



ZONING BOARD OF APPEALS REGULAR MEETING
MONDAY, MARCH 14, 2022 - 7:00 PM
WINNETKA VILLAGE HALL COUNCIL CHAMBERS – 510 GREEN BAY ROAD

AGENDA ITEMS

1. Call to Order & Roll Call.
2. Approval of Minutes – February 14, 2022.
3. Community Development Report.
4. **Case No. 22-08-SU: 275 Fairview Avenue – Greeley Elementary School:** An application submitted by Kathryn Talty Landscape Architecture, on behalf of Winnetka Public School District 36, seeking approval of an amendment to an existing Special Use Permit, which allowed playground improvements at Greeley Elementary School, 275 Fairview Avenue, and zoning variations to allow playground improvements to an existing playground. The requested amendment would allow improvements to the existing playground located on the northeast corner of 275 Fairview Avenue. The requested variations would permit the playground to (i) exceed the maximum permitted impermeable lot coverage; (ii) exceed the maximum permitted front yard lot coverage; and (iii) provide less than the minimum required front yard setback from Hawthorn Lane. The Village Council has final jurisdiction on this request.
5. **Case No. 22-09-SU: 1110 Chatfield Road – Hubbard Woods Elementary School:** An application submitted by Kathryn Talty Landscape Architecture, on behalf of Winnetka Public School District 36, seeking approval of an amendment to an existing Special Use Permit, which allowed playground improvements at Hubbard Woods Elementary School, 1110 Chatfield Road, and zoning variations to allow playground improvements to an existing playground. The requested amendment would allow improvements to the existing playground located at 1110 Chatfield Road. The requested variations would permit the playground to (i) exceed the maximum permitted impermeable lot coverage; and (ii) provide less than the minimum required side yard setback from the west lot line. The Village Council has final jurisdiction on this request.
6. **Case No. 22-10-V: 379 Rosewood Avenue:** An application submitted by 379 Rosewood Avenue, LLC seeking approval of zoning variations to allow retention of an existing garage bay on the existing residence as part of a construction project at 379 Rosewood Avenue. The requested zoning variations would permit the improvements to (i) exceed the maximum permitted roofed lot coverage; (ii) provide less than the minimum required side yard setback from the north property line; and (iii) provide an unarticulated north side building wall more than 40 feet in length. The Zoning Board of Appeals has final jurisdiction on this request.
7. New Business.
 - a. April 11, 2022, Meeting – Quorum check
8. Public Comment.
9. Adjournment.

Note: Public comment is permitted on all agenda items at the meeting. If you wish to provide testimony or comments prior to the meeting, you may provide them one of two ways: (1) by sending an email to planning@winnetka.org; or (2) by sending a letter to Community Development, Village of Winnetka, 510 Green Bay Rd, Winnetka, IL 60093.

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

NOTICE

The Village of Winnetka, in compliance with the Americans with Disabilities Act, requests that 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).

1 WINNETKA ZONING BOARD OF APPEALS MEETING MINUTES
2 FEBRUARY 14, 2022
3

4 **Zoning Board Members Present:** Matt Bradley, Chairman
5 Kate Casale MacNally
6 Kim Handler
7 Lynn Hanley
8 Mike Nielsen
9 Todd Vender

10
11 **Zoning Board Members Absent:** Max Weigandt

12
13 **Village Staff:** David Schoon, Director of Community Development
14 Brian Norkus, Assistant Director of Community
15 Development
16 Ann Klaassen, Senior Planner
17

18 **Minutes of the Zoning Board of Appeals**
19 **February 14, 2022**
20

21 **Call to Order & Roll Call:**

22 Chairman Bradley called the meeting to order at 7:00 p.m. Ms. Klaassen took roll of the Board Members
23 present.
24

25 **Introductory Remarks Regarding Conduct of Virtual Meeting.**

26 Chairman Bradley read the Oral Declaration into the record and provided an explanation of how the
27 meeting would proceed.
28

29 **Approval of Minutes – January 10, 2022.**

30 Chairman Bradley asked for a motion to approve the January 10, 2022 meeting minutes. Ms. Casale
31 MacNally moved to approve the January 10, 2022 minutes. The motion was seconded by Ms. Hanley. A
32 vote was taken and the motion unanimously passed, 6 to 0:

33 AYES: Bradley, Casale MacNally, Handler, Hanley, Nielsen, Vender

34 NAYS: None
35

36 **Case No. 22-04-V2: 108 Fuller Lane: An application submitted by Julia and Brian Goodwin seeking**
37 **approval of zoning variations to allow construction of an addition to the existing residence at 108 Fuller**
38 **Lane. The requested zoning variations would permit the addition to: (i) exceed the maximum permitted**
39 **building size; and (ii) provide less than the minimum required corner yard setback from Winnetka**
40 **Avenue; (iii) provide less than the minimum required side yard setback from the north property line;**
41 **(iv) provide less than the minimum required rear yard setback from the west property line; and (v)**
42 **exceed the maximum permitted width for a front facing attached garage door. The Village Council has**
43 **final jurisdiction on this request.**

44 Ms. Klaassen identified the variations being requested and the property's location, legal nonconforming
45 size and zoning classification noting the lot's irregular shape. She also referred to property photos and
46 current plat of survey containing the existing improvements. Ms. Klaassen then described the proposed
47 addition's size and room composition and identified the first and second proposed floor plans and
48 proposed corner, north and west elevations. She stated one email was received and no additional public

1 correspondence was received. Ms. Klaassen stated following Board discussion and public comment, a
2 Board Member may wish to make a motion to recommend approval or denial of the request as indicated
3 on page 10. She noted there is no one at the Village Hall to comment and asked if there were any
4 questions.

5
6 Mr. Vender asked if the detached garage was added later. Ms. Klaassen responded there may not have
7 been a separate permit for the detached garage, as there is no record of a separate building permit for
8 the garage in Village files and added the homeowner may know. Chairman Bradley referred to Figure 8
9 and asked if an area he identified is a bay window and not considered part of GFA. Ms. Klaassen explained
10 how the zoning ordinance allowed 64 square feet for chimneys and bay windows and the encroachment
11 limit into the side yard. She also explained the intent behind the requirements for two individual garage
12 doors as opposed to allowing one larger 18-foot wide garage door.

13
14 Ms. Casale MacNally stated there is a fence on the Winnetka Avenue portion of the lot and asked if
15 consideration was given to screening the proposed 18-foot garage door. Ms. Klaassen stated the site plan
16 doesn't represent any fencing; the applicant may be able to respond to that question. She confirmed a
17 detached garage located in the rear quarter of the lot would have received up to a 400 square foot GFA
18 bonus. Ms. Handler questioned whether two garage doors would not fit into the 18-foot opening resulting
19 in the request for a single garage door. Ms. Klaassen stated the proposed garage width of 22 feet is the
20 maximum width allowed for a front-facing attached garage. Mr. Nielsen asked if the GFA was not over by
21 188 feet if the home's siting is causing the problems. Ms. Klaassen confirmed that is correct with regard
22 to the side yard setback but not necessarily for the corner yard setback.

23
24 Mr. Norkus allowed the applicants into the meeting. Chairman Bradley swore in those speaking to this
25 matter. Julia and Brian Goodwin, the property owners, and Healy Rice, the architect, introduced
26 themselves to the Board. Ms. Rice stated the majority of the requests relate to the lot's unique
27 circumstances with limited area to build. She stated the one car garage is falling apart and is insufficient
28 to accommodate vehicles and storage. Ms. Rice stated the rear corner is the best option for adding the
29 garage as well as the family room and office in the space above the garage. She stated due to the proximity
30 to New Trier, there is limited on-street parking and described their current method of accessing the
31 property. Ms. Rice added their goal is to preserve open space and they have not yet considered fencing
32 issues at this time. She then asked if there were any questions. Mr. Goodwin added they want to make
33 the older home practical for a family of today.

34
35 Chairman Bradley asked if there were any questions. Ms. Hanley asked how long the owners have lived in
36 the home. The Goodwins responded four years and informed the Board they currently back their cars out
37 of the property. They confirmed they have the ability to park two vehicles side by side. Chairman Bradley
38 asked the applicants if they rent their driveway to students, and the Goodwins responded they do not.
39 Chairman Bradley asked if they considered a smaller 1.5 car garage although it would still require a
40 variance. Ms. Rice explained the lot size and setback limitations in terms of their ability to build and stated
41 a tandem setup would exacerbate the situation with the proposal making the most sense. Ms. Rice also
42 described the turning radius required if a garage post was installed to create two garage doors as opposed
43 to having a single garage door. Ms. Handler asked if consideration was given to make the single garage
44 door appear to be two doors. Ms. Rice confirmed they plan to incorporate that feature. Ms. Casale
45 MacNally asked how long construction would take and questioned staging for construction with regard to
46 the existing congestion. Ms. Rice responded permission is granted to allow construction vehicles to park
47 and estimated the project completion to take four months over the summer.

48

1 Chairman Bradley questioned the bay window which triggered a setback variance and whether it could be
2 made smaller. Ms. Rice informed the Board the home has no family room or mudroom and described the
3 manner in which the home is laid out. She stated the family addition at the rear would provide the kitchen-
4 family room layout desired by today's families. Ms. Rice also stated the addition would solve a number of
5 problems in the home and addressed the second floor addition design, function and features which would
6 work for the applicants. She added the inability to have the garage in the rear drove the design. No
7 additional questions were raised at this time.
8

9 Chairman Bradley then asked for public comment. Mr. Norkus allowed members of the public into the
10 meeting to comment. No comments were made at this time.
11

12 Chairman Bradley called the matter in for discussion. Ms. Handler stated she is in favor of granting the
13 variance due to the number of hardships and location. She then stated the addition on the west side of
14 the property was the best location, adds functionality and contributes to the home's architecture. Ms.
15 Hanley agreed with Ms. Hanley's comments referring to the difficulty in connection with corner lots in
16 terms of zoning and commented on the parking difficulty in the area. Mr. Nielsen agreed with the
17 comments made and stated he is in support of the request. Ms. Casale MacNally agreed with the
18 comments made and referred to the reasonable return standard which has not been met. She then stated
19 with regard to unique circumstances and it being a corner lot, she would be in favor of the request. Mr.
20 Vender stated it is an old home on a unique lot and commented it is a good design and he is in favor of
21 the request. Chairman Bradley stated he is also in support of the request and referred to the context being
22 set in terms of turnaround driveways.
23

24 Chairman Bradley then asked for a motion to recommend approval as noted on page 10. Ms. Casale
25 MacNally moved to recommend approval of the requested variations. The motion was seconded by Ms.
26 Hanley. A vote was taken and the motion unanimously passed, 6 to 0:
27 AYES: Bradley, Casale MacNally, Handler, Hanley, Nielsen, Vender
28 NAYS: None
29

30 **Case No. 22-05-V: 490 Sunset Road: An application submitted by Francisco Robles and Jamie Thomas**
31 **seeking approval of zoning variations to allow construction of an addition to the existing residence at**
32 **490 Sunset Road. The requested zoning variations would permit the addition to: (i) exceed the**
33 **maximum permitted building size; and (ii) provide less than the minimum required front yard setback**
34 **from Myrtle Street. The Zoning Board of Appeals has final jurisdiction on this request.**

35 Ms. Klaassen identified the GFA and front yard setback variations being requested, the property's location,
36 size and zoning classification. She noted the lot is existing nonconforming in terms of the home's setback
37 and garage location. Ms. Klaassen then referred to the site's photos and identified the areas being
38 removed to accommodate the proposed addition while describing the proposed addition's size and
39 location. She also identified the proposed floor plan and rooms contained in the addition, as well as the
40 front, east and south elevations. Ms. Klaassen noted no public correspondence was received and no one
41 is in attendance at the Village Hall to comment. She stated following Board discussion and public
42 comment, a Board Member may wish to make a motion to approve the resolution approving the
43 requested variations or the resolution denying the request as indicated on page nos. 26 and 44.
44

45 Chairman Bradley questioned the timing of the existing garage construction and whether it predated the
46 current zoning ordinance. Ms. Klaassen explained the changes to the Zoning Ordinance which now based
47 the side yard setback on the average lot width, not the zoning district. No additional questions were raised
48 at this time.

1 Chairman Bradley asked for the applicant's presentation. Mr. Norkus allowed the applicants into the
2 meeting. Chairman Bradley swore in those speaking to this matter. Chip Hackley, the architect, and the
3 applicants introduced themselves to the Board. Mr. Hackley described the nonconforming lot, the home's
4 siting and the home's age of 1917. He identified the zoning relief being requested noting the garage's
5 location did not conform to requirements and did not allow them to obtain the 400 square foot garage
6 bonus. Mr. Hackley stated with regard to the front yard setback, the issue related to the home's placement
7 and its orientation toward Myrtle Street. He noted alternative plans were considered with the goal of
8 obtaining a kitchen, family room addition and bedrooms on the second floor and described the
9 alternatives. Mr. Hackley stated the proposal would provide a seamless addition and would enhance the
10 home for another 100 years. Mrs. Robles stated they want to bring the home up to modern standards to
11 allow them to raise their family.

12
13 Chairman Bradley asked the Board if they had any questions. No questions were raised at this time.
14 Chairman Bradley then asked for public comment. Mr. Norkus allowed members of the public into the
15 meeting. No comments were made at this time.

16
17 Chairman Bradley then called the matter in for discussion. He stated he is in support of the request and
18 referred to the existing front yard setback condition. Chairman Bradley also referred to the applicants'
19 inability to achieve the 400 square feet garage bonus and difficulty to mitigate the situation. He also stated
20 the request would allow the 100 year old home to be preserved. Ms. Casale MacNally commented on the
21 applicants' plans to reinvigorate the older home and corner. She then stated while the reasonable return
22 standard has not been met, the remaining standards have been met and she agreed with Chairman
23 Bradley's comments on the punitive aspect to demolish the garage to create another. Ms. Hanley, Mr.
24 Vender, Ms. Handler and Mr. Nielsen agreed with the comments made and are in support of the request.

25
26 Chairman Bradley then asked for a motion to approve the variations as indicated on page 26. Ms. Casale
27 MacNally moved to approve the requested variations. Ms. Handler seconded the motion. A vote was
28 taken and the motion unanimously passed, 6 to 0:

29 AYES: Bradley, Casale MacNally, Handler, Hanley, Nielsen, Vender

30 NAYS: None

31
32 **Other Business.**

33 a. Community Development Report.

34 Mr. Schoon stated the Village Council will consider the multifamily project on Linden and Cherry Streets
35 on Tuesday, and it provided final approval for the Green Bay Road project at its last meeting. He also
36 stated on February 23, 2022, the Plan Commission will continue work on the Comprehensive Plan visioning
37 phase and identified the pillars to be discussed. Mr. Schoon stated all of the Boards and Commissions
38 would be kept apprised of the discussion. Ms. Casale MacNally inquired about the status of the 93 Green
39 Bay Road site near the train station, and Mr. Schoon responded the preferred development team should
40 be announced in the near future. He also stated the One Winnetka developer is working with the property
41 owner to pursue a four-story versus five-story project. Ms. Hanley asked who was in charge of the new
42 Village signs. Mr. Schoon responded the streetscape consultant worked from a 2008 design plan which
43 was reviewed by the Design Review Board and approved by the Village Council and designed to be
44 consistent with the Elm Street business district.

45
46 b. March 14, 2022 Meeting – Quorum Check.

47 The Board Members discussed their availability.

48

1 **Public Comment.**

2 No comments were made at this time.

3

4 **Adjournment:**

5 A motion to adjourn was made by Ms. Hanley and seconded by Ms. Casale MacNally. A vote was taken
6 and the motion unanimously passed, 6 to 0:

7 AYES: Bradley, Casale MacNally, Handler, Hanley, Nielsen, Vender

8 NAYS: None

9

10 The meeting adjourned at 8:25 p.m.

11

12 Respectfully submitted,

13

14 Antionette Johnson

15 Recording Secretary

DRAFT



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: ZONING BOARD OF APPEALS
FROM: ANN KLAASSEN, SENIOR PLANNER
DATE: MARCH 10, 2022
SUBJECT: 275 FAIRVIEW AVENUE - GREELEY ELEMENTARY SCHOOL
SPECIAL USE PERMIT (CASE NO. 22-08-SU)

INTRODUCTION

On March 14, 2022, the Zoning Board of Appeals is scheduled to hold a public hearing on an application submitted by Kathryn Talty Landscape Architecture (the "Applicant") on behalf of Winnetka Public School District 36, as the owner of the property located at 275 Fairview Avenue (the "Subject Property"). The Applicant is proposing improvements to an existing playground located on the northeast corner of the Subject Property and requests approval of the following relief:

1. Approval of an amendment to an existing **Special Use Permit** that allowed playground improvements. The requested amendment would allow improvements to the existing playground located on the northeast corner of the Subject Property located in the R-5 Single-Family Residential Zoning District; and
2. Approval of the following **zoning variations**:
 - a. Impermeable Lot Coverage (ILC) of 90,380 square feet, whereas a maximum of 58,813.5 square feet is permitted, a variation of 31,566.5 square feet (53.67%) [Section 17.30.030 – Intensity of Use of Lot] [Note: The site currently contains 86,404 square feet of ILC. The proposed improvement would add 3,976 square feet];
 - b. Front Yard Lot Coverage (FYLC) of 7,285 square feet, whereas a maximum of 3,060 square feet is permitted, a variation of 4,225 square feet (138.07%) [Section 17.30.030 – Intensity of Use of Lot] [Note: The site currently contains 4,856 square feet of FYLC. The proposed improvement would add 2,429 square feet]; and
 - c. Front Yard Setback of 5.83 feet from Hawthorn Lane to the proposed play equipment, whereas a minimum of 30 feet is required, a variation of 24.17 feet (80.57%) [Section 17.30.050 – Front and Corner Yard Setbacks] [Note: The existing play equipment, which would be replaced, currently provides a front yard setback of 10.75 feet from Hawthorn Lane].

A sign has been posted on the Subject Property indicating the time and date of the ZBA public hearing. A mailed notice has been 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 February 24, 2022. As of the date of this memo, staff has not received any 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 or amend a Special Use Permit or to grant a variation to (i) exceed the permitted intensity of use by more than 20% and (ii) reduce a front yard setback by more than 50% of the required setback.

PROPERTY DESCRIPTION

The Subject Property, which is approximately 2.7 acres (117,627 square feet) in size, is located on the east side of Fairview Avenue between Hawthorn and Elder Lanes and contains Greeley Elementary School (see Figure 1). The Subject Property has four front yards, with street frontage along Hawthorn Lane to the north, Woodland Avenue to the east, Elder Lane to the south, and Fairview Avenue to the west.

The Comprehensive Plan designates the Subject Property as appropriate for “Public/Semi-Public” uses. The property is zoned R-5 Single Family Residential, and it is surrounded by R-5 Single Family Residential and also bordered by R-4 Single Family Residential to the north (see Figure 2).

In addition to single-family residential uses, the R-5 District allows a limited range of additional uses by Special Use Permit. Allowed Special Uses in the R-5 District include (a) church or temple; (b) public school, elementary and high, or private school having a curriculum equivalent to a public elementary school, public high school or public institution of higher learning; and (c) library.

The Applicant’s use of the Subject Property as a school is generally consistent with the Comprehensive Plan land use designation and the R-5 zoning district.

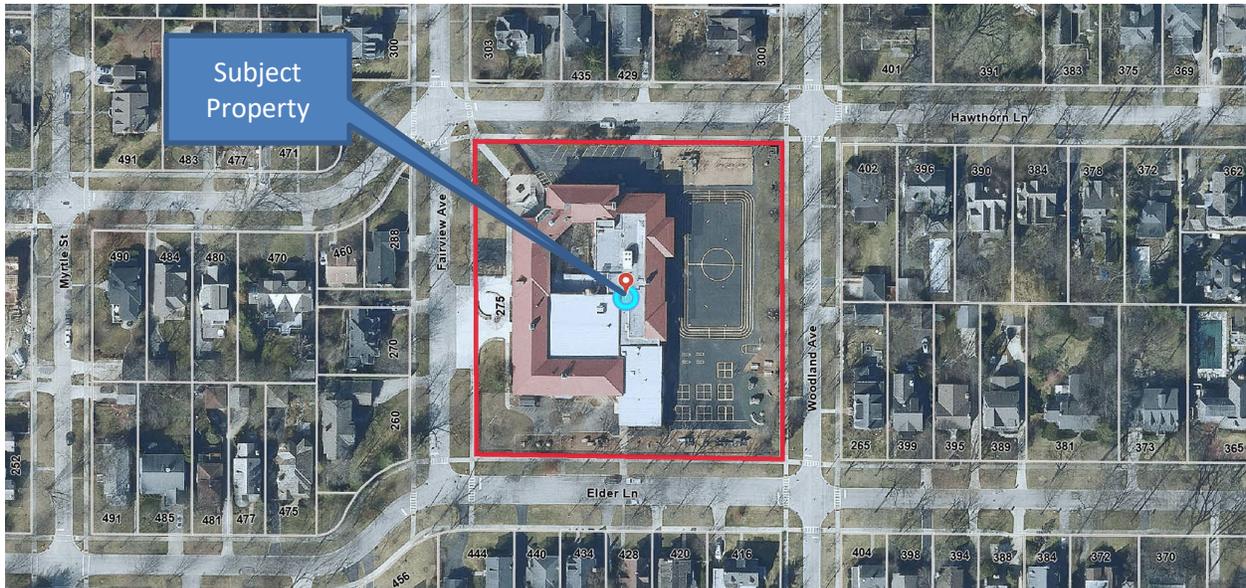


Figure 1 – Aerial Map

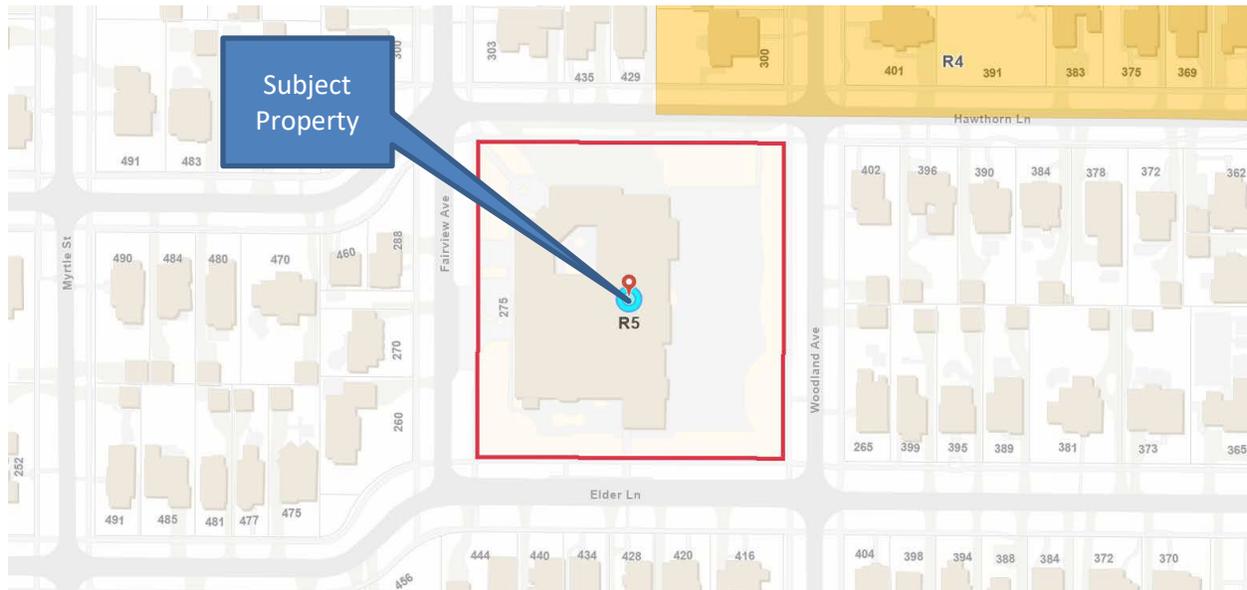


Figure 2 – Zoning Map

PROPERTY HISTORY AND PREVIOUS ZONING APPLICATIONS

Greeley School was constructed circa 1912. Significant additions were constructed in 1923, 1954 and 2008. There are nine (9) previous zoning cases on file for the Subject Property:

1. In 1964, ZBA Case No. 928 was approved for a front yard setback variation to allow a classroom structure;
2. In 1994, ZBA Case No. 1608 was approved for a special use permit and a variation to allow a storage shed;
3. Ordinance M-577-99 was adopted in June 1999 by the Village Council, granting front yard setback variations from Elder and Hawthorn Lanes, and Woodland Avenue to allow replacement of playground equipment;
4. In 1999, ZBA Case No. 99-29-SU was a request to expand the parking lot that would have exceeded the permitted impermeable lot coverage and added parking spaces that would not have met the required front yard setback. The application was withdrawn;
5. Ordinance M-6-2007 was adopted in May 2007 by the Village Council, granting a Special Use Permit and variations to allow construction of a two-story addition on the northeast corner of the existing school building. The approved variations were for (a) GFA; (b) roofed lot coverage; and (c) impermeable lot coverage;
6. In 2014, ZBA Case No. 14-11-SU was a request to install play equipment that would not have met the required front yard setbacks from Elder Lane and Woodland Avenue. The application was withdrawn;
7. Ordinance M-3-2015 was adopted in January 2015 by the Village Council, granting a Special Use permit and variations to allow an outdoor classroom and playground improvements. The approved variations were for the required front yard setbacks from Elder Lane and Woodland Avenue;
8. In 2016, ZBA Case No. 16-20-SU was a request to replace the kindergarten playground equipment that would not have met the required front yard setback from Elder Lane. The application was withdrawn; and
9. Ordinance M-4-2017 was adopted in May 2017 by the Village Council, granting a Special Use Permit and a variation to allow improvements to the kindergarten playground. The approved variation was for the required front yard setback from Elder Lane.

The Ordinances previously listed are included in this report as Attachment C.

Figure 3 below and Figure 4 on the following page are current photos of the site where the improvements are proposed.



Figure 3 – Subject Property – Northeast Playground - Looking South



Figure 4 - Subject Property – Northeast Playground – Looking West

PROPOSED PLAN

The proposed playground improvements are limited to the existing playground located on the northeast corner of the Subject Property. The existing play equipment would be replaced with new equipment of a similar style within the existing established play area. The existing mulch (fiber) play surface would be replaced with rubberized surfacing to provide improved accessibility for students with mobility challenges. The rubberized surface area would measure 3,976 square feet.

The proposed equipment would be in a palette of green and brown and supplied by NuToys Leisure Products, specifically from the manufacturer Landscape Structures. The tallest piece of equipment would be 12 feet in height.

An excerpt of the proposed site plan and renderings of the proposed equipment are provided on the next page as Figures 5 and 6. The complete set of plans are provided in the application materials, which are included in this report as Attachment B.

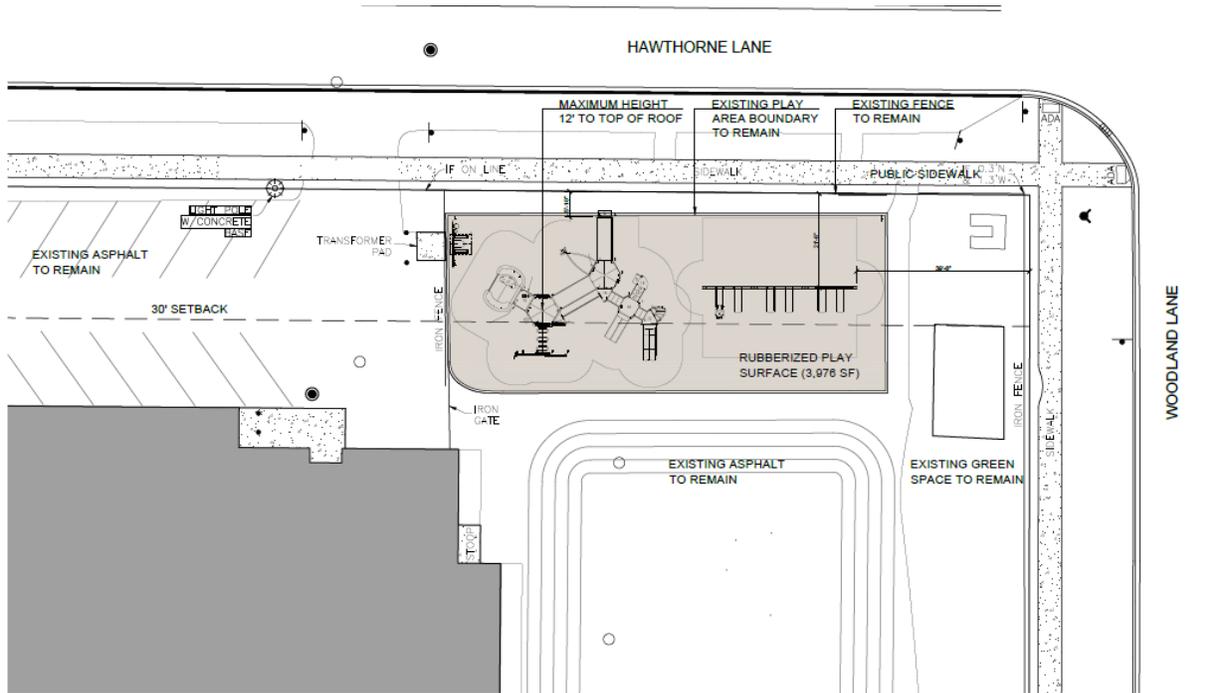


Figure 5 – Excerpt of Proposed Site Plan



Figure 6 – Rendering of Proposed Play Equipment

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 the Applicant is currently working with Village Engineering staff to comply with the Village stormwater regulations. Figure 7 on the following page represents the Subject Property's proximity to the floodplain; the cyan represents the 100-year flood area.



Figure 7 - 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). Three variations are being requested to allow the proposed playground improvements: (1) impermeable lot coverage; (2) front yard lot coverage; and (3) front yard setback.

Impermeable Lot Coverage (ILC). The maximum permitted ILC in the R-5 District is 50% of the lot area. The maximum allowed ILC on the Subject Property is 58,813.5 square feet. The site currently contains 86,404 square feet of ILC, exceeding the maximum permitted ILC by 27,590.5 square feet. The increase in ILC with the proposed rubberized play surface for the playground is 3,976 square feet; bringing the total ILC to 90,380 square feet, whereas a maximum of 58,813.5 square feet is permitted, a variation of 31,566.5 square feet (53.67%).

Front Yard Lot Coverage (FYLC). The maximum permitted FYLC in the R-5 zoning district is 30% of the minimum required front yard, which means no more than 30% of the area measured 30 feet from the front property line may be covered with impermeable surfaces. The maximum allowed FYLC on the Subject Property is 3,060 square feet. The intent of this standard is twofold: (1) to limit the amount of hard surface area located within the required front yard and; (2) to discourage vehicles from parking within the required front yard. The existing improvements within the 30-foot front yard along Hawthorn Lane consist of 4,856 square feet of FYLC, exceeding the maximum permitted FYLC by 1,796 square feet. Nearly two-thirds (2,429 square feet) of the proposed rubberized play surface would be located within the required front yard; bringing the total FYLC to 7,285 square feet, whereas a maximum of 3,060 square feet is permitted, a variation of 4,225 square feet (138.07%).

