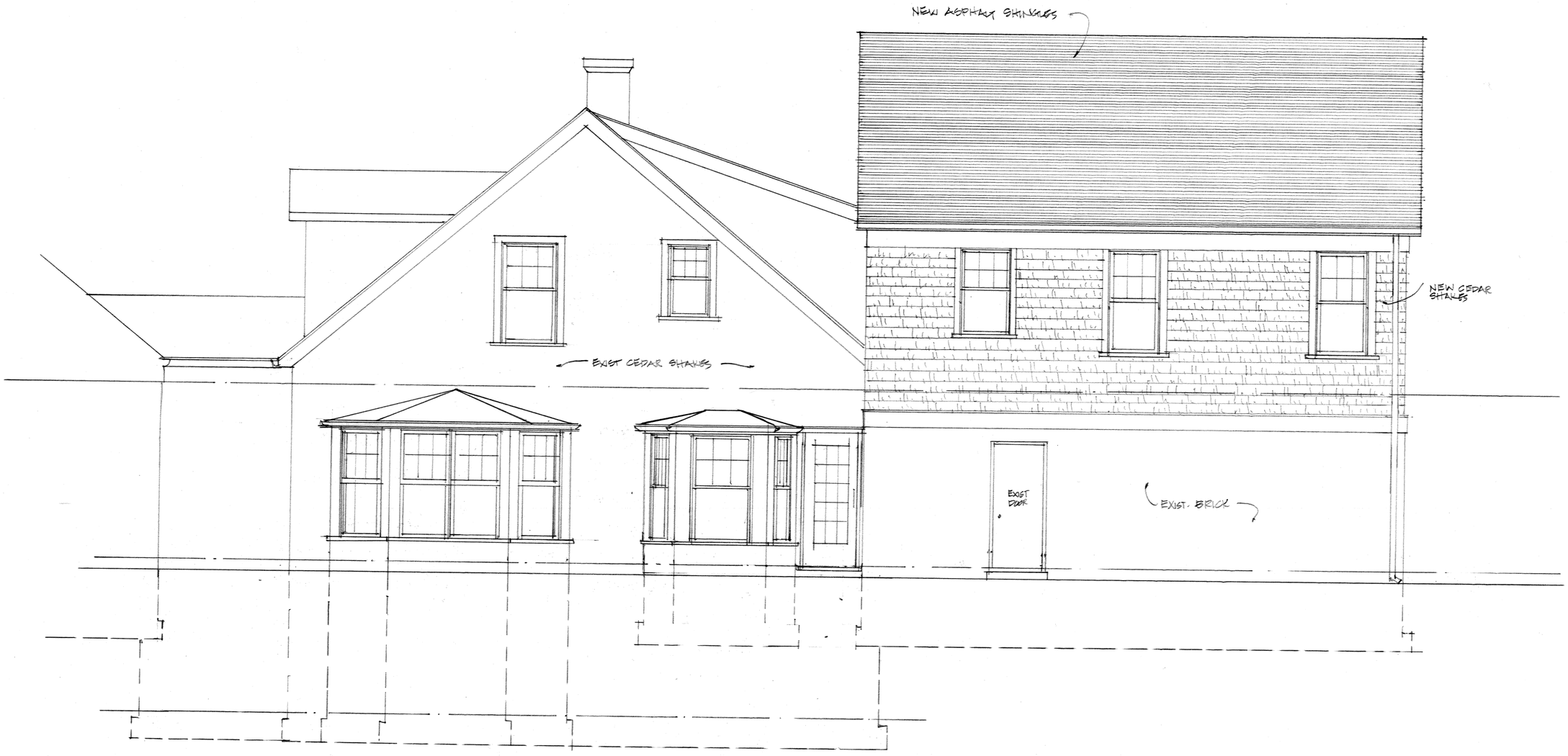
SECOND FLOOR PLAN
1/4" = 1'-0"

NORTH ELEVATION
1/4" = 1'-0"

ISSUED FOR ZONING
SHEET 3 OF 6
NOV. 11, 2019

DonnaLee M. Floeter AIA
Architect
3306 Hayes Street
Evanston, Illinois 60201
P 847.322.7484 DonnaLeeFloeter@gmail.com

Addition to Second Story
1246 Spruce Street
Winnetka, Illinois 60093



EAST ELEVATION
1/4" = 1'-0"

ISSUED FOR ZONING
SHEET 4 OF 6
NOV. 11. 2019

DonnaLee M. Floeter AIA
Architect
3306 Hayes Street
Evanston, Illinois 60201
P 847.322.7484 DonnaLeeFloeter@gmail.com

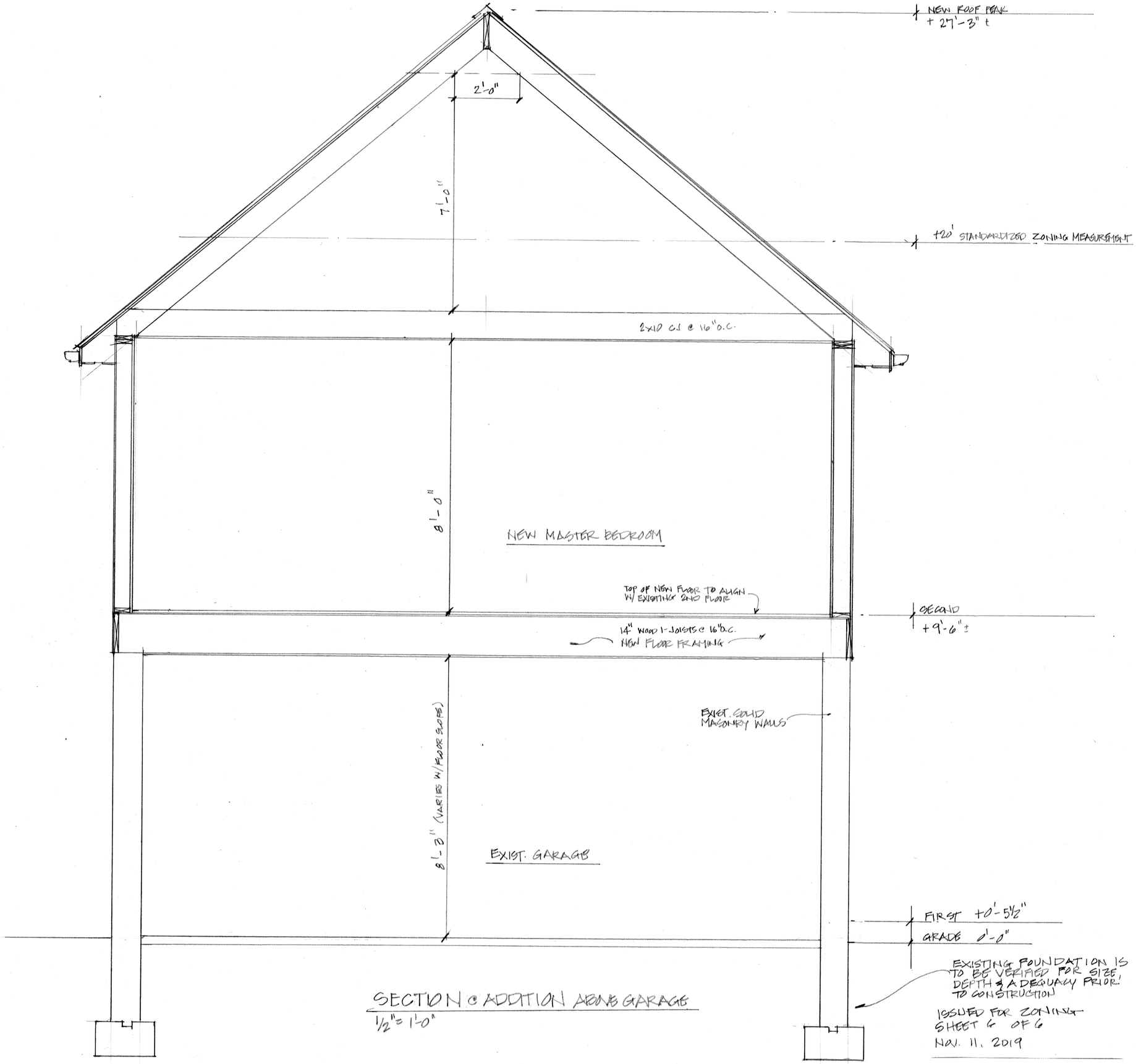
Addition to Second Story
1246 Spruce Street
Winnetka, Illinois 60093

WEST ELEVATION
1/4" = 1'-0"

ISSUED FOR ZONING
SHEET 5 OF 6
NOV. 11, 2019

DonnaLee M. Floeter AIA
Architect
3306 Hayes Street
Evanston, Illinois 60201
P 847.322.7484 DonnaLeeFloeter@gmail.com

Addition to Second Story
1246 Spruce Street
Winnetka, Illinois 60093



SECTION @ ADDITION ABOVE GARAGE
½" = 1'-0"

ISSUED FOR ZONING
SHEET 6 OF 6
NOV. 11, 2019

DonnaLee M. Floeter AIA
Architect
3306 Hayes Street
Evanston, Illinois 60201
P 847.322.7484 DonnaLeeFloeter@gmail.com

Addition to Second Story
1246 Spruce Street
Winnetka, Illinois 60093

ATTACHMENT D
RESOLUTION NO. ZBA-4-2020
VILLAGE OF WINNETKA
ZONING BOARD OF APPEALS
APPROVAL OF ZBA CASE NO. 20-15-V – 1246 SPRUCE STREET

WHEREAS, Patricia and Christopher O'Connell (collectively, the "Applicant") are the owners of the property commonly known as 1246 Spruce Street, Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made part of this Resolution (***"Subject Property"***); and

WHEREAS, the Subject Property is located in the R-4 Single Family Residential District; and

WHEREAS, the Subject Property is improved with a single family residence that is nonconforming with respect to (i) the front yard setback and (ii) the side yard setback requirements (***"Building"***); and

WHEREAS, the Applicant desires to construct a second floor addition to the Building located in the required front yard and the required side yard of the Subject Property (***"Proposed Improvement"***); and

WHEREAS, pursuant to Section 17.30.050 of the Winnetka Zoning Ordinance (***"Zoning Ordinance"***), the Subject Property is required to provide a minimum front yard setback of at least 50.02 feet; and

WHEREAS, pursuant to Section 17.30.060 of the Zoning Ordinance, the Subject Property is required to provide (i) a minimum side yard setback of at least 7.5 feet and (ii) a total side yard setback of at least 18.75 feet; and

WHEREAS, the Applicant desires to construct the Proposed Improvement on the Subject Property with (i) a front yard setback less than the required 50.02 feet, a violation of Section 17.30.050 of the Zoning Ordinance, (ii) a side yard setback less than the required 7.5 feet, a violation of Section 17.30.060 of the Zoning Ordinance and (iii) a total side yard setback less than the required 18.75 feet, a violation of Section 17.30.060 of the Zoning Ordinance; and

WHEREAS, the Applicant filed an application for variations from Section 17.30.050 and 17.30.060 of the Zoning Ordinance to permit construction of the Proposed Improvement on the Subject Property with (i) a front yard setback of 49.97 feet, (ii) a side yard setback of 5.62 feet from the east property line, and (iii) a total side yard setback of 12 feet to accommodate the addition (***"Requested Variations"***); and

WHEREAS, a public notice for the Requested Variations was duly published on April 23, 2020 in the "Winnetka Talk" and notice was mailed to the owners of record of all properties within 250 feet of the Subject Property as required by the Zoning Ordinance; and

WHEREAS, in accordance with social distancing requirements and Governor Pritzker's Stay-at-Home Executive Order 2020-10, which was extended by Executive Order 2020-33, a virtual public hearing was held by the Winnetka Zoning Board of Appeals during a virtual meeting held on May 11, 2020 for

the purpose of considering the Requested Variations with the final decision being rendered at the Zoning Board of Appeal's Regular Meeting on May 11, 2020; and

WHEREAS, the Zoning Board of Appeals has considered the evidence presented, as follows:

1. Application for the Requested Variations submitted by the Applicant, dated March 11, 2020, including all attachments as well as all subsequent additions and revisions to these application materials and attachments; and

2. All written and oral testimony concerning the Requested Variations.

WHEREAS, the Zoning Board of Appeals has determined that the Requested Variations does satisfy the standards for a variation provided in Sections 17.60.040 and 17.60.050 of the Winnetka Zoning Ordinance; and

WHEREAS, the Zoning Board of Appeals has determined that the requested variations to provide (i) less than the minimum required front yard setback, (ii) less than the minimum required side yard setback, and (iii) less than the minimum required total side yard setback does satisfy the standards for variations provided in Sections 17.60.040 and 17.60.050 of the Winnetka Zoning Ordinance; and

WHEREAS, the Zoning Board of Appeals has determined that it will serve and be in the best interest of the Village and its residents to grant the application for (i) the front yard setback variation, (ii) the minimum side yard setback variation, and (iii) the total side yard setback variation in accordance with, and subject to, the conditions, restrictions, and provisions of this Resolution;

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Appeals of the Village of Winnetka, Cook County, Illinois, that:

SECTION 1. RECITALS. The foregoing recitals are incorporated into, and made part of, this Resolution as the findings of the Zoning Board of Appeals.

SECTION 2. APPROVAL OF VARIATION. Subject to and contingent upon the conditions, restrictions, and provisions set forth in Section Three of this Resolution, the requested (i) front yard setback variation from Section 17.30.050 of the Zoning Ordinance, (ii) minimum side yard setback variation from Section 17.30.060 of the Zoning Ordinance, and (iii) total side yard setback variation from Section 17.30.060 of the Zoning Ordinance to permit the construction of the proposed second floor addition on the Subject Property is hereby granted, in accordance with and pursuant to Chapter 17.60 of the Zoning Ordinance and the home rule powers of the Village.

SECTION 3. CONDITIONS. Notwithstanding any use or development right that may be applicable or available pursuant to the provisions of the Winnetka Zoning Ordinance or any other rights the Applicant may have, the approval granted in Section Two of this Resolution is hereby expressly subject to and contingent upon compliance with each and all of the following conditions:

A. Compliance with Plans. Except for minor changes and site work approved by the Director of Community Development in accordance with all applicable Village standards, the development, use, operation, and maintenance of the Subject Property, shall comply with those certain plans attached hereto as **Exhibit B**.

B. Compliance with Regulations. The construction, development, use, operation, and maintenance of the Proposed Improvement and the Subject Property must comply with all applicable Village codes and ordinances, as the same may be amended from time to time, except to the extent specifically provided otherwise in this Resolution.

SECTION 4. RECORDING; BINDING EFFECT. A copy of this Resolution will be recorded in the office of the Cook County Recorder of Deeds. This Resolution and the privileges, obligations, and provisions contained herein will inure solely to the benefit of, and be binding upon, the Applicant and their respective heirs, personal representatives, successors and assigns.

SECTION 5. FAILURE TO COMPLY WITH CONDITIONS. Upon the failure or refusal of the Applicant to comply with any or all of the conditions, restrictions, or provisions of this Resolution, the approval granted in Section Two of this Resolution will, at the sole discretion of the Zoning Board of Appeals, by Resolution duly adopted, be revoked and become null and void; provided, however, that the Zoning Board of Appeals may not so revoke the approval granted in Section Two of this Resolution 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 Zoning Board of Appeals. In the event of revocation, the development and use of the Subject Property will be governed solely by the applicable regulations of the Winnetka Zoning Ordinance, including, without limitation, (i) the front yard setback requirement set forth in Section 17.30.050 of the Winnetka Zoning Ordinance and (ii) the side yard setback requirements set forth in Section 17.30.060 of the Winnetka Zoning Ordinance. 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 amendments to the Requested Variations granted in Section Two of this Resolution may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Winnetka Zoning Ordinance.

SECTION 7. EFFECTIVE DATE.

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

1. Passage by the Zoning Board of Appeals in the manner required by law; and

2. The filing by the Applicant with the Village Clerk of an Unconditional Agreement and Consent, in the form of **Exhibit C** attached to and, by this reference, made a part of this Resolution, to accept and abide by each and all of the terms, conditions, and limitations set forth in this Resolution and to indemnify the Village for any claims that may arise in connection with the approval of this Resolution.

B. In the event that the Applicant does not file fully executed copies of the Unconditional Agreement and Consent, as required by Section 7.A.2 of this Resolution, within 30 days after the date of final passage of this Resolution by the Zoning Board of Appeals, the Zoning Board of Appeals will have the right, in its sole discretion, to declare this Resolution null and void and of no force or effect.

ADOPTED this 11th day of May, 2020, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Signed:

_____

Matthew Bradley, Chairperson

Countersigned:

_____

Village Clerk

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

The East 75 Feet of Lot 1 in Mid Park a subdivision of Block 2 in Edgewood, a subdivision of Blocks 1, 2, 3, 6, 7 and 8 and certain vacated street and alleys in the Winnetka Land Association, a subdivision of the North ½ of the West 90 Acres of the Northwest ¼ of Section 20, Township 42 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois.

Commonly known as 1246 Spruce Street, Winnetka, Illinois.

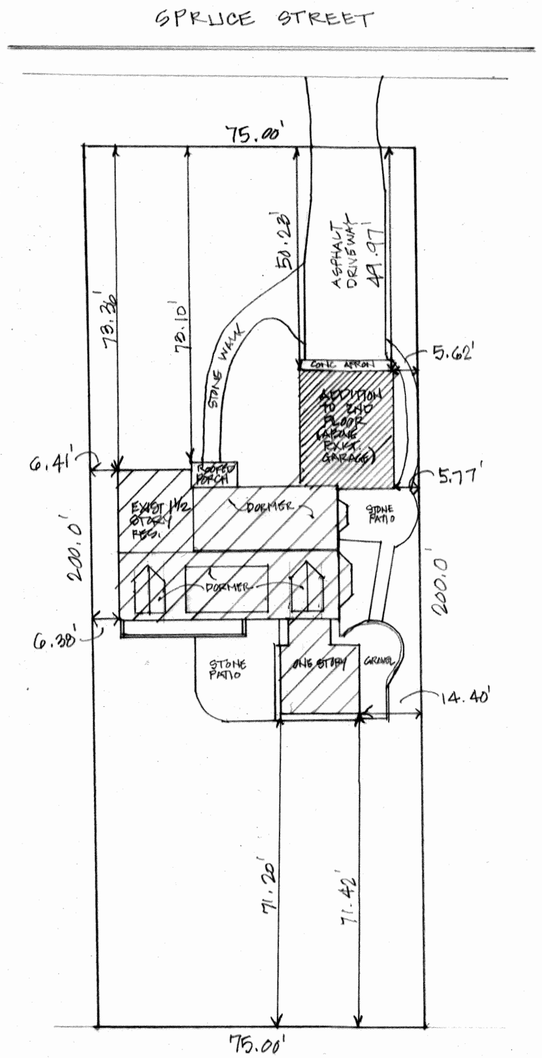
Parcel Index Number: 05-20-104-025-0000

EXHIBIT B

<u>PLAN</u>

(SEE ATTACHED EXHIBIT B)

EXHIBIT B



SETBACK REQUIREMENTS

	CODE REQUIRED	EXISTING	PROPOSED
FRONT	30.0'	49.97'	49.97' (AT ADDITION)
SIDE (E)	7.5'	5.62'	5.62' (AT ADDITION)
SIDE (W)	7.5'	6.38'	6.38 (UNCHANGED)
COMBINED SIDES	18.75'	12.0'	12.0' (AT ADDITION)
REAR	25.0'	71.20	71.20 (UNCHANGED

SITE PLAN

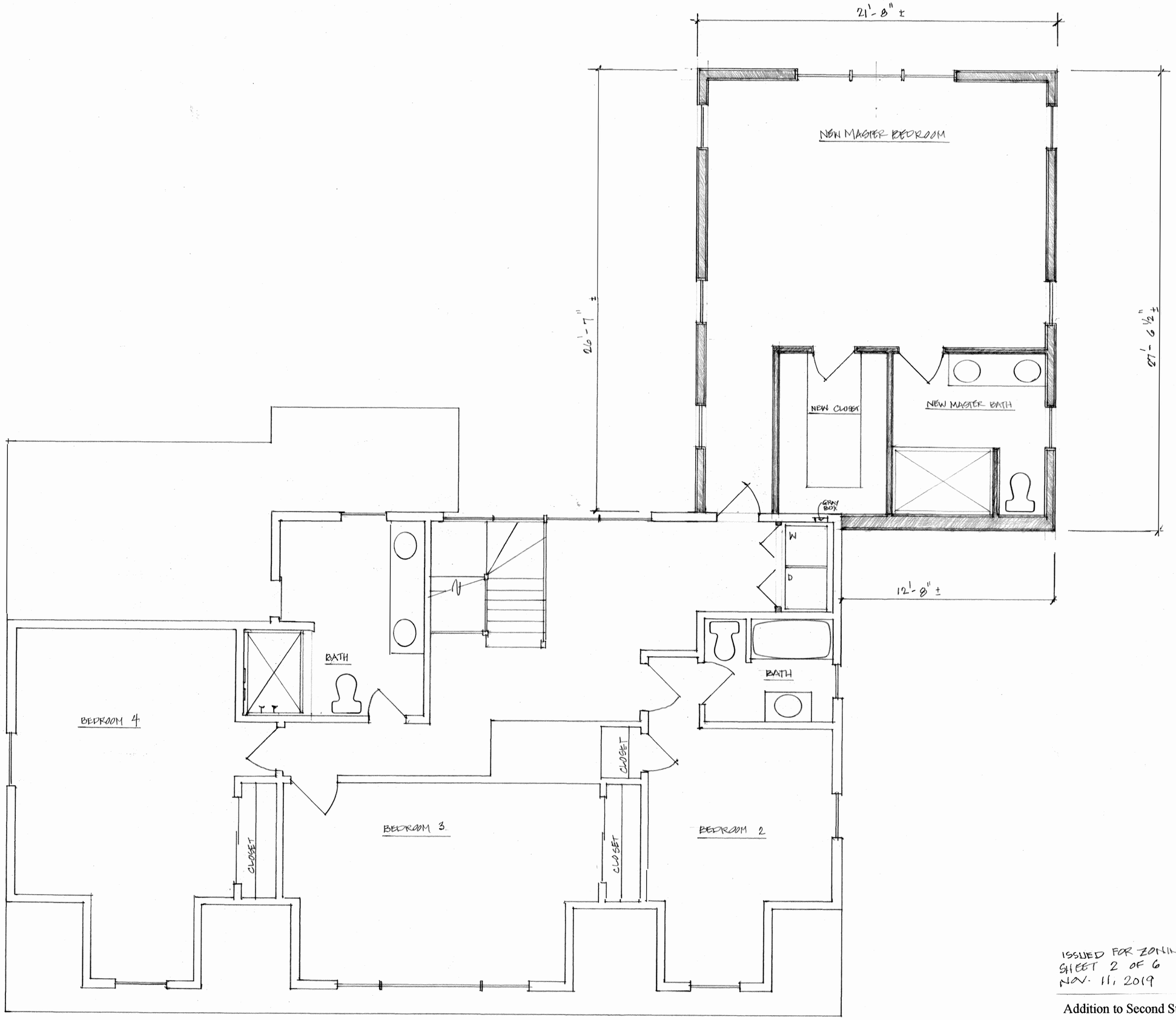
1" = 25'-0"

BASED ON PLAT OF SURVEY BY PROFESSIONALS ASSOCIATED SURVEY INC. ORDER NO 19-95450 DATED JUNE 20, 2019 AND PERMIT DRAWINGS FOR PORCH & NORTH DORMER DATED NOV 6, 2019

ISSUED FOR ZONING
SHEET 1 OF 6
NOV. 11, 2019

DonnaLee M. Floeter AIA
Architect
3306 Hayes Street
Evanston, Illinois 60201
P 847.322.7484 DonnaLeeFloeter@gmail.com

Addition to Second Story
1246 Spruce Street
Winnetka, Illinois 60093



ISSUED FOR ZONING
SHEET 2 OF 6
NOV. 11, 2019

Addition to Second Story

1246 Spruce Street

Winnetka, Illinois 60093

DonnaLee M. Floeter AIA
Architect
3306 Hayes Street
Evanston, Illinois 60201
P 847.322.7484 DonnaLeeFloeter@gmail.com