Front Yard Setback (Hawthorn Lane). The minimum required front yard setback in the R-5 District is 30 feet. The existing play equipment, which is to be replaced, currently provides a front yard setback from Hawthorn Lane of 10.75 feet. The proposed piece of equipment that would be located closest to the north property line along Hawthorn Lane would be setback 5.83 feet, whereas a minimum of 30 feet is required, a variation of 24.17 feet (80.57%).

CONSIDERATION BY OTHER ADVISORY BOARDS/COMMISSIONS

The Design Review Board is scheduled to consider a Certificate of Appropriateness for the proposed playground improvements on March 17, 2022.

The Plan Commission is scheduled to consider the Special Use Permit on March 23, 2022.

The ZBA is charged with evaluating Special Uses for consistency with the six standards for granting special use permits, as well as the eight standards for granting of zoning variations.

FINDINGS

In the attached application materials submitted by the Applicant, the Applicant has provided a statement of justification regarding how the requested Special Use Permit and variations meet the standards for granting the requested Special Use Permit and zoning variations. Does the ZBA find that the requested amendment to an existing Special Use Permit and variations meet the standards for granting such special use and 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 requested amendment to the existing special use that allowed playground improvements for the public elementary school on the Subject Property granted by Ordinance M-4-2017 and the following zoning variations: (1) impermeable lot coverage; (2) front yard lot coverage; and (3) front yard setback to allow improvements to the existing playground located on the northeast corner of the Subject Property, based on evidence in the record, or a public document, and upon the following findings of fact:

1. The proposed playground improvements are consistent with the Standards for the granting of Special Use Permits, as follows:
 - a. That the establishment, maintenance and operation of the special use will not be detrimental to or endanger the public health, safety, comfort, morals or general welfare;
 - b. That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity;
 - c. That the establishment of the special use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern;
 - d. That adequate measures have been or will be taken to provide ingress and egress in a manner which minimizes pedestrian and vehicular traffic congestion in the public ways;
 - e. That adequate parking, utilities, access roads, drainage and other facilities necessary to the operation of the special use exist or are to be provided; and
 - f. That the special use in all other respects conforms to the applicable regulations of this and other Village ordinances and codes.

2. The requested zoning variations to allow:

- a. Impermeable Lot Coverage (ILC) of 90,380 square feet, whereas a maximum of 58,813.5 square feet is permitted, a variation of 31,566.5 square feet (53.67%) [Section 17.30.030 – Intensity of Use of Lot];
- b. Front Yard Lot Coverage (FYLC) of 7,285 square feet, whereas a maximum of 3,060 square feet is permitted, a variation of 4,225 square feet (138.07%) [Section 17.30.030 – Intensity of Use of Lot]; and
- c. Front Yard Setback of 5.83 feet from Hawthorn Lane to the proposed play equipment, whereas a minimum of 30 feet is required, a variation of 24.17 feet (80.57%) [Section 17.30.050 – Front and Corner Yard Setbacks].

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 **have been met [have not been met]:**

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.

[The amendment to the special use for the playground improvements and the requested variations should only be approved subject to the following conditions...]

ATTACHMENTS

Attachment A: Zoning Matrix

Attachment B: Application Materials

Attachment C: Ordinance M-577-99, adopted June 16, 1999
 Ordinance M-6-2007, adopted May 15, 2007
 Ordinance M-3-2015, adopted January 20, 2015
 Ordinance M-4-2017, adopted May 16, 2017

ATTACHMENT A

ZONING MATRIX

ADDRESS: 275 Fairview Avenue - Greeley Elementary School

CASE NO: 22-08-SU

ZONING: R-5

ITEM	MIN/MAX REQUIREMENT	EXISTING	PROPOSED	DIFFERENCE BETWEEN PROPOSED & EXISTING	ZONING CODE COMPLIANCE (2)
Min. Lot Size	8,900 SF	117,627 SF	N/A	N/A	OK
Min. Average Lot Width	70 FT	339.82 FT	N/A	N/A	OK
Min. Lot Depth	120 FT	346.14 FT	N/A	N/A	OK
Max. Roofed Lot Coverage	29,406.75 SF (1)	36,453.88 SF	36,453.88 SF	0 FT	EXISTING NONCONFORMING
Max. Gross Floor Area	28,869.21 SF (1)	73,424.74 SF	73,424.74 SF	0 FT	EXISTING NONCONFORMING
Max. Impermeable Lot Coverage	58,813.5 SF (1)	86,404 SF	90,380 SF	3,976 SF	31,566.5 SF (53.67%) VARIATION
Max. Front Yard Lot Coverage (Hawthorn)	3,060 SF	4,856 SF	7,285 SF	2,429 SF	4,225 SF (138.07%) VARIATION
Min. Front Yard (Hawthorn/North)	30 FT	10.75 FT (3)	5.83 FT	-4.92 FT	24.17 FT (80.57%) VARIATION
Min. Front Yard (Fairview/West)	30 FT	49.15 FT	49.15 FT	0 FT	OK
Min. Front Yard (Elder/South)	30 FT	11 FT (3)	11 FT (3)	0 FT	EXISTING NONCONFORMING
Min. Front Yard (Woodland/East)	30 FT	7 FT (3)	7 FT (3)	0 FT	EXISTING NONCONFORMING

NOTES:

(1) Based on lot area of 117,627 s.f.

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

(3) Setback to existing play equipment.

VILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL USE PERMIT APPLICATION

Case No. 22-08-SU

Property Information

Site Address: Greeley School - 275 Fairview Avenue, Winnetka, IL 60093

Applicant Information

Name: Kathryn Talty Landscape Architecture

Primary Contact: Kathryn Talty

Address: 45 Longmeadow Road

City, State, ZIP: Winnetka, IL 60093

Phone No. 847-612-5154

Email: kathryn@ktlandarch.com

Architect Information

Name: _____

Primary Contact: _____

Address: _____

City, State, ZIP: _____

Phone No. _____

Email: _____

Owner Information

Name: Winnetka Public School District 36

Primary Contact: Brad Goldstein

Address: 1235 Oak Street

City, State, ZIP: Winnetka, IL 60093

Phone No. 847-446-9400

Email: bradgoldstein@winnetka36.org

Attorney Information

Name: _____

Primary Contact: _____

Address: _____

City, State, Zip: _____

Phone No. _____

Email: _____

Applicant Signature: 

Property Owner Signature: 

Printed Name of Owner: BRAD GOLDSTEIN

Date: 01/31/22

Date: 1/31/2022

Greeley School Playground Enhancements
Project narrative

School District 36 respectfully submits this application for a zoning variance and special use permit to enhance the existing Northeast playground on its Greeley School campus. As part of an ongoing commitment to maintain its facilities, the School District seeks to replace several pieces of vintage play equipment that have aged beyond their useful life.

The vintage equipment will be replaced by new equipment of similar style. All new play equipment will be located in an established play area that has contained the previously existing equipment. Within the play area, the fiber play surfacing will be replaced with rubberized surfacing under all equipment in accordance with all safety requirements.

The school stakeholders' (including teachers, students, parents and the nurse) feedback was sought and the equipment was selected with this input in mind. Attention was focused on adding play pieces that allow the greatest opportunity for inclusive play, serving all the students that attend the school. The addition of the rubberized surface will provide a more accessible route to the equipment for students with mobility issues.

The School District seeks approval to install this play equipment during the school's summer break with a planned commencement of June 2022.

Special Use Standards Commentary – Greeley School

1. *That the establishment, maintenance, and options of the Special Use will not be detrimental to or endanger the public health, safety, comfort, morals, or general welfare;*

Greeley School seeks approval of this Special Use to allow the replacement of aging play equipment and the installation of rubberized safety surface in their existing Northeast playground. The new surface will provide a more accessible route for students with mobility issues. The renovation of the existing play area will provide a safe, inclusive play experience for all Greeley students. The project will be installed observing public health, safety, comfort, morals and general welfare.

2. *That the Special Use will not substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity;*

The renovation to the Greeley School playground is confined to the boundaries of the existing playground area. The playground will be appropriately maintained and safety measures and guidelines will be followed throughout installation process. The current plans meet safety regulations and the structures themselves are attractive.

3. *That the establishment of Special Use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern;*

The current plan will only affect the Northeast playground. The playground location and area will not be changed. The design is in keeping with the type and rough dimensions of the existing equipment with improved quality. The surrounding neighborhood will not be impacted negatively nor will normal, orderly development be impeded.

4. *That adequate measures have been or will be taken to provide ingress and egress in a manner which minimize pedestrian and vehicular traffic congestion in the public ways;*

The installation of the new playground equipment will in no way impede the normal activities that occur around Greeley School. The pedestrian and vehicular traffic will remain unchanged by the replacement of the play equipment. Furthermore, the District will use good judgment and decision making as to when the equipment will be installed, ensuring, to the best of our ability, that traffic and sidewalks will not be obstructed for users.

5. *The adequate parking, utilities, access roads, drainage, and other facilities necessary to the operation of the Special Use exits or are to be provided;*

The playground project does not require changes to existing parking, roads, drainage or facilities. The District will ensure that any disruption to the neighbors due to the installation of the new equipment will be minimal. We will provide information to the neighbors regarding the installation process.

6. *That the Special Use in all other respects conforms to the applicable regulations of this and other village ordinances and code.*

The School District is obliged to follow the safety rules and regulations stated in school code, which ensures a safe playground for children to enjoy. The School District will comply with all Village regulations, ordinances and codes in this process.

VILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT

ZONING VARIATION APPLICATION

Case No. 22-08-SU

Property Information

Site Address: Greeley School - 275 Fairview Avenue, Winnetka, IL 60093

Owner Information

Name: Winnetka Public School District 36

Address: 1235 Oak Street

City, State, ZIP: Winnetka, IL 60093

Email: bradgoldstein@winnetka36.org

Primary Contact: Brad Goldstein

Phone No. 847-446-9400

Date property acquired by owner: 01/01/1913

Architect Information

Name: Kathryn Talty Landscape Architecture, Inc.

Primary Contact: Kathryn Talty

Address: 45 Longmeadow Road

City, State, ZIP: Winnetka, IL 60093

Phone No. 847-612-5154

Email: kathryn@ktlandarch.com

Attorney Information

Name: _____

Primary Contact: _____

Address: _____

City, State, Zip: _____

Phone No. _____

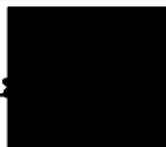
Email: _____

Nature of any restrictions on property: Institutional use (school) within a residentially zoned district. The Property has existing non-conformances exceeding allowed impermeable surface and a front-yard setback encroachment.

Brief explanation of variation(s) requested (attach separate sheet providing additional details): Winnetka Public School District 36 requests three variances: to increase the total impermeable surface on the lot and in the front-yard setback in order to install rubberized play surfacing under a renovated play area on campus and the installation of play equipment within a front-yard setback.

Property Owner Signature: _____

Date: 02/10/2022



Standards for Granting Zoning Variation – Greeley School

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;*

Greeley School seeks approval of the following variances: to exceed the allowed impermeable surface on the lot, to exceed the allowed impermeable surface within the front yard setback and the installation of play equipment structures within the front yard setback. If granted, these variances will allow the replacement of aging play equipment and the installation of rubberized safety surface in their existing north playground. The new surface will provide an accessible route for students with mobility issues or other physical challenges. As Greeley School provides an inclusive environment that serves students of all capabilities, it is imperative to the educational process that every student can access the play equipment on site.

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;*

Greeley School occupies a parcel that, though limited in size, must accommodate the multitude of everyday activities associated with the educational process of students of all abilities.

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

The proposed, renovated Greeley School playground is being installed in the current location of the existing play area. This placement will not alter the character of the locality.

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

Nothing within the scope of the proposed work will impair the supply of light and air to adjacent properties.

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

Nothing within the scope of the proposed work will increase the hazard from fire or other damages to the property.

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

Winnetka's remarkable Public Schools have a positive effect on property values throughout the Village. The objective in upgrading the playgrounds is to maintain District 36's standards of excellence in inclusive education.

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

The installation of the new playground equipment will in no way increase the congestion in the Public Streets around Greeley School. The pedestrian and vehicular traffic will remain unchanged by the replacement of the play equipment. Furthermore, the District will use good judgment and

decision making as to when the equipment will be installed, ensuring, to the best of our ability, that traffic and sidewalks will not be obstructed for users.

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

The renovation of the existing play area will provide a safe, inclusive play experience for all Greeley' students, improving the public health, safety, comfort, morals and welfare of the Village's youngest residents. The current plan meets all safety regulations and will be installed in accordance with all building permit requirements.

- LEGEND**
- ADA = ADA PAD
 - CMP = CORRUGATED METAL PIPE
 - CO = CLEANOUT
 - CTV = CABLE/TV
 - DE = DRAINAGE EASEMENT
 - DU = DESTINATION UNKNOWN
 - IF = IRON FENCE
 - IP = IRON PIPE
 - IR = IRON ROD
 - OH = OVERHEAD WIRE
 - (R) = RECORD
 - RCP = REINFORCED CONCRETE PIPE
 - R.O.W. = RIGHT OF WAY
 - UP = UTILITY POLE
 - BB =
 - ▲ = FIRE HYDRANT
 - ⊠ = INLET BASIN
 - ⊙ = ROUND OPEN GRATE MANHOLE
 - ⊙ = SANITARY MANHOLE
 - ⊙ = STORM MANHOLE
 - ⊙ = SIGN
 - ⊙ = WATER VALVE VAULT
 - ▒ = BRICK
 - ▒ = CONCRETE
 - ⊙ = TREE & TREE SIZE

- LEGEND**
- G = GAS LINE
 - S = STORM SEWER
 - SW = SANITARY SEWER
 - W = WATER LINE

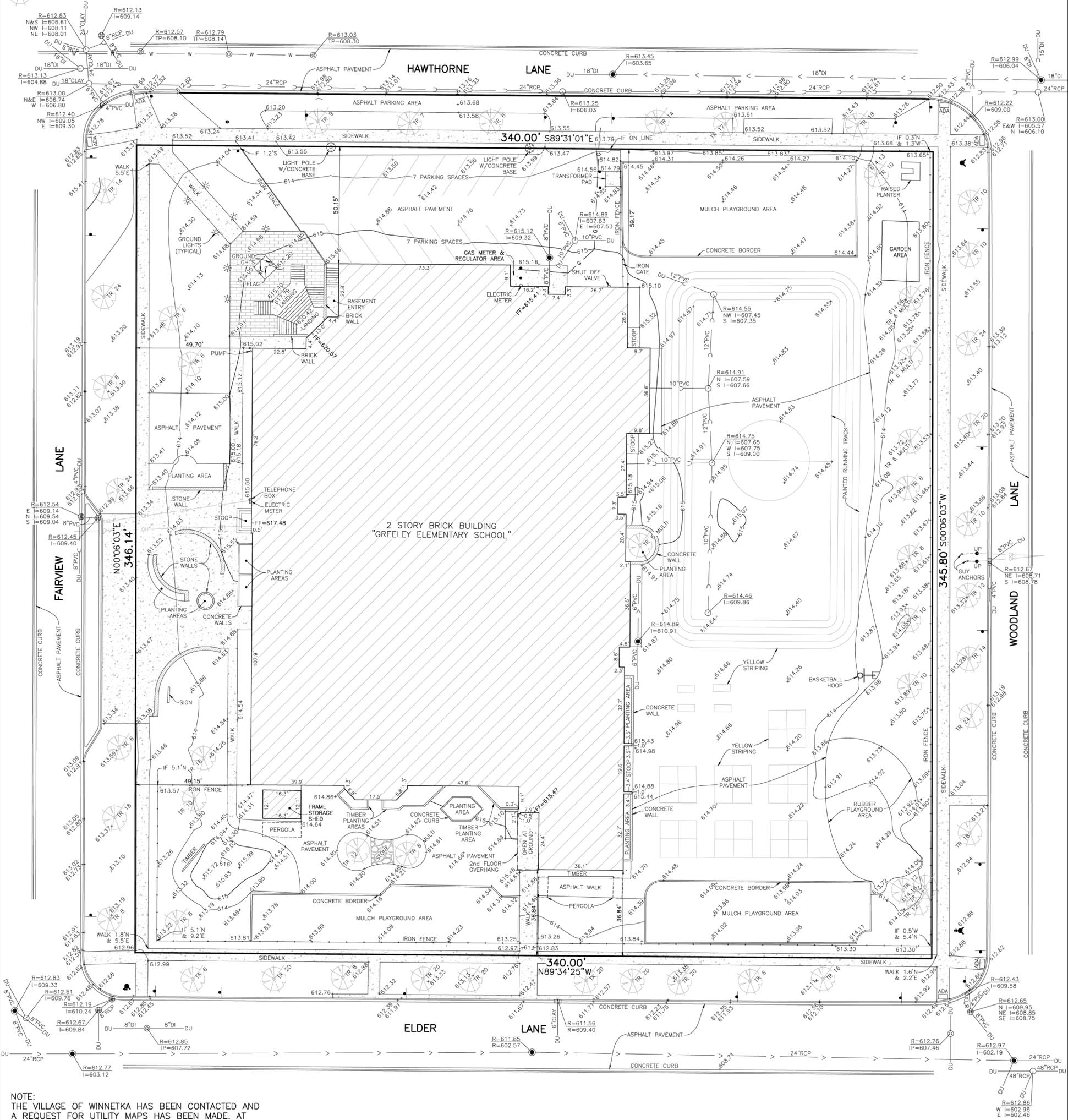
NOTE:
TFW SURVEYING & MAPPING, INC., HAS BEEN COMMISSIONED TO PERFORM A BOUNDARY SURVEY OF ONLY THAT REAL ESTATE AS LEGALLY DESCRIBED ABOVE. ALL DATA AS SHOWN HEREON, BUT LYING BEYOND THE BOUNDARY LIMITS AS LEGALLY DESCRIBED ABOVE, INCLUDING (BUT NOT LIMITED TO) LOT LINES, EASEMENTS AND SETBACK LINES IS UNOFFICIAL AND INCOMPLETE AND IS SHOWN FOR INFORMATIONAL PURPOSES ONLY. THIS SURVEY DOES NOT INTEND TO VERIFY OR SUBSTANTIATE EASEMENTS OR BUILDING LINES (OR THE VACATION OF SAME) ON ADJOINING PROPERTIES (UNLESS OTHERWISE SPECIFICALLY REFERENCED IN A TITLE COMMITMENT AS BEING BENEFICIAL TO OR AN ENCUMBRANCE ON THE PROPERTY AS LEGALLY DESCRIBED ABOVE). REFER TO A PLAT OF SURVEY BY OTHERS AND / OR SEE PUBLIC RECORD DOCUMENTS FOR COMPLETE DETAILS PERTINENT TO ALL ADJOINING PROPERTIES.

TFW SURVEYING & MAPPING INC.
LAND SURVEYING • TOPOGRAPHIC MAPPING • CONSTRUCTION LAYOUT
1761 NORTH DULLES ROAD • SUITE 105 • GURNEE, ILLINOIS 60031
847-548-6600 FAX 548-6699
info@tfwsurvey.com www.tfwsurvey.com

PLAT OF SURVEY OF

BLOCK 9 OF LAKE SHORE SUBDIVISION, BEING A SUBDIVISION IN SECTION 21, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF WINNETKA, COOK COUNTY, ILLINOIS.

NOTE:
NO LEGAL DESCRIPTION OR TITLE REPORT PROVIDED BY CLIENT



NOTE:
THE VILLAGE OF WINNETKA HAS BEEN CONTACTED AND A REQUEST FOR UTILITY MAPS HAS BEEN MADE. AT DATE OF ISSUE, THE VILLAGE HAS NOT RESPONDED.

BENCHMARK:
ELEVATIONS ARE IN RELATION TO BENCHMARK DESIGNATION J 274, PID NG0120 LOCATED 3.1 MI N FROM EVANSTON AT ABOUT 1.7 MILES NORTHWEST ALONG THE CHICAGO AND NORTHWESTERN RAILWAY FROM THE MAIN STREET RAILWAY STATION AT EVANSTON, THENCE 0.9 MILE EAST ALONG NOYES STREET, THENCE 0.2 MILE SOUTH ALONG SHERIDAN ROAD, THENCE 0.3 MILE EAST THROUGH PARKING LOT AND CAMPUS TO THE WATER INTAKE AND GREEN HOUSE LOCATED ABOUT 100 YARDS EAST OF THE MARK W. CRESAP LABORATORY AT NORTHWESTERN UNIVERSITY, 0.1 MILE NORTH OF THE ENGELHART TOWER BUILDING, 11.3 FEET EAST OF THE EAST CURB OF A DRIVE, 75.7 FEET NORTHEAST OF AND ACROSS THE DRIVE FROM THE SOUTHEAST CORNER OF THE UTILITY PLANT BUILDING, SET IN THE TOP AND CENTER OF THE LOWER LEDGE OF WEST CONCRETE WALL OF WATER INTAKE WHICH IS ON PILING DRIVEN TO BEDROCK AND ABOUT 1.6 FEET ABOVE THE GROUND. ELEVATION = 590.82 (NAVD 88)

NO J.U.L.I.E. LOCATE FOR THIS SITE WAS REQUESTED.

UTILITY INFORMATION SHOWN IS BASED ONLY ON VISIBLE SURFACE AND FIELD MARKINGS SUPPLIED BY OTHERS.

BUILDING MEASUREMENTS AND PROPERTY LINE TIES, AS SHOWN HEREON ARE REFERENCED TO OUTSIDE OF BUILDING.

EASEMENT AND SETBACK LINES SHOWN ARE FROM THE RECORDED PLAT OF SUBDIVISION

NO DIMENSIONS TO BE ASSUMED FROM SCALING

FENCE TIES ARE REFERENCED TO CENTER OF FENCE POST, UNLESS OTHERWISE NOTED.

COMPARE YOUR LEGAL DESCRIPTION AND BOUNDARY MONUMENTATION WITH THIS PLAT AND AT ONCE REPORT ANY DISCREPANCIES WHICH YOU MAY FIND.

NOTE ON DATUM:
BEARINGS SHOWN HEREON ARE BASED ON STATE PLANE COORDINATES AND DO NOT MATCH RECORDED BEARINGS.

STATE OF ILLINOIS
COUNTY OF LAKE JSS

I, JAMES P. MEIER, ILLINOIS PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY AS DESCRIBED ABOVE AND THAT THE PLAT HEREON DRAWN IS A REPRESENTATION OF SAID SURVEY. DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

CERTIFIED AT GURNEE, ILLINOIS THIS 15th DAY OF NOVEMBER, 2021.



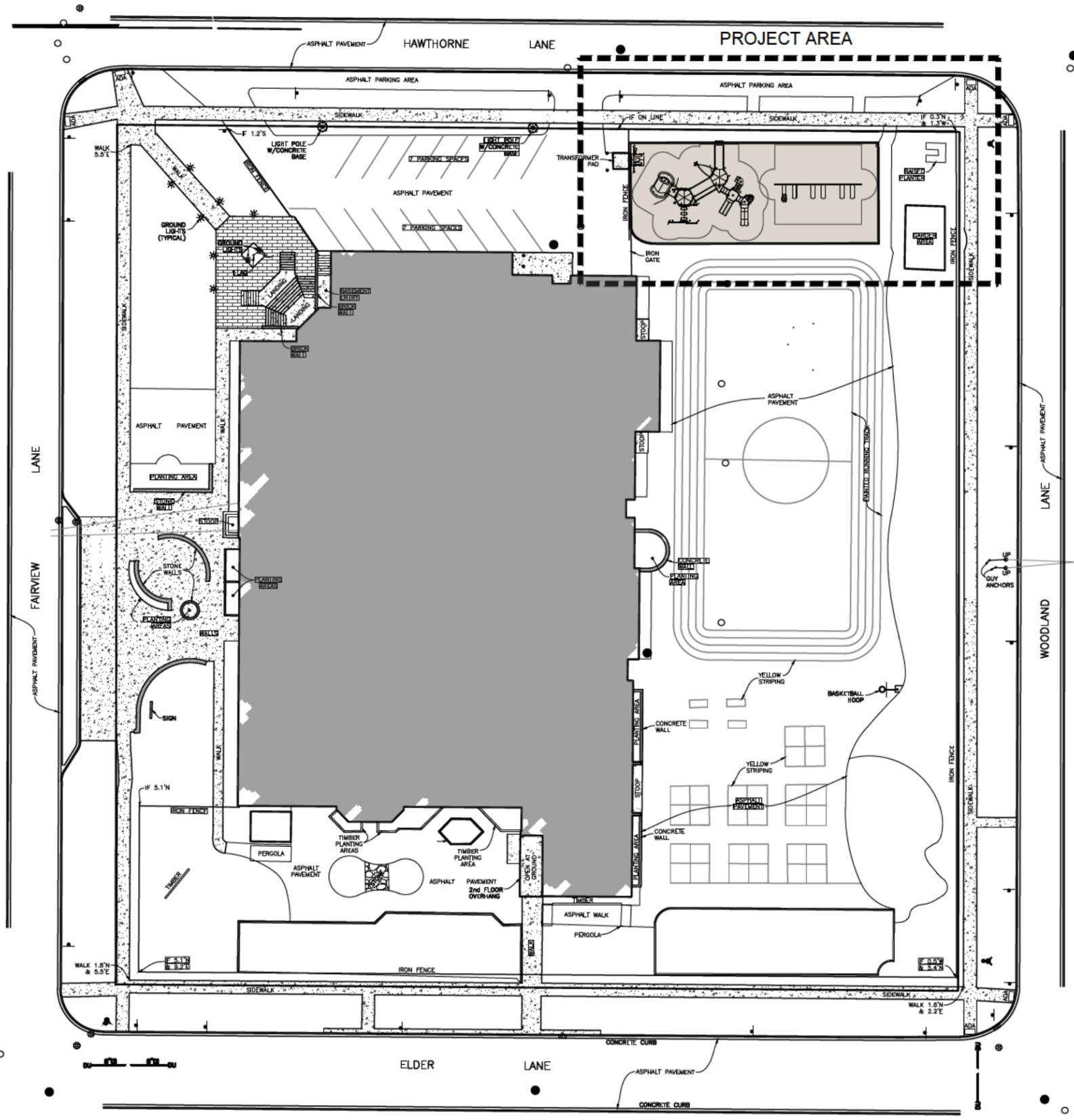
James P. Meier

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-3295
LICENSE EXPIRES NOVEMBER 30, 2022

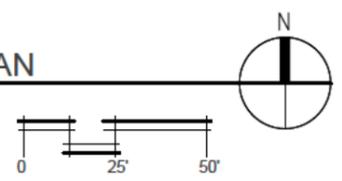
DATE: NOVEMBER 15, 2021
ORDER NO: 210813
PROJ. NO: 3324
FOR: WINNETKA PUBLIC SCHOOLS DISTRICT 36
PROJ. NAME: GREELEY ELEMENTARY SCHOOL
Copyright © TFW Surveying & Mapping, Inc., 2021. All rights reserved.
Professional Design Firm Registration #184-002793.

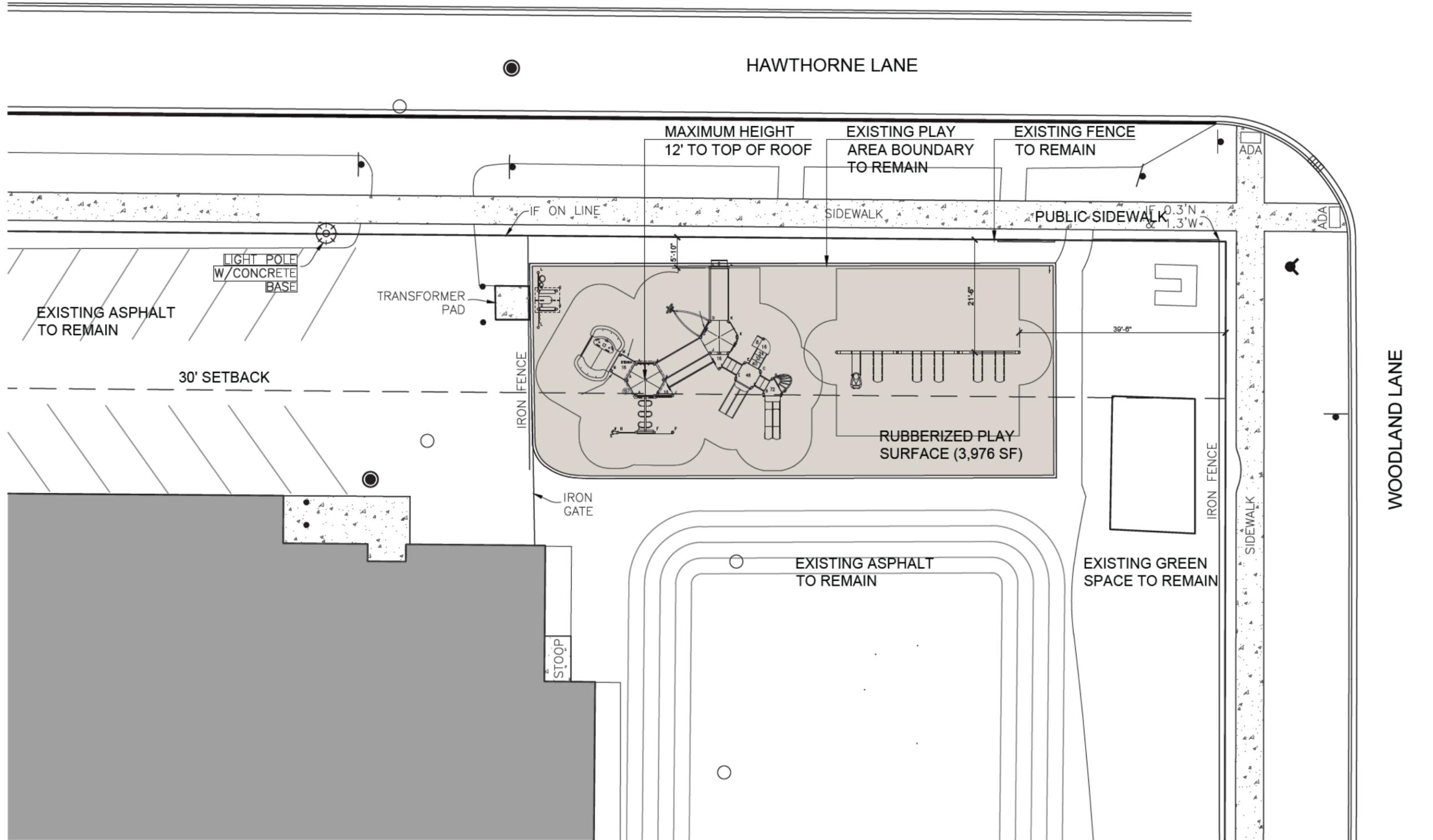
DATE OF FIELD INSPECTION:
NOVEMBER 9, 2021

**TOTAL AREA OF TRACT SURVEYED =
117,627 SQUARE FEET OR 2.7003 ACRES**

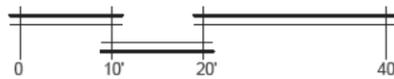


PROJECT LOCATION PLAN
SCALE: 1" = 50'-0"





SITE PLAN
SCALE: 1" = 20'-0"



PLAY AREA IMPROVEMENTS

SCHOOL DISTRICT 36 - GREELEY SCHOOL

WINNETKA, ILLINOIS

Kathryn Talty
landscape architecture

Winnetka, Illinois 60093

847.612.5154

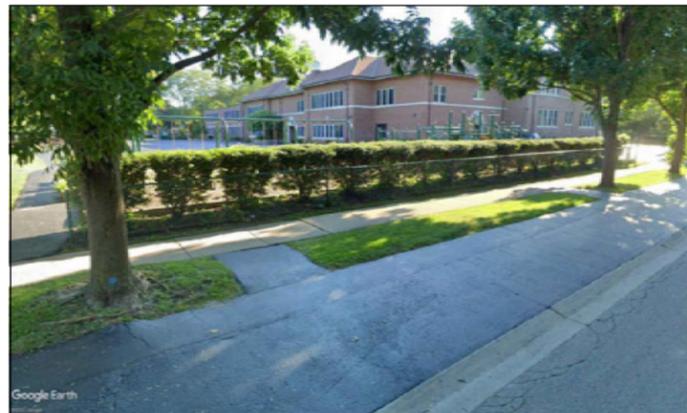
www.ktdesign.com

ZBA Agenda Packet - Greeley - Page 20

DATE: REV 02-08-22



SITE PHOTOS
EXISTING EQUIPMENT TO BE REPLACED



SITE PHOTOS
STREET VIEW

PLAY AREA IMPROVEMENTS

SCHOOL DISTRICT 36 - GREELEY SCHOOL

WINNETKA, ILLINOIS

Kathryn Talty
landscape architecture



Box 2121
 La Grange, IL 60525
 708-579-9055
 708-579-0109 (fax)
 1-800-526-6197

January 18, 2022

GREELEY ELEMETARY SCHOOL
 WINNETKA, IL
 OPTION 3 - REVISED
 PLAYBOOSTER COMPONENT SYSTEM

<u>QTY.</u>	<u>NO.</u>	<u>DESCRIPTION</u>
5-12 Year Olds Play Equipment		
1	111346B	Ramp Exit Plate DB
2	156232A	Ramp w/Guardrails w/Curbs Meets ASTM
1	176081A	Canyon Climber
1	152907B	Deck Link w/Barriers Steel end panels 2 Steps
1	152907C	Deck Link w/Barriers Steel end panels 3 Steps
1	156915A	Pod Climber 16"Dk DB Right Mounted Handhold
1	176079A	Sunbeam Climber
1	152911C	Curved Transfer Module Right 48"Dk DB
2	178710A	Hexagon Tenderdeck
1	121948A	Kick Plate 8"Rise
1	111229A	Square Deck Extension
1	111228A	Square Tenderdeck
2	111231A	Triangular Tenderdeck
1	119646A	Tri-Deck Extension
5	191031A	Accessible Panel Curb
1	123844A	Braille Panel Above Deck
1	135731A	Chimes Reach Panel Above Deck
1	127953B	Handhold Panel
1	127953A	Handhold Panel Set
1	127439A	Navigator Reach Panel Above Deck
1	173564A	Optigear Panel Above Deck
1	164148A	Ring-A-Bell Reach Panel Above Deck
1	111357A	Chinning Bar Alum DB
1	201546A	Gyro Twister DB
1	153165A	Stationary Cyler Accessible
1	141887B	Access/Landing Assembly Seat Barrier Left 16"Dk
1	130873A	Ring Pull
1	119805A	Single Beam Loop Horiz Ladder 84"
1	111404G	100"Alum Post DB
1	111404F	108"Alum Post DB
2	111404E	116"Alum Post DB
2	111404D	124"Alum Post DB
2	111404C	132"Alum Post DB
2	111404O	132"Steel Post DB 42" BURY
3	111404A	148"Alum Post DB

6	111403E	150"Alum Post For Roof DB
2	111405H	50"Alum Flush Post w/Standard Cap DB
2	111404J	76"Alum Post DB
2	111404I	84"Alum Post DB
3	111404H	92"Alum Post DB
1	130567A	Hex Shingle Roof
1	123331B	Double Slide 48"Dk DB
1	130390A	Double Swoosh Slide 72"Dk DB
1	138871A	Sway Fun Wheelchair Glider 16"Height
1	182503C	Welcome Sign (LSI Provided) Ages 5-12 years DB

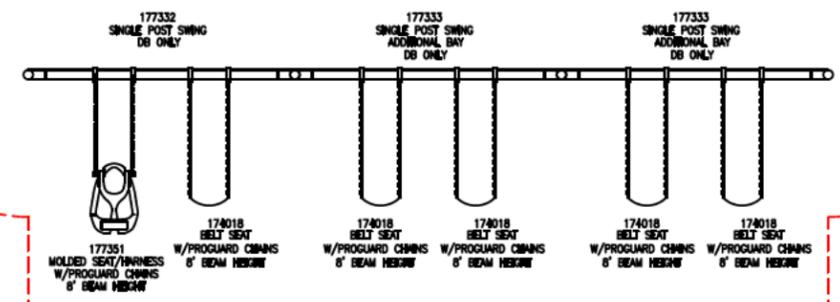
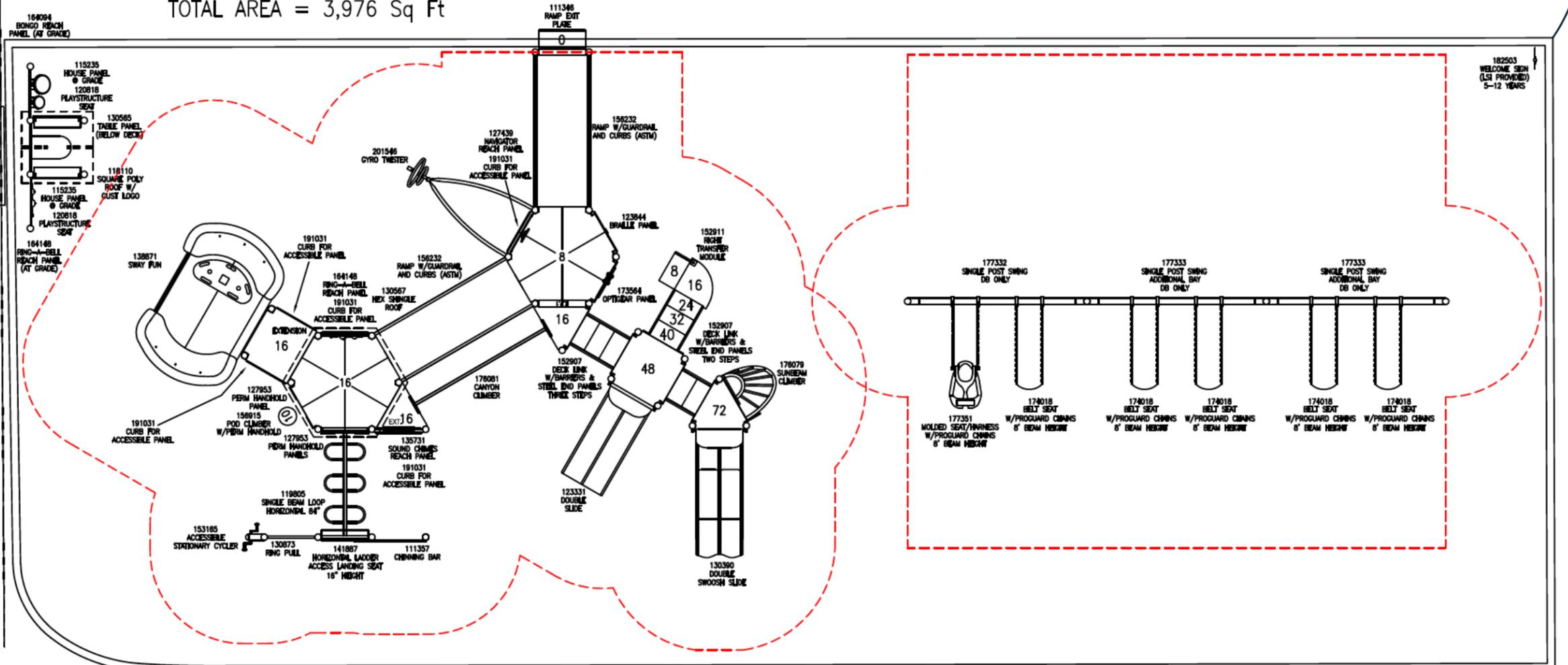
2-12 Year Olds Clubhouse with Musical Panels

1	164094B	Bongo Reach Panel Ground Level
2	115235B	House Panel Ground Level
1	164148B	Ring-A-Bell Reach Panel Ground Level
1	130565A	Table Panel DB
2	120818A	Playstructure Seat
4	111403J	110"Alum Post For Roof DB
2	111404J	76"Alum Post DB
1	118110A	Square Poly Roof Custom Logo Panels GREELEY ELEMENTARY

**New 6-Place Single Post Swing Set
5 Belts and 1 ADA**

5	174018A	Belt Seat Proguard Chains 8' Beam
1	177351A	Molded Bucket Seat (5-12 yrs) w/Harness Proguard Chains 8' Beam
1	177332A	Single Post Swing Frame 8' Beam
2	177333A	Single Post Swing Frame Addtl Bay 8' Beam

TOTAL AREA = 3,976 Sq Ft



GREELEY ELEMENTARY SCHOOL
WINNETKA, IL
CODE: WNN22GRE3 - OPTION 3

11/26/2021 DRAWN BY: DS
STRUCTURE DIMENSIONS:
ACTUAL SIZE:
AREA REQUIRED:
Copyright: Landscape Structures, Inc

REVISED 1/13/2022



GREELEY ELEMENTARY SCHOOL

WNN22GRE3-3-1 • 02.11.2022





GREELEY ELEMENTARY SCHOOL

WNN22GRE3-3-2 • 02.11.2022





GREELEY ELEMENTARY SCHOOL

WNN22GRE3-3-3 • 02.11.2022



ATTACHMENT C

ORDINANCE NO. M-577-99

AN ORDINANCE GRANTING A VARIATION IN THE APPLICATION OF THE ZONING ORDINANCE OF THE VILLAGE OF WINNETKA, COOK COUNTY, ILLINOIS FOR THE SAMUEL SEWALL GREELEY SCHOOL (275 Fairview)

WHEREAS, the Board of Education of Winnetka Elementary School District No. 36 is the beneficial owner of the following described real estate (the "Subject Property")

All of block nine (9) (lots 1 to 14) and vacated alley in the Lake Shore subdivision, Village of Winnetka, being subdivision of lot one (1) in a subdivision of Nicholas Simons and others of a part of fractional Southeast Quarter (S. E. ¼) of Section twenty-one (21) and of fractional Southwest Quarter (S. W. ¼) of Section twenty-two (22) Township forty-two (42) North, Range thirteen (13) East of the Third Principal Meridian, and five (5) acres more or less lying north of and adjoining said lot one (1), extending to Dales Addition to Winnetka, on the North, and lying between the Lake Shore road known as Lake Avenue on the West and Lake Michigan on the East; Village of Winnetka, Cook County, Illinois.

commonly known as 275 Fairview Avenue, Winnetka, Illinois, and located in the R-5 Single-Family Residential Zoning District provided in the Winnetka Zoning Ordinance, Chapter 22, Winnetka Village Code; and

WHEREAS, the Board of Education of Winnetka Elementary School District No. 36 is a body corporate and politic of the State of Illinois and operates a public school known as the Samuel Sewall Greeley School on the Subject Property, which is improved with the Samuel Sewall Greeley School building and accessory structures; and

WHEREAS, public schools are permitted as special uses in the R-5 Single-Family Residential District, subject to the conditions and requirements pertaining to special uses, as set forth in Section 22.13 of the Winnetka Zoning Ordinance; and

WHEREAS, the Samuel Sewall Greeley School has been in continuous operation as a public school since it was constructed on the Subject Property around 1912; and

WHEREAS, the Board of Education of Winnetka Elementary School District No. 36 ("Board of Education") has filed an application for a variation from the front setback provisions of Section 22.05(h) of the Zoning Ordinance, to permit the replacement of existing play equipment over a two-year period, with a 10-foot front yard setback from Elder Lane, a 14-foot setback from Woodland Avenue, and a 13-foot setback from Hawthorne Lane, whereas a 30.0-foot setback from each street frontage is required, resulting in variations of 20 feet (66.67%), 16 feet (53.3% and 17 feet (56.67%), respectively; and

WHEREAS, on March 18, 1999, the Design Review Board considered the proposed improvements and have unanimously determined that a certificate of appropriateness would issue for the proposed upgrading of the play equipment and landscaping; and

WHEREAS, on May 17, 1999, on due notice thereof, the Zoning Board of Appeals conducted a public hearing on the requested variations and by the unanimous vote of the four members then present, has reported to the Council recommending that the requested variations be granted; and

WHEREAS, the Council of the Village of Winnetka have previously considered applications for zoning relief for the Subject Property and have granted the following: (a) a 1964 setback variation for placement of a temporary classroom structure that was removed in 1969; and (b) a 1994 special use and variation in maximum building size to allow the construction of a storage shed; and

WHEREAS, the proposed replacement of the play equipment maintains or reduces existing nonconformities and does not change the use or intensity of use of the Subject Property, and therefore does not require an amendment to the special use permit; and

WHEREAS, the plight of the Board of Education is unique in that: (a) the play equipment is a necessary accessory to the principal use of the Subject Property in meeting the School District's statutory obligations; (b) the strict application of the front setback requirements would reduce the amount of space available for the playground and play equipment; (c) acquiring adjoining properties for expansion of the site is not feasible; and (d) relocating the playground equipment to a conforming location would impede sight lines necessary for visual supervision of playground activities, and would increase the likelihood of classroom disruption due to placing the equipment closer to the school building; and

WHEREAS, the variation, if granted, will not alter the essential character of the locality, in that the Samuel Sewall Greeley School is an established use in the neighborhood, the proposed improvements will replace play equipment currently located in the same area of the Subject Property, and will reduce the degree of nonconformity in two of the setbacks; and

WHEREAS, the Subject Property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the applicable zoning regulations, as the sole purpose of the property is to provide for the education of students as required by law; and

WHEREAS, an adequate supply of light and air to adjacent property will not be impaired, as the tallest decks of the new equipment will be slightly lower than the tallest decks of the existing equipment; and

WHEREAS, the hazard from fire and other damages to the property will not be increased, because the new equipment will have fewer wood components; and

WHEREAS, there is no evidence that the taxable value of land and buildings throughout the Village will diminish; and

WHEREAS, the proposed renovation of the playground equipment will not increase congestion in the public streets; and

WHEREAS, the proposed playground equipment will not be detrimental to or endanger the public health, safety, comfort, morals and welfare of the inhabitants of the Village, because the new equipment: (a) will reduce the degree of nonconformity in the Hawthorne Lane setback from 21.5 feet to 17 feet, (b) will reduce the degree of nonconformity in the Elder Lane setbacks from 24.5 feet to 20 feet, and (c) will provide a safer playground that will be in full compliance with current safety standards and guidelines, will meet accessibility requirements of the Americans with Disabilities Act, and will provide additional visual screening for the neighboring

properties and will improve stormwater drainage.

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

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

SECTION 2: That variations are hereby granted with respect to the Subject Property, which is located in the R-5 Single-Family Residential Zoning District, and which is commonly known as Samuel Sewall Greeley School, 275 Fairview Avenue, to permit the replacement of existing playground equipment over a two-year period, allowing the equipment to observe a 10-foot front yard setback from Elder Lane, and a 13-foot setback from Hawthorne Lane, whereas a 30.0-foot setback is required from each street frontage, resulting in variations of 20 feet (66.67%) and 17 feet (56.67%), respectively, in accordance with the plans submitted with the application for variation, and subject to the conditions and limitations hereinafter set forth.

SECTION 3: That the variations hereby granted is conditioned upon the commencement of the proposed construction within 24 months after the effective date of this Ordinance.

SECTION 4: This Ordinance shall take effect immediately upon passage, approval and posting.

ADOPTED this 15th day of June, 1999, pursuant to the following roll call vote:

AYES: Trustees Aquilino, Derning, Duhl, Lien, and Powell.

NAYS: None.

ABSENT: Trustee Hilton.

APPROVED this 15th day of June, 1999.

Signed:

ss/Louise A. Holland

Village President

Countersigned:

ss/Douglas G. Williams

Village Clerk

Introduced: June 8, 1999

Posted: June 9, 1999

Passed and Approved: June 15, 1999

Posted: June 16, 1999

ORDINANCE NO. M-6-2007

AN ORDINANCE GRANTING A SPECIAL USE PERMIT AND VARIATION IN THE APPLICATION OF THE ZONING ORDINANCE OF THE VILLAGE OF WINNETKA, COOK COUNTY, ILLINOIS FOR THE SAMUEL SEWALL GREELEY SCHOOL (275 Fairview)

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

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

WHEREAS, the Board of Education of Winnetka Elementary School District No. 36 is the beneficial owner of the following described real estate (the "Subject Property"), which is commonly known as Greeley Elementary School, 275 Fairview Avenue, Winnetka, Illinois:

All of Block 9, Lots 1 through 14 inclusive, and vacated alley in the Lake Shore Subdivision, Village of Winnetka, being a subdivision of Lot 1 in a subdivision of Nicholas Simons and Others of a part of the Fractional Southeast Quarter of Section 21 and a Fractional Southwest Quarter of Section 22, Township 42 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois; and

WHEREAS, the Subject Property is located in the R-5 Single-Family Residential District provided in Chapter 17.12 of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code; and

WHEREAS, the Board of Education of Winnetka Elementary School District No. 36 is a body corporate and politic of the State of Illinois and operates a public school known as the Samuel Sewall Greeley Elementary School on the Subject Property, which is improved with the Greeley School building and accessory structures; and

WHEREAS, public schools are permitted as special uses in the R-5 Single-Family Residential District, subject to the conditions and requirements pertaining to special uses, as set forth in Chapter 17.56 of the Winnetka Zoning Ordinance; and

WHEREAS, the Board of Education of Winnetka Elementary School District No. 36 ("applicant") has filed an application for a special use permit pursuant to Section 17.12.020(C)(2) and Section 17.56.010 of the Winnetka Zoning Ordinance, to amend the site plan for the Subject Property so as to allow the construction of a two-story addition at the northeast corner of the existing school building; and

WHEREAS, the applicant has also filed an application for variations from the following requirements of the Lot, Space, Bulk and Yard Regulations for Single Family Residential Districts established by Chapter 17.30 of the Zoning Ordinance: (a) a variation from the Intensity of Use of Lot limitations of Section 17.30.030 to allow a roofed lot coverage of 33,354.74 square feet, whereas a maximum of 29,449.00 square feet is allowed, resulting in a variation of 3,905.74 square feet (13.26%); (b) a variation from the Intensity of Use of Lot Limitations of Section 17.30.030 to allow an impermeable lot coverage of 94,061.68 square feet, whereas the maximum allowable is 58,898.00 square feet, resulting in a variation of 35,163.58 square feet (59.7%); and (c) a variation from the Maximum Building Size provisions of Section 17.30.040 to permit a gross floor area of 73,424.74 square feet, whereas a maximum of 28,908.08 square feet is allowed, resulting in a variation of 44,516.66 square feet (153.99%); and

WHEREAS, the special use permit and zoning variations are being requested to allow a portion of the existing school at the northeast corner of the building to be removed and replaced with a new, two-story addition that will include a lunch room, several classrooms, an elevator and restrooms on the first floor, and a learning center, computer lab, one classroom, an elevator and restrooms on the second floor; and

WHEREAS, on March 15, 2007, on due notice thereof, the Design Review Board considered the design of the proposed improvements and the four members then present issued favorable comment for the proposed addition; and

WHEREAS, on due notice thereof, the Zoning Board of Appeals held a public hearing on April 9, 2007, to consider the special use permit and variation requests for the proposed addition, and by the unanimous vote of the seven members then present, has recommended that the requested special use permit and variations be granted; and

WHEREAS, no owners of property located within 250 feet of the Subject Property have filed written objections to the special use application; and

WHEREAS, on April 12, 2007, on due notice thereof, the Plan Commission convened to consider the requested special use, at which time nine members of the Plan Commission were present; and

WHEREAS, the applicant's representative member of the Plan Commission recused herself from the consideration of the application, whereupon the remaining eight members considered the requested special use and, by the favorable vote of the eight participating members, found the proposed special use to be consistent with the Comprehensive Plan, *Winnetka 2020*, and have reported to the Council recommending that the special use be granted; and

WHEREAS, the proposed special use is consistent with the Comprehensive Plan's goal of preserving and enhancing those public assets and public lands that create the attractive appearance and peaceful, single-family residential character of the Village; and

WHEREAS, the proposed special use is consistent with the community goal of supporting educational excellence and the enrichment of the Village's cultural environment, as expressed in Section 2.6 of the Comprehensive Plan; and

WHEREAS, the proposed special use is consistent with six stated objectives for educational institutions set out in Section 2.6 of the Comprehensive Plan, in that: (i) the proposed building expansion stems from the recognition of the critical importance of educational institutions to Village residents; (ii) the proposed building expansion will provide additional space that will contribute to maintaining an atmosphere in which diverse cultural, educational and religious organizations may flourish and in which special activities for residents of

all ages may be enhanced; (iii) in its pursuit of the proposed building expansion, the School District has engaged in a public process that seeks to balance its institutional goals and minimizes adverse impacts to the character of the adjacent residential neighborhood; (iv) the proposed building expansion stems from the recognition that standards of educational excellence have changed over time and have thus necessitated changes in the physical configuration of the school and school grounds; (v) the proposed design seeks to preserve existing traffic patterns, thereby ensuring safe and attractive access to the school facilities; and (vi) the proposed use will enable the School District to continue to work cooperatively with the community to provide versatile facilities that can be made available for other community uses; and

WHEREAS, the proposed special use is consistent with the Comprehensive Plan's community goal of limiting institutional development within the Village so as to minimize the potentially adverse impacts on adjacent residential neighborhoods and to prevent the need for significant increases in infrastructure and other community resources, in that the proposed use does not affect the appearance of the neighborhood, maintains existing traffic patterns around the school and improves existing infrastructure; and

WHEREAS, the proposed special use is consistent with the Comprehensive Plan's community goals of: (i) ensuring that institutional development is appropriate with the character of, and minimizes the adverse impact on, its surrounding neighborhood; (ii) recognizing the critical role of the Village's historic architecture in defining Winnetka's unique character in public, institutional, commercial and residential areas, and encouraging its preservation; and (iii) encouraging organizations and schools in their efforts to beautify the Village, in that the proposed addition is only slightly larger than the portion of the building it will replace, and it has been designed to be consistent with the design of the existing building, further reducing the visual impact of the addition; and

WHEREAS, by maintaining existing traffic patterns around the school the proposed building expansion is consistent with the Comprehensive Plan, in that it fosters the objective of protecting residential neighborhoods and homes from the encroachment of incompatible land uses and traffic patterns; and

WHEREAS, the limited building expansion that is proposed is consistent with the Comprehensive Plan in that it furthers the goal of maintaining the quiet ambience of residential neighborhoods; and

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

WHEREAS, the proposed special use is consistent with the Comprehensive Plan, in that it furthers the objective of maintaining an atmosphere in which diverse cultural and educational organizations may flourish and in which special activities for residents of all ages may be enhanced; and

WHEREAS, the proposed special is consistent with the Comprehensive Plan, in that the applicant has presented its proposed plans for expanding the school in a manner that furthers the objective of engaging in a public process that balances institutional goals and minimizes adverse impact to the character of the adjacent residential neighborhood; and

WHEREAS, subject to the conditions hereinafter set forth, the proposed special use is consistent with the objective to preserve significant trees and encourage new tree planting on public and private properties to the greatest extent possible; and

WHEREAS, the Village Council accepts the Plan Commission's recommendation that the proposed special use is consistent with the recommendation stated in Section 4.3.6 of the Comprehensive Plan to ensure that proposals do not have an adverse impact on the residential character of the surrounding residential neighborhoods, and

WHEREAS, the Village Council accepts the Plan Commission's recommendation that the proposed special use is consistent with the Comprehensive Plan's objectives and recommendations stated in Section 4.3.6 of the Comprehensive Plan to encourage governmental and non-governmental institutions to work with their constituents, neighbors and the Village to minimize the impact of traffic and parking on surrounding residential streets and develop on-site solutions where appropriate and to foster greater cooperation among all institutions in the joint use of their recreational facilities; and

WHEREAS, the special use will not impede the normal and orderly development and improvement of other property in the immediate vicinity for uses permitted by right in the zoning district, nor will it substantially diminish or impair property values in the immediate vicinity, as the proposed building addition will not alter the existing use of the Subject Property and will replace a portion of the building that sits on raised columns with a two-story addition that will match the existing building design and materials and will have a substantially similar footprint; and

WHEREAS, adequate measures have been or will be taken to provide ingress and egress in a manner that minimizes pedestrian and vehicular traffic congestion in the public ways, in that the building addition is designed to meet the current student population and the Subject Property's existing patterns of ingress and egress will not be changed; and

WHEREAS, adequate parking, utilities, access roads, drainage and other facilities necessary for the operation of the special use either exist or will be provided, in that the Subject Property is served by all utilities, the building addition has been designed to address current usage needs and the parking and site access will remain the same; and

WHEREAS, the proposed building addition will benefit the public health, safety, comfort, morals or general welfare of the Village, in that it will improve the building's functionality by bringing it up to modern standards for educational facilities and will meet applicable accessibility standards; and

WHEREAS, the proposed building addition will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity, in that the school is an established presence in the neighborhood, and the proposed addition will improve the appearance of the building within the neighborhood without substantially increasing the building's footprint; and

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

WHEREAS, the Subject Property cannot yield a reasonable return if permitted to be used only under the conditions allowed by zoning

regulations, in that: (a) the sole purpose of the property is to provide for the education of students as required by law; (b) there have been no substantial improvements to the building since the 1970's; (c) building improvements are needed to meet modern educational standards and applicable accessibility standards; and (d) the necessary improvements cannot be made without obtaining the requested zoning relief; and

WHEREAS, the plight of the applicant is unique in that it is required by law to provide public education programs within the Village and the requested variations will enable it to meet modern educational facility standards and to accommodate the provisions of the Americans with Disabilities Act; and

WHEREAS, the variations, if granted, will not alter the essential character of the locality, in that: (a) the school is an established use in the neighborhood; and (b) the proposed addition will not significantly increase the building's footprint or alter its appearance in the neighborhood; and

WHEREAS, an adequate supply of light and air to adjacent property will not be impaired, as the addition complies with both height and setback requirements and the nearest residences to the addition are on the opposite side of Hawthorn Lane; and

WHEREAS, the hazard from fire and other damages to the property will not be increased, because the proposed construction will include a sprinkler system and will comply with all other building code standards applicable to the construction of educational facilities; and

WHEREAS, there is no evidence that the taxable value of the land and buildings throughout the Village will diminish and the proposed building addition is likely to help enhance property values by enabling the applicant to continue delivering the quality of education expected by the citizens of the Village; and

WHEREAS, congestion in the public streets will not increase, as the proposed addition is not being used to accommodate new students, but rather to better accommodate the learning needs of the current school population; and

WHEREAS, the public health, safety, comfort, morals and welfare of the inhabitants of the Village will not be otherwise impaired by the proposed addition.

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

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

SECTION 2: That, pursuant to Sections 17.12.020(C)(2) and 17.56.010 of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code, and subject to the conditions set forth in Section 4 of this Ordinance, a special use permit is hereby granted with respect to the Subject Property, which is located in the R-5 Single-Family Residential Zoning District and is commonly known as the Samuel Sewall Greeley Elementary School, to allow the construction of a two-story addition at the northeast corner of the existing building, as more fully described in Section 4, below.

SECTION 3: That, subject to the conditions set forth in Section 4 of this Ordinance, the following variations are hereby granted to the Subject Property, which is located in the R-5 Single-Family Zoning District provided for in Chapter 17.12 of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code, and which is commonly known as the Samuel Sewall Greeley Elementary School: (a) a variation from the Intensity of Use of Lot limitations of Section 17.30.030 to allow a roofed lot coverage of 33,354.74 square feet, whereas a maximum of 29,449.00 square feet is allowed, resulting in a variation of 3,905.74 square-feet (13.26%); (b) a variation from the Intensity of Use of Lot Limitations of Section 17.30.030 to allow impermeable lot coverage of 94,061.68 square feet, whereas the maximum allowable is 58,898.00 square feet, resulting in a variation of 35,163.58 square-foot (59.7%); and (c) a variation from the Maximum Building Size provisions of Section 17.30.040, to permit a gross floor area of 73,424.74 square feet, whereas a maximum of 28,908.08 square feet is allowed, resulting in a variation of 44,516.66 square feet (153.99%), as more fully described in Section 4, below.

SECTION 4: That the special use permit and variations granted by this Ordinance shall be subject to the following conditions:

A. The special use permit and variations are for the sole purpose of allowing a portion of the existing school at the northeast corner of the building to be removed and replaced with a new, two-story addition that will include a lunch room, several classrooms, an elevator and restrooms on the first floor, and a learning center, computer lab, one classroom, an elevator and restrooms on the second floor, with all of said construction to be done in accordance with the plans and elevations that accompanied the application for special use permit, and all approved revisions thereto, including the development plans, landscape plans, site plans and elevations dated February 6, 2007, and the engineering plans dated January 19, 2007.

B. The applicant shall work with Village staff, including the Police and Fire Departments, to develop a mutually agreeable access and staging plan to address, to the extent reasonably possible: (i) protecting the safety of the students and general public during the construction; (ii) minimizing the impact of construction traffic on vehicular and pedestrian traffic on adjacent streets and sidewalks; and (iii) minimizing the general impact of the construction on the neighborhood.

SECTION 5: The Council finds and determines that it is both consistent with the Comprehensive Plan, *Winnetka 2020*, and in the interest of the general welfare of the Village that the Board of Education of Winnetka Elementary School District No. 36 continue its efforts to incorporate green spaces into its school development plans, and the Council therefore encourages the applicant to look for opportunities to reduce the amount of impermeable surface on the Subject Property and to replace the tree that will be removed as part of the building expansion.

SECTION 6: That, pursuant to Section 17.56.010(G) of the Winnetka Zoning Ordinance, all stipulations, conditions and restrictions set forth in this Ordinance as part of the terms under which the special use is granted, may be modified or revised from time to time by the Village Council following public notice and hearing, using the same procedures set forth in the Zoning Ordinance for processing the original special use application.

SECTION 7: This Ordinance is passed by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to

Section 6 of Article VII of the Illinois Constitution of 1970.

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

PASSED this 15th day of May, 2007, pursuant to the following roll call vote:

AYES: Trustee Behles, Berger, Eilers, Ritchell, Tucker

NAYS: None

ABSENT: Trustee Abell

APPROVED this 15th day of May, 2007.