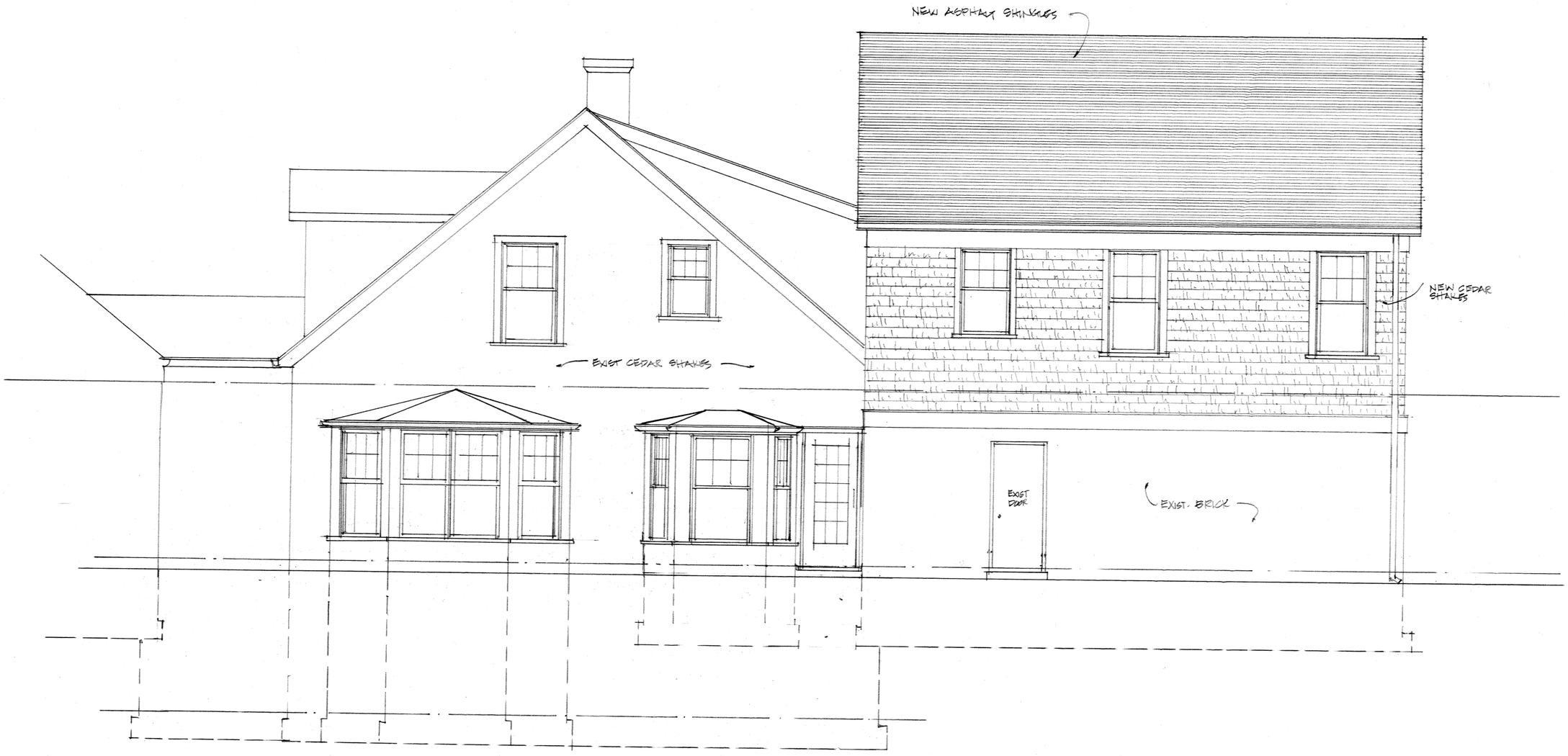
SECOND FLOOR PLAN
1/4" = 1'-0"

NORTH ELEVATION
1/4" = 1'-0"

ISSUED FOR ZONING
SHEET 3 OF 6
NOV. 11, 2019

DonnaLee M. Floeter AIA
Architect
3306 Hayes Street
Evanston, Illinois 60201
P 847.322.7484 DonnaLeeFloeter@gmail.com

Addition to Second Story
1246 Spruce Street
Winnetka, Illinois 60093



EAST ELEVATION
1/4" = 1'-0"

ISSUED FOR ZONING
SHEET 4 OF 6
NOV. 11. 2019

DonnaLee M. Floeter AIA
Architect
3306 Hayes Street
Evanston, Illinois 60201
P 847.322.7484 DonnaLeeFloeter@gmail.com

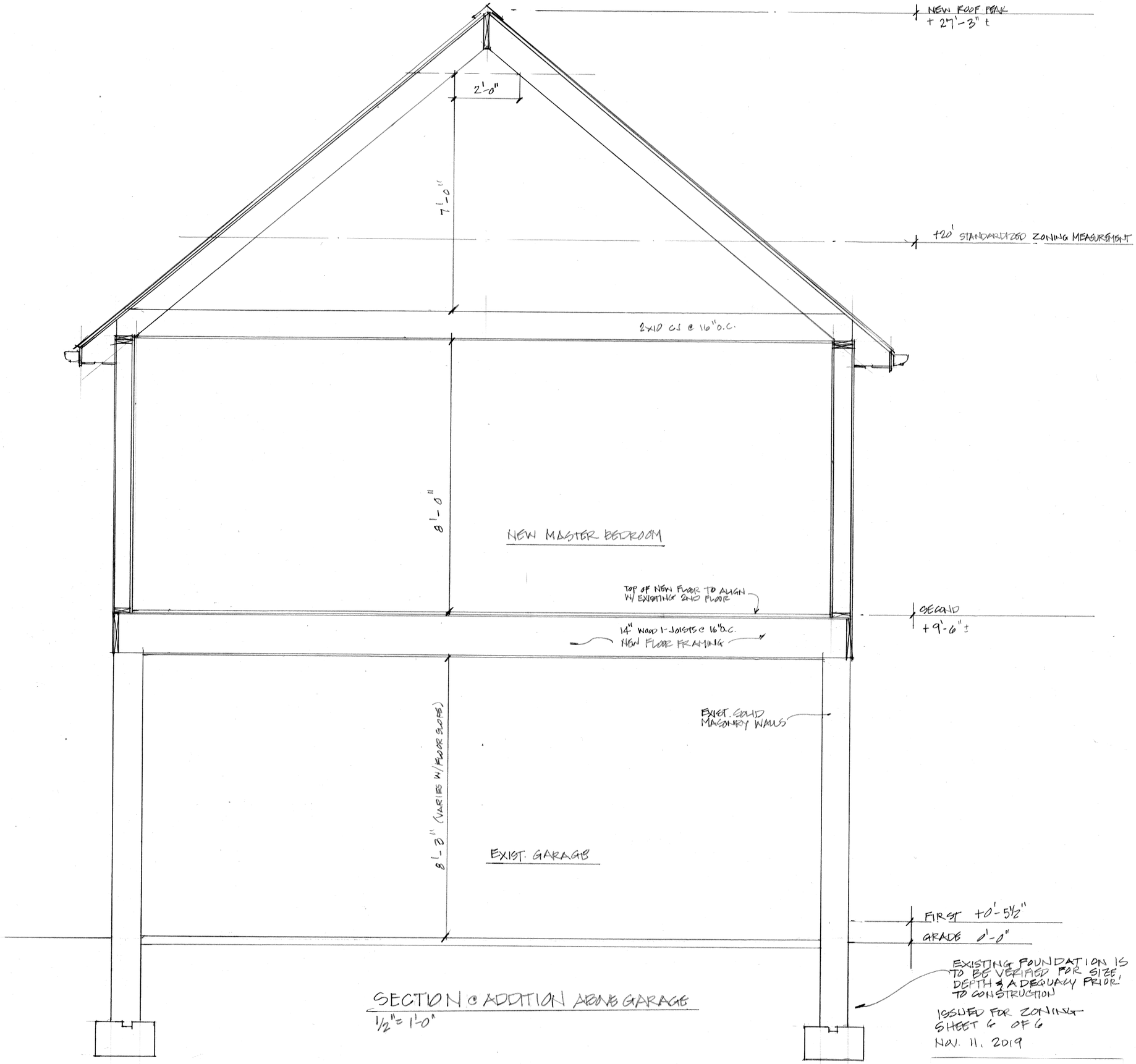
Addition to Second Story
1246 Spruce Street
Winnetka, Illinois 60093

WEST ELEVATION
1/4" = 1'-0"

ISSUED FOR ZONING
SHEET 5 OF 6
NOV. 11, 2019

DonnaLee M. Floeter AIA
Architect
3306 Hayes Street
Evanston, Illinois 60201
P 847.322.7484 DonnaLeeFloeter@gmail.com

Addition to Second Story
1246 Spruce Street
Winnetka, Illinois 60093



SECTION @ ADDITION ABOVE GARAGE
½" = 1'-0"

ISSUED FOR ZONING
SHEET 6 OF 6
NOV. 11, 2019

DonnaLee M. Floeter AIA
Architect
3306 Hayes Street
Evanston, Illinois 60201
P 847.322.7484 DonnaLeeFloeter@gmail.com

Addition to Second Story
1246 Spruce Street
Winnetka, Illinois 60093

EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

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

WHEREAS, Patricia and Christopher O'Connell (collectively, ***"Owners"***) are the owners of record of that certain real property located at 1246 Spruce Street, Winnetka, Illinois ("***Property***"); and

WHEREAS, Resolution No. ZBA-4-2020, adopted by the Winnetka Zoning Board of Appeals on May 11, 2020 (***"Resolution"***), grants variations to construct a second floor addition on the existing residence on the Subject Property; and

WHEREAS, Section 7.A.2 of the Resolution provides, among other things, that the Resolution will be of no force or effect unless and until the Owners have filed, within 30 days following the passage of the Resolution, their unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Resolution;

NOW, THEREFORE, the Owners do hereby agree and covenant as follows:

1. The Owners hereby unconditionally agree to accept, consent to, and abide by each and all of the terms, conditions, limitations, restrictions, and provisions of the Resolution.

2. The Owners acknowledge that public notices and virtual public hearings have been properly given and held with respect to the adoption of the Resolution, have considered the possibility of the revocation provided for in the Resolution, and agree not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.

3. The Owners acknowledge and agree 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 granting of the variations, and that the Village's approval of the variations does not, and will not, in any way, be deemed to insure the Owners against damage or injury of any kind and at any time.

4. The Owners 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 Resolution granting the variations for the Property.

[SIGNATURES ON FOLLOWING PAGE]

Dated: _____, 2020.

ATTEST

By:_____

Name:_____

OWNERS

By: _____
Patricia O'Connell

By: _____
Christopher O'Connell

RESOLUTION NO. ZBA-4-2020
VILLAGE OF WINNETKA
ZONING BOARD OF APPEALS
<u>DENIAL</u> OF ZBA CASE NO. 20-15-V – 1246 SPRUCE STREET

WHEREAS, Patricia and Christopher O'Connell (collectively, the "Applicant") are the owners of the property commonly known as 1246 Spruce Street, Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made part of this Resolution (***"Subject Property"***); and

WHEREAS, the Subject Property is located in the R-4 Single Family Residential District; and

WHEREAS, the Subject Property is improved with a single family residence that is nonconforming with respect to (i) the front yard setback and (ii) the side yard setback requirements (***"Building"***); and

WHEREAS, the Applicant desires to construct a second floor addition to the Building located in the required front yard and the required side yard of the Subject Property (***"Proposed Improvement"***); and

WHEREAS, pursuant to Section 17.30.050 of the Winnetka Zoning Ordinance (***"Zoning Ordinance"***), the Subject Property is required to provide a minimum front yard setback of at least 50.02 feet; and

WHEREAS, pursuant to Section 17.30.060 of the Zoning Ordinance, the Subject Property is required to provide (i) a minimum side yard setback of at least 7.5 feet and (ii) a total side yard setback of at least 18.75 feet; and

WHEREAS, the Applicant desires to construct the Proposed Improvement on the Subject Property with (i) a front yard setback less than the required 50.02 feet, a violation of Section 17.30.050 of the Zoning Ordinance, (ii) a side yard setback less than the required 7.5 feet, a violation of Section 17.30.060 of the Zoning Ordinance and (iii) a total side yard setback less than the required 18.75 feet, a violation of Section 17.30.060 of the Zoning Ordinance; and