Signed:

//s//Edmund C. Woodbury

Village President

Countersigned:

//s//Douglas G. Williams

Village Clerk

Introduced: May 1, 2007

Posted: May 3, 2007

Passed and Approved: May 15, 2007

Posted: May 16, 2007

ORDINANCE NO. M-3-2015

AN ORDINANCE GRANTING A SPECIAL USE PERMIT AND VARIATIONS FROM THE WINNETKA ZONING ORDINANCE FOR THE CONSTRUCTION AND OPERATION OF OUTDOOR CLASSROOM AND PLAYGROUND IMPROVEMENTS WITHIN THE R-5 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT

(275 Fairview Avenue)

WHEREAS, Winnetka Public School District No. 36 ("*Applicant*") is the record title owner of that certain parcel of real property commonly known as 275 Fairveiw Avenue in Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made a part of this Ordinance ("*Subject Property*"); and

WHEREAS, the Subject Property is improved with buildings and structures known as the Greeley School ("*School*"); and

WHEREAS, the Applicant desires to construct on the Subject Property certain outdoor classroom and playground improvements for use by students and teachers at the School (collectively, the "*Proposed Improvements*"); and

WHEREAS, the Subject Property is located within the R-5 Single Family Residential Zoning District of the Village ("*R-5 District*"); and

WHEREAS, in order to be constructed on the Subject Property within the R-5 District, the Proposed Improvements must have, pursuant to Section 17.30.050 of the Winnetka Zoning Ordinance ("*Zoning Ordinance*"), a minimum front yard setback of 30 feet from Elder Lane and Woodland Avenue, respectively; and

WHEREAS, the Applicant desires to construct the Proposed Improvements with front yard setbacks from: (i) Elder Lane of 11 feet and 24 feet; and (ii) Woodland Avenue of seven feet, in violation of Section 17.30.050 of the Zoning Ordinance; and

WHEREAS, pursuant to Section 17.12.020 of the Zoning Ordinance, the operation of an elementary school is not permitted within the R-5 District without a special use permit; and

WHEREAS, pursuant to Section 17.56.090 of the Zoning Ordinance, no special use may be enlarged or extended by structural alteration of a building or structure without a special use permit; and

WHEREAS, the Applicant filed an application for: (i) variations from Section 17.30.050 of the Zoning Ordinance to permit the construction of the Proposed Improvements on the Subject Property with front yard setbacks from (a) Elder Lane of 11 feet and 24 feet, and (b) Woodland Avenue of seven feet (collectively, the "*Variations*"); and (ii) a special use permit pursuant to Section 17.12.020 and Chapter 17.56 of the Zoning Ordinance to allow the extension of the operation of the School by the construction of the Proposed Improvements within the R-5 District ("*Special Use Permit*") (collectively, the Variations and the Special Use Permit are the "*Requested Relief*"); and

WHEREAS, on December 8, 2014, after due notice thereof, the Zoning Board of Appeals ("*ZBA*") conducted a public hearing on the Requested Relief and, by the unanimous vote of the five members then present, recommended that the Council of the Village of Winnetka ("*Village Council*") approve the Requested Relief; and

WHEREAS, pursuant to Chapter 17.60 and Chapter 17.56 of the Zoning Ordinance, the ZBA heard evidence and made certain findings in support of recommending approval of the Variations and the Special Use Permit, respectively, which findings are set forth in the ZBA public hearing minutes attached to and, by this reference, made a part of this Ordinance as **Exhibit B**; and

WHEREAS, on November 19, 2014, after due notice thereof, the Plan Commission met to consider whether approval of the Requested Relief is consistent with "Winnetka 2020," the Winnetka comprehensive plan ("*Comprehensive Plan*"), and found, by a vote of eight in favor, none opposed, and one abstention, that approval of the Requested Relief is consistent with the Comprehensive Plan; and

WHEREAS, on November 20, 2014, after due notice thereof, the Design Review Board met to consider the Requested Relief and, by unanimous vote of the five members then present, recommended that the Village Council approve the Requested Relief; and

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

WHEREAS, the Village Council has determined that approval of the proposed Special Use Permit: (i) is consistent with the Comprehensive Plan; and (ii) satisfies the standards for the approval of special use permits set forth in Chapter 17.56 of the Zoning Ordinance; and

WHEREAS, the Village Council has determined that approval of the Requested Relief for the construction of the Proposed Improvements on the Subject Property within the R-5 District is in the best interest of the Village and its residents;

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

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

SECTION 2: APPROVAL OF SPECIAL USE PERMIT. Subject to, and contingent upon, the terms, conditions, restrictions, and provisions set forth in Section 4 of this Ordinance, the Special Use Permit is hereby granted, pursuant to Chapter 17.56 and Section 17.12.020 of the Zoning Ordinance and the home rule powers of the Village, to allow the extension of the operation of the School by the Applicant by the construction of the Proposed Improvements on the Subject Property within the R-5 District.

SECTION 3: APPROVAL OF VARIATIONS. Subject to, and contingent upon, the terms, conditions, restrictions, and provisions set forth in Section 4 of this Ordinance, the following Variations are hereby granted with respect to the construction of the Proposed Improvements on the Subject Property, in accordance with and pursuant to Chapter 17.60 of the Zoning Ordinance and the home rule powers of the Village: variations from Section 17.30.050 of the Zoning Ordinance to permit front yard setbacks of: (i) 11 feet from Elder Lane to certain play equipment; (ii) 24 feet from Elder Lane to a certain trellis; and (iii) seven feet from Woodland Avenue to an outdoor classroom and certain play equipment.

SECTION 4: CONDITIONS. The Special Use Permit granted by Section 2 of this Ordinance and the Variations granted by Section 3 of this Ordinance are subject to, and contingent upon, compliance by the Applicant with the following conditions:

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

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

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

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

1. The "Dream Green – Play Area Improvement Plan" prepared by Green Associates, consisting of one sheet, and with a latest revision date of October 28, 2014, attached to and, by this reference, made a part of this Ordinance as **Exhibit C**; and

2. The "Proposed Play Equipment and Site Improvements (Reference Drawing L-101)" prepared by Green Associates, consisting of two sheets, and with a latest revision date of October 28, 2014, attached to and, by this reference, made a part of this Ordinance as **Exhibit D**.

SECTION 5: RECORDATION; BINDING EFFECT. A copy of this Ordinance will be recorded with the Cook County Recorder of Deeds. This Ordinance and the privileges, obligations, and provisions contained herein inure solely to the benefit of, and are binding upon, the Applicant and each of its heirs, representatives, successors, and assigns.

SECTION 6: FAILURE TO COMPLY. Upon the failure or refusal of the Applicant to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, in addition to all other remedies available to the Village, the approvals granted in Sections 2 and 3 of this Ordinance will, at the sole discretion of the Village Council, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village Council may not so revoke the approvals granted in Sections 2 and 3 of this Ordinance unless it first provides the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Village Council. In the event of revocation, the development and use of the Subject Property will be governed solely by the regulations of the applicable zoning district and the applicable provisions of the Zoning Ordinance, as the same may, from time to time, be amended. Further, in the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances.

SECTION 7: AMENDMENT OF SPECIAL USE PERMIT. Any amendments to the approvals granted in Sections 2 and 3 of this Ordinance that may be requested by the Applicant after the effective date of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Zoning Ordinance.

SECTION 8: SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 9: EFFECTIVE DATE.

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

1. Passage by the Village Council in the manner required by law;
2. Publication in pamphlet form in the manner required by law; and

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

B. In the event that the Applicant does not file with the Village Clerk a fully executed copy of the unconditional agreement and consent described in Section 9.A.3 of this Ordinance within 60 days after the date of passage of this Ordinance by the Village Council, the Village Council shall have the right, in its sole discretion, to declare this Ordinance null and void and of no force or effect.

PASSED this 20th day of January, 2015, pursuant to the following roll call vote:

AYES: Trustees Braun, Fessler, Kates, Krucks, McCrary and Prodomos

NAYS: None

ABSENT: None

APPROVED this 20th day of January, 2015.

Signed:

s/E. Gene Greable

Village President

Countersigned:

s/Robert M. Bahan

Village Clerk

Published by authority of the President and Board of Trustees of the Village of Winnetka, Illinois, this 20th day of January, 2015.

Introduced: Waived

Passed and Approved: January 20, 2015

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

All of Block 9, Lots 1 through 14 inclusive, and vacated alley in the Lake Shore Subdivision, Village of Winnetka, being a subdivision of Lot 1 in a subdivision of Nicholas Simons and Others of a part of the Fractional Southeast Quarter of Section 21 and a Fractional Southwest Quarter of Section 22, Township 42 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

Commonly known as 275 Fairview Avenue, Winnetka, Illinois.

EXHIBIT B

DECEMBER 8, 2014 PUBLIC HEARING MINUTES OF THE ZBA

(SEE ATTACHED EXHIBIT B)

EXHIBIT C

DREAM GREEN – PLAY AREA IMPROVEMENT PLAN

(SEE ATTACHED EXHIBIT C)

EXHIBIT D

PROPOSED PLAY EQUIPMENT AND SITE IMPROVEMENTS

(SEE ATTACHED EXHIBIT D)

EXHIBIT E

UNCONDITIONAL AGREEMENT AND CONSENT

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

WHEREAS, Winnetka Public School District No. 36 ("*Applicant*") is the record title owner of the property commonly known as 275 Fairview Avenue in the Village ("*Subject Property*")

WHEREAS, the Applicant desires to construct on the Subject Property certain outdoor classroom and playground improvements for use by students and teachers; and

WHEREAS, Ordinance No. M-3-2015, adopted by the Village Council on _____, 2015 ("*Ordinance*"), grants certain variations from the provisions of the Winnetka Zoning Ordinance and a special use permit to the Applicant to permit the construction of the outdoor classroom and playground improvements on the Subject Property and the expanded use of the Subject Property for the operation of an elementary school; and

WHEREAS, Section 9 of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Applicant has filed, within 60 days following the passage of the Ordinance, its unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

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

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

2. The Applicant acknowledges that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.

3. The Applicant acknowledges and agrees that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's grant of variations and a special use permit for the Subject Property or its adoption of the Ordinance, and that the Village's approvals do not, and will not, in any way, be deemed to insure the Applicant against damage or injury of any kind and at any time.

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

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

Dated: __, 2015

ATTEST:

By: __

Its: __

WINNETKA PUBLIC SCHOOL DISTRICT NO. 36

By: __

Its: __

ORDINANCE NO. M-4-2017

AN ORDINANCE GRANTING A SPECIAL USE PERMIT AND VARIATION FROM THE WINNETKA ZONING ORDINANCE FOR THE CONSTRUCTION AND OPERATION OF PLAYGROUND IMPROVEMENTS WITHIN THE R-5 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT

(275 Fairview Avenue)

WHEREAS, Winnetka Public School District No. 36 ("*Applicant*") is the record title owner of that certain parcel of real property commonly known as 275 Fairview Avenue in Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made a part of this Ordinance ("*Subject Property*"); and

WHEREAS, the Subject Property is improved with buildings and structures known as the Greeley School ("*School*"); and

WHEREAS, the Applicant desires to construct on the Subject Property certain outdoor playground improvements for use primarily by students at the School (collectively, the "*Proposed Improvements*"); and

WHEREAS, the Subject Property is located within the R-5 Single Family Residential Zoning District of the Village ("*R-5 District*"); and

WHEREAS, in order to be constructed on the Subject Property within the R-5 District, the Proposed Improvements must have, pursuant to Section 17.30.050 of the Winnetka Zoning Ordinance ("*Zoning Ordinance*"), a minimum front yard setback of 30 feet from Elder Lane; and

WHEREAS, the Applicant desires to construct the Proposed Improvements with a front yard setback from Elder Lane of 11.58 feet; and

WHEREAS, pursuant to Section 17.12.020 of the Zoning Ordinance, the operation of an elementary school is permitted within the R-5 District only with a special use permit; and

WHEREAS, pursuant to Section 17.56.090 of the Zoning Ordinance, no special use may be enlarged or extended by structural alteration of a building or structure without a special use permit; and

WHEREAS, the Applicant filed an application for: (i) a variation from Section 17.30.050 of the Zoning Ordinance to permit the construction of the Proposed Improvements on the Subject Property with a front yard setback from Elder Lane of 11.58 feet ("*Variation*"); and (ii) a special use permit pursuant to Section 17.12.020 and Chapter 17.56 of the of the Zoning Ordinance to allow the construction of the Proposed Improvements within the R-5 District ("*Special Use Permit*") (collectively, the Variation and the Special Use Permit are the "*Requested Relief*"); and

WHEREAS, on April 10, 2017, after due notice thereof, the Zoning Board of Appeals ("*ZBA*") conducted a public hearing on the Requested Relief and, by the unanimous vote of the four members then present, recommended that the Council of the Village of Winnetka ("*Village Council*") approve the Requested Relief; and

WHEREAS, pursuant to Chapter 17.60 and Chapter 17.56 of the Zoning Ordinance, the ZBA heard evidence and made certain findings in support of recommending approval of the Variation and the Special Use Permit, respectively, which findings are set forth in the ZBA public hearing minutes attached to and, by this reference, made a part of this Ordinance as **Exhibit B**; and

WHEREAS, on March 15, 2017, after due notice thereof, the Plan Commission met to consider whether approval of the Requested Relief is consistent with "Winnetka 2020," the Winnetka comprehensive plan ("*Comprehensive Plan*"), and found, by the unanimous vote of the seven members then present, that approval of the Requested Relief is consistent with the Comprehensive Plan; and

WHEREAS, on March 16, 2017, after due notice thereof, the Design Review Board met to consider the Requested Relief and, by unanimous vote of the six members then present, recommended that the Village Council approve the Requested Relief; and

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

WHEREAS, the Village Council has determined that approval of the proposed Special Use Permit: (i) is consistent with the Comprehensive Plan; and (ii) satisfies the standards for the approval of special use permits set forth in Chapter 17.56 of the Zoning Ordinance; and

WHEREAS, the Village Council has determined that approval of the Requested Relief for the construction of the Proposed Improvements on the Subject Property within the R-5 District is in the best interest of the Village and its residents;

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

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

SECTION 2: APPROVAL OF SPECIAL USE PERMIT. Subject to, and contingent upon, the terms, conditions, restrictions, and provisions set forth in Section 4 of this Ordinance, the Special Use Permit is hereby granted, pursuant to Chapter 17.56 and Section 17.12.020 of the Zoning Ordinance and the home rule powers of the Village, to allow the extension of the operation of the School by the construction of the Proposed Improvements on the Subject Property within the R-5 District.

SECTION 3: APPROVAL OF VARIATIONS. Subject to, and contingent upon, the terms, conditions, restrictions, and provisions set forth in Section 4 of this Ordinance, the Variation from Section 17.30.050 of the Zoning Ordinance to permit a front yard setback of 11.58 feet from Elder Lane is hereby granted to allow for the construction of the Proposed Improvements on the Subject Property, in

accordance with and pursuant to Chapter 17.60 of the Zoning Ordinance and the home rule powers of the Village.

SECTION 4: CONDITIONS. The Special Use Permit granted by Section 2 of this Ordinance, and the Variations granted by Section 3 of this Ordinance, are subject to, and contingent upon, compliance by the Applicant with the following conditions:

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

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

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

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

1. The "Topographical Survey" prepared by Wendler Engineering Services, Inc., consisting of one sheet, and with a latest revision date of January 31, 2017, attached to and, by this reference, made a part of this Ordinance as **Exhibit C**; and

2. The "Project Location Plan" prepared by K M Talty Design, consisting of one sheet, and with a latest revision date of February 13, 2017, attached to and, by this reference, made a part of this Ordinance as **Exhibit D**.

3. The "Site Photos" prepared by K M Talty Design, consisting of one sheet, and with a latest revision date of November 1, 2016, attached to and, by this reference, made a part of this Ordinance as **Exhibit E**.

4. The "Site Plan" prepared by K M Talty Design, consisting of one sheet, and with a latest revision date of February 15, 2017, attached to and, by this reference, made a part of this Ordinance as **Exhibit F**.

5. The "Landscape Structure" plans prepared by NuToys Leasure Products, consisting of four sheets, and with a latest revision date of February 14, 2017, attached to and, by this reference, made a part of this Ordinance as **Exhibit G**.

SECTION 5: RECORDATION; BINDING EFFECT. A copy of this Ordinance will be recorded with the Cook County Recorder of Deeds. This Ordinance and the privileges, obligations, and provisions contained herein inure solely to the benefit of, and are binding upon, the Applicant and each of its heirs, representatives, successors, and assigns.

SECTION 6: FAILURE TO COMPLY. Upon the failure or refusal of the Applicant to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, in addition to all other remedies available to the Village, the approvals granted in Sections 2 and 3 of this Ordinance will, at the sole discretion of the Village Council, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village Council may not so revoke the approvals granted in Sections 2 and 3 of this Ordinance unless it first provides the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Village Council. In the event of revocation, the development and use of the Subject Property will be governed solely by the regulations of the applicable zoning district and the applicable provisions of the Zoning Ordinance, as the same may, from time to time, be amended. Further, in the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances.

SECTION 7: AMENDMENT OF SPECIAL USE PERMIT. Any amendments to the approvals granted in Sections 2 and 3 of this Ordinance that may be requested by the Applicant after the effective date of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Zoning Ordinance.

SECTION 8: SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 9: EFFECTIVE DATE.

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

1. Passage by the Village Council in the manner required by law;
2. Publication in pamphlet form in the manner required by law; and

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

B. In the event that the Applicant does not file with the Village Clerk a fully executed copy of the unconditional agreement and consent described in Section 9.A.3 of this Ordinance within 60 days after the date of passage of this Ordinance by the Village Council, the Village Council shall have the right, in its sole discretion, to declare this Ordinance null and void and of no force or effect.

[SIGNATURE PAGE TO FOLLOW]

PASSED this 6th day of May, 2017, pursuant to the following roll call vote:

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

NAYS: None

ABSENT: None

Signed

s/Chris Rintz

Village President

Countersigned:

s/Robert M. Bahan

Village Clerk

Published by authority of the President and Board of Trustees of the Village of Winnetka, Illinois, this 7th day of May, 2017.

Introduced: Waived

Passed and Approved: May 16, 2017

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

All of Block 9, Lots 1 through 14 inclusive, and vacated alley in the Lake Shore Subdivision, Village of Winnetka, being a subdivision of Lot 1 in a subdivision of Nicholas Simons and Others of a part of the Fractional Southeast Quarter of Section 21 and a Fractional Southwest Quarter of Section 22, Township 42 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois

Commonly known as 275 Fairview Avenue, Winnetka, Illinois.

EXHIBIT B

APRIL 10, 2017 PUBLIC HEARING MINUTES OF THE ZBA

Zoning Board Members Present: Joni Johnson, Chairperson

Thomas Kehoe

Kathleen Kumer

Mark Naumann

Zoning Board Members Absent: Sarah Balassa

Matthew Bradley

Carl Lane

Village Staff: Michael D'Onofrio, Director of Community Development

Ann Klaassen, Planning Assistant

Agenda Items:

Case No. 17-04-SU: Greeley School (275 Fairview Avenue)

Winnetka Public School District 36

Special Use Permit

Playground Equipment Replacement

Variation by Ordinance

Front and Corner Yard Setbacks

Greeley School (275 Fairview Avenue), Case No. 17-04-SU: Winnetka Public School District 36, Special Use Permit - Playground Equipment Replacement; Variation by Ordinance - Front and Corner Yard Setbacks

Mr. D'Onofrio read the public notice. The purpose of this hearing is to hear testimony and receive public comment regarding a request by Winnetka Public School District 36, concerning a Special Use Permit in accordance with Section 17.56.010 of the Winnetka Zoning Ordinance, to permit the replacement of the kindergarten playground equipment, as well as a variation by Ordinance from Section 17.30.050 [Front and Corner Yard Setbacks] of the Winnetka Zoning Ordinance to permit play equipment that will result in a front yard setback of 11.58 ft. from Elder Lane, whereas a minimum of 30 ft. is required, a variation of 18.42 ft. (61.4%).

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

Greg Kurr introduced himself to the Board as the CFO of Winnetka District 36 and stated that they are back before the Board after appearing last year in connection with the modular units. He stated that before the Board tonight are two proposals for playground equipment at Greeley School and Hubbard Woods School. Mr. Kurr then introduced Kathryn Talty as the landscape architect and who would go through a lot of the detail. He stated that the request was for the replacement of the kindergarten playground equipment at Greeley and for the replacement of some equipment at Hubbard Woods as well.

Mr. Kurr stated that over the last couple of years, they have gone through and have had vintage equipment, as they call it, at all of their schools and informed the Board that some of it is beginning to fail. He stated that they are starting to take that equipment out and replace it. Mr. Kurr then stated that with regard to the approach they have taken as far as the kindergarten equipment, they have tried to keep that as a kindergarten playground which meant that most of the equipment is low and is being cognizant of the neighbors. He also stated that on the Village side, they have corresponded with the neighbors and received their input.

Mr. Kurr then stated that with regard to Greeley, they were planning to begin the process before the winter break but they received some input from some of the neighbors and went back and did some redesign to comply with the input. He noted that while they would also be moving some equipment, that would also involve replacing some of the vintage equipment.

Mr. Kurr informed the Board that the principals of both schools are also present to answer questions who are Susan Hugebeck and Beth Carmody.

Kathryn Talty referred the Board to illustrations of the proposal on a larger scale. She then introduced herself to the Board as the landscape architect who is assisting both Greeley and Hubbard Woods in trying to spatially plan the new play equipment.

Ms. Talty then stated that with regard to Greeley, the border of the play area that they are discussing is existing. She informed the Board that there was existing play equipment within this space and that they would not be expanding the space at all. Ms. Talty identified the curb which existed prior to their installing the play equipment.

Ms. Talty stated that as Mr. Kurr mentioned, the existing equipment which had aged beyond its usefulness was removed piece by piece and in turn, all of the play equipment would be age appropriate for the younger students starting Greeley in the fall. She noted that everything is generally low in scale and that it would be catering toward the smaller students in the school and that there would be a maximum height at the far west end of 9 feet which represented the peak of the playhouse and a maximum height of 7 feet on the east end which is the height of a raised platform.

Ms. Talty then referred the Board to a color rendering of the equipment and identified it as having the same color scheme as the existing equipment. She stated that they would be sticking with the natural pallet of green and brown. Ms. Talty then stated that the material beneath the equipment would be fiber woodchip surfacing as it is currently and that there is no intention of changing that. She informed the Board that they tried to gain the maximum amount of space that they could within the existing space so that it would accommodate a number of children and worked well between the principal and the play equipment representative. Ms. Talty noted that the equipment was manufactured by Landscape Structures which is a common manufacturer used often by the Winnetka Park District. She then asked the Board if they had any questions.

Ms. Kumer questioned the content of the feedback they got from the neighbors after the proposal was submitted last year.

Mr. Kurr responded that they wanted a little less concrete type structure and identified the more natural looking structure the neighbors preferred. He identified the neighbors as Greeley parents who are also neighbors.

Ms. Talty informed the Board that they also had some feedback from some neighbors who do not have children at the school and that they have been working with them through the process as well.

Chairperson Johnson asked if there was any landscaping which would be replaced or changed.

Ms. Talty responded that there is no intention at this point to have additional landscaping. She noted that a new fence was installed approximately one year ago and that the existing landscaping would remain.

Mr. Kurr stated that he would like to point out that as far as natural materials goes, one of the considerations was an existing area which contained a berm of natural grasses and trees and instead of expanding in that area as was originally considered, they decided to leave the area as is.

Chairperson Johnson informed the Board that she previously lived at 260 Fairview and is very familiar with the playground equipment and the number of years that the equipment has been there.

Mr. Kurr noted that it has been there since the 1940's.

Chairperson Johnson asked if there were any other questions.

Ms. Kumer asked if the woodchip area would be kept the same.

Ms. Talty confirmed that is correct and referred to the concrete curb which served as a border to the woodchips and added that the adjacent material would remain.

Ms. Kumer asked what is the adjacent material.

Ms. Talty responded that one area is grass and that it abutted asphalt in another area which would remain untouched.

Chairperson Johnson stated that she would like to clarify, she does not live in the neighborhood anymore, it is not locked at night and that it does state that in the application that the children from the neighborhood could use it during off hours and that she assumed that is still the case.

Mr. Kurr confirmed that is correct and that it is always open to the public.

Chairperson Johnson asked if there were any additional questions. No additional questions were raised by the Board at this time. She then asked if there were any comments from the audience.

The principal Susan Hugebeck informed the Board that they are very excited about the new equipment and that one of the teachers, Catarina Janik (sp?), is very supportive of the structures and the plan they have in place. She also stated that keeping enough space for the children to use the equipment was important and that they were able to oblige that request along with the grass area and berm as well. She described it as a nice mix of new equipment and old and would offer some nice play equipment.

Chairperson Johnson then called the matter in for discussion. She stated that the Board is to evaluate the special use standards and the variation standards for the front and corner yard setbacks. Chairperson Johnson then stated that because the Board did no longer have a Plan Commission liaison, she knew that the Plan Commission voted to recommend approval and that the request passed the Design Review Board and she did not know if the Plan Commission had any issues and that they do not have the minutes. She informed the Board that both the DRB and the Plan Commission voted unanimously to recommend approval in back to back meetings and that this Board is the last board to review the request and that it would then go on to the Village Council. Chairperson Johnson noted that the Board is a recommending body for both the variation request and the special use.

Mr. Kehoe informed the Board that he has a grandchild who would be beginning kindergarten next year and a fourth grader and that he is in favor of the request. He noted that the applicant would actually be reducing the amount of the nonconformity in terms of the front yard setback.

Chairperson Johnson asked if there were any other comments. No additional comments were made at this time. She noted that there would be a 1:1 replacement and that they would be reducing the nonconformities and that given the limitations with the land they have and that they are hemmed in a residential neighborhood, there is no ability to make the setback greater without reducing the size of the playground itself and that for safety reasons, they have to have the equipment spaced. Chairperson Johnson also stated that the equipment is near the kindergarten classrooms and that having the equipment in that proximity made sense from a programmatic standpoint. She stated that the request met the special use standards in that regard. Chairperson Johnson then asked for a motion.

A motion was made by Mr. Kehoe to recommend approval of the proposed special use and incorporated the special use standards on page nos. 8 and 9 of the agenda packet and the same for the zoning variation on page nos. 12 and 13.

Mr. D'Onofrio asked the Board to make separate motions.

Mr. Kehoe then moved to recommend approval of the special use request as proposed that the request met the standards as follows. He stated that the establishment, maintenance and operation of the special use will not be detrimental to or endanger the public health, safety, comfort, morals or welfare. Mr. Kehoe stated that the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity and will not impede the normal and orderly development or improvement of other property in the immediate vicinity. He stated that adequate measures have been or will be taken to provide ingress and egress in a manner which minimizes pedestrian and vehicular traffic congestion and that adequate parking, utilities, access roads, drainage and other facilities necessary to the operation of the special use exist or are to be provided. Mr. Kehoe concluded by stating that the special use in all other respects conforms to the applicable regulations of the Village ordinances and codes.

Mr. Kehoe then stated that the responses to the standards as identified in the agenda packet be incorporated with regard to the proposal as submitted on page nos. 8 and 9 of the application.

Mr. Naumann seconded the motion. A vote was taken and the motion was unanimously approved.

AYES: Johnson, Kehoe, Kumer, Naumann

NAYS: None

That the establishment, maintenance, and options of the Special Use will not be detrimental to or endanger the public health, safety, comfort, morals, or general welfare.

Over the past two years the Greeley School kindergarten playground has lost most of its equipment due to the aging process. The particular area in question consisted mainly of 40+ year old "vintage" equipment. This equipment has been incrementally and will now be totally removed. The new replacement equipment will offer the school and neighborhood children an engaging place to imagine, create and play.

2. That the Special Use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity.

The new additions to the Greeley School kindergarten playground will offer the community a place for little ones to play during off hours. Having this lovely resource near homes in the area will enhance the appeal to property owners. The playground will be appropriately maintained and safety measures and guidelines will be followed throughout installation process. The current plans meet safety regulations and the structures themselves are attractive.

3. That the establishment of the Special Use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern.

The current plan will only affect the kindergarten playground. The playground location and area will not be changed. The design is in keeping with the type and rough dimensions of the existing equipment with improved quality. The surrounding neighborhood will not be impacted negatively nor will it be intruded upon.

4. That adequate measures have been or will be taken to provide ingress and egress in a manner which minimize pedestrian and vehicular traffic congestion in the public ways.

The installation of the new playground equipment will in no way impede the normal activities that occur around Greeley School. The pedestrian and vehicular traffic will remain unchanged by the replacement of the play equipment. Furthermore, the District will use good judgment and decision making as to when the equipment will be installed, ensuring, to the best of our ability, that traffic and sidewalks will not be obstructed for users.

5. That adequate parking, utilities, access roads, drainage, and other facilities necessary to the operation of the Special Use exists or are to be provided.

The playground project does not require changes to existing parking, roads, drainage or facilities. The District will ensure that any disruption to the neighbors due to the installation of the new equipment will be minimal. The District will provide information to the neighbors regarding the installation process.

6. That the Special Use in all other respects conforms to the applicable regulations of this and other Village ordinances and codes.

The school district is obliged to follow the safety rules and regulations stated in school code, which ensures a safe playground for children to enjoy. The District will comply with all Village regulations, ordinances and codes in this process.

Mr. Kehoe then moved to recommend approval of the zoning variances set forth in the packet of materials on page nos. 12 and 13 and for the standards set forth therein be incorporated and references and information provided to the Board by the applicant.

The motion was seconded by Mr. Naumann. A vote was taken and the motion was unanimously approved.

AYES: Johnson, Kehoe, Kumer, Naumann

NAYS: None

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

The proposed playground equipment replaces the existing kindergarten playground equipment. The current plan will only affect the kindergarten playground. The playground is an important factor in the education of our children and must be preserved. The location and area of the playground will not be changed. The design is in keeping with the type and rough dimensions of the existing equipment with improved quality. The surrounding neighborhood will not be impacted negatively nor will it be intruded upon.

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.

Due to the limitations of open land space on the school campus that is not used for other child focused functions such as play area and other age appropriate playground equipment and the fact that the proposed kindergarten playground is in close proximity to the kindergarten classrooms, it is not practical or cost effective to move the playground location. In addition, the area where the playground is located is small and accented by existing landscape, including mature trees and bushes.

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

The plan for the updated play equipment does not exceed the area of the current playground space. The new proposed items for the Greeley School kindergarten playground are in keeping with the character of the items that are being replaced. The structures chosen are aligned with the developmental abilities of a child in kindergarten. The updated playground will continue to offer the community a well maintained resource; a place where young children can play during and after school hours. We believe having this lovely resource near homes in the area enhances the appeal to property owners.

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

The proposed playground equipment and design consists of predominantly low open structures that have a minimal effect on light or air flow. Following the safety guidelines which require the structures to be properly spaced from piece to piece provides for additional open space. In addition, the equipment is similar to the structures that are being replaced and any effects on light or air flow are basically unchanged.

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

The school district is obliged to follow the safety rules and regulations stated in school code, which ensures a safe playground for children to enjoy. We also look forward to working collaboratively with the Village in addressing its regulations, ordinances and codes in this process. The proposed playground is in compliance with school code safety regulations and the District will ensure it is also in compliance with safety regulations of the Village. In addition, the new equipment will be located a large distance away from any other structures and in the same area where the existing equipment is located.

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

The new additions to the Greeley School kindergarten playground will offer the community a place for little ones to play during and after school hours. We believe having this lovely resource near homes in the area enhances the appeal to property owners. The playground will be appropriately maintained and available for community use when school is not in session. The current plans provide for structures and design that are attractive and a benefit to the community. Without a replacement plan for the removed aged equipment, kindergarten aged children would be left with a barren play space providing limited developmental experiences.

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

The installation of the new playground equipment will in no way impede or alter the normal activities or traffic that occurs around Greeley School. The District will use good judgment and decision making as to when the equipment will be installed ensuring, to the best of our ability, that traffic and sidewalks will not be obstructed for users.

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

Over the past two years the Greeley School kindergarten playground has lost most of its equipment due to the aging process. The particular area in question consisted mainly of 40+ year old "vintage" equipment. This equipment has been incrementally and will now be totally removed. The new replacement equipment will offer the school and neighborhood children an engaging place to imagine, create, climb, jump leap and play.

EXHIBIT C

TOPOGRAPHICAL SURVEY

(SEE ATTACHED EXHIBIT C)

EXHIBIT D

PROJECT LOCATION PLAN

(SEE ATTACHED EXHIBIT D)

EXHIBIT E

SITE PHOTOS

(SEE ATTACHED EXHIBIT E)

EXHIBIT F

SITE PLAN

(SEE ATTACHED EXHIBIT F)

EXHIBIT G

LANDSCAPE STRUCTURE PLAN

(SEE ATTACHED EXHIBIT G)

EXHIBIT H

UNCONDITIONAL AGREEMENT AND CONSENT

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

WHEREAS, Winnetka Public School District No. 36 ("*Applicant*") is the record title owner of the property commonly known as 275 Fairview Avenue in the Village ("*Subject Property*")

WHEREAS, the Applicant desires to construct on the Subject Property certain outdoor playground improvements for use by kindergarten students; and

WHEREAS, Ordinance No. M-4-2017, adopted by the Village Council on May 16, 2017 ("*Ordinance*"), grants a certain variation from the provisions of the Winnetka Zoning Ordinance and a special use permit to the Applicant to permit the construction of the playground improvements on the Subject Property and the expanded use of the Subject Property for the operation of an elementary school; and

WHEREAS, Section 9 of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Applicant has filed, within 60 days following the passage of the Ordinance, its unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

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

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

2. The Applicant acknowledges that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.

3. The Applicant acknowledges and agrees that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's grant of variations and a special use permit for the Subject Property or its adoption of the

Ordinance, and that the Village's approvals do not, and will not, in any way, be deemed to insure the Applicant against damage or injury of any kind and at any time.

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

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

Dated: __, 2017

ATTEST:

By: __

Its: __

WINNETKA PUBLIC SCHOOL DISTRICT NO. 36

By: __

Its: __



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: ZONING BOARD OF APPEALS
FROM: ANN KLAASSEN, SENIOR PLANNER
DATE: MARCH 10, 2022
SUBJECT: 1110 CHATFIELD ROAD - HUBBARD WOODS ELEMENTARY SCHOOL -
SPECIAL USE PERMIT (CASE NO. 22-09-SU)

INTRODUCTION

On March 14, 2022, the Zoning Board of Appeals is scheduled to hold a public hearing on an application submitted by Kathryn Talty Landscape Architecture (the "Applicant") on behalf of Winnetka Public School District 36, as the owner of the property located at 1110 Chatfield Road (the "Subject Property"). The Applicant is proposing improvements to the existing playground located on the Subject Property and requests approval of the following relief:

1. Approval of an amendment to an existing **Special Use Permit** that allowed playground improvements. The requested amendment would allow improvements to the existing playground located on the Subject Property, which is located in the R-4 Single-Family Residential Zoning District; and
2. Approval of the following **zoning variations**:
 - a. Impermeable Lot Coverage (ILC) of 86,394.6 square feet, whereas a maximum of 63,636.5 square feet is permitted, a variation of 22,758.1 square feet (35.76%) [Section 17.30.030 – Intensity of Use of Lot] [Note: The site currently contains 78,363.6 square feet of ILC. The proposed improvement would add 8,011 square feet]; and
 - b. Side Yard Setback of 9.5 feet from the west property line to the proposed play equipment, whereas a minimum of 12 feet is required, a variation of 2.5 feet (20.83%) [Section 17.30.060 – Side Yard Setback] [Note: The existing play equipment, which would be replaced, currently provides a side yard setback of 10.5 feet].

A sign has been posted on the Subject Property indicating the time and date of the ZBA public hearing. A mailed notice has been 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 February 24, 2022. As of the date of this memo, staff has received one written comment from the public regarding this application. The comment is provided in Attachment D of this report.

The Village Council has final jurisdiction on this request as only the Council has the authority to grant or amend a Special Use Permit or to grant a variation to exceed the permitted intensity of use by more than 20%.

PROPERTY DESCRIPTION

The Subject Property, which is approximately 2.92 acres (127,273 square feet) in size, is located on the south side of Chatfield Road between Gordon Terrace and Burr Avenue and contains Hubbard Woods

Elementary School (see Figure 1). The Subject Property has three front yards, with street frontage along Chatfield Road to the north, Burr and Laurel Avenues to the east, and Gordon Terrace and Hamptondale Avenue to the west.

The Comprehensive Plan designates the Subject Property as appropriate for “Public/Semi-Public” uses. The property is zoned R-4 Single Family Residential, and it is bordered by R-4 Single Family Residential to the north, east, and west, and R-2 Single Family Residential to the southeast and southwest (see Figure 2).

In addition to single-family residential uses, the R-4 District allows a limited range of additional uses by Special Use Permit. Allowed Special Uses in the R-4 District include (a) church or temple; (b) public school, elementary and high, or private school having a curriculum equivalent to a public elementary school, public high school or public institution of higher learning; and (c) library.

The Applicant’s use of the Subject Property as a school is generally consistent with the Comprehensive Plan land use designation and the R-4 zoning district.



Figure 1 – Aerial Map



Figure 2 – Zoning Map

PROPERTY HISTORY AND PREVIOUS ZONING APPLICATIONS

Hubbard Woods School was constructed circa 1911. There have been several additions and various other improvements to the school and Subject Property over the years. There are ten (10) previous zoning cases on file for the Subject Property:

1. In 1927, ZBA Case No. 282 was approved for a front yard setback variation to allow an addition to the school;
2. In 1953, ZBA Case No. 788 was approved for a front yard setback variation to allow an addition to the school;
3. Ordinance M-287-90 was adopted in February 1990 by the Village Council, granting a special use permit and variations to allow construction of an addition on the south side of the existing school building. The approved variations were for (a) GFA; (b) roofed lot coverage; (c) impermeable lot coverage; and (d) front yard setback from Laurel and Burr Avenues;
4. Ordinance M-472-96 was adopted in October 1996 by the Village Council, granting a special use permit and variations to allow a temporary mobile classroom structure and playground improvements. The approved variations were for GFA and roofed lot coverage;
5. Ordinance M-481-96 was adopted in January 1997 by the Village Council, granting a front yard setback variation to allow play equipment;
6. In 1997, ZBA Case No. 97-14-SU was a request to allow a temporary mobile classroom that would have exceeded the maximum permitted GFA. The application was withdrawn;
7. Ordinance M-528-98 was adopted in June 1998 by the Village Council, granting an amendment to a special use permit and variations to allow the construction of three one-story additions to the existing school building. The approved variations were for (a) GFA; (b) roofed lot coverage; and (c) impermeable lot coverage;
8. Ordinance M-578-99 was adopted in June 1999 by the Village Council, granting a front yard setback variation to allow play equipment within the minimum required front yard setback along Hamptondale Avenue;
9. Ordinance M-18-2006 was adopted in August 2006 by the Village Council, granting variations to allow playground improvements, a new storage shed, and an Outdoor Environmental Learning Area. The approved variations were for (a) GFA; (b) roofed lot coverage; and (c) impermeable lot coverage; and
10. Ordinance M-5-2017 was adopted in May 2017 by the Village Council, granting a special use permit and a front yard setback variation to allow playground improvements within the minimum required front yard setback along Hamptondale Avenue.

The Ordinances listed above are included in this report as Attachment C.

Figures 3 and 4 on the following page are current photos of the site where the current improvements are proposed.



Figure 3 – Subject Property – Playground – Looking Southwest
(Play equipment in foreground to remain)



Figure 4 – Subject Property – Playground – Looking South

PROPOSED PLAN

The proposed playground improvements include: (1) replacement of the existing play equipment located along the west property line; and (2) replacement of the existing wood chip play surface with rubberized surfacing, for both the north and west play areas.

The existing play equipment in the west play area would be replaced with new equipment of a similar style within the existing established play area. The existing play equipment located in the north play area would remain. The only change in the north area is the replacement of the wood chips with the rubberized surface, which is to provide improved accessibility for students with mobility challenges. The total rubberized surface area would measure 8,011 square feet.

The proposed equipment would be in a palette of green and brown and supplied by NuToys Leisure Products, specifically from the manufacturer Landscape Structures. The tallest piece of equipment would be 12 feet in height. As described by the Applicant in the written explanation included in Attachment B, additional landscaping, including 8-foot tall arbor vitae, is also proposed along the west property line to provide a visual buffer for the residential neighbors.

An excerpt of the proposed site plan and renderings of the proposed equipment are provided below and on the next page as Figures 5 and 6. The complete set of plans are provided in the application materials, which are included in this report as Attachment B.

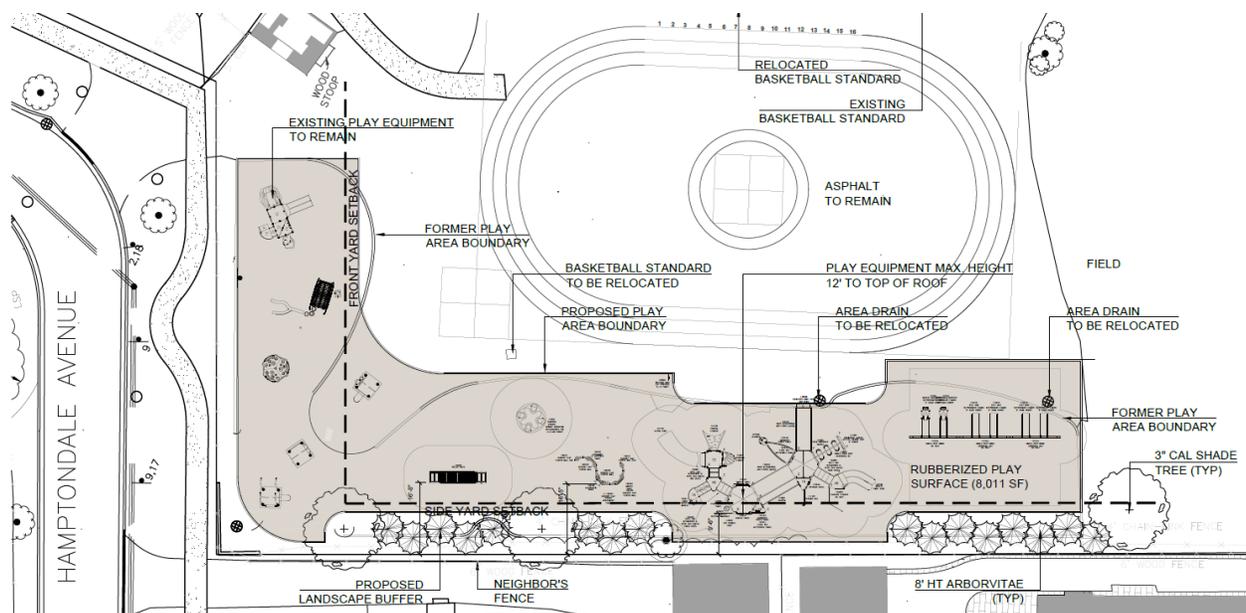


Figure 5 – Excerpt of Proposed Site Plan



Figure 6 – Rendering of Proposed Play Equipment

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 the Applicant is currently working with Village Engineering staff to comply with the Village stormwater regulations. Figure 7 below represents the Subject Property’s proximity to the floodplain; the cyan represents the 100-year flood area.

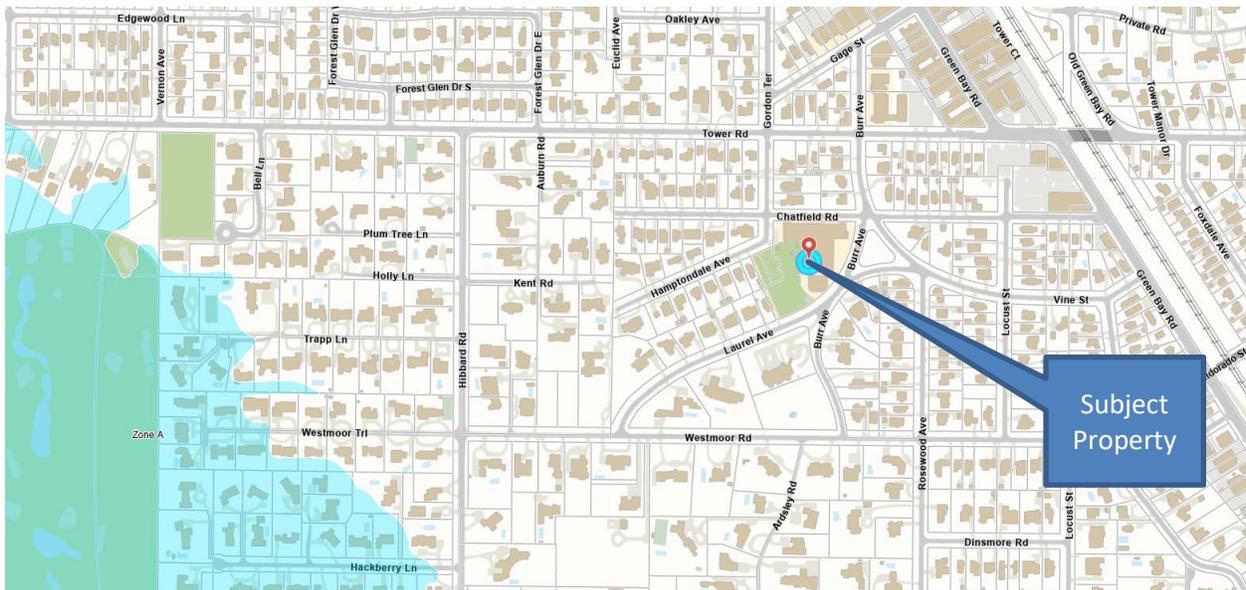


Figure 7 - GIS Floodplain Map

REQUESTED ZONING RELIEF

The attached zoning matrix highlights the existing lot and the proposed improvements’ compliance with the R-4 zoning district (Attachment A). Two variations are being requested to allow the proposed playground improvements: (1) impermeable lot coverage; and (2) side yard setback.

Impermeable Lot Coverage (ILC). The maximum permitted ILC in the R-4 District is 50% of the lot area. The maximum allowed ILC on the Subject Property is 63,636.5 square feet. The site currently contains 78,383.6 square feet of ILC, exceeding the maximum permitted ILC by 14,747.1 square feet. The increase in ILC with the proposed rubberized play surface for the playground is 8,011 square feet; bringing the total ILC to 86,394.6 square feet, whereas a maximum of 63,636.5 square feet is permitted, a variation of 22,758.1 square feet (35.76%).

Side Yard Setback (West). The existing play equipment, which is to be replaced, currently provides a side yard setback of 10.5 feet. The proposed piece of equipment that would be located closest to the west property line would be setback 9.5 feet, whereas a minimum of 12 feet is required, a variation of 2.5 feet (20.83%).

CONSIDERATION BY OTHER ADVISORY BOARDS/COMMISSIONS

The Design Review Board is scheduled to consider a Certificate of Appropriateness for the proposed playground improvements on March 17, 2022.

The Plan Commission is scheduled to consider the Special Use Permit on March 23, 2022.

The ZBA is charged with evaluating Special Uses for consistency with the six standards for granting special use permits, as well as the eight standards for granting of zoning variations.

FINDINGS

In the attached application materials submitted by the Applicant, the Applicant has provided a statement of justification regarding how the requested Special Use Permit and variations meet the standards for granting the requested Special Use Permit and zoning variations. Does the ZBA find that the requested amendment to an existing Special Use Permit and variations meet the standards for granting such special use and 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 requested amendment to the existing special use that allowed playground improvements for the public elementary school on the Subject Property granted by Ordinance M-5-2017 and the following zoning variations: (1) impermeable lot coverage; and (2) side yard setback to allow improvements to the existing playground located on the Subject Property, based on evidence in the record, or a public document, and upon the following findings of fact:

1. The proposed playground improvements are consistent with the Standards for the granting of Special Use Permits, as follows:
 - a. That the establishment, maintenance and operation of the special use will not be detrimental to or endanger the public health, safety, comfort, morals or general welfare;
 - b. That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity;
 - c. That the establishment of the special use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern;
 - d. That adequate measures have been or will be taken to provide ingress and egress in a manner which minimizes pedestrian and vehicular traffic congestion in the public ways;
 - e. That adequate parking, utilities, access roads, drainage and other facilities necessary to the operation of the special use exist or are to be provided; and

- f. That the special use in all other respects conforms to the applicable regulations of this and other Village ordinances and codes.
2. The requested zoning variations to allow:
 - a. Impermeable Lot Coverage (ILC) of 86,394.6 square feet, whereas a maximum of 63,636.5 square feet is permitted, a variation of 22,758.1 square feet (35.76%) [Section 17.30.030 – Intensity of Use of Lot]; and
 - b. Side Yard Setback of 9.5 feet from the west property line to the proposed play equipment, whereas a minimum of 12 feet is required, a variation of 2.5 feet (20.83%) [Section 17.30.060 – Side Yard Setback].

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 **have been met [have not been met]**:

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.

[The amendment to the special use for the playground improvements and the requested variations should only be approved subject to the following conditions...]

ATTACHMENTS

Attachment A: Zoning Matrix

Attachment B: Application Materials

Attachment C: Ordinance M-287-90, adopted February 6, 1990

Ordinance M-472-96, adopted October 8, 1996

Ordinance M-481-96, adopted January 7, 1997

Ordinance M-528-98, adopted June 16, 1998

Ordinance M-578-99, adopted June 15, 1999

Ordinance M-18-2006, adopted August 15, 2006

Ordinance M-5-2017, adopted May 16, 2017

Attachment D: Public Correspondence

ATTACHMENT A

ZONING MATRIX

ADDRESS: 1110 Chatfield Road - Hubbard Woods Elementary School

CASE NO: 22-09-SU

ZONING: R-4

ITEM	MIN/MAX REQUIREMENT	EXISTING	PROPOSED	DIFFERENCE BETWEEN PROPOSED & EXISTING	ZONING CODE COMPLIANCE (2)
Min. Lot Size	13,300 SF	127,273 SF	N/A	N/A	OK
Min. Average Lot Width	70 FT	351.92 FT	N/A	N/A	OK
Min. Lot Depth	120 FT	361.65 FT	N/A	N/A	OK
Max. Roofed Lot Coverage	31,818.25 SF (1)	46,447.26 SF	46,447.26 SF	0 FT	EXISTING NONCONFORMING
Max. Gross Floor Area	31,087.79 SF (1)	48,715 SF	48,715 SF	0 FT	EXISTING NONCONFORMING
Max. Impermeable Lot Coverage	63,636.5 SF (1)	78,383.6 SF	86,394.6 SF	8,011 SF	22,758.1 SF (35.76%) VARIATION
Min. Front Yard (Chatfield/North)	30 FT	4.97 FT	4.97 FT	0 FT	EXISTING NONCONFORMING
Min. Front Yard (Burr/Laurel/East)	30 FT	11.35 FT	11.35 FT	0 FT	EXISTING NONCONFORMING
Min. Front Yard (Gordon Terr./Hamptondale/West)	30 FT	9.33 FT (3)	9.33 FT (3)	0 FT	EXISTING NONCONFORMING
Min. Side Yard (Southwest)	12 FT	10.5 FT (3)	9.5 FT	-1 FT	2.5 FT (20.83%) VARIATION

NOTES:

(1) Based on lot area of 127,273 s.f.

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

(3) Setback to existing play equipment.

VILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL USE PERMIT APPLICATION

Case No. 22-09-SU

Property Information

Site Address: Hubbard Woods School - 1110 Chatfield Road, Winnetka, IL 60093

Applicant Information

Name: Kathryn Talty Landscape Architecture

Primary Contact: Kathryn Talty

Address: 45 Longmeadow Road

City, State, ZIP: Winnetka, IL 60093

Phone No. 847-612-5154

Email: kathryn@ktlandarch.com

Architect Information

Name: _____

Primary Contact: _____

Address: _____

City, State, ZIP: _____

Phone No. _____

Email: _____

Owner Information

Name: Winnetka Public School District 36

Primary Contact: Brad Goldstein

Address: 1235 Oak Street

City, State, ZIP: Winnetka, IL 60093

Phone No. 847-446-9400

Email: bradgoldstein@winnetka36.org

Attorney Information

Name: _____

Primary Contact: _____

Address: _____

City, State, Zip: _____

Phone No. _____

Email: _____

Applicant Signature: 

Date: 01-31-22

Property Owner Signature: 

Date: 1/31/2022

Printed Name of Owner: BRAD GOLDSTEIN

Hubbard Woods School Playground Enhancements
Project narrative

School District 36 respectfully submits this application for a zoning variance and special use permit to enhance the existing play areas on its Hubbard Woods School campus. The District seeks to replace vintage play equipment that had aged past its useful life. As part of this project, the District also proposes to replace the engineered fiber woodchips with rubberized play surfacing.

Currently, Hubbard Woods School has two adjacent play areas that will be affected by this enhancement, a north and a west play area. All proposed new play equipment will be located in the west play area. Both the west and north play areas will have rubberized play surfacing under the equipment in accordance with all safety requirements.

The principal of Hubbard Woods School gathered input from a group of teachers, students and parents representing all grade levels instructed at the school. Attention was focused on adding play pieces that allow the greatest opportunity for inclusive play, serving all the students at Hubbard Woods. Consideration of adjacent neighbors was a priority in determining the layout of the new play equipment, intentionally aligning higher-level decks out of sight lines to rear yards. Additional landscaping has been added to the area to further buffer the school's outdoor activities from the neighbors located directly next door to the site.

The District seeks approval to install this play equipment during the school's summer break with a planned commencement of June 2022. Depending on the outcome of the competitive bid process and related budgetary constraints, the project may be installed in phases.

Special Use Standards Commentary – Hubbard Woods School

1. *That the establishment, maintenance, and options of the Special Use will not be detrimental to or endanger the public health, safety, comfort, morals, or general welfare;*

Hubbard Woods school seeks approval of this Special Use to allow the replacement of aging play equipment and the installation of rubberized safety surface in their existing playground. The new surface will provide a more accessible route for students with mobility issues. The renovation of the existing play area will provide a safe, inclusive play experience for all Hubbard Woods' students. The project will be installed observing public health, safety, comfort, morals and general welfare.

2. *That the Special Use will not substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity;*

The proposed, renovated Hubbard Woods School playground has been sensitively designed to respect the immediate neighbors. Equipment was placed with the intention to observe the privacy of adjacent backyards and additional landscaping has been included to provide a visual buffer. Having this lovely resource near homes in the area will only enhance the appeal to property owners in that the playground will be appropriately maintained and safety measures and guidelines will be followed throughout installation process. The current plans meet all safety regulations and the structures themselves are attractive.

3. *That the establishment of Special Use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern;*

The playground area and location on the property will not be changed. The design is in keeping with the type and rough dimensions of the existing equipment. The surrounding neighborhood will not be impacted negatively nor will the normal and orderly development be impeded.

4. *That adequate measures have been or will be taken to provide ingress and egress in a manner which minimize pedestrian and vehicular traffic congestion in the public ways;*

The installation of the new playground equipment will in no way impede the normal activities that occur around Hubbard Woods School. The pedestrian and vehicular traffic will remain unchanged by the replacement of the play equipment. Furthermore, the District will use good judgment and decision making as to when the equipment will be installed, ensuring, to the best of our ability, that traffic and sidewalks will not be obstructed for users.

5. *The adequate parking, utilities, access roads, drainage, and other facilities necessary to the operation of the Special Use exists or are to be provided;*

The playground project does not require changes to existing parking, roads, drainage or facilities. The District will ensure that any disruption to the neighbors due to the installation of the new equipment will be minimal. We will provide information to the neighbors regarding the installation process.

6. *That the Special Use in all other respects conforms to the applicable regulations of this and other village ordinances and code.*

The school district is obliged to follow the safety rules and regulations stated in school code, which ensures a safe playground for children to enjoy. The District will comply with all Village regulations, ordinances and codes in this process.

VILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT

ZONING VARIATION APPLICATION

Case No.22-09-SU

Property Information

Site Address: Hubbard Woods School - 1110 Chatfield Road, Winnetka, IL 60093

Owner Information

Name: Winnetka Public School District 36

Address: 1235 Oak Street

City, State, ZIP: Winnetka, IL 60093

Email: bradgoldstein@winnetka36.org

Primary Contact: Brad Goldstein

Phone No. 847-446-9400

Date property acquired by owner: 01/01/1914

Architect Information

Name: Kathryn Talty Landscape Architecture, Inc.

Primary Contact: Kathryn Talty

Address: 45 Longmeadow Road

City, State, ZIP: Winnetka, IL 60093

Phone No. 847-612-5154

Email: kathryn@ktlandarch.com

Attorney Information

Name: _____

Primary Contact: _____

Address: _____

City, State, Zip: _____

Phone No. _____

Email: _____

Nature of any restrictions on property: Institutional use (school) within a residentially zoned district. The Property has existing non-conformances exceeding allowed impermeable surface and a side-yard setback encroachment.

Brief explanation of variation(s) requested (attach separate sheet providing additional details): Winnetka Public School District 36 requests two variances: to increase the total impermeable surface on the lot in order to install rubberized play surfacing under a renovated play area on campus and the installation of play equipment within a side-yard setback.

Property Owner Signature: 

Date: 02/10/2022

Standards for Granting Zoning Variation – Hubbard Woods School

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;*

Hubbard Woods School seeks approval of two variances: to exceed the allowed impermeable surface on the lot and the installation of play equipment structures within the side yard setback. If granted, this variance will allow the installation of rubberized safety surface in their existing playground in lieu of wood chips. The new surface will provide an accessible route for students with mobility issues or other physical challenges. As Hubbard Woods School provides an inclusive environment that serves students of all capabilities, it is imperative to the educational process that every student can access the play equipment on site.

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;*

Hubbard Woods School occupies a parcel that, though limited in size, must accommodate the multitude of everyday activities associated with the educational process of students of all abilities.

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

The proposed, renovated Hubbard Woods School playground is being installed in the same location as the existing play area. This playground has been sensitively designed to respect the immediate neighbors. Equipment was placed with the intention to observe the privacy of adjacent backyards and additional landscaping has been included to provide a visual buffer. This placement has triggered the need to request the variance for encroachment of the side yard setback. The character of the locality will not be altered if we are granted this variation.

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

Nothing within the scope of the proposed work will impair the supply of light and air to adjacent properties.

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

Nothing within the scope of the proposed work will increase the hazard from fire or other damages to the property.

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

Winnetka's remarkable Public Schools have a positive effect on property values throughout the Village. The objective in upgrading the playgrounds is to maintain District 36's standards of excellence in inclusive education.

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

The installation of the new playground equipment will in no way increase the congestion in the Public Streets around Hubbard Woods School. The pedestrian and vehicular traffic will remain unchanged by the replacement of the play equipment. Furthermore, the District will use good judgment and decision making as to when the equipment will be installed, ensuring, to the best of our ability, that traffic and sidewalks will not be obstructed for users.

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

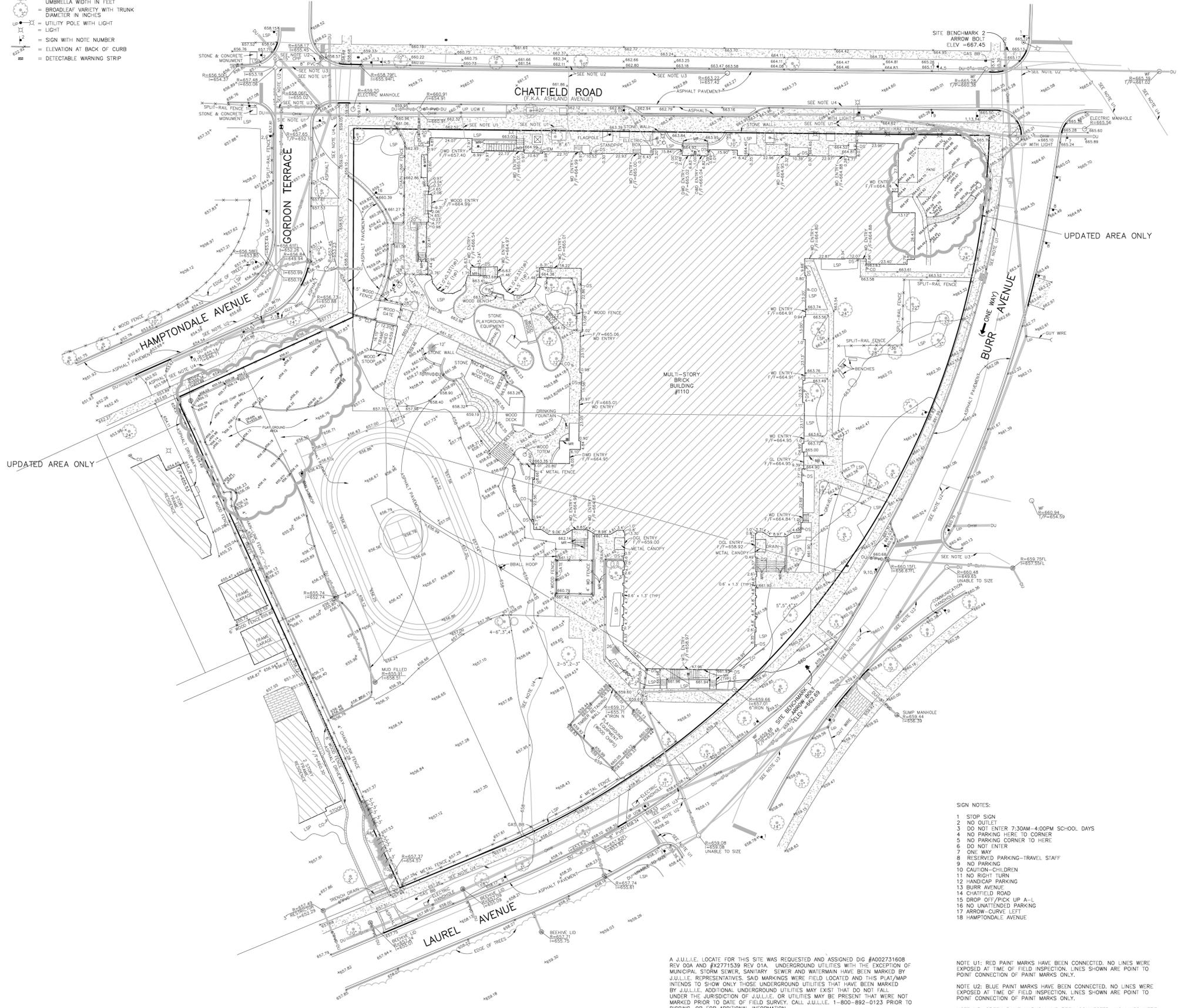
The renovation of the existing play area will provide a safe, inclusive play experience for all Hubbard Woods' students, improving the public health, safety, comfort, morals and welfare of the Village's youngest residents. The current plan meets all safety regulations and will be installed in accordance with all building permit requirements.