WHEREAS, the Applicant filed an application for variations from Section 17.30.050 and 17.30.060 of the Zoning Ordinance to permit construction of the Proposed Improvement on the Subject Property with (i) a front yard setback of 49.97 feet, (ii) a side yard setback of 5.62 feet from the east property line, and (iii) a total side yard setback of 12 feet to accommodate the addition (***"Requested Variations"***); and

WHEREAS, a public notice for the Requested Variations was duly published on April 23, 2020 in the "Winnetka Talk" and notice was mailed to the owners of record of all properties within 250 feet of the Subject Property as required by the Zoning Ordinance; and

WHEREAS, in accordance with social distancing requirements and Governor Pritzker's Stay-at-Home Executive Order 2020-10, which was extended by Executive Order 2020-33, a virtual public hearing was held by the Winnetka Zoning Board of Appeals during a virtual meeting held on May 11, 2020 for

the purpose of considering the Requested Variations with the final decision being rendered at the Zoning Board of Appeal's Regular Meeting on May 11, 2020; and

WHEREAS, the Zoning Board of Appeals has considered the evidence presented, as follows:

1. Application for the Requested Variations submitted by the Applicant, dated March 11, 2020, including all attachments as well as all subsequent additions and revisions to these application materials and attachments; and

2. All written and oral testimony concerning the Requested Variations.

WHEREAS, the Zoning Board of Appeals has determined that the Requested Variations **do not** satisfy the standards for a variation provided in Sections 17.60.040 and 17.60.050 of the Winnetka Zoning Ordinance because (i) the Requested Variations are not in harmony with the general purpose and intent of the Winnetka Zoning Ordinance; (ii) the Subject Property can yield a reasonable return if it is permitted to be used only under the conditions allowed for the R-4 Single Family Residential District; and (iii) the plight of the Applicant is not due to unique circumstances; and

WHEREAS, the Zoning Board of Appeals has determined that it will not serve and be in the best interest of the Village and its residents to approve the Requested Variations;

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Appeals of the Village of Winnetka, Cook County, Illinois, that:

SECTION 1. RECITALS. The foregoing recitals are incorporated into, and made part of, this Resolution as the findings of the Zoning Board of Appeals.

SECTION 2. DENIAL OF VARIATION. In accordance with and pursuant to Chapter 17.60 of the Winnetka Zoning Ordinance and the home rule powers of the Village, the Zoning Board of Appeals denies the Requested Variations for the Subject Property.

SECTION 3. EFFECTIVE DATE. This Resolution will be effective upon passage by the Zoning Board of Appeals in the manner required by law.

ADOPTED this 11th day of May, 2020, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Signed:

_____

Matthew Bradley, Chairperson

Countersigned:

_____

Village Clerk

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

The East 75 Feet of Lot 1 in Mid Park a subdivision of Block 2 in Edgewood, a subdivision of Blocks 1, 2, 3, 6, 7 and 8 and certain vacated street and alleys in the Winnetka Land Association, a subdivision of the North ½ of the West 90 Acres of the Northwest ¼ of Section 20, Township 42 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois.

Commonly known as 1246 Spruce Street, Winnetka, Illinois.

Parcel Index Number: 05-20-104-025-0000

MEMORANDUM
VILLAGE OF WINNETKA
COMMUNITY DEVELOPMENT DEPARTMENT

TO: ZONING BOARD OF APPEALS

FROM: ANN KLAASSEN, SENIOR PLANNER

DATE: MAY 4, 2020

SUBJECT: CASE NO. 20-16-V2: 425 BIRCH STREET –VARIATIONS

INTRODUCTION

On May 11, 2020, the Zoning Board of Appeals will conduct a virtual public hearing, in accordance with social distancing requirements and Governor Pritzker's Stay-at-Home Executive Order, on an application filed by Collin Nailor (the "Applicant") as the owner of the property at 425 Birch Street (the "Subject Property"). The Applicant requests approval of the following zoning variations to allow installation of an egress window well and construction of an addition to the existing residence on the Subject Property, which is an existing legal non-conforming lot:

1. Gross Floor Area of 2,914.83 square feet, whereas a maximum of 2,529.56 square feet is permitted, a variation of 385.27 square feet (15.23%) [Section 17.30.040 – Maximum Building Size] [Note: The site currently contains 2,810.99 square feet of GFA. The proposed addition would add 103.84 square feet of GFA];
2. Roofed Lot Coverage of 1,955.29 square feet, whereas a maximum of 1,707.45 square feet is permitted, a variation of 247.84 square feet (14.51%) [Section 17.30.030 – Intensity of Use of Lot] [Note: The site currently contains 1,903.37 square feet of RLC. The proposed addition would add 51.92 square feet of RLC];
3. Front Yard Lot Coverage of 1,559.11 square feet, whereas a maximum of 1,116 square feet is permitted, a variation of 443.11 square feet (39.7%) [Section 17.30.030 – Intensity of Use of Lot] [Note: The site currently contains 1,519.5 square feet of FYLC. The proposed addition would add 39.61 square feet of FYLC];
4. Front Yard Setback of 25.34 feet, whereas a minimum of 30 feet is required, a variation of 4.66 feet (15.53%) [Section 17.30.050 – Front and Corner Yard Setbacks] [Note: The residence currently provides a front yard setback of 21.5 feet];
5. Total side yard setback of 28.54 feet, whereas a minimum of 36.48 feet is required, a variation of 7.94 feet (21.76%) [Section 17.30.060 – Side Yard Setback] [Note: The residence currently provides a total side yard setback of 28.57 feet]; and
6. Rear Yard Setback of 1.3 feet, whereas a minimum of 10 feet is required, a variation of 8.7 feet (87%) [Section 17.30.070 – Rear Yard Setback] [Note: The residence currently provides a rear yard setback of 4.3 feet].

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 Talk* on April 23, 2020. As of

the date of this memo, staff has not received one written comment from the public regarding this application.

The Village Council has final jurisdiction on this request as only the Council has the authority to grant (i) a variation to reduce a rear yard setback for a principal building by more than 50% of the required setback, (ii) a variation to exceed the permitted intensity of use of lot by more than 20%, and (iii) a variation to allow a zoning lot with a pre-FAR building (constructed prior to 1989) to exceed the maximum permitted gross floor area by more than 10%.

PROPERTY DESCRIPTION

The Subject Property, which is approximately 0.14 acres in size, is located on the east side of Birch Street, between Ash Street and Cherry Street, and contains an existing two-story residence (see Figure 1). The property has been vacant for approximately five years. The property is zoned R-5 Single Family Residential, and it is surrounded by R-5 Single Family Residential (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.

The existing lot is a legal non-conforming lot in that is only 6,323.9 square feet in lot area, while the minimum required lot area in the R-5 District is 8,400 square feet. In addition, the lot is only 52 feet deep, while the minimum lot depth requirement in the R-5 District is 120 feet. Taking into consideration the minimum required front and rear yard setbacks, the buildable depth is limited to 12 feet.

Figure 1 – Aerial Map

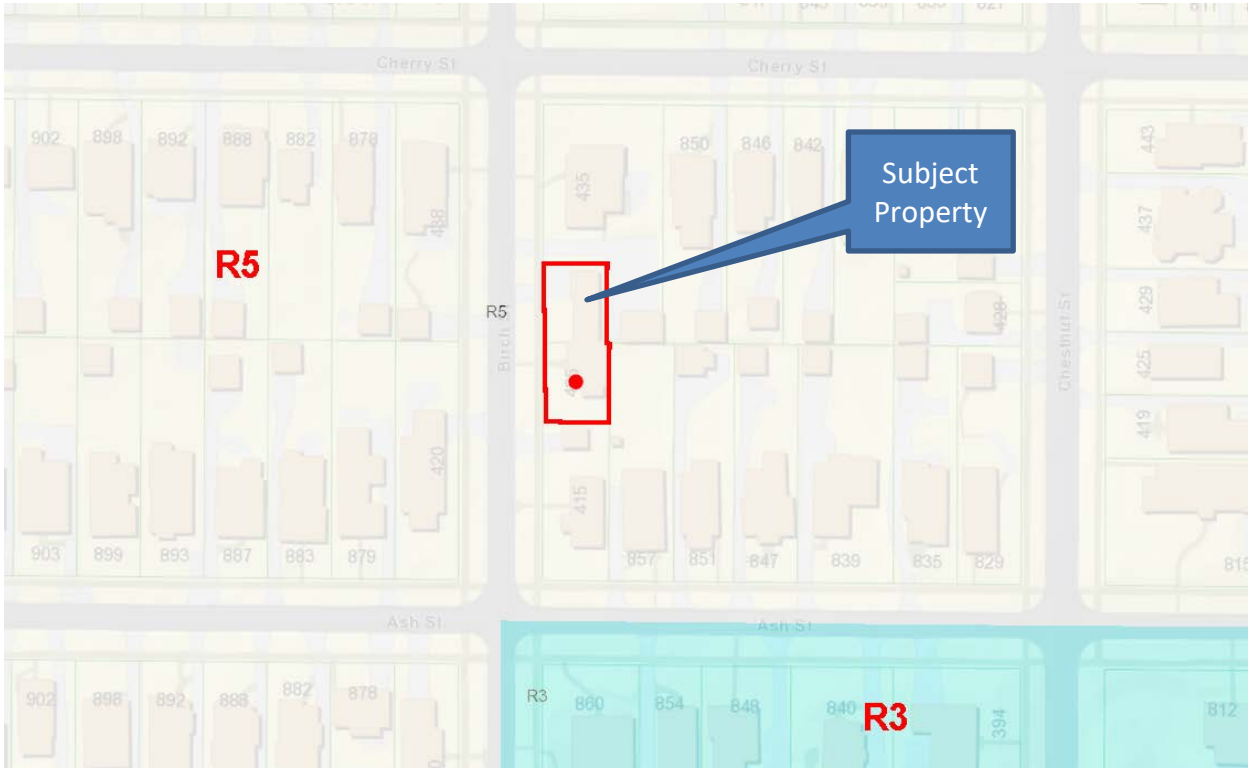


Figure 2 – Zoning Map

PROPERTY HISTORY AND PREVIOUS ZONING APPLICATIONS

The residence was constructed in 1915. Subsequent building permits were issued in 1986 to demolish a detached two-car garage and build an addition consisting of an attached garage and a family room, as well to remodel the kitchen. Additionally, permits to repair the foundation and the basement floor, as well as other minor permits, were issued in March 2020. The Applicant acquired the property in February 2020.

There are two previous zoning cases on file for the Subject Property:

1. In 1986, Case No. 1343 was approved by the ZBA, granting variations from (i) the permitted intensity of use of lot, (ii) the front yard setback requirement, and (iii) the rear yard setback requirement to allow a one-story addition. This is the addition described above for the family room and attached garage for which a building permit was issued in 1986; and
2. In 1999, Case No. 99-42-V2 was denied by the Village Council. The following variations were requested to allow a second floor addition above the family room between the residence and attached garage: (i) GFA; (ii) intensity of use of lot (roofed lot coverage); (iii) front yard setback; and (iv) rear yard setback.

Figures 3 and 4 on the following page contain photos of the site.

Figure 3 – Subject Property (West Elevation)

Figure 4 – Subject Property

PROPOSED PLAN

The variations are being requested in order to rebuild the two-story element on the south side of the residence and expand its footprint an additional 52 square feet towards the front of the residence. The plan also includes the installation of an egress window well on the rear elevation of the residence. The existing two-story element to be replaced measures approximately 14.4 feet by 8.5 feet (121 square feet). The two-story element that would replace the existing element would maintain the 8.5 feet in width while extending an additional 6 feet to the west. The first floor space consists of a sun room and would continue to be used as an expanded sun room. The second floor sun porch would be converted into a master bath and closet. The proposed addition would add approximately 104 square feet of gross floor area (GFA).

An egress window well is also proposed on the east side of the residence. The window well would measure 36 inches by 36 inches and be constructed below grade. The existing exterior basement stairs would be removed to accommodate the window well.

Excerpts of the proposed site plan, west and south building elevations, and floor plans are provided below as Figures 5 through 9. The complete set of plans representing the existing conditions as well as the proposed addition is provided in Attachment C.