LEGEND

- ACU = AIR CONDITIONER UNIT
BL = BUILDING LINE
BSL = BUILDING SETBACK LINE
CL = CENTER LINE
CLF = CHAIN LINK FENCE
CMP = CORRUGATED METAL PIPE
CMC = CONCRETE
CWW = CONCRETE WINDOW WELL
DC = DRESSING CURB
DE = DRAINAGE EASEMENT
DS = DOWNSPOUT
DU = DESTINATION UNKNOWN
ELEC = ELECTRIC
EM = ELECTRIC METER
ESW = EASEMENT FOR SEWER AND WATER
EW = ESCAPE WINDOW WELL
FF = FINISHED FLOOR
GM = GAS METER
IP = IRON PIPE
IR = IRON ROD
LSP = LANDSCAPE AREA
MB = MAIL BOX
MR = METAL HANDRAIL
N = NORTH
OHW = OVERHEAD WIRE
PDC = TELEPHONE PEDISTAL
PUE = PUBLIC UTILITY & DRAINAGE EASEMENT
PUL = PUBLIC UTILITY EASEMENT
PVC = POLYVINYL CHLORIDE
R = RECORD
RCP = REINFORCED CONCRETE PIPE
RET = RETAINING
S = SOUTH
ST = STORM
T/P = TOP OF PIPE
UE = UTILITY EASEMENT
UW = UNDERGROUND WIRE
UP = UTILITY POLE
WF = WOOD FENCE
WW = WINDOW WELL
MANHOLE = MANHOLE
ROG = ROUND OPEN GRATE MANHOLE
V = VALVE VAULT
SOG = SQUARE OPEN GRATE MANHOLE
FH = FIRE HYDRANT
B = B-BOX
CO = CLEAN-OUT
BR = BRICK
C = CONCRETE
CC = CONCRETE CURB
B = BUSH
EV = EVERGREEN VARIETY WITH UMBRELLA WIDTH IN FEET
BLV = BROADLEAF VARIETY WITH TRUNK DIAMETER IN INCHES
LPL = LIGHT
LPLN = LIGHT POLE WITH LIGHT
SN = SIGN WITH NOTE NUMBER
E = ELEVATION AT BACK OF CURB
DWS = DETECTABLE WARNING STRIP

TFW SURVEYING & MAPPING, INC.
LAND SURVEYING • TOPOGRAPHIC MAPPING • CONSTRUCTION LAYOUT
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OPOGRAPH C MAP
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A

ADDRESS: 1110 CHATFIELD ROAD
WINNETKA, ILLINOIS 60093
P.L.N.: 05-17-307-024



UPDATED AREA ONLY

UPDATED AREA ONLY

- SIGN NOTES:
1 STOP SIGN
2 NO OUTLET
3 DO NOT ENTER 7:30AM-4:00PM SCHOOL DAYS
4 NO PARKING HERE TO CORNER
5 NO PARKING CORNER TO HERE
6 DO NOT ENTER
7 ONE WAY
8 RESERVED PARKING-TRAVEL STAFF
9 NO PARKING
10 CAUTION-CHILDREN
11 NO RIGHT TURN
12 HANDICAP PARKING
13 BURR AVENUE
14 CHATFIELD ROAD
15 DROP OFF/PICK UP A-L
16 NO UNATTENDED PARKING
17 ARROW-CURVE LEFT
18 HAMPTONDALE AVENUE

A J.U.L.I.E. LOCATE FOR THIS SITE WAS REQUESTED AND ASSIGNED DIG #A002731608
REV 00A AND #X2771539 REV 01A. UNDERGROUND UTILITIES WITH THE EXCEPTION OF
MUNICIPAL STORM SEWER, SANITARY SEWER AND WATERMAIN HAVE BEEN MARKED BY
J.U.L.I.E. REPRESENTATIVES. SAID MARKINGS WERE FIELD LOCATED AND THIS PLAT/MAP
INTENDS TO SHOW ONLY THOSE UNDERGROUND UTILITIES THAT HAVE BEEN MARKED
BY J.U.L.I.E. ADDITIONAL UNDERGROUND UTILITIES MAY EXIST THAT DO NOT FALL
UNDER THE JURISDICTION OF J.U.L.I.E. OR UTILITIES MAY BE PRESENT THAT WERE NOT
MARKED PRIOR TO DATE OF FIELD SURVEY. CALL J.U.L.I.E. 1-800-892-0123 PRIOR TO
DIGGING OR FOR ADDITIONAL INFORMATION.

NOTE U1: RED PAINT MARKS HAVE BEEN CONNECTED. NO LINES WERE
EXPOSED AT TIME OF FIELD INSPECTION. LINES SHOWN ARE POINT TO
POINT CONNECTION OF PAINT MARKS ONLY.
NOTE U2: BLUE PAINT MARKS HAVE BEEN CONNECTED. NO LINES WERE
EXPOSED AT TIME OF FIELD INSPECTION. LINES SHOWN ARE POINT TO
POINT CONNECTION OF PAINT MARKS ONLY.
NOTE U3: GREEN PAINT MARKS HAVE BEEN CONNECTED. NO LINES WERE
EXPOSED AT TIME OF FIELD INSPECTION. LINES SHOWN ARE POINT TO
POINT CONNECTION OF PAINT MARKS ONLY.
NOTE U4: YELLOW PAINT MARKS HAVE BEEN CONNECTED. NO LINES WERE
EXPOSED AT TIME OF FIELD INSPECTION. LINES SHOWN ARE POINT TO
POINT CONNECTION OF PAINT MARKS ONLY.
NOTE U5: ORANGE PAINT MARKS HAVE BEEN CONNECTED. NO LINES WERE
EXPOSED AT TIME OF FIELD INSPECTION. LINES SHOWN ARE POINT TO
POINT CONNECTION OF PAINT MARKS ONLY.

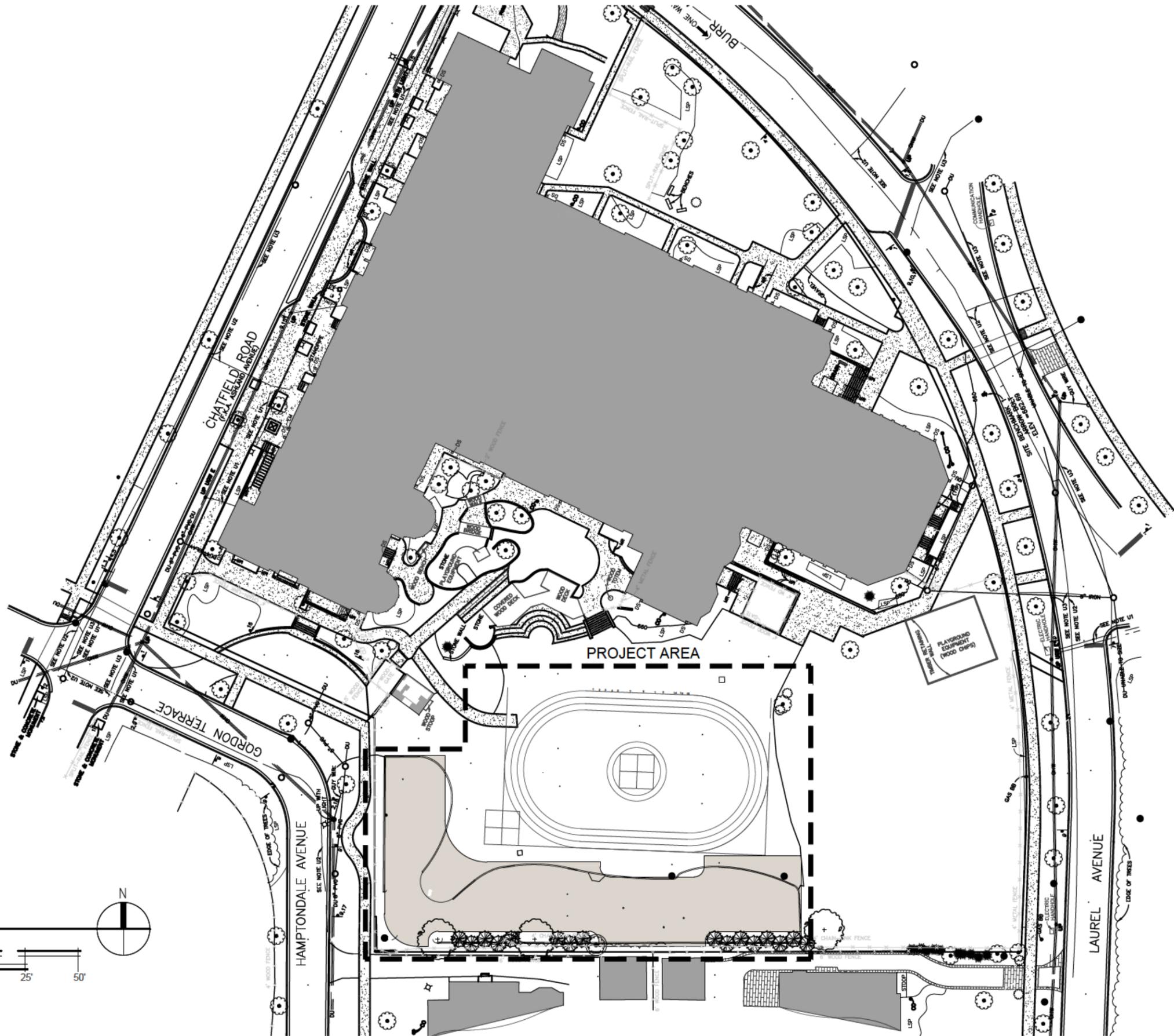
BENCHMARK:
NGS MONUMENT LK137 1A (A2875)
MONUMENT DESCRIBED AS LOCATED APPROXIMATELY 3.4 MI NORTHWEST OF LAKE
BLUFF, 4.5 MI NORTHEAST OF LIBERTYVILLE IN SECTION 9, T44N R12E TO REACH
FROM THE JUNCTION OF IL RT 43 AND IL RT 137 PROCEED EAST ON IL RT 137 0.2
MI TO THE STATION LOCATED IN GRASS MEDIAN 35 FT SOUTH OF THE CENTERLINE
OF IL RT 137 WESTBOUND. STATION IS 133 FT SOUTHWEST OF 24 IN ELM TREE,
83.8 FT SOUTHWEST OF MANHOLE, 58.3 FT SOUTHWEST OF INLET, 12 FT NORTH OF
INLET, 85.2 FT NORTH OF POWERPOLE, 85 FT EAST OF EDGE OF CONCRETE MEDIAN,
AND 2.0 FT WEST OF AN ORANGE FIBERGLASS WITNESS POST. NOTE: ACCESS TO
DATUM POINT THROUGH 6 INCH LOGO CAP. DATUM POINT IS 0.35 FT BELOW CAP. PK
NAILS WERE SET IN WOOD PHYSICAL TIES.
ELEVATION = 707.81 NAVD 88 DATUM

SITE BENCHMARK 1:
ARROW HEADBOLT OF FIRE HYDRANT
ELEVATION = 662.69
SITE BENCHMARK 2:
ARROW HEADBOLT OF FIRE HYDRANT
ELEVATION = 667.45

UTILITY INFORMATION SHOWN IS BASED ONLY ON VISIBLE SURFACE EVIDENCE AND
INFORMATION SUPPLIED BY OTHERS.
BUILDING MEASUREMENTS AND PROPERTY LINE TIES, AS SHOWN HEREON ARE
REFERENCED TO BUILDING CORNERS.
FENCE TIES ARE REFERENCED TO CENTER OF FENCE POST.
NO DIMENSIONS TO BE ASSUMED FROM SCALING
EASEMENTS AND BUILDING LINES AS SHOWN HEREON (OR THE VACATION OF THE SAME)
ARE DERIVED FROM RECORD PLATS OF SUBDIVISION AND OTHER PUBLIC DOCUMENTS
MADE AVAILABLE TO THIS SURVEYOR. ADDITIONAL EASEMENTS, BUILDING SETBACKS AND
OTHER RESTRICTIONS MAY EXIST OVER THE SUBJECT PROPERTY AND WOULD BE
IDENTIFIED BY A TITLE SEARCH. ZONING DISTRICT HAS NOT BEEN DETERMINED. FOR
CURRENT ZONING RESTRICTIONS CONTACT LOCAL MUNICIPALITY.
COMPARE YOUR LEGAL DESCRIPTION AND BOUNDARY MONUMENTATION WITH THIS PLAT
AND AT ONCE REPORT ANY DISCREPANCIES WHICH YOU MAY FIND.

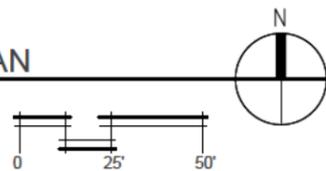
NOTE:
TFW SURVEYING & MAPPING, INC., HAS BEEN COMMISSIONED TO PERFORM A
BOUNDARY SURVEY OF ONLY THAT REAL ESTATE AS LEGALLY DESCRIBED ABOVE. ALL
DATA AS SHOWN HEREON, BUT LYING BEYOND THE BOUNDARY LIMITS AS LEGALLY
DESCRIBED ABOVE, INCLUDING (BUT NOT LIMITED TO) LOT LINES, EASEMENTS AND
SETBACK LINES IS UNOFFICIAL AND INCOMPLETE AND IS SHOWN FOR INFORMATIONAL
PURPOSES ONLY. THIS SURVEY DOES NOT INTEND TO VERIFY OR SUBSTANTIATE
EASEMENTS OR BUILDING LINES (OR THE VACATION OF SAME) ON ADJOINING
PROPERTIES (UNLESS OTHERWISE SPECIFICALLY REFERENCED IN A TITLE COMMITMENT
AS BEING BENEFICIAL TO OR AN ENCUMBRANCE ON THE PROPERTY AS LEGALLY
DESCRIBED ABOVE). REFER TO A PLAT OF SURVEY BY OTHERS AND / OR SEE
PUBLIC RECORD DOCUMENTS FOR COMPLETE DETAILS PERTINENT TO ALL ADJOINING
PROPERTIES.
THE INTENT OF THIS SURVEY IS TO SHOW AT OR ABOVE GRADE IMPROVEMENTS ONLY.
IT IS POSSIBLE THAT BELOW GRADE IMPROVEMENTS EXIST THAT THIS SURVEYOR IS
NOT AWARE OF. IN SOME INSTANCES THIRD PARTY UTILITY LOCATING SERVICES HAVE
PLACED WITNESS MARKERS AT GRADE TO INDICATE SOME BELOW GRADE
IMPROVEMENTS OR UTILITIES. IF MARKED IN FIELD, SAID WITNESS MARKS HAVE BEEN
LOCATED AND ARE SHOWN HEREON. ADDITIONAL BELOW GRADE IMPROVEMENTS OR
UTILITIES MAY ALSO EXIST THAT WERE NOT MARKED BY THIRD PARTY UTILITY
LOCATING SERVICES FOR THE BENEFIT OF THIS SURVEY.

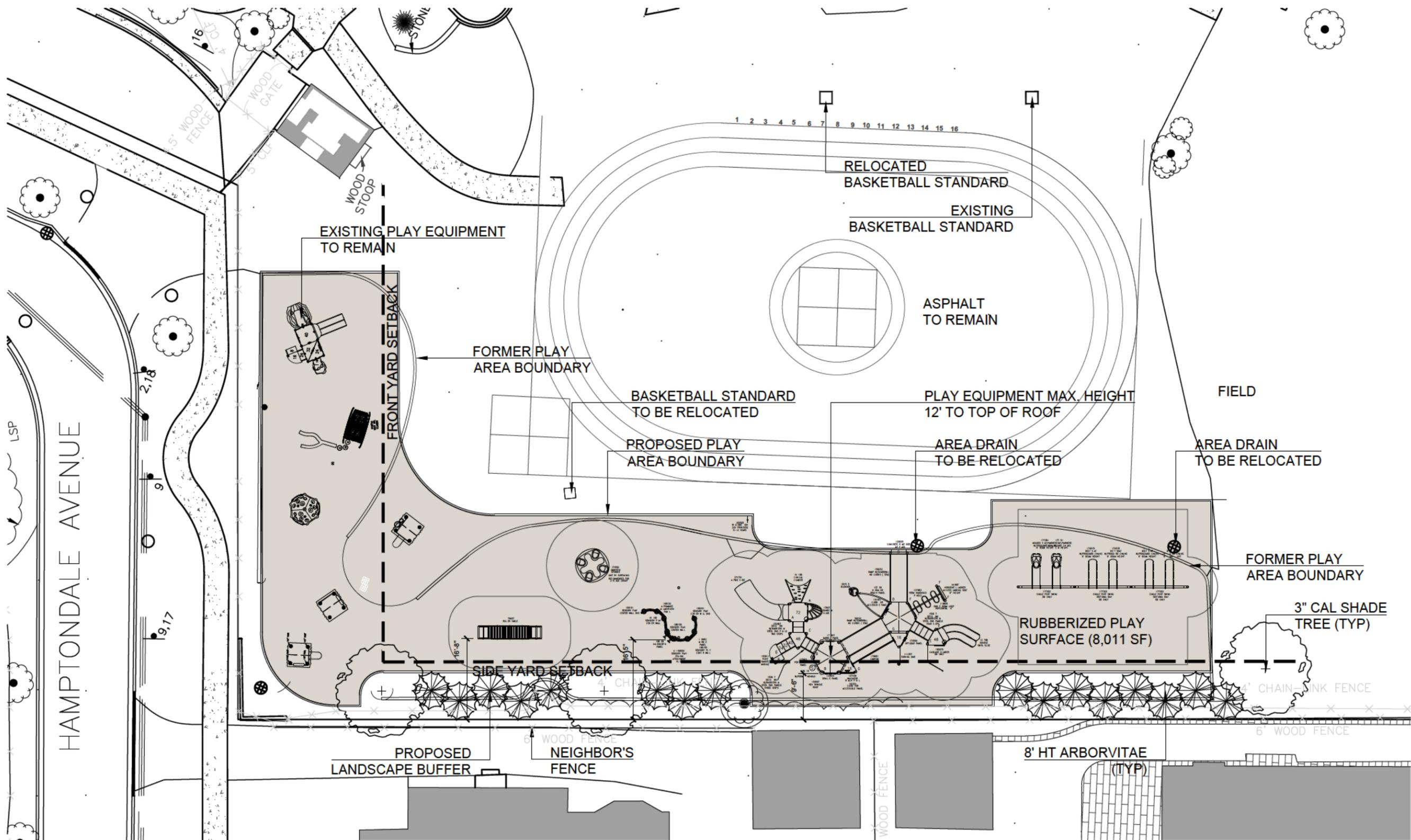
NOTE:
TFW HAS UPDATED THE TWO AREAS SHOWN CLOUDED.
FIELD WORK WAS PERFORMED ON OCTOBER 13, 2021.
ALL OTHER LOCATIONS AND ELEVATIONS ARE PER TFW
SURVEYING & MAPPING, INC. ORDER NO. 161251,
DATED NOVEMBER 26, 2016.



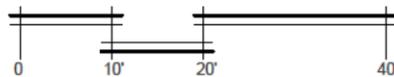
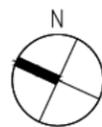
PROJECT LOCATION PLAN

SCALE: 1" = 50'-0"





SITE PLAN
SCALE: 1" = 20'-0"



PLAY AREA IMPROVEMENTS

SCHOOL DISTRICT 36 - HUBBARD WOODS SCHOOL

WINNETKA, ILLINOIS

Kathryn Talty
landscape architecture

Winnetka, Illinois 60093
847.612.5154
www.ktalytdesign.com



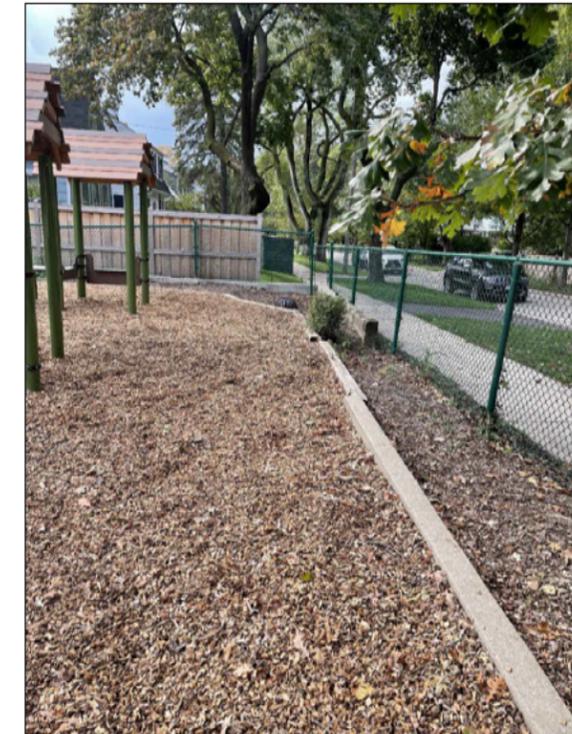
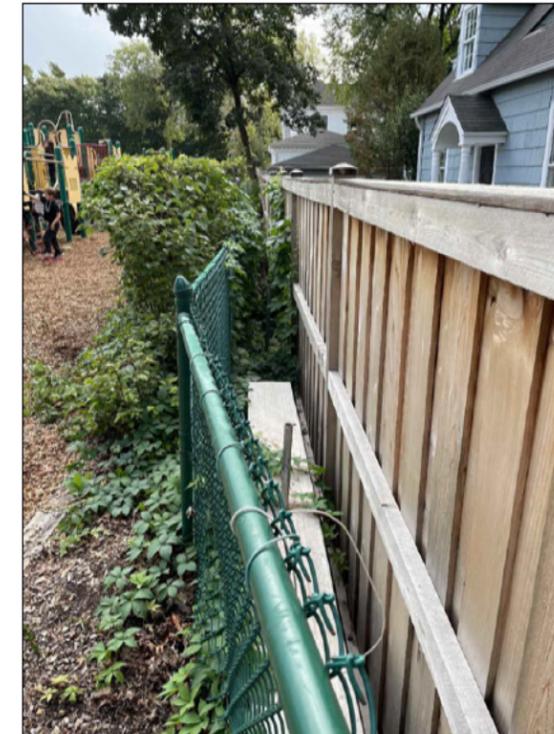
SITE PHOTOS
EXISTING EQUIPMENT TO BE REPLACED



SITE PHOTOS
EXISTING EQUIPMENT TO BE REMAIN



SITE PHOTOS
SITE CONDITIONS





Box 2121
 La Grange, IL 60525
 708-579-9055
 708-579-0109 (fax)
 1-800-526-6197

February 9, 2022

**HUBBARD WOODS SCHOOL
 WINNETKA, IL
 OPTION 1 - REVISED
 PLAYBOOSTER COMPONENT SYSTEM**

<u>QTY.</u>	<u>NO.</u>	<u>DESCRIPTION</u>
5-12 Year Olds Play Equipment		
1	120325A	Ramp Berm Exit Plate Concrete Wall
2	156232A	Ramp w/Guardrails w/Curbs Meets ASTM
1	176081A	Canyon Climber
1	150975A	Cascade Climber 48"Dk DB Only
1	143199A	Conical Climber 72"Dk DB
1	152907B	Deck Link w/Barriers Steel end panels 2 Steps
1	152907C	Deck Link w/Barriers Steel end panels 3 Steps
1	152907D	Deck Link w/Barriers Steel end panels 4 Steps
1	156915A	Pod Climber 16"Dk DB Right Mounted Handhold
1	176079A	Sunbeam Climber
1	152911C	Curved Transfer Module Right 48"Dk DB
2	178710A	Hexagon Tenderdeck
1	121948A	Kick Plate 8"Rise
1	111228A	Square Tenderdeck
3	111231A	Triangular Tenderdeck
1	119646A	Tri-Deck Extension
2	191031A	Accessible Panel Curb
1	123844A	Braille Panel Above Deck
1	127953B	Handhold Panel
1	127953A	Handhold Panel Set
1	173567A	Marble Panel Above Deck
2	127439A	Navigator Reach Panel Above Deck
1	173564A	Optigear Panel Above Deck
1	201545A	Blender Spinner DB
1	111357B	Turning Bar Alum DB
1	141887A	Access/Landing Assembly Seat Barrier Left 8"Dk
1	119805A	Single Beam Loop Horiz Ladder 84"
4	111404E	116"Alum Post DB
4	111404D	124"Alum Post DB
2	111404C	132"Alum Post DB
2	111404O	132"Steel Post DB 42" BURY
6	111403F	142"Alum Post For Roof DB
4	111404A	148"Alum Post DB
2	111404J	76"Alum Post DB
4	111404H	92"Alum Post DB

Hubbard Woods School - Option 1 Revised

- 1 130567A Hex Shingle Roof
- 1 271761A Alpine Slide 72" Deck DB
- 1 130798A Double Swirl Slide 48"Dk DB
- 1 182503C Welcome Sign (LSI Provided) Ages 5-12 years DB

ALSO:

- 1 173591A OmniSpin Spinner Surface Mount
- 1 176457A Roller Table DB

3-Panel Sensory Wall

- 1 168102A Alphamaze and Labyrinth Panel
- 1 168108A Kaleidospin Panel
- 1 168662A Marble Panel
- 3 168100A Sensory Play Center Wall DB
- 2 168101A Sensory Play Center Wall End DB
- 4 168661A Sensory Play Station Plate

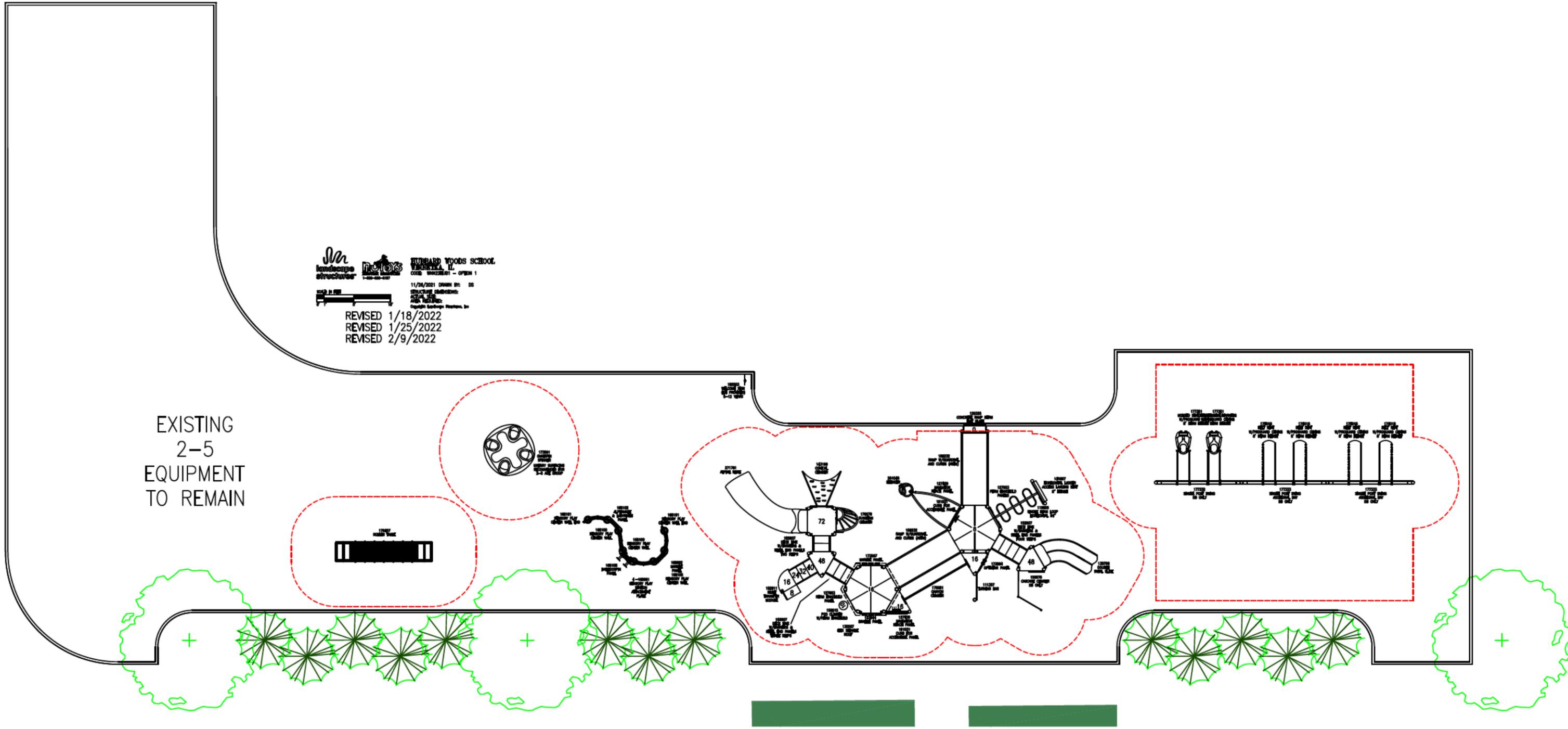
**New 6-Place Single Post Swing Set
5 Belt Seats and 1 ADA**

- 4 174018A Belt Seat Proguard Chains 8' Beam
- 2 177351A Molded Bucket Seat (5-12 yrs) w/Harness Proguard
Chains 8' Beam
- 1 177332A Single Post Swing Frame 8' Beam
- 2 177333A Single Post Swing Frame Addtl Bay 8' Beam

****Note: Due to the volatile cost of raw materials, supply chain and labor shortages, prices and lead times can change without notice. Unfortunately, we cannot guarantee or hold prices quoted at this time.**

HUBBARD WOODS SCHOOL
 VAN DYKE, IL
 CODE: WOODS01 - OPEN 1
 11/28/2021 DRAWN BY: DS
 STRUCTURE NUMBER:
 DATE: 11/28/21
 ANS: WDS
 Reginald Landings, Inc.
 REVISED 1/18/2022
 REVISED 1/25/2022
 REVISED 2/9/2022

EXISTING
 2-5
 EQUIPMENT
 TO REMAIN





HUBBARD WOODS
ELEMENTARY SCHOOL
WNN22HUB1-2-1 • 02.09.2022





HUBBARD WOODS
ELEMENTARY SCHOOL
WNN22HUB1-2-2 • 02.09.2022





HUBBARD WOODS
ELEMENTARY SCHOOL
WNN22HUB1-2-3 • 02.09.2022





HUBBARD WOODS
ELEMENTARY SCHOOL
WNN22HUB1-2-4 • 02.09.2022



1/15/90

AN ORDINANCE GRANTING A SPECIAL USE PERMIT
UNDER AND VARIATIONS IN THE
APPLICATION OF THE ZONING ORDINANCE
OF THE VILLAGE OF WINNETKA,
COOK COUNTY, ILLINOIS

WHEREAS there has been presented to the Council of the Village of Winnetka, Cook County, Illinois, the request of the owner of the following described real estate:

Lots 1, 2, 3, 4, 5, 12 and that portion Lot 11 described as follows: being East of a straight line produced which intersects the East line of the Northwest Quarter of said Southwest Quarter of said Section 17 at a point 678 feet South of the North line of said Northwest Quarter at an angle with said East line of said Northwest Quarter of 24 degrees and 56 minutes to the Northwest from said East line of said Northwest Quarter all situated in Block 8 of County Clerk's Subdivision of the Southwest Quarter of Section 17, Township 42 North, Range 13, East of the Third Principal Meridian, all in the Village of Winnetka, Cook County, Illinois,

commonly known as Hubbard Woods School, 1110 Chatfield Road, and located in the "A-5" (One-Fourth Acre) Single-Family Residential District provided in the Zoning Ordinance of said Village, for a special use permit covering the expansion of the existing special use and variations under the provisions of the Zoning Ordinance reducing the required set-back of 30 feet from Laurel and Burr Avenues to 12 feet for the distance of the addition, permitting an increase in structural lot coverage from 25% (existing coverage is 32.7%) to 37%, an increase in impermeable surfaces from 50% (existing coverage is 64.3%) to 66%, and an increase in floor area ratio from 33.8% to 39.5%, to permit the construction of an addition to the existing school building in accordance with the plans accompanying the application for special use permit and variations;

WHEREAS there are practical difficulties and particular hardship in the way of carrying out the strict letter of said Zoning Ordinance with respect to said premises in that constructing the addition in a conforming location would substantially diminish and disrupt the existing central playground or require closing Burr Avenue, and performing the construction to the



south of the existing building is the most efficient and least disruptive location for the school and the neighborhood;

WHEREAS said proposed addition will not impair an adequate supply of light and air to adjacent property; will not increase the hazard from fire and other dangers to said property; will not diminish the taxable value of land and buildings throughout said Village; will not increase congestion on the public streets; and will not otherwise impair the public health, safety, comfort, morals and welfare of the inhabitants of said Village; and

WHEREAS the Board of Appeals of the Village has conducted a public hearing on said requested variations, on due notice thereof, and has reported to the Council recommending unanimously that the requested special use permit and variations be granted;

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

SECTION 1. That a special use permit under Sections 5a and 13 and variations from the set-back, lot coverage and floor area ratio requirements of Section 5a of the Zoning Ordinance, adopted by the Council of the Village of Winnetka, Cook County, Illinois and now in effect, are granted with respect to the above-described real estate, which is located in the "A-5" (One-Fourth Acre) Single-Family Residential District provided in said Zoning Ordinance and is commonly known as Hubbard Woods School, 1110 Chatfield Road, reducing the required set-back of 30 feet from Laurel and Burr Avenues to 12 feet for the distance of the addition, permitting an increase in structural lot coverage from 25% (existing coverage is 32.7%) to 37%, an increase in impermeable surfaces from 50% (existing coverage is 64.3%) to 66%, and an increase in floor area ratio from 33.8% to 39.5%, to permit the construction of an addition to the existing school building in accordance with the plans accompanying the application for special use permit and variations.