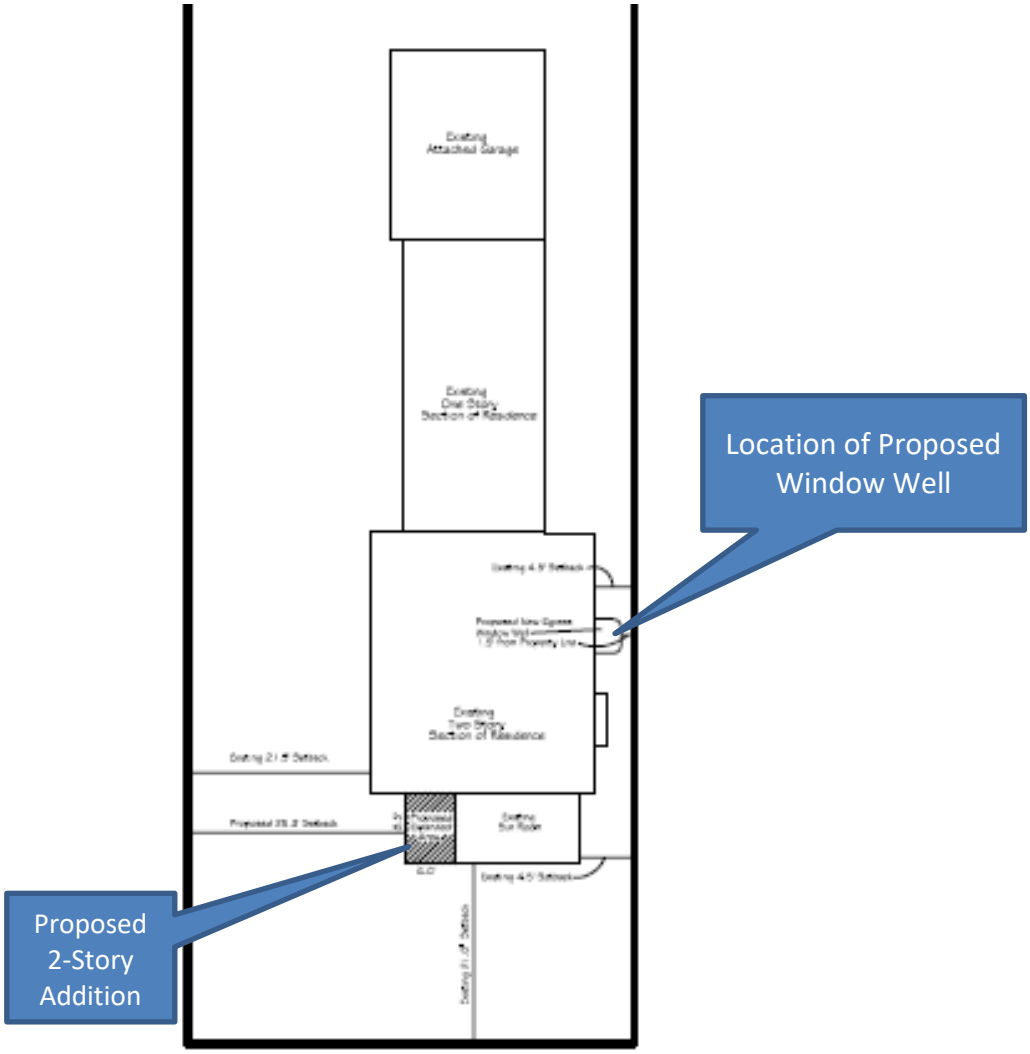


Figure 5 – Excerpt of Proposed Site Plan

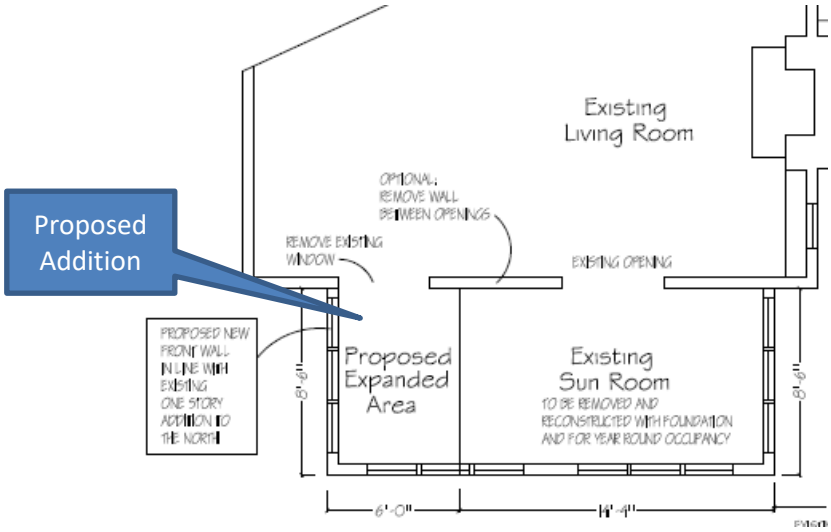


Figure 6 – Excerpt of Proposed First Floor Plan

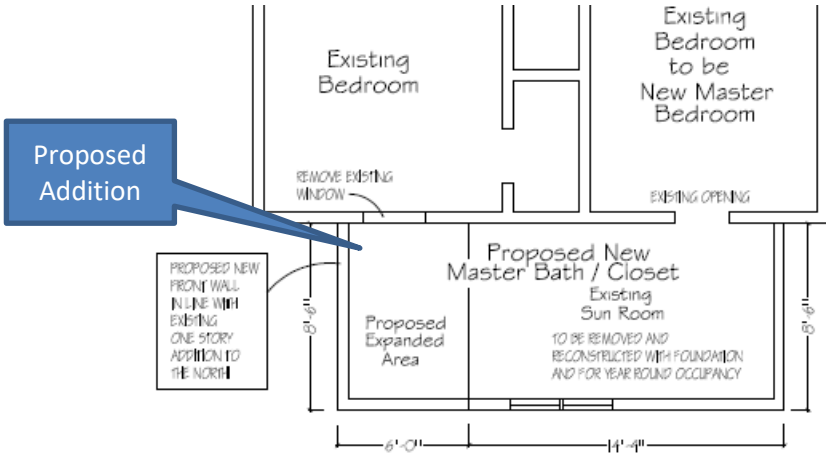


Figure 7 – Excerpt of Proposed Second Floor Plan

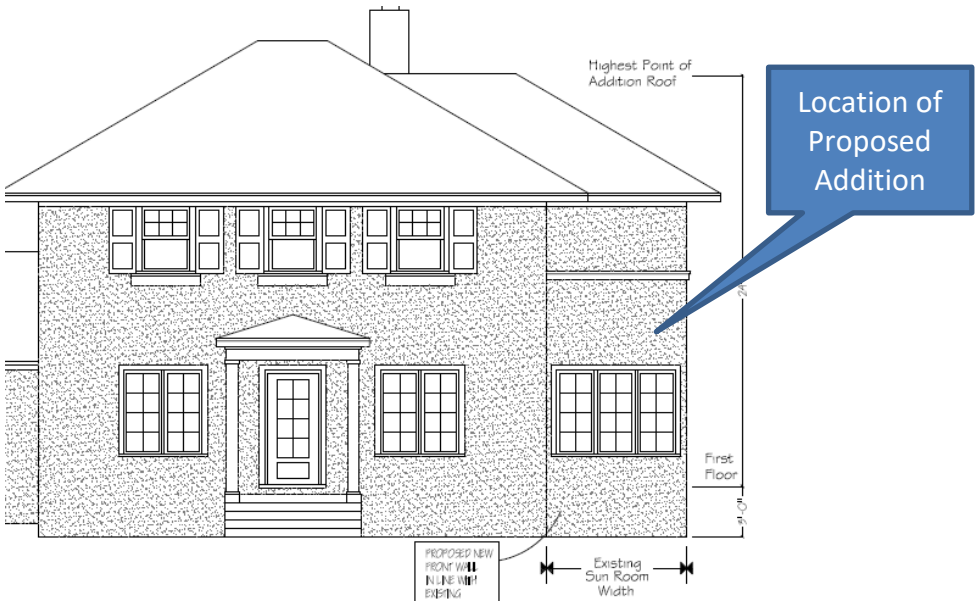


Figure 8 – Excerpt of Proposed West Elevation

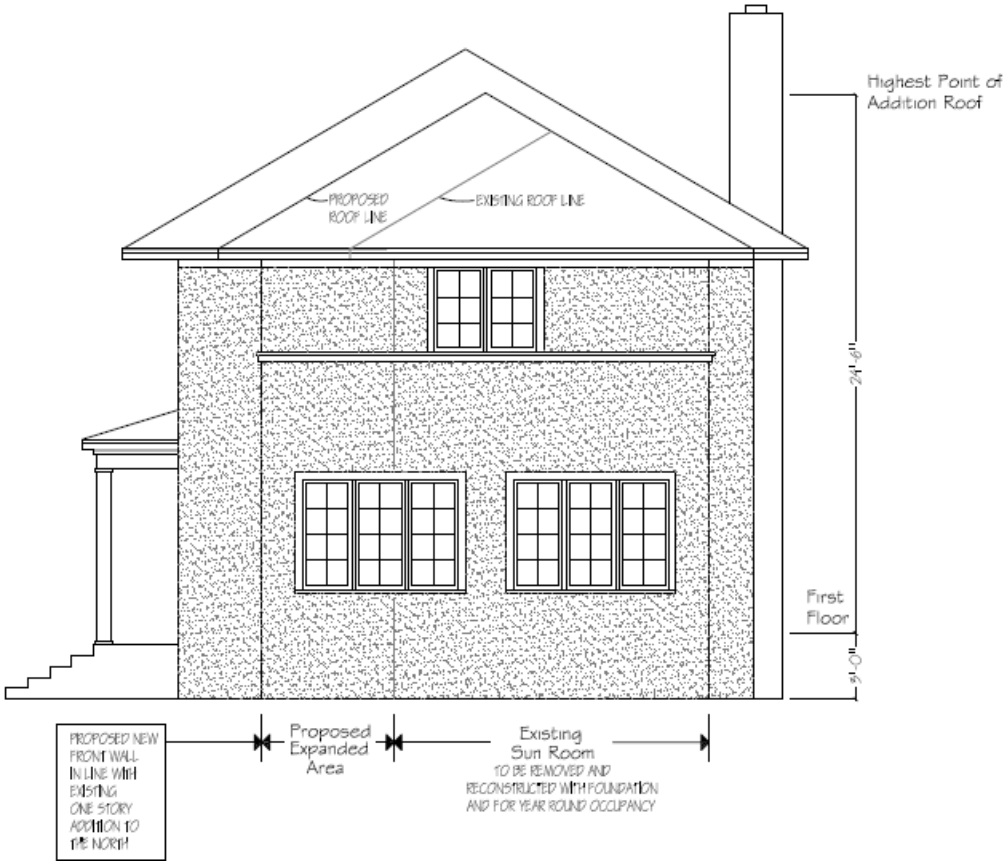


Figure 9 – Proposed South Building Elevation

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 improvements' compliance with the R-5 zoning district (Attachment A). Six variations are being requested: (1) maximum building size (GFA); (2) roofed lot coverage; (3) front yard lot coverage; (4) front yard setback; (5) minimum total side yard setback; and (6) rear yard setback.

Gross Floor Area. The site currently consists of approximately 2,811 square feet of GFA, exceeding the maximum permitted GFA by approximately 281 square feet. The net increase in GFA with the proposed addition is approximately 104 square feet; bringing the total GFA to 2,914.83 square feet, whereas a maximum of 2,529.56 square feet is permitted.

Roofed Lot Coverage. The site currently consists of approximately 1,903 square feet of roofed lot coverage (RLC), exceeding the maximum permitted RLC by approximately 196 square feet. The net increase in RLC with the proposed addition is approximately 52 square feet; bringing the total RLC to 1,955.29 square feet, whereas a maximum of 1,707.45 square feet is permitted.

Front Yard Lot Coverage. The existing improvements within the 30-foot front yard consist of 1,519.5 square feet of front yard lot coverage (FYLC). In this particular case, the FYLC consists of not only the driveway, front stoop and walk, and patio area outside of the family room, but due to the narrow lot depth the existing residence encroaches the minimum required 30-foot front yard setback, approximately 588 square feet of the residence contributes to the FYLC. A portion of the proposed addition would encroach the 30-foot front yard, adding approximately 40 square feet of FYLC; bringing the total FYLC to 1,559.11 square feet, whereas a maximum of 1,116 square feet is permitted.