SECTION 2. That this ordinance shall be in full force and effect from and after its passage, approval and posting.

Signed:



President of the
Village of Winnetka

Countersigned:



Village Clerk

Read, ordered engrossed and posted January 16, 1990
 Posted January 17, 1990
 Passed and approved February 6, 1990
 Posted February 7, 1990

**AN ORDINANCE GRANTING VARIATIONS AND A
SPECIAL USE PERMIT FOR THE HUBBARD WOODS SCHOOL**

WHEREAS, the Board of Education of Winnetka Elementary School District No. 36 is the beneficial owner of the following described real estate (the "Subject Property"):

Plat of Survey of those parts of Block 8 in County Clerk's Division according to the plat thereof recorded as Document No.178081 filed April 27, 1978, in the south west 1/4 of Section 17, Township 42 North, Range 13 east of the 3rd Principal Meridian, Village of Winnetka, Cook County, Illinois described as follows: Lots 1, 2, 3, 4, 5 and 12 in said Block 8 in County Clerk's Division and that part of Lot 11 in said Block 8 in County Clerk's Division lying easterly of a line forming an angle of 24 degrees 56 minutes to the left at the point of intersection with the east line of the north west 1/4 of said south west 1/4 of Section 17, 678.00 feet south of the north east corner of said north west 1/4 of the south west 1/4 of Section 17;

which is commonly known as 1110 Chatfield Road, Winnetka, Illinois, and which is located in the "A-5" (One-Fourth Acre) Single-Family Residential District provided in Section 22.05A of the Winnetka Zoning Ordinance, Chapter 22 of the Winnetka Village Code; and,

WHEREAS, the Board of Education of Winnetka Elementary School District No. 36 is a body corporate and politic of the State of Illinois and operates a public school known as the Hubbard Woods School on the Subject Property, which is improved with the Hubbard Woods School building; and

WHEREAS, public schools are permitted as special uses in the "A-5" (One-Fourth Acre) Single-Family Residential District, subject to the conditions and requirements pertaining to special uses, as set forth in Section 22.13 of the Winnetka Zoning Ordinance; and

WHEREAS, the Hubbard Woods School has been in continuous operation as a public school since it was constructed on the Subject Property in 1911; and

WHEREAS, the Board of Education of Winnetka Elementary School District No. 36 has filed applications for a special use permit under Section 22.05A(b)2b of the Winnetka Zoning Ordinance, and for variations from the maximum building size of 27,269.60 square feet of gross floor area permitted by Section 22.05A(g) of the Winnetka Zoning Ordinance and from the maximum roofed lot coverage of 31,818.25 square feet permitted by Section 22.05A(f) of the Winnetka Zoning Ordinance, to permit the placement of a 24-foot by 44-foot mobile classroom structure and to provide a 34-foot by 31-foot playground area for a climbing apparatus, in accordance with the plans accompanying the applications for special use permit and variations, thereby increasing the maximum building size to 47,601.29 square feet, which represents a 20,331.69 square foot (74.56%) total increase over the maximum permitted gross floor area, and increasing the maximum roofed lot coverage to 44,382.57 square feet, which represents a 12,564.32 square foot (39.48%) increase over the maximum permitted roofed lot coverage; and

WHEREAS, on August 15, 1996, the Design Review Board considered the proposed improvements and have provided comments to the Zoning Board of Appeals and the Village Council that the color of the temporary classroom should be lighter and that landscaping should be included in the plan; and

WHEREAS, the Board of Education modified the color and landscaping for the proposed improvements pursuant to the recommendations of the Design Review Board, which considered the modifications on September 25, 1996, and determined that a certificate of appropriateness would issue; and

WHEREAS, pursuant to due notice thereof, the Plan Commission and Zoning Board of Appeals met in joint session on September 18, 1996, to hold a public hearing and consider the proposed improvements at the Hubbard Woods School; and

WHEREAS, by the unanimous vote of the either members present at the September 18, 1996, meeting, the Plan Commission found the proposal to be consistent with the Village of Winnetka Comprehensive Plan, but recommended that the proposed use be limited to five years; and

WHEREAS, by the unanimous vote of the six members present at the September 18, 1996, meeting and hearing, the Zoning Board of Appeals recommended that the requested variations be granted, and further recommended that the special use permit be granted, subject to the Council's granting the requested variations and with the stipulations that the use of the temporary classrooms be limited to five years and that the playground equipment be permanently permitted; and

WHEREAS, the temporary classroom structure is necessary for the Board of Education to accommodate an increased enrollment in the least disruptive manner so as to meet the Board of Education's

educational objectives and provide educational programs at the Hubbard Woods School; and

WHEREAS, the Board of Education has established that the additional playground equipment is a necessary and reasonable accessory to its educational programs; and

WHEREAS, the plight of the Board of Education is unique in that it is required by law to provide public education programs within the Village and it must accommodate increased enrollments at the Hubbard Wood School location; and

WHEREAS, the variations, if granted, will not alter the essential character of the locality, in that the Hubbard Woods School is an established use in the neighborhood and the only concerns expressed by the public pertained to the length of time the temporary classroom would be in place, which is unrelated to the building size and lot coverage variations being requested; and

WHEREAS, an adequate supply of light and air to adjacent property will not be impaired, because the temporary classroom will be located within the front building line of the existing building and the west side yard setback will be 89 feet; and

WHEREAS, the hazard from fire and other damages to the property will not be increased, since the temporary classroom will be constructed in accordance with all applicable building codes, including those applicable to the construction of educational facilities, making it no more hazardous than any other construction built according to those codes; and

WHEREAS, the taxable value of land and buildings throughout the Village will not diminish because the temporary classroom structure will accommodate short term population growth and the climbing equipment will be a permanent improvement to the Hubbard Woods School property; and

WHEREAS, the temporary classroom and the climbing equipment will not increase congestion in the public streets; and

WHEREAS, the proposed temporary classroom and climbing equipment will not be detrimental to or endanger the public health, safety, comfort, morals and welfare of the inhabitants of the Village, because the Hubbard Woods School is an established use and the temporary placement of a classroom will enable the Board of Education to accommodate a temporary increase in student enrollment and to fulfill its statutorily mandated mission; and

WHEREAS, the proposed special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity, as the west side yard along side the temporary structure will substantially exceed the minimum required side yard and the temporary classroom will be located within the front building line of the existing school building; and

WHEREAS, the Hubbard Woods School is an established element of the residential area in which it is located and will not impede the orderly development or improvement of other property in the immediate vicinity; and

WHEREAS, adequate parking facilities, utilities, access roads, drainage and other facilities necessary for the operation of the special use exist or will be provided; and

WHEREAS, the special use, when constructed in accordance with the terms and conditions of this ordinance, will conform to the applicable regulations of the Zoning Ordinance and the Winnetka Village Code;

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

SECTION 1: That the Village Council hereby adopts the foregoing preambles to this ordinance as its findings.

SECTION 2: That variations are hereby granted with respect to the Subject Property, which is located in the "A-5" (One-Fourth) Acre Single-Family Residential Zoning District, and which is commonly known as Hubbard Woods School, 1110 Chatfield Road, as follows: (a) a variation of 20,331.69 square feet (74.56%) from the maximum building size of 27,269.60 square feet of gross floor area permitted by Section 22.05A(g) of the Winnetka Zoning Ordinance, resulting in a maximum building size of 47,601.29 square feet; and (b) a variation of 12,564.32 square feet (39.48%) from the maximum roofed lot coverage of 31,818.25 square feet permitted by Section 22.05A(f) of the Winnetka Zoning Ordinance, resulting in a maximum roofed lot coverage of 44,382.57 square feet; said variations being granted to permit the placement of a 24-foot by 44-foot mobile classroom structure and to provide a 34-foot by 31-foot playground area for a climbing apparatus, in accordance with the plans

submitted with the applications for variations and a special use permit, subject to the conditions and limitations hereinafter set forth.

SECTION 3: That a special use permit under Section 22.05A(b)2b of the Winnetka Zoning Ordinance is hereby granted with respect to the Subject Property, which is located in the "A-5" (One-Fourth Acre) Single-Family Residential district, and which is commonly known as Hubbard Woods School, 1110 Chatfield Road, to allow expansion of the existing school facility by the addition of a mobile classroom unit and the addition of a playground area with a permanent climbing apparatus, in accordance with the plans submitted with the application for variations and a special use permit, subject to the conditions and limitations hereinafter set forth.

SECTION 4: That the variations and special use permit hereby granted are conditioned upon the commencement of the proposed construction within twelve (12) months after the effective date of this ordinance.

SECTION 5: That, insofar as they pertain to the mobile classroom unit, the variations and special use permit hereby granted are limited to a period of five years from the date of occupancy of said mobile classroom unit.

SECTION 6: That this Ordinance shall be in full force and effect from and after its passage, approval, and posting.

Passed and approved this 8 day of October, 1996.

AYES: Trustees Meuer, Lanphier, Hilton, Duhl and Holland

NAYS: None

ABSENT: Trustee Derning

Signed:


Village President

Countersigned:


Village Clerk

Read, Ordered Engrossed and Posted October 1, 1996

Posted October 2, 1996

Passed and Approved October 8, 1996

Posted October 9, 1996

F:\RMCJ\WINN\ORDRES\M-472.96

**AN ORDINANCE GRANTING A VARIATION IN THE
APPLICATION OF THE ZONING ORDINANCE OF THE
VILLAGE OF WINNETKA (HUBBARD WOODS SCHOOL)**

WHEREAS, the Board of Education of Winnetka Elementary School District No. 36 is the beneficial owner of the following described real estate (the "Subject Property"):

Plat of Survey of those parts of Block 8 in County Clerk's Division according to the plat thereof recorded as Document No.178081 filed April 27, 1978, in the south west 1/4 of Section 17, Township 42 North, Range 13 east of the 3rd Principal Meridian, Village of Winnetka, Cook County, Illinois described as follows: Lots 1, 2, 3, 4, 5 and 12 in said Block 8 in County Clerk's Division and that part of Lot 11 in said Block 8 in County Clerk's Division lying easterly of a line forming an angle of 24 degrees 56 minutes to the left at the point of intersection with the east line of the north west 1/4 of said south west 1/4 of Section 17, 678.00 feet south of the north east corner of said north west 1/4 of the south west 1/4 of Section 17;

which is commonly known as 1110 Chatfield Road, Winnetka, Illinois, and which is located in the "A-5" (One-Fourth Acre) Single-Family Residential District provided in Section 22.05A of the Winnetka Zoning Ordinance, Chapter 22 of the Winnetka Village Code; and,

WHEREAS, the Board of Education of Winnetka Elementary School District No. 36 is a body corporate and politic of the State of Illinois and has operated a public school known as the Hubbard Woods School on the Subject Property, since the construction of the school building in 1911; and

WHEREAS, the Winnetka Village Council has previously adopted Ordinance M-472-96, which granted variations and a special use to allow the placement of a mobile classroom structure on the Subject Property, and to provide a 34-foot by 31-foot playground area for a climbing apparatus; and

WHEREAS, after locating the mobile classroom facility, the Board of Education of Winnetka Elementary School District No. 36 determined that the play structure in the playground area should be further from the mobile unit; and

WHEREAS, the Board of Education of Winnetka Elementary School District No. 36 has filed an application for a variation in the Front Setback requirements of Section 22.05A(h) of the Winnetka Zoning Ordinance, from 30.0 feet to 18.46 feet, resulting in a variation of 11.54 feet (38.47%), to allow the previously permitted climbing apparatus to be located farther away from the mobile classroom unit; and

WHEREAS, the plight of the Board of Education is unique in that: (a) the play equipment is a necessary accessory to the principal use of the Subject Property in meeting the School District's statutory obligations; (b) strict application of the front setback requirements will reduce the amount of space in the already crowded existing play area, despite an increasing student population; and (c) acquiring adjoining properties for expansion of the site is not feasible; and

WHEREAS, the variation, if granted, will not alter the essential character of the locality, in that the Hubbard Woods School is an established use in the neighborhood and the proposed location for the equipment currently serves as a play area on the Subject Property; and

WHEREAS, an adequate supply of light and air to adjacent property will not be impaired, by the proposed variation; and

WHEREAS, the hazard from fire and other damages to the property will not be increased; and

WHEREAS, the taxable value of land and buildings throughout the Village will not be diminished; and

WHEREAS, the climbing equipment will not increase congestion in the public streets since it will not increase the use of the school facilities; and

WHEREAS, the climbing equipment will not be detrimental to or endanger the public health, safety, comfort, morals and welfare of the inhabitants of the Village; and

WHEREAS, the requested variation is in harmony with the general purpose and intent of the Winnetka Zoning Ordinance; and

WHEREAS, pursuant to due notice thereof, the Zoning Board of Appeals held a public hearing on December 2, 1996, to consider the requested variation and, on the affirmative vote of four of the six

members then in attendance, has recommended that the requested variation be granted;

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

SECTION 1: That the Village Council hereby adopts the foregoing preambles to this ordinance as its findings.

SECTION 2: That a variation from the front yard set back requirements of Section 22.05A(h) of the Winnetka Zoning Ordinance, adopted by the Village of Winnetka, Cook County, Illinois, and now in effect, is hereby granted with respect to the Subject Property, which is located in the "A-5" (One-Fourth) Acre Single-Family Residential Zoning District, and which is commonly known as Hubbard Woods School, 1110 Chatfield Road, to reduce the front yard set back to 18.46 feet from 30.0 feet, resulting in a variation of 11.54 feet (38.47%), to permit the placement of the playground climbing apparatus partially within the required front yard, in accordance with the plans submitted with the applications for the variation.

SECTION 3: That the variation hereby granted is conditioned upon the commencement of the proposed construction within twelve (12) months after the effective date of this ordinance.

SECTION 4: That, except as specifically provided herein, the variations and special use permit granted pursuant to ordinance

**AN ORDINANCE GRANTING VARIATIONS AND A
SPECIAL USE PERMIT FOR THE HUBBARD WOODS SCHOOL**

WHEREAS, the Board of Education of Winnetka Elementary School District No. 36 is the beneficial owner of the following described real estate (the "Subject Property"):

Plat of Survey of those parts of Block 8 in County Clerk's Division according to the plat thereof recorded as Document No.178081 filed April 27, 1878, in the south west 1/4 of Section 17, Township 42 North, Range 13 East of the 3rd Principal Meridian, Village of Winnetka, Cook County, Illinois described as follows: Lots 1, 2, 3, 4, 5 and 12 in said Block 8 in County Clerk's Division and that part of Lot 11 in said Block 8 in County Clerk's Division lying easterly of a line forming an angle of 24 degrees 56 minutes to the left at the point of intersection with the east line of the north west 1/4 of said south west 1/4 of Section 17, 678.00 feet south of the north east corner of said north west 1/4 of the south west 1/4 of Section 17;

which is commonly known as 1110 Chatfield Road, Winnetka, Illinois, and which is located in the "A-5" (One-Fourth Acre) Single-Family Residential District provided in Section 22.05A of the Winnetka Zoning Ordinance, Chapter 22 of the Winnetka Village Code; and,

WHEREAS, the Board of Education of Winnetka Elementary School District No. 36 is a body corporate and politic of the State of Illinois and operates a public school known as the Hubbard Woods School on the Subject Property, which is improved with the Hubbard Woods School building; and

WHEREAS, public schools are permitted as special uses in the "A-5" (One-Fourth Acre) Single-Family Residential District, subject to the conditions and requirements pertaining to special uses, as set forth in Section 22.13 of the Winnetka Zoning Ordinance; and

WHEREAS, the Hubbard Woods School has been in continuous operation as a public school since it was constructed on the Subject Property in 1911; and

WHEREAS, the Board of Education of Winnetka Elementary School District No. 36 (“Board of Education”) has filed applications for a special use permit under Section 22.05A(b)2b of the Winnetka Zoning Ordinance, and for variations from the maximum building size of 27,269.60 square feet of gross floor area permitted by Section 22.05A(g) of the Winnetka Zoning Ordinance and from the maximum roofed lot coverage of 31,818.25 square feet and maximum impermeable surface of 63,636.50 square feet permitted by Section 22.05A(f) of the Winnetka Zoning Ordinance, to permit the construction of three one-story additions to Hubbard Woods School, in accordance with the plans accompanying the applications for special use permit and variations, thereby increasing the maximum building size to 48,971.00 square feet, which represents a floor area ratio of .3847 and a 21,701.40 square foot (79.6%) total increase over the maximum permitted gross floor area, increasing the maximum roofed lot coverage to 46,019.57 square feet, which represents a 14,201 square foot (44.63%) increase over the maximum permitted roofed lot coverage, and increasing the total impermeable surface to 82,847.57 square feet, which represents a 19,211 square foot increase over the maximum permitted impermeable surface; and

WHEREAS, on April 16, 1998, the Design Review Board considered the proposed improvements and have unanimously determined that a certificate of appropriateness would issue for the proposed additions; and

WHEREAS, pursuant to due notice thereof, the Plan Commission and Zoning Board of Appeals met in joint session on May 18, 1998, to hold a public hearing and consider the proposed improvements at the Hubbard Woods School; and

WHEREAS, by the affirmative vote of eight of the nine members then present, the Plan Commission found the proposal to be consistent with the Village of Winnetka Comprehensive Plan, and recommended that the special use permit be granted; and

WHEREAS, by the affirmative vote of the five members then present, the Zoning Board of Appeals recommended that the requested variations be granted, and further recommended that the special use permit be granted, subject to the Council's granting the requested variations; and

WHEREAS, the building additions are necessary for the Board of Education to accommodate an increased enrollment in the least disruptive manner so as to meet the Board of Education's educational objectives and provide educational programs at the Hubbard Woods School; and

WHEREAS, the plight of the Board of Education is unique in that it is required by law to provide public education programs within the Village and it must accommodate increased enrollments at the Hubbard Woods School location; and

WHEREAS, there are practical difficulties associated with strictly applying the maximum building size and intensity of use of lot provisions of Sections 22.05A(b) and 22.05A(f) to the Subject Property, as student enrollment at Hubbard Woods School has increased and the Board of Education has determined that expanding the school as proposed is the best alternative for accommodating the increased enrollment; and

WHEREAS, the variations, if granted, will not alter the essential character of the locality, in that the Hubbard Woods School is an established use in the neighborhood and the proposed additions represent a minimal increase to the existing building, adding 637 square feet to the lot coverage and 1,302 square feet to the building area; and

WHEREAS, the Subject Property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the applicable zoning regulations, as the sole purpose of the property is to provide for the education of students as required by law; and

WHEREAS, an adequate supply of light and air to adjacent property will not be impaired, as the majority of the proposed additional square footage will be located within the existing building and/or roof lines; and

WHEREAS, the hazard from fire and other damages to the property will not be increased, as the additions will be constructed in accordance with all applicable building codes, including those applicable to the construction of educational facilities, making it no more hazardous than any other construction built according to those codes; and

WHEREAS, there is no evidence that the taxable value of land and buildings throughout the Village will diminish and the proposed classroom additions are intended to benefit the school district; and

WHEREAS, the proposed additions will not increase congestion in the public streets; and

WHEREAS, the proposed classroom additions will not be detrimental to or endanger the public health, safety, comfort, morals and welfare of the inhabitants of the Village, because the Hubbard Woods School is an established use and the additional classroom space will enable the Board of Education to accommodate the increase in student enrollment and to fulfill its statutorily mandated mission; and

WHEREAS, the proposed special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity, as the proposed additions present a relatively minor increase in the size of the school building and are concealed within the existing building footprint; and

WHEREAS, the Hubbard Woods School is an established element of the residential area in which it is located and will not impede the orderly development or improvement of other property in the immediate vicinity; and

WHEREAS, adequate parking facilities, utilities, access roads, drainage and other facilities necessary for the operation of the special use exist or will be provided; and

WHEREAS, the special use, when constructed in accordance with the terms and conditions of this ordinance, will conform to the applicable regulations of the Zoning Ordinance and the Winnetka Village Code;

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

SECTION 1: That the Village Council hereby adopts by reference the foregoing recitals as its findings as if those recitals were fully set forth herein.

SECTION 2: That variations are hereby granted with respect to the Subject Property, which is located in the "A-5" (One-Fourth) Acre Single-Family Residential Zoning District, and which is commonly known as Hubbard Woods School, 1110 Chatfield Road, as follows: (a) a variation of 21,701.4 square feet (79.6%) from the maximum building size of 27,269.60 square feet of gross floor area permitted by Section 22.05A(g) of the Winnetka Zoning Ordinance, resulting in a maximum building size of 48,971.00 square feet; and (b) a variation of 14,201 square feet (44.63%) from the maximum roofed lot coverage of 31,818.25 square feet and of 19,211 square feet from the maximum impermeable surface permitted by Section 22.05A(f) of the Winnetka Zoning Ordinance, resulting in a maximum roofed lot coverage of 46,019.57 square feet, and a total impermeable surface area of 82,847.57 square feet, said variation being granted to permit the construction of three one-story classroom additions to Hubbard Woods School in accordance with the plans dated April 9, 1998 and submitted with the applications for variations and a special use permit, subject to the conditions and limitations hereinafter set forth.

SECTION 3: That a special use permit under Section 22.05A(b)2b of the Winnetka Zoning Ordinance is hereby granted with respect to the Subject Property, which is located in the "A-5" (One-Fourth Acre) Single-Family Residential district, and which is commonly known as

Hubbard Woods School, 1110 Chatfield Road, to allow expansion of the existing school facility by the construction of three one-story classroom additions, in accordance with the plans dated April 9, 1998, and submitted with the application for variations and a special use permit, subject to the conditions and limitations hereinafter set forth.

SECTION 4: That the variations and special use permit hereby granted are conditioned upon the commencement of the proposed construction within twelve (12) months after the effective date of this ordinance.

SECTION 5: That this Ordinance shall be in full force and effect from and after its passage, approval, and posting.

Passed and approved this 16th day of June, 1998.

AYES: Trustees Darning, Duhl, Lanphier, Lien, Hilton and Meuer

NAYS: None

ABSENT: None

Signed:


Village President

Countersigned:


Village Clerk

Introduced: June 2, 1998

Posted: June 3, 1998

Passed and Approved: June 16, 1998

Posted: June 17, 1998

ORDINANCE NO. M-578-99

AN ORDINANCE GRANTING A VARIATION IN THE APPLICATION OF THE ZONING ORDINANCE OF THE VILLAGE OF WINNETKA, COOK COUNTY, ILLINOIS FOR THE HUBBARD WOODS SCHOOL (1110 Chatfield Road)

WHEREAS, the Board of Education of Winnetka Elementary School District No. 36 is the beneficial owner of the following described real estate (the "Subject Property"):

Lots 1,2,3,4,5,12 and that portion of Lot 11 described as follows: being East of a straight line produced which intersects the East line of the Northwest Quarter (N. W. $\frac{1}{4}$) of said Southwest Quarter (S. W. $\frac{1}{4}$) of said Section Seventeen (17) at a point 678 feet South of the North line of said Northwest Quarter (N. W. $\frac{1}{4}$) at an angle with said East line of said Northwest Quarter (N. W. $\frac{1}{4}$) of 24 degree and 56 minutes to the Northwest from said East line of said Northwest Quarter (N. W. $\frac{1}{4}$), all situated in Block Eight (8) of the County Clerk's subdivision of the Southwest Quarter (S. W. $\frac{1}{4}$) of Section Seventeen (17) of Township forty-two (42) North, Range Thirteen (13) East of the Third Principal Meridian, Village of Winnetka, Cook County, Illinois.

which is commonly known as 1110 Chatfield Road, Winnetka, Illinois, and is located in the R-4 Single-Family Residential District provided in Section 22.05A of the Winnetka Zoning Ordinance, Chapter 22 of the Winnetka Village Code; and,

WHEREAS, the Board of Education of Winnetka Elementary School District No. 36 is a body corporate and politic of the State of Illinois and operates a public school known as the Hubbard Woods School on the Subject Property, which is improved with the Hubbard Woods School building and accessory structures; and

WHEREAS, public schools are permitted as special uses in the R-4 Single-Family Residential District, subject to the conditions and requirements pertaining to special uses, as set forth in Section 22.13 of the Winnetka Zoning Ordinance; and

WHEREAS, the Hubbard Woods School has been in continuous operation as a public school since it was constructed on the Subject Property in 1911; and

WHEREAS, the Board of Education of Winnetka Elementary School District No. 36 ("Board of Education") has filed an application for a variation from the front setback provision permitted by Section 22.05A(h) of the Winnetka Zoning Ordinance, to permit the replacement of existing playground equipment located in the southwest corner of the Subject Property, in accordance with the plans accompanying the application for variation, to allow a front setback of 11.0 feet along the Hamptondale Road property line, whereas a 30.0-foot setback is required, resulting in a variation of 19.0 feet (63.33%); and

WHEREAS, on March 18, 1999, the Design Review Board considered the proposed improvements and have unanimously determined that a certificate of appropriateness would issue for the proposed upgrading of the play equipment and landscaping; and

WHEREAS, pursuant to due notice thereof, the Zoning Board of Appeals held a public hearing on May 17, 1999 to consider the proposed improvements at the Hubbard Woods School and, by the unanimous vote of the four members then present, the Zoning Board of Appeals has recommended that the requested variation be granted; and

WHEREAS, the Council of the Village of Winnetka have previously considered applications for zoning relief for the Subject Property and have adopted the following ordinances: (a) Ordinance M-472-96, which granted variations and a special use to allow the placement of a mobile classroom structure on the Subject Property, and to provide a 34-foot by 31-foot playground area for a climbing apparatus; (b) Ordinance M-481-96, which granted a front yard setback variation to allow a front setback of 18.46 feet for the climbing apparatus, and (c) Ordinance M-528-98, which amended the special use and granted variations to allow the construction of three one-story additions to the school building; and

WHEREAS, the proposed replacement of the play equipment does not require an amendment to the special use permit; and

WHEREAS, the plight of the Board of Education is unique in that: (a) the play equipment is a necessary accessory to the principal use of the Subject Property in meeting the School District's statutory obligations; (b) the strict application of the front setback requirements would reduce the amount of space in the already crowded existing play area despite an increasing student populations; (c) acquiring adjoining properties for expansion of the site is not feasible; and (d) relocating the playground area to a conforming location would reduce the size of the visual buffer for the adjoining residential properties, reduce green space, impede sight lines necessary for visual supervision of playground activities, and increase the likelihood of classroom disruption due to placing the equipment closer to the school building; and

WHEREAS, the variation, if granted, will not alter the essential character of the locality, in that the Hubbard Woods School is an

established use in the neighborhood, the proposed improvements will replace play equipment currently located in the same area of the Subject Property, and will provide a landscaped buffer between the play area curb and the adjoining residential properties; and

WHEREAS, the Subject Property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the applicable zoning regulations, as the sole purpose of the property is to provide for the education of students as required by law; and

WHEREAS, an adequate supply of light and air to adjacent property will not be impaired, as the tallest decks of the new equipment will be the same height as the tallest decks of the existing equipment; and

WHEREAS, the hazard from fire and other damages to the property will not be increased, because the new equipment will have no wood; and

WHEREAS, there is no evidence that the taxable value of land and buildings throughout the Village will diminish; and

WHEREAS, the proposed renovation of the playground equipment will not increase congestion in the public streets; and

WHEREAS, the proposed playground equipment will not be detrimental to or endanger the public health, safety, comfort, morals and welfare of the inhabitants of the Village, because the new equipment will provide a safer playground, which will be in full compliance with current safety standards and guidelines, will meet accessibility requirements of the Americans with Disabilities Act, will provide additional visual screening for the neighboring properties and will improve stormwater drainage.

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

SECTION 1: That the Village Council hereby adopts by reference the foregoing recitals as its findings as if those recitals were fully set forth herein.

SECTION 2: That a variation is hereby granted with respect to the Subject Property, which is located in the R-4 Single-Family Residential Zoning District, and which is commonly known as Hubbard Woods School, 1110 Chatfield Road, to allow a front setback of 11.0 feet along the Hamptondale Road property line, whereas 30.0 feet are required, resulting in a variation of 19.0 feet (63.33%), to permit the replacement of existing playground equipment located in the southwest corner of the Subject Property, in accordance with the plans submitted with the application for variation, subject to the conditions and limitations hereinafter set forth.

SECTION 3: That the variation is hereby granted conditioned upon the commencement of the proposed construction within twelve (12) months after the effective date of this ordinance.

SECTION 4: That this Ordinance shall be in full force and effect from and after its passage, approval, and posting.

ADOPTED this 15th day of June, 1999, pursuant to the following roll call vote:

AYES: Trustees Aquilino, Dering, Duhl, Lien, and Powell.

NAYS: None.

ABSENT: Trustee Hilton.

APPROVED this 15th day of June, 1999.

Signed:

ss/Louise A. Holland

Village President

Countersigned:

ss/Douglas G. Williams

Village Clerk

Introduced: June 8, 1999

Posted: June 9, 1999

Passed and Approved: June 15, 1999

ORDINANCE NO. M-18-2006

AN ORDINANCE GRANTING A VARIATION IN THE APPLICATION OF THE ZONING ORDINANCE OF THE VILLAGE OF WINNETKA COOK COUNTY, ILLINOIS (1110 Chatfield)

WHEREAS, the Village of Winnetka is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970; and

WHEREAS, pursuant to Article VII, Section 6 of the Constitution of the State of Illinois of 1970, the Village of Winnetka has the authority, except as limited by said Section 6 of Article VII, to exercise any power and perform any function pertaining to the government and affairs of the Village, including, but not limited to, the powers (i) to regulate for the protection of the public health, safety, morals and welfare, (ii) to license, (iii) to tax, and (iv) to incur debt; and

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

WHEREAS, the Board of Education of Winnetka Elementary School District No. 36 is the beneficial owner of the following described real estate (the "Subject Property"):

Those parts of Block 8 in County Clerk's Division according to the plat thereof recorded as Document No. 178081 filed on April 27, 1878, in the south west ¼ of Section 17, Township 42 North, Range 13 East of the Third Principal Meridian, Village of Winnetka, Cook County, Illinois described as follows: Lots 1, 2, 3, 4, 5, and 12 in said Block 8 in County Clerk's Division and that part of Lot 11 in said Block 8 in County Clerk's Division lying easterly of a line forming an angle of 24 degrees 56 minutes to the left at the point of intersection with the east line of north west ¼ of said south west ¼ of Section 17, 678.00 feet south of the north east corner of said north west ¼ of the south west ¼ of Section 17,

commonly known as 1110 Chatfield, Winnetka, Illinois, and located in the R-4 Single-Family Residential Zoning District provided in Chapter 17.16 of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code; and

WHEREAS, the Board of Education of Winnetka Elementary School District No. 36 is a body corporate and politic of the State of Illinois and operates a public school known as the Hubbard Woods School on the Subject Property, which is improved with the Hubbard Woods School building and accessory structures; and

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

WHEREAS, the Hubbard Woods School has been in continuous operation as a public school since it was constructed on the Subject Property in 1911; and

WHEREAS, the Board of Education of Winnetka Elementary School District No. 36 ("Board of Education") has filed an application seeking the following variations from the Lot, Space, Bulk and Yard Regulations for Single Family Residential Districts established by Section 17.30 of the Zoning Ordinance: (a) a variation from the intensity of use of lot provisions of Section 17.30.030 to permit a roofed lot coverage of 45,971.57 square feet, a reduction from the current 46,019.57 square feet, whereas a maximum of 31,818.25 square feet is allowed, a variation of 14,158.32 square feet (44.48%); (b) a variation from the intensity of use of lot provisions of Section 17.30.030 to allow impermeable lot coverage of 76,250.57 square feet, a reduction from the current 82,847.57 square feet, whereas a maximum of 63,636.5 square feet is permitted, a variation of 12,614.07 square feet (19.82%); and (c) a variation from the gross floor area limitations of Section 17.30.040 to allow a gross floor area of 48,715 square feet, a reduction from the current 48,971 square feet, whereas a maximum of 31,087.79 square feet is allowed, a variation of 17,627.21 square feet (56.7%); all being required to make proposed improvements to an outdoor play area that will include replacing a deteriorated storage shed with a new storage shed and an Outdoor Environmental Learning Area at the southeast portion of the outdoor area, and replacing some impermeable surfaces in the play area; and

WHEREAS, the Outdoor Environmental Learning Area will consist of two roofed, open-air structures that will be open on all four sides and will have wood deck floors; and

WHEREAS, one of the new structures will function as a Science and Environmental Center and the other will function as an Art Studio; and

WHEREAS, the new facilities will meet accessibility requirements of the Americans with Disabilities Act; and

WHEREAS, on July 10, 2006, on due notice thereof, the Zoning Board of Appeals conducted a public hearing on the requested variations and, by the unanimous vote of the 6 members then present, has reported to the Council recommending that the requested variations be granted; and

WHEREAS, the Council of the Village of Winnetka have previously considered applications for zoning relief for the Subject Property and have passed the following ordinances: (a) Ordinance M-287-90, which granted variations and a special use for an addition to the school; (b) Ordinance M-472-96, which granted variations and a special use to allow the placement of a mobile classroom structure on the Subject Property, and to provide a 34-foot by 31-foot playground area for a climbing apparatus; (c) Ordinance M-481-96, which granted a front yard setback variation to allow a front setback of 18.46 feet for the climbing apparatus, (d) Ordinance M-528-98, which amended the special use and granted variations to allow the construction of three one-story additions to the school building; and (e) Ordinance M-578-99, which granted a front yard setback variation to allow a front setback of 19.0 feet along Hamptondale road to permit the replacement of playground equipment at the southwest corner of the Subject Property; and

WHEREAS, the proposed playground modifications and Outdoor Environmental Learning Area are not substantial changes to the current special use and therefore do not require an amendment to the special use permit; and

WHEREAS, the plight of the Board of Education is unique, in that: (a) it has a statutory obligation to operate a public elementary school system in the Village; (b) supplementary and accessory educational areas for students need to be provided on the same premises as the Board of Education's existing schools; (c) the proposed changes will reduce the currently nonconforming roofed lot coverage of 46,019.57 square feet by 48 square feet; (d) the proposed changes will reduce the currently nonconforming impermeable lot coverage of 82,847.57 square feet by 6,597 square feet; and (e) the proposed changes will reduce the currently nonconforming gross floor area of 48,971 square feet by 256 square feet; and

WHEREAS, there are practical difficulties and particular hardships in the strict application of the Zoning Ordinance's bulk limitations, in that: (a) the playground, the Outdoor Environmental Learning Area and the storage shed are all necessary accessories to the principal use of the Subject Property in meeting the School District's statutory obligations; (b) the strict application of the roofed lot coverage, impermeable lot coverage and maximum building size limitations would make it impossible for the Board of Education to make any improvements to the Hubbard Woods School educational and recreational facilities; and (c) acquiring adjoining properties for expansion of the site is not feasible; and

WHEREAS, the variation, if granted, will not alter the essential character of the locality, in that the Hubbard Woods School is an established use in the neighborhood, the proposed improvements will replace a deteriorating shed with low-profile structures in the same area of the Subject Property; and

WHEREAS, the Subject Property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the applicable zoning regulations, as the sole purpose of the property is to provide for the education of students as required by law; and

WHEREAS, the requested variations will not impair an adequate supply of light and air because they will have open sides, will be substantially lower than the principal school building, and there are no private properties in close proximity to the proposed additions; and

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

WHEREAS, the requested variations will not diminish the taxable value of land and buildings throughout the Village; and

WHEREAS, the requested variations will not contribute to congestion on the public streets, as the use of the Subject Property will not change; and

WHEREAS, the requested variations will contribute to the general welfare of the inhabitants of the Village by enhancing the educational and recreational facilities at Hubbard Woods School and by improving the accessibility of those facilities.

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

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

SECTION 2: The following variations from the Lot, Space, Bulk and Yard Regulations for Single Family Residential Districts established by Section 17.30 of the Winnetka Zoning Ordinance are hereby granted to the Subject Property, commonly known as 1110 Chatfield and located in the R-4 Single-Family Residential District provided in Chapter 1716 of the Zoning Ordinance, Title 17 of the Winnetka Village Code: (a) a variation from the intensity of use of lot provisions of Section 17.30.030 to permit a roofed lot coverage

of 45,971.57 square feet, a reduction from the current 46,019.57 square feet, whereas a maximum of 31,818.25 square feet is allowed, a variation of 14,158.32 square feet (44.48%); (b) a variation from the intensity of use of lot provisions of Section 17.30.030 to allow impermeable lot coverage of 76,250.57 square feet, a reduction from the current 82,847.57 square feet, whereas a maximum of 63,636.5 square feet is permitted, a variation of 12,614.07 square feet (19.82%); and (c) a variation from the gross floor area limitations of Section 17.30.040 to allow a gross floor area of 48,715 square feet, a reduction from the current 48,971 square feet, whereas a maximum of 31,087.79 square feet is allowed, a variation of 17,627.21 square feet (56.7%); all being required to make proposed improvements to an outdoor play area that will include replacing a deteriorated storage shed with a new storage shed and an Outdoor Environmental Learning Area at the southeast portion of the outdoor area, and replacing some impermeable surfaces in the play area, all in accordance with the plans and elevations submitted with the application for variations.

SECTION 3: The variations hereby granted are conditioned upon the commencement of the proposed construction within 12 months after the effective date of this Ordinance.

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

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

PASSED this 15th day of August, 2006, pursuant to the following roll call vote:

AYES: Trustees Abell, Eilers, Ritchell and Tucker

NAYS: None

ABSENT: Trustees Behles and Berger

APPROVED this 15th day of August, 2006.

Signed:

//s//Edmund C. Woodbury

Village President

Countersigned:

//s//Douglas G. Williams

Village Clerk

Introduced: August 1, 2006

Posted: August 2, 2006

Passed and Approved: August 15, 2006

Posted: August 17, 2006

ORDINANCE NO. M-5-2017

AN ORDINANCE GRANTING A SPECIAL USE PERMIT AND VARIATION FROM THE WINNETKA ZONING ORDINANCE FOR THE CONSTRUCTION AND OPERATION OF PLAYGROUND IMPROVEMENTS WITHIN THE R-4 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT

(1110 Chatfield Road)

WHEREAS, Winnetka Public School District No. 36 ("*Applicant*") is the record title owner of that certain parcel of real property commonly known as 1110 Chatfield Road in Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made a part of this Ordinance ("*Subject Property*"); and

WHEREAS, the Subject Property is improved with buildings and structures known as the Hubbard Woods School ("*School*"); and

WHEREAS, the Applicant desires to construct on the Subject Property certain outdoor playground improvements for use primarily by students at the School (collectively, the "*Proposed Improvements*"); and

WHEREAS, the Subject Property is located within the R-4 Single Family Residential Zoning District of the Village ("*R-4 District*"); and

WHEREAS, in order to be constructed on the Subject Property within the R-4 District, the Proposed Improvements must have, pursuant to Section 17.30.050 of the Winnetka Zoning Ordinance ("*Zoning Ordinance*"), a minimum front yard setback of 30 feet from Hamptondale Avenue; and

WHEREAS, the Applicant desires to construct the Proposed Improvements with a front yard setback from Hamptondale Avenue of 9.33 feet; and

WHEREAS, pursuant to Section 17.12.020 of the Zoning Ordinance, the operation of an elementary school is permitted within the R-4 District only with a special use permit; and

WHEREAS, pursuant to Section 17.56.090 of the Zoning Ordinance, no special use may be enlarged or extended by structural alteration of a building or structure without a special use permit; and

WHEREAS, the Applicant filed an application for: (i) a variation from Section 17.30.050 of the Zoning Ordinance to permit the construction of the Proposed Improvements on the Subject Property with a front yard setback from Hamptondale Avenue of 9.33 feet ("*Variation*"); and (ii) a special use permit pursuant to Section 17.12.020 and Chapter 17.56 of the of the Zoning Ordinance to allow the construction of the Proposed Improvements within the R-4 District ("*Special Use Permit*") (collectively, the Variation and the Special Use Permit are the "*Requested Relief*"); and

WHEREAS, on April 10, 2017, after due notice thereof, the Zoning Board of Appeals ("*ZBA*") conducted a public hearing on the Requested Relief and, by the unanimous vote of the four members then present, recommended that the Council of the Village of Winnetka ("*Village Council*") approve the Requested Relief; and

WHEREAS, pursuant to Chapter 17.60 and Chapter 17.56 of the Zoning Ordinance, the ZBA heard evidence and made certain findings in support of recommending approval of the Variation and the Special Use Permit, respectively, which findings are set forth in the ZBA public hearing minutes attached to and, by this reference, made a part of this Ordinance as **Exhibit B**; and

WHEREAS, on March 15, 2017, after due notice thereof, the Plan Commission met to consider whether approval of the Requested Relief is consistent with "Winnetka 2020," the Winnetka comprehensive plan ("*Comprehensive Plan*"), and found, by the unanimous vote of the seven members then present, that approval of the Requested Relief is consistent with the Comprehensive Plan; and

WHEREAS, on March 16, 2017, after due notice thereof, the Design Review Board met to consider the Requested Relief and, by unanimous vote of the six members then present, recommended that the Village Council approve the Requested Relief; and

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

WHEREAS, the Village Council has determined that approval of the proposed Special Use Permit: (i) is consistent with the Comprehensive Plan; and (ii) satisfies the standards for the approval of special use permits set forth in Chapter 17.56 of the Zoning Ordinance; and

WHEREAS, the Village Council has determined that approval of the Requested Relief for the construction of the Proposed Improvements on the Subject Property within the R-4 District is in the best interest of the Village and its residents;

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

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

SECTION 2: APPROVAL OF SPECIAL USE PERMIT. Subject to, and contingent upon, the terms, conditions, restrictions, and provisions set forth in Section 4 of this Ordinance, the Special Use Permit is hereby granted, pursuant to Chapter 17.56 and Section 17.12.020 of the Zoning Ordinance and the home rule powers of the Village, to allow the extension of the operation of the School by the construction of the Proposed Improvements on the Subject Property within the R-4 District.

SECTION 3: APPROVAL OF VARIATIONS. Subject to, and contingent upon, the terms, conditions, restrictions, and provisions set forth in Section 4 of this Ordinance, the Variation from Section 17.30.050 of the Zoning Ordinance to permit a front yard setback of

9.33 feet from Hamptondale Avenue is hereby granted to allow the construction of the Proposed Improvements on the Subject Property, in accordance with and pursuant to Chapter 17.60 of the Zoning Ordinance and the home rule powers of the Village.

SECTION 4: CONDITIONS. The Special Use Permit granted by Section 2 of this Ordinance, and the Variation granted by Section 3 of this Ordinance are subject to, and contingent upon, compliance by the Applicant with the following conditions:

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

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

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

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

1. The "Topographical Map of Part of Hubbard Woods School" prepared by TFW Surveying & Mapping, Inc., consisting of one sheet, and with a latest revision date of November 22, 2016, attached to and, by this reference, made a part of this Ordinance as **Exhibit C**; and

2. The "Project Location Plan" prepared by K M Talty Design, consisting of one sheet, and with a latest revision date of February 10, 2017, attached to and, by this reference, made a part of this Ordinance as **Exhibit D**.

3. The "Site Photos" prepared by K M Talty Design, consisting of one sheet, and with a latest revision date of February 10, 2017, attached to and, by this reference, made a part of this Ordinance as **Exhibit E**.

4. The "Site Plan" prepared by K M Talty Design, consisting of two sheets, and with a latest revision date of February 15, 2017, attached to and, by this reference, made a part of this Ordinance as **Exhibit F**.

5. The "Landscape Structure" plans prepared by NuToys Leisure Products, consisting of four sheets, and with a latest revision date of January 30, 2017, attached to and, by this reference, made a part of this Ordinance as **Exhibit G**.

SECTION 5: RECORDATION; BINDING EFFECT. A copy of this Ordinance will be recorded with the Cook County Recorder of Deeds. This Ordinance and the privileges, obligations, and provisions contained herein inure solely to the benefit of, and are binding upon, the Applicant and each of its heirs, representatives, successors, and assigns.

SECTION 6: FAILURE TO COMPLY. Upon the failure or refusal of the Applicant to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, in addition to all other remedies available to the Village, the approvals granted in Sections 2 and 3 of this Ordinance will, at the sole discretion of the Village Council, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village Council may not so revoke the approvals granted in Sections 2 and 3 of this Ordinance unless it first provides the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Village Council. In the event of revocation, the development and use of the Subject Property will be governed solely by the regulations of the applicable zoning district and the applicable provisions of the Zoning Ordinance, as the same may, from time to time, be amended. Further, in the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances.

SECTION 7: AMENDMENT OF SPECIAL USE PERMIT. Any amendments to the approvals granted in Sections 2 and 3 of this Ordinance that may be requested by the Applicant after the effective date of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Zoning Ordinance.

SECTION 8: SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 9: EFFECTIVE DATE.

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

1. Passage by the Village Council in the manner required by law;
2. Publication in pamphlet form in the manner required by law; and

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

B. In the event that the Applicant does not file with the Village Clerk a fully executed copy of the unconditional agreement and consent described in Section 9.A.3 of this Ordinance within 60 days after the date of passage of this Ordinance by the Village Council, the Village Council shall have the right, in its sole discretion, to declare this Ordinance null and void and of no force or effect.

[SIGNATURE PAGE FOLLOWS]

PASSED this 16th day of May, 2017, pursuant to the following roll call vote:

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

NAYS: None

ABSENT: None

Signed

s/ Chris Rintz

Village President

Countersigned:

s/Robert M. Bahan

Village Clerk

Published by authority of the President and Board of Trustees of the Village of Winnetka, Illinois, this 7th day of May, 2017.

Introduced: Waived

Passed and Approved: May 16, 2017

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

Those parts of Block 8 in County Clerk's Division according to the plat thereof recorded as Document No. 178081 filed on April 27, 1878, in the Southwest ¼ of Section 17, Township 42 North, Range 13 East of the Third Principal Meridian, Village of Winnetka, Cook County, Illinois described as follows: Lots 1, 2, 3, 4, 5, and 12 in said Block 8 in County Clerk's Division and that part of Lot 11 in said Block 8 in County Clerk's Division lying Easterly of a line forming an angle of 24 degrees 56 minutes to the left at the point of intersection with the East line of the Northwest ¼ of said Southwest ¼ of Section 17, 678.00 feet South of the Northeast corner of said Northwest ¼ of the Southwest ¼ of Section 17.

Commonly known as 1110 Chatfield Road, Winnetka, Illinois.

EXHIBIT B

APRIL 10, 2017 PUBLIC HEARING MINUTES OF THE ZBA

Zoning Board Members Present: Joni Johnson, Chairperson

Thomas Kehoe

Kathleen Kumer

Mark Naumann

Zoning Board Members Absent: Sarah Balassa

Matthew Bradley

Carl Lane

Village Staff: Michael D'Onofrio, Director of Community Development

Ann Klaassen, Planning Assistant

Case No. 17-05-SU: Hubbard Woods School (1110 Chatfield Road)

Winnetka Public School District 36

Special Use Permit

Modifications of Playground

Variation by Ordinance

Front and Corner Yard Setbacks

Hubbard Woods School (1110 Chatfield Road), Case No. 17-05-SU: Winnetka Public School District 36, Special Use Permit - Modifications of Playground; Variation by Ordinance - Front and Corner Yard Setbacks

Mr. D'Onofrio read the public notice. The purpose of this hearing is to hear testimony and receive public comment regarding a request by Winnetka Public School District 36, concerning a Special Use Permit in accordance with Section 17.56.010 of the Winnetka Zoning Ordinance, to permit modifications to the playground, as well as a variation by Ordinance from Section 17.30.050 [Front and Corner Yard Setbacks] of the Winnetka Zoning Ordinance to permit play equipment that will result in a front yard setback of 9.33 ft. from Hamptondale Ave., whereas a minimum of 30 ft. is required, a variation of 20.67 ft. (68.9%).

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

Kathryn Talty stated that she would be presenting this request to the Board as well. She informed the Board that the request represented a similar situation to that at Greeley. She noted that they would be operating within the boundaries of the existing couple of play areas. Ms. Talty then stated that they would be making one minor modification to an area which she identified for the Board in the corner.

Ms. Talty noted that there is a paver area which covered the corner which she identified for the Board along with a couple of benches. She then stated that over time, the pavers are starting to fail. She stated that the best way to treat this area would be to incorporate it into the play space. Ms. Talty then referred to the two play areas which are to be connected which was previously pavers. She stated that meant that they would be adding a border curb in two areas she identified for the Board and removing the existing pavers. Ms. Talty stated that they would also be relocating the benches elsewhere on the site into an undetermined area and making the area wood fiber chips similar to the rest of the play area.

Ms. Talty went on to state that there is one large piece of equipment which matches the existing pieces she identified and that they planned to relocate that piece of equipment into an empty spot which she described as a missing tooth with like size play equipment which would adhere to the older children in the school. She stated that would make the existing space into a younger play area space for the younger children. Ms. Talty stated that they planned to connect the play areas with playhouses or other types of recreational equipment which would transition the younger play space to the older play space and which would allow the older and younger children to migrate in the center of the space.

Ms. Talty noted that they were mindful that there are some existing storm drains in the area which would remain. She identified the area which is entirely an asphalt play space and the lines of the track which exist. Ms. Talty then identified Hamptondale and the existing homes along with a chain link fence. She also informed the Board that they have coordinated with the neighbors and that there are a few that are very happy that these improvements are being proposed. Ms. Talty stated that the thought behind keeping the younger students together in one area makes it easier for the teachers to supervise, but also gives a cuing spot for drop-off and pickup.

Ms. Talty informed the Board that there has been some real thought into the space planning for the proposal and that Beth Carmody has worked with the staff and teachers and that they have had a lot of input. She stated that the equipment would meet everyone's hopes and expectations. Ms. Talty then referred the Board to a rendering and the color pallet and play pieces which would be manufactured by Landscape Structures, which is quality play equipment.

Beth Carmody introduced herself to the Board as the principal at Hubbard Woods. She then stated that the missing tooth was a vintage piece of equipment which was taken out last year and which was a similar sized piece of equipment. Ms. Carmody stated that unlike other schools which have the opportunity to have different play areas, they do not have that type of space at Hubbard Woods and that it is all one big area and that the proposal will help them divide it a little bit for the kindergarten children, especially with the lower equipment for them and which represented a lot of the impetus behind this plan.

Ms. Talty stated that she can provide the Board with more information with regard to the size of the lower equipment. She informed the Board that the peak to the roof of the playhouse is approximately 9 feet tall and another platform with a surround will be more like 7 feet tall. Ms. Talty stated that they would not be proposing any additional landscaping and that there is a lot of existing landscaping on the Hubbard Woods campus.

Mr. Kehoe stated that since they would be taking out some asphalt and replacing it with some woodchips, he asked if that would decrease the amount of impermeable surface.

Ms. Talty confirmed that is correct.

Mr. Kehoe asked if there has been the opportunity to do that at other locations.

Ms. Talty responded that at this point, that represented a good opportunity to do that and is the limit of their construction at this point. She also stated that may be part of a future plan and that there is going to be some water work being done on the campus and that many things are waiting until that is worked out.

Mr. Kurr informed the Board that they are working with the Village and that it is all interdependent on the storm water process and that once that happened, they would look at the hard surface.

Mr. Kehoe questioned the pickup and drop-off.

Ms. Carmody responded that when parents drop the children off, they run in that area and that there would be containment in that area.

Ms. Talty and Mr. Kurr confirmed that it would not change.

Chairperson Johnson asked if there are safety issues with regard to the playground and surface material.

Mr. Kurr stated that it would be the same type of woodchip surface and that it is within the codes of the school. He added that the depth of the woodchips is important in terms of fall safety.

Chairperson Johnson asked where is the asphalt.

Ms. Talty identified the area of asphalt to be removed.

Ms. Kumer asked if there is a requirement for woodchips beneath the equipment.

Ms. Talty responded that there is not under the playhouses and as long as there is not an elevated surface.

Mr. Kurr informed the Board that there are a couple of elements of the structure that are handicap accessible. He also stated that the fact of having one playhouse on a hard surface makes it easier.

Ms. Talty then stated that while the fiber surface is a handicap accessible surface, it would be difficult to navigate for those with mobility issues. She also stated that for those whose mobility issue is temporary such as people using crutches; this allows them the opportunity to play.

Mr. Naumann asked the applicant if they spoke to the homeowner to the west.

Ms. Talty confirmed that they did and that there are no issues.

Chairperson Johnson commented that they like it when it is visually improved.

Ms. Talty referred to the play equipment which would be most proximate to the residence which she identified for the Board. She also stated that there is an existing fence and a shrub border growing in between.

Chairperson Johnson asked if there were any other questions. No additional questions were raised by the Board at this time. She then called the matter in for discussion.

Mr. Naumann stated that the request is straightforward and it would be an improvement to the property. He also stated that there would be an improvement in at least one of the zoning variances and that they would be improving drainage a little bit. Mr. Naumann stated that other than that, he had no concerns.

Chairperson Johnson asked Mr. D'Onofrio with regard to the minimum third street front setback

Ms. Klaassen stated that is because there are three streets surrounding the property which are Hamptondale, Chatfield and Laurel, or Burr Avenue.

Mr. Kehoe noted that that this appeared to be an expansion of a nonconforming use.

Mr. D'Onofrio stated that it is not a nonconforming use but a special use which is why it is before the Board tonight.

Mr. Naumann then moved to recommend approval of the request as it relates to the Hubbard Woods' request on the special use and moved to consider the special use standards stipulated on page nos. 8 and 9 in the packet of materials which covered the six points ranging from public health and safety to the injurious impact to those in the immediate vicinity to the establishment of the special use not impeding the development and improvement in the vicinity. He also referred to the considerations for ingress and egress which minimize pedestrian and vehicular traffic congestion and that there would be adequate parking. Mr. Naumann then stated that the special use in all other respects conforms to the regulations and by referencing the adopted points making on page nos. 8 and 9.

Mr. Kehoe and Ms. Kumer seconded the motion. A vote was taken and the motion was unanimously passed.

AYES: Johnson, Kehoe, Kumer, Naumann

NAYS: None

That the establishment, maintenance, and operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort, morals, or general welfare.

Last year, the Hubbard Woods playground lost equipment due to the aging process. The replacement equipment will offer smaller age appropriate pieces. This smaller equipment will give an option to younger students and neighborhood children with emerging physical skills, of an engaging place to imagine, create and play.

2. That the Special Use will not substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity.

The new additions to the Hubbard Woods School playground will offer the community a place for little ones to play during off hours. Having this lovely resource near homes in the area will only enhance the appeal to property owners in that the playground will be appropriately maintained and safety measures and guidelines will be followed throughout the installation process. The current plans meet safety regulations and the structures themselves are attractive.

3. That the establishment of the Special Use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern.

The playground location will not be changed, although the fiber play surface area will be slightly increased. The proposed play equipment is in keeping with the type and rough dimensions of the existing equipment but adds more diverse play challenges for a broader age and skill range. The surrounding neighborhood will not be impacted negatively nor will it be intruded upon.

4. That adequate measures have been or will be taken to provide ingress and egress in a manner which minimize pedestrian and vehicular traffic congestion in the public ways.

The installation of the new playground equipment will in no way impede the normal activities that occur around Hubbard Woods School. The pedestrian and vehicular traffic will remain unchanged by the replacement of the play equipment. Furthermore, the District will use good judgment and decision making as to when the equipment will be installed, ensuring, to the best of its ability, that traffic and sidewalks will not be obstructed for users.

5. That adequate parking, utilities, access roads, drainage, and other facilities necessary to the operation of the Special Use exits or are to be provided.

The playground project does not require changes to existing parking, roads, drainage or facilities. The District will ensure that any disruption to the neighbors due to the installation of the new equipment will be minimal. The District will provide information to the neighbors regarding the installation process.

6. That the Special Use in all other respects conforms to the applicable regulations of this and other Village ordinances and codes.

The school district is obliged to follow the safety rules and regulations stated in school code, which ensures a safe playground for children to enjoy. The District will comply with all Village regulations, ordinances and codes in this process.

Chairperson Johnson then asked for a motion on the variation for the front yard setback.

Mr. Naumann moved to recommend approval of the zoning variation to allow play equipment within the required front yard setback from Hamptondale and to incorporate the stipulations in detail as provided on page nos. 12 and 13.

Ms. Kumer seconded the motion. A vote was taken and the motion was unanimously passed.

AYES: Johnson, Kehoe, Kumer, Naumann

NAYS: None

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

The location of the playground will be the same as currently exists, with minimal changes to expand the fiber play surface. The proposed play equipment replaces the existing taller play equipment which will be relocated to an appropriate area on site. The playground is an important factor in the education of our children and must be preserved. The play equipment style is in keeping with the type and rough dimensions of the existing equipment but adds more diverse play challenges for a broader age and skill range. The surrounding neighborhood will not be impacted negatively nor will it be intruded upon.

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.

Due to the limitations of open space on the school campus, it is not practical or cost effective to move the playground location. In addition, the area where the playground is located is small and accented by existing landscape, including mature trees and shrubs.

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

The plan for the updated play equipment does not exceed the area of the current playground space. Although there will be slightly more fiber play surface space where asphalt and concrete pavers are proposed to be removed. The new proposed play pieces for the Hubbard Woods School playground are in keeping with the character of the play pieces that are being replaced. The structures chosen are aligned with the developmental abilities of a child in kindergarten. The updated playground will continue to offer the community a well maintained resource; a place where young children can play during and after school hours. We believe having this lovely resource near homes in the area enhances the appeal to property owners.

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

The proposed playground equipment and design consists of predominantly low open structures that have a minimal effect on light or air flow. Following the safety guidelines which require the structures to be properly spaced from piece to piece provides for additional open space. In addition, the equipment is similar to the structures that are being replaced.

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

The school district is obliged to follow the safety rules and regulations stated in school code, which ensures a safe playground for children to enjoy. The District also looks forward to working collaboratively with the Village in addressing its regulations, ordinances and codes in this process. The proposed playground is in compliance with school code safety regulations and the District will ensure it is also in compliance with safety regulations of the Village. In addition, the new equipment will be located a large distance away from any other structures and in the same area where the existing equipment is located.

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

The new additions to the Hubbard Woods school playground will offer the community a place for little ones to play during and after school hours. We believe having this lovely resource near homes in the area enhances the appeal to property owners in that the playground will be appropriately maintained and available for community use when school is not in session. The proposed plans provide for play structures and a layout that are attractive and a benefit to the community.

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

The installation of the new playground equipment will in no way impede or alter the normal activities or traffic that occurs