Front Yard Setback. The residence is legally nonconforming with respect to the front yard setback as the residence currently provides a front yard setback of 21.5 feet, encroaching the minimum required setback of 30 feet by 8.5 feet (28.33%). Given the existing legal nonconformity, it is important to note the lot is 52 feet in depth. The proposed addition would provide a setback of 25.34 feet.

Total Side Yard Setback. The existing residence is also legally nonconforming with respect to the required minimum total side yard setback of 36.48 feet as the residence currently provides a total side yard setback of 28.57 feet; encroaching the required total side yard setback by 7.91 feet (21.68%). The existing improvements with the proposed addition would provide a total side setback of 28.54 feet.

Rear Yard Setback. Lastly, the residence is also legally nonconforming with respect to the rear yard setback as the residence currently provides a rear yard setback of 4.3 feet from the east property line, encroaching the minimum required setback of 10 feet by 5.7 feet (57%). The proposed egress window would provide a setback of 1.3 feet. The two-story element that would be rebuilt currently provides a setback of 6.23 feet. Similar to the legal nonconforming front yard setback, it is relevant to note the lot depth is 52 feet, leaving a buildable lot depth of 12 feet.

REQUESTED ZONING CONSIDERATION

The Applicants are requesting approval of the following zoning variations to allow installation of an egress window well and construction of an addition to the existing residence on the Subject Property:

1. Gross Floor Area of 2,914.83 square feet, whereas a maximum of 2,529.56 square feet is permitted, a variation of 385.27 square feet (15.23%) [Section 17.30.040 – Maximum Building Size] [Note: The site currently contains 2,810.99 square feet of GFA. The proposed addition would add 103.84 square feet of GFA];

2. Roofed Lot Coverage of 1,955.29 square feet, whereas a maximum of 1,707.45 square feet is permitted, a variation of 247.84 square feet (14.51%) [Section 17.30.030 – Intensity of Use of Lot] [Note: The site currently contains 1,903.37 square feet of RLC. The proposed addition would add 51.92 square feet of RLC];
3. Front Yard Lot Coverage of 1,559.11 square feet, whereas a maximum of 1,116 square feet is permitted, a variation of 443.11 square feet (39.7%) [Section 17.30.030 – Intensity of Use of Lot] [Note: The site currently contains 1,519.5 square feet of FYLC. The proposed addition would add 39.61 square feet of FYLC];
4. Front Yard Setback of 25.34 feet, whereas a minimum of 30 feet is required, a variation of 4.66 feet (15.53%) [Section 17.30.050 – Front and Corner Yard Setbacks] [Note: The residence currently provides a front yard setback of 21.5 feet];
5. Total side yard setback of 28.54 feet, whereas a minimum of 36.48 feet is required, a variation of 7.94 feet (21.76%) [Section 17.30.060 – Side Yard Setback] [Note: The residence currently provides a total side yard setback of 28.57 feet]; and
6. Rear Yard Setback of 1.3 feet, whereas a minimum of 10 feet is required, a variation of 8.7 feet (87%) [Section 17.30.070 – Rear Yard Setback] [Note: The residence currently provides a rear yard setback of 4.3 feet].

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. Gross Floor Area of 2,914.83 square feet, whereas a maximum of 2,529.56 square feet is permitted, a variation of 385.27 square feet (15.23%) [Section 17.30.040 – Maximum Building Size];
2. Roofed Lot Coverage of 1,955.29 square feet, whereas a maximum of 1,707.45 square feet is permitted, a variation of 247.84 square feet (14.51%) [Section 17.30.030 – Intensity of Use of Lot];
3. Front Yard Lot Coverage of 1,559.11 square feet, whereas a maximum of 1,116 square feet is permitted, a variation of 443.11 square feet (39.7%) [Section 17.30.030 – Intensity of Use of Lot];
4. Front Yard Setback of 25.34 feet, whereas a minimum of 30 feet is required, a variation of 4.66 feet (15.53%) [Section 17.30.050 – Front and Corner Yard Setbacks];
5. Total side yard setback of 28.54 feet, whereas a minimum of 36.48 feet is required, a variation of 7.94 feet (21.76%) [Section 17.30.060 – Side Yard Setback]; and
6. Rear Yard Setback of 1.3 feet, whereas a minimum of 10 feet is required, a variation of 8.7 feet (87%) [Section 17.30.070 – Rear Yard Setback].

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

ZONING MATRIX

ADDRESS: 425 Birch Street
CASE NO: 20-16-V2
ZONING: R-5

ITEM	MIN/MAX REQUIREMENT	EXISTING	PROPOSED	DIFFERENCE BETWEEN PROPOSED & EXISTING	ZONING CODE COMPLIANCE (2)
Min. Lot Size	8,400 SF	6,323.9 SF	N/A	N/A	EXISTING NONCONFORMING
Min. Average Lot Width	60 FT	121.61 FT	N/A	N/A	OK
Min. Lot Depth	120 FT	52 FT	N/A	N/A	EXISTING NONCONFORMING
Max. Roofed Lot Coverage	1,707.45 SF (1)	1,903.37 SF	1,955.29 SF	51.92 SF	**247.84 SF (14.51%) VARIATION**
Max. Gross Floor Area	2,529.56 SF (1)	2,810.99 SF	2,914.83 SF	103.84 SF	**385.27 SF (15.23%) VARIATION**
Max. Impermeable Lot Coverage	3,161.95 SF (1)	3,008.24 SF	3,060.16 SF	51.92 SF	OK
Max. Front Yard Lot Coverage	1,116 SF	1,519.5 SF	1,559.11 SF	39.61 SF	**443.11 SF (39.7%) VARIATION**
Min. Front Yard (Birch/West)	30 FT	21.5 FT	21.5 FT	0 FT	**4.66 FT (15.53%) VARIATION (3)**
Min. Side Yard	12 FT	7.41 FT	7.41 FT	0 FT	EXISTING NONCONFORMING
Min. Total Side Yards	36.48 FT	28.57 FT	28.54 FT	(0.03) FT	**7.94 FT (21.76%) VARIATION**
Min. Rear Yard (East)	10 FT	4.3 FT	1.3 FT (4)	(3) FT	**8.7 FT (87%) VARIATION**

NOTES:

(1) Based on lot area of 6,323.9 s.f.
(2) Variation amount is the difference between proposed and requirement.
(3) Proposed addition would provide a front yard setback of 25.34 ft., requiring a variation of 4.66 ft. (15.53%).
(4) Setback to proposed window well.

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.)	***Applies to 425 Birch Street*** *Based upon preliminary review of information to date, it appears that 425 Birch Street <u>would not</u> have to provide additional storm water detention volume.* ***However, a final determination will be made by Village Engineering staff****.*

RECEIVED
MAR 12 2020
BY:

ATTACHMENT C

VILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT

ZONING VARIATION APPLICATION

Case No. 20-16-V2

Property Information

Site Address: 425 Birch Avenue

Owner Information

Name: COLLIN NAILOR

Primary Contact: SAME

Address: 425 BIRCH ST.

Phone No. [redacted]

City, State, ZIP: WINNETKA, IL 60093

Email: [redacted]

Date property acquired by owner: 3/4/12

Architect Information

Name: Mark D. VanKerkhoff, AIA

Primary Contact: same

Address: 39W186 W Hilltop Dr.

City, State, ZIP: St. Charles, IL 60175

Phone No. 630-675-9914

Email: markvankerkhoff@gmail.com

Attorney Information

Name:

Primary Contact:

Address:

City, State, Zip:

Phone No.

Email:

Nature of any restrictions on property: The Zoning Ordinance restricts the Roofed Lot Area and the Gross Floor Area. The existing house exceeds both restrictions to a minimal degree. The two-story Sun Porch has an inadequate foundation and substandard construction.

Brief explanation of variation(s) requested (attach separate sheet providing additional details): See attached narrative. The new owners are making a large investment and undertaking significant renovations to this foreclosed and vacant property. They propose to remove and reconstruct the substandard two-story Sun Porch and rebuild it 6 feet longer towards the front of the house. The variations requested are to slightly increase the allowed the Roofed Lot Area and the Gross Floor Area as well as a variation to the rear yard to allow a 3'x3' egress window and well.

Property Owner Signature: [redacted]

Date: 03/12/2020

Mark D. VanKerkhoff, AIA
A R C H I T E C T

39W186 Hilltop Drive St. Charles, Illinois 60175 (630) 675-9914

March 10, 2020

Narrative for Application for Zoning Variations for 425 Birch Avenue

The new owners are making a large investment and undertaking significant renovations to this foreclosed and vacant property. The Zoning Ordinance restricts the Roofed Lot Area and the Gross Floor Area. The existing house exceeds both area restrictions in a minimal degree. The existing basement needs extensive foundation reconstruction. There is no egress window and the only available location for a code complaint egress window is to the rear yard.

The two-story Sun Porch should be removed and replaced due to inadequate foundation and substandard construction. They propose to remove and reconstruct the substandard two-story Sun Porch and rebuild it 6 feet longer towards the front of the house. The proposed new front of the reconstructed Sun Porch would be at the same setback as the existing one-story addition on the north side of the original home.

The existing second floor has only three bedrooms and one full bathroom. The slightly enlarged area of the reconstructed second floor of the Sun Porch will allow for a master bathroom to be added. As the Sun Porch had been previously converted to year-round use, the exterior appearance will remain the substantially the same (except for the sagging SW corner)

The variations requested are to slightly increase the allowed the Roofed Lot Area (+335 SF) and the Gross Floor Area (+380 SF) to allow reconstruction of the two-story Sun Porch and to extend the length by adding 6 feet towards the front of the house as well as a variation to the rear yard to allow a 3'x3' egress window and well.

The requested variances are reasonable for the following reasons:

1. **The requests, if approved, will correct existing code deficiencies.** The existing two-story Sun Porch was constructed on piers and not on a full foundation. The SW front corner of the Sun Porch has sunk, and the Sun Porch structure is sagging due to the inadequate foundation and undersized framing for the floors and roof. In addition, the Sun Porch had been converted to year-round use some time in the past, but does not have adequate insulation, heating, cooling electrical outlets or lighting. Reconstruction of the two-story Sun Porch will allow for it to be built on a code-compliant foundation, structural framing for walls, floors and the roof, and provide for code complaint insulation, HVAC, lighting and electrical systems. In addition, the existing basement needs extensive foundation reconstruction. There is no egress window and the only available location for a code complaint egress window is to the rear yard.

2. **There is already an existing legal nonconformity of a minimal degree.** The proposed improvement requires the formalizing of the nonconformity with only a minimal increase to the minor degree of nonconformity. The proposed improvement will enhance the utility and value of the property within the context of the established neighborhood by adding a master bathroom to the existing second floor, which currently has three modest sized bedrooms and only one full bath serving all three bedrooms.

STANDARDS FOR GRANTING OF ZONING VARIATIONS

1. **The property in question cannot yield a reasonable return if permitted to be used only under the conditions allow by regulations in that district;**
   Response: The existing house was foreclosed on and has been vacant for some time. The basement foundation and many other features require considerable renovation, repair and replacement. The existing Sun Porch was not constructed to be year-round space and is not code complaint as described in detail in the narrative. Simply removing the two-story Sun Porch would reduce the square foot area of this modest home as well as diminish the value. The area of the second floor of the Sun Porch is not large enough to add a master bathroom without the proposed additional 6 feet in length. As to the rear yard variation for the egress window, without an egress window the basement will not be able to be used for habitable space.
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;**
   Response: The existing Sun Porch was not constructed to be year-round space and is not code complaint as described in detail in the narrative. In addition, there is already an existing legal nonconformity of a minimal degree in respect to the Roofed Lot Area and the Gross Floor Area. The existing basement requires extensive reconstruction and repairs.
3. **The variation, if granted, will not alter the essential character of the locality;**
   Response: The proposed variations will allow for reconstruction of the existing two-story Sun Porch using the same basic shape and roof. Increasing the length by adding 6 feet towards the front of the house will still leave 4-foot setback from the front wall of the house. This is the same as the setback for the one-story wing to the north of the original house.
4. **An adequate supply of light and air to adjacent property will not be impaired;**
   Response: There will be no change to the supply of light or air to adjacent properties.
5. **The hazard from fire and other damages to the property will not be increased;**
   Response: There will be no increase in hazard from fire or other damages. In fact, reconstruction of the non-code complaint Sun Porch will diminish the potential for damages from fire and/or structural failure.

6. **The taxable value of the land and buildings throughout the Village will not diminish;**
   Response: There will be no diminishment of taxable land value or buildings in the Village. The significant re-investment should increase the taxable value of this residence and positively impact the taxable value of land and buildings in the immediate vicinity.
7. **The congestion in the public street will not increase; and**
   Response: There will be no increase in congestion in the public street as the land use as a single-family home will not change.
8. **The public health, safety, comfort, morals and welfare of the inhabitants of the Village will not be otherwise impaired.**
   Response: There will be no impairment as the land use as a single-family home will not change.

PROFESSIONALS ASSOCIATED SURVEY, INC.

PROFESSIONAL DESIGN FIRM NO. 184-003023

7100 N. TRIPP AVENUE
LINCOLNWOOD, ILLINOIS 60712
www.professionalsassociated.com

TEL: (847) 675-3000
FAX: (847) 675-2167
e-mail: pa@professionalsassociated.com

PLAT OF SURVEY

OF

NORTH

GRAPHIC SCALE

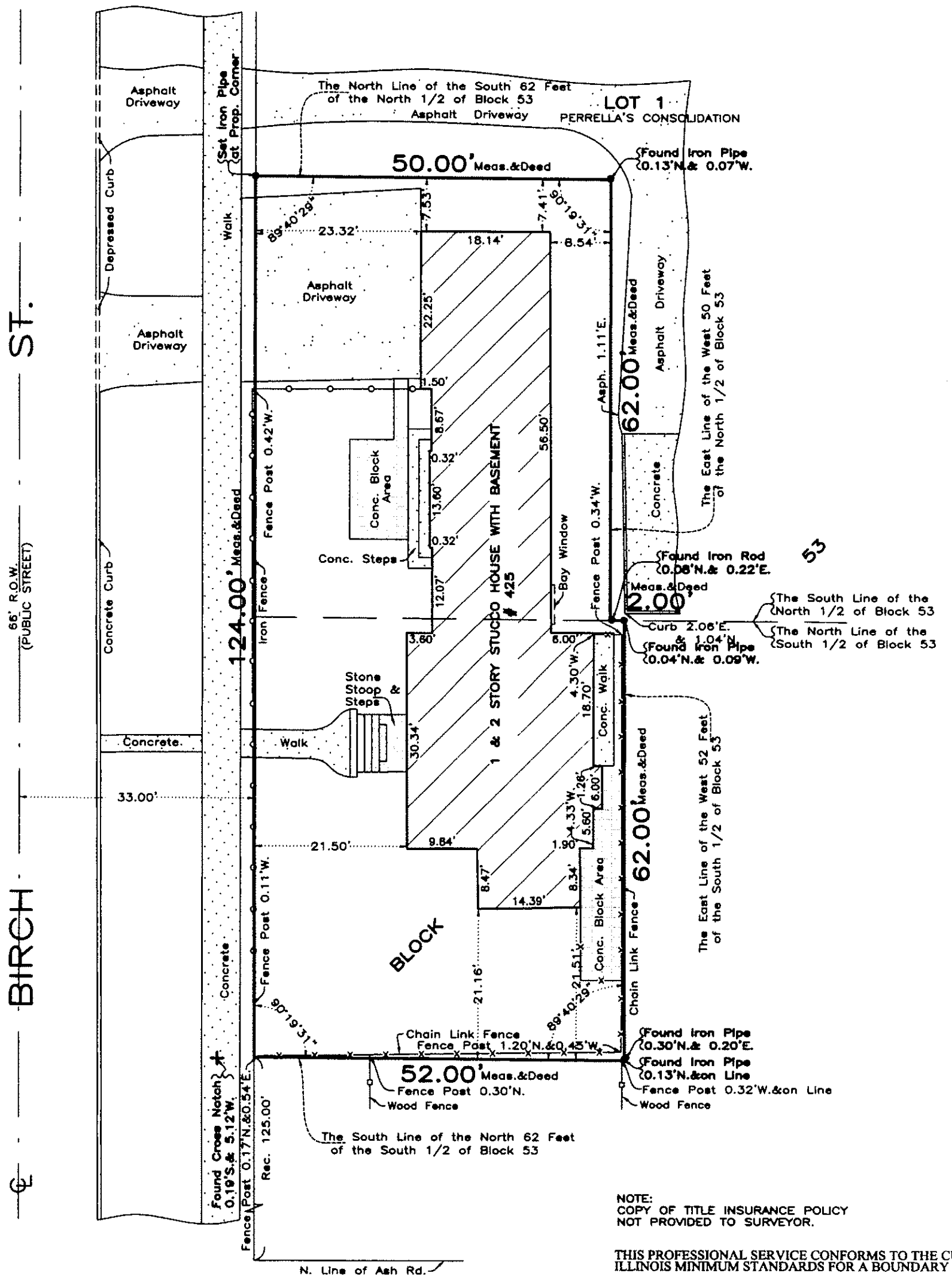
0 16

(IN FEET)
1 inch = 16 ft.

THE SOUTH 62 FEET OF THE WEST 50 FEET OF THE NORTH 1/2 OF BLOCK 53 AND THE NORTH 62 FEET OF THE WEST 52 FEET OF THE SOUTH 1/2 OF BLOCK 53 IN WINNETKA, BEING A SUBDIVISION BY CHARLES A. PECK OF THE NORTHEAST 1/4 OF SECTION 20 AND THE NORTH FRACTIONAL 1/2 OF FRACTIONAL SECTION 21, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

LAND TOTAL AREA: 6,323.90 SQ.FT. = 0.1452 ACRE.

COMMONLY KNOWN AS: 425 BIRCH STREET, WINNETKA, ILLINOIS.



NOTE:
COPY OF TITLE INSURANCE POLICY NOT PROVIDED TO SURVEYOR.

THE LEGAL DESCRIPTION SHOWN ON THE PLAT HEREON DRAWN IS A COPY OF THE ORDER, AND FOR ACCURACY SHOULD BE COMPARED WITH THE TITLE OR DEED.

DIMENSIONS ARE NOT TO BE ASSUMED FROM SCALING.

BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE SO RECORDED IN THE MAPS, OTHERWISE REFER TO YOUR DEED OR ABSTRACT.

Order No. 18-93720

Scale: 1 inch = 16 feet.

Date of Field Work: May 23, 2018.

Ordered by: BILL VOLPE

HYLTON E. DONALDSON
035-002819
PROFESSIONAL LAND SURVEYOR
STATE OF ILLINOIS
LINCOLNWOOD, ILLINOIS

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

THIS SURVEY HAS BEEN ORDERED FOR SURFACE DIMENSIONS ONLY, NOT FOR ELEVATIONS.
THIS IS NOT AN ALTA SURVEY.

COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE.

State of Illinois
County of Cook s.s.

We, PROFESSIONALS ASSOCIATED SURVEY INC., do hereby certify that we have surveyed the above described property and that, to the best of our knowledge, the plat hereon drawn is an accurate representation of said survey.

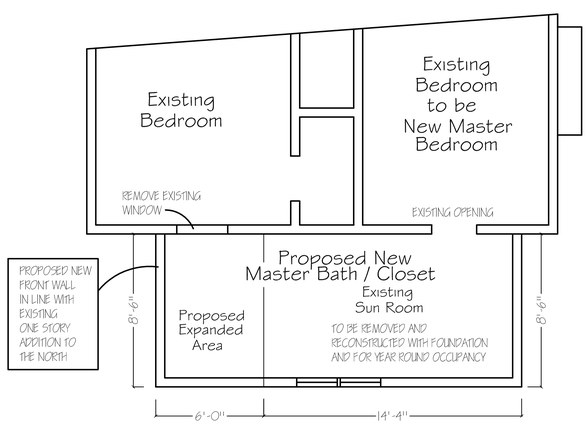
Date: May 25, 2018.

Hylton E. Donaldson

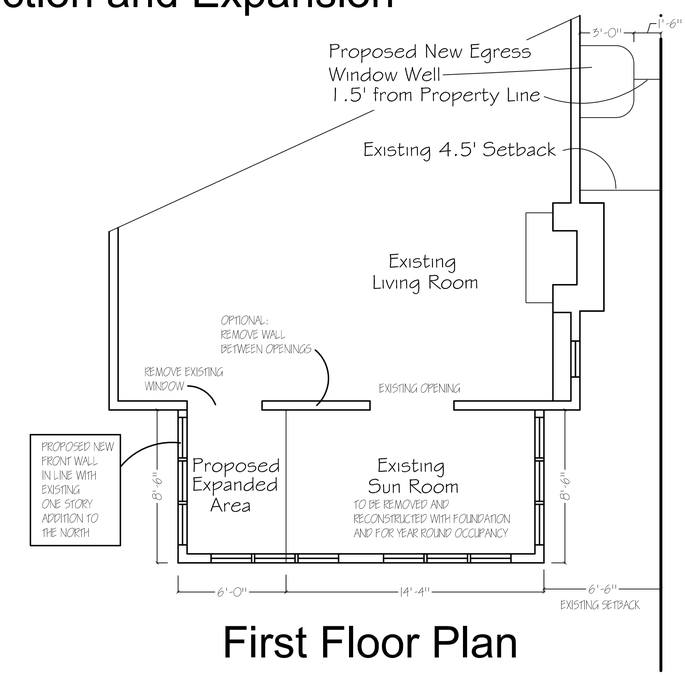
IL. PROF. LAND SURVEYOR - LICENSE EXP. DATE NOV. 30, 2018.

Drawn by: JR

Proposed Sun Porch Reconstruction and Expansion

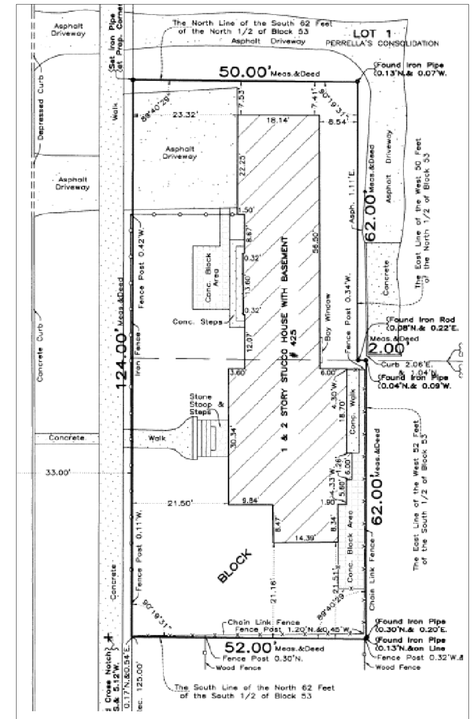


Second Floor Plan

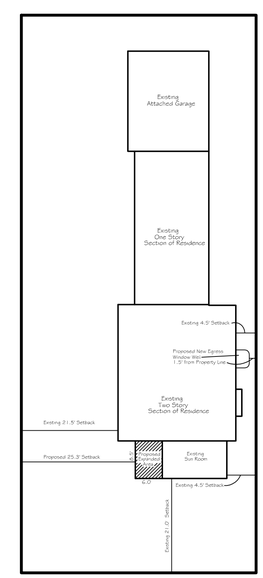


First Floor Plan

Proposed Sun Porch Reconstruction and Expansion



Existing Site Plan



Proposed Site Plan

LICENSED ARCHITECT
MARK D. VANKERKHOFF
001-013497
STATE OF ILLINOIS

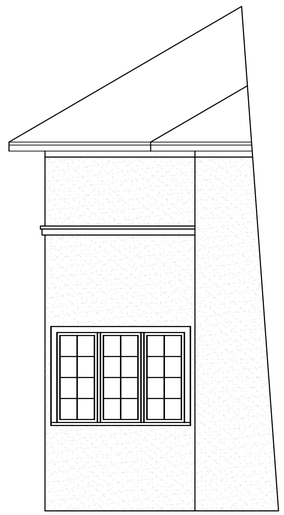
4/11/2020

Proposed Sun Porch Reconstruction and Expansion

425 Birch Street Winnetka, Illinois

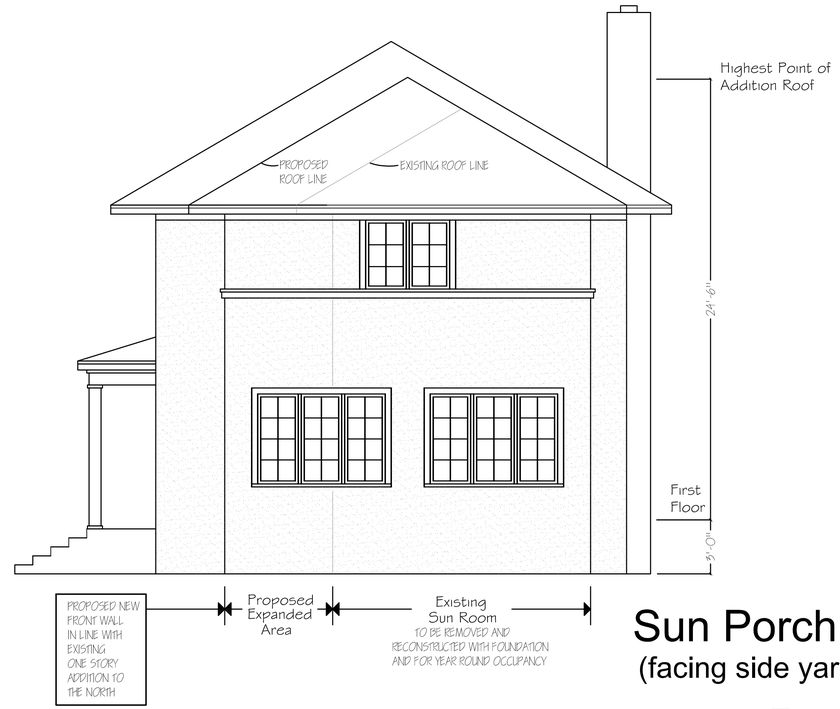
1/16" = 1'-0"

1



Sun Porch East Elevation

(facing side of neighbor's detached garage)



Sun Porch South Elevation

(facing side yard and side of neighbor's detached garage)

West Elevation

(facing Birch Street)

LICENSED ARCHITECT
MARK D. VANKERKHOFF
001-013497
STATE OF ILLINOIS

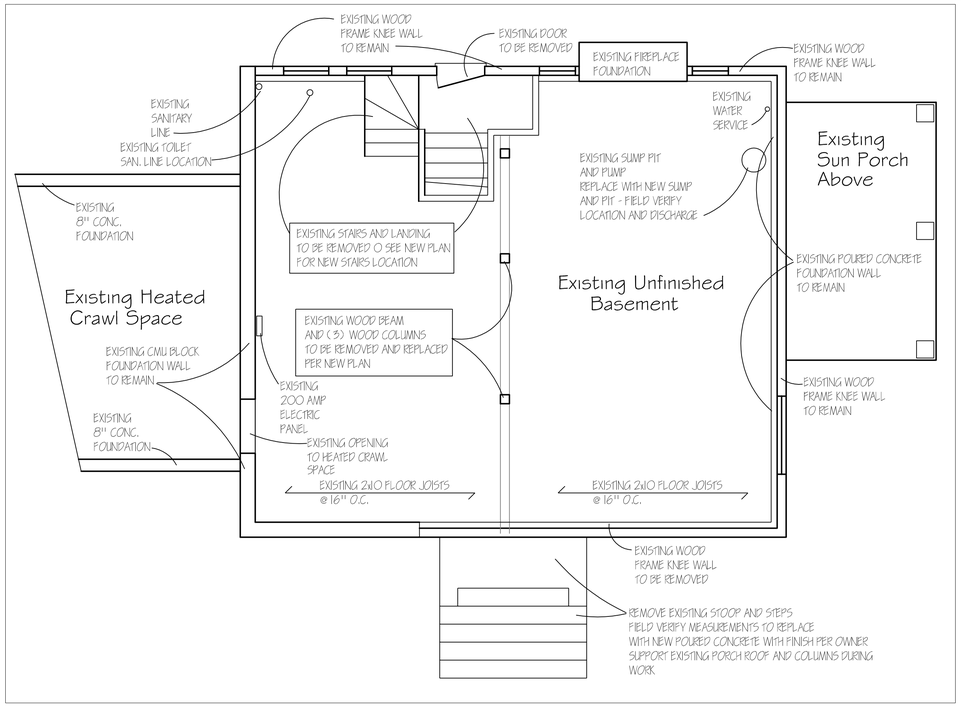
4/11/2020

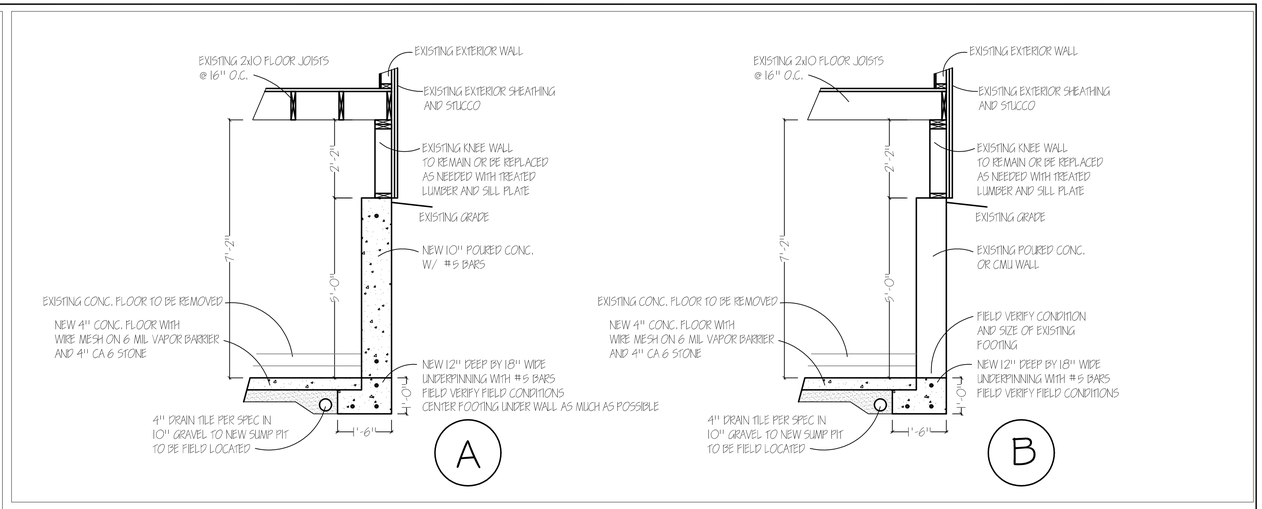
Proposed Sun Porch Reconstruction and Expansion

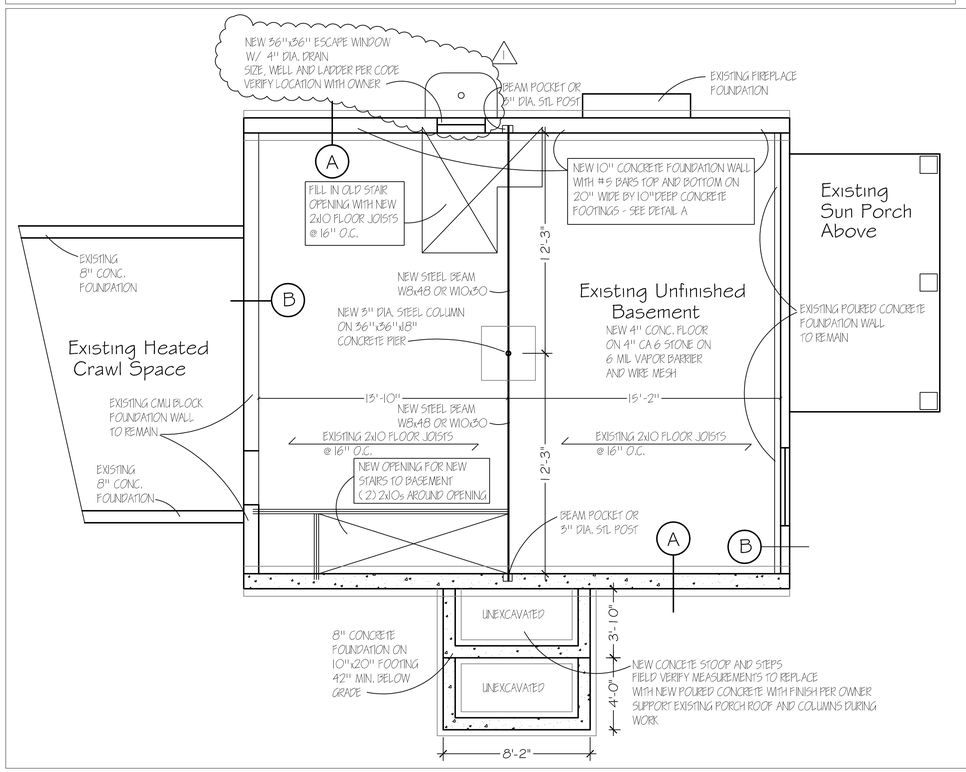
425 Birch Street Winnetka, Illinois

1/16" = 1'-0"

2







BASEMENT / FOUNDATION NOTES:

SCOPE:
1) Install new basement floor at a lower level to acheive 7'-2" miminum finshed ceiling head height.
2) Install two new foundation walls to replace failing existing tile block walls.
3) Install underpinning of two existing poured concrete walls to remain.

NOTES:
1) Install new foundation walls on east and west sides of residence.
2) Take down existing east and west walls and pour new 20" wide by 10" concrete footings with (2) #5 bars and 10" wide walls at same height with #5 bars throughout top and bottom. (see Detail A).
3) Install underpinning for existing north and south poured concrete walls for new depth of basement floor height with rebar #5. (see Detail B).
4) Remove existing cracked concrete floor and dig down for new finished ceiling height of of 7'-2". Remove and haul away all old concrete and dirt.
5) Install new 4" concete floor (6 bag mix) on 4" CA 6 stone base with 6 mil vapor barrier and wire mesh.
6) Install one new 12"x36"x36" concrete pier with (2) #5 bars each way per plan.
7) Install new steel beam and 3" dia. steel column.
8) Install new egress window per plan.
9) Remove existing front stoop and steps and haul away concrete and stone. Existing front porch roof and columns to remain.
10) Install new poured conrete stoop and steps per plan.
11) All new foundation walls to include waterproofing
12) Install new drain tile - 4" PVC pipe with sock with 10" 3/4" wash gravel all around on interior walls.
13) Install beadboard waterproofing on interior walls all around basement.

GENERAL NOTES
1. Field verify all dimensions and conditions.
2. Do not scale drawings
3. All concrete footings to bear on soil pressure of 3000 psi and shall be placed on undisturbed soil minimum 3'-6" below grade.
4. All concrete mix shall attain a compressive strength of 3000 psi and shall be a minimum 6 bag mix.
5. Hot and cold air ducts to be non-combustible material.
6. All joists and rafters to be No. 2 or better, E=1.4, f=1150.
7. All joists to have minimum $1\frac{1}{2}$" bearing.
8. Two 2x12 headers at all exterior openings unless noted.

Adopted Model Building Codes with local amendments (effective August 1, 2019)

International Code Council (ICC) Codes
2015 International Residential Code (IRC) for One- and Two-Family Dwellings also including the four (4) additional appendices listed below:
2015 IRC Appendix F: Radon Control Methods
2015 IRC Appendix J: Existing Buildings and Structures
2015 IRC Appendix O: Automatic Vehicular Gates
2015 IRC Appendix U: Solar Ready Provisions for Detached One- and Two-Family Dwellings & Multiple Single-Family Dwellings (Townhomes)
2015 International Swimming Pool and Spa Code (SPSC)
2015 International Fuel Gas Code (IFGC)
2015 International Mechanical Code (IMC)
2015 International Property Maintenance Code (IPMC)

State of Illinois Codes
Illinois Energy Conservation Code (current edition - 2018)
Illinois Plumbing Code (current edition)

CERTIFICATION

I hereby certify that these drawings were prepared by me, and that said drawings and plans comply with the requirements in the building provisions of the Building Code as adopted by the Village of Winnetka.

Mark D. VanKerkhoff, AIA
Illinois Licensed Architect
001-014497
Expires November 30, 2020

LICENSED ARCHITECT MARK D. VANKERKHOFF 001-014497 STATE OF ILLINOIS

March 11, 2020
Date

3/7/2020	
3/11/2020	1

Phase I - Foundation Only Repairs

425 Birch Street Winnetka, Illinois

1/16" = 1'-0"

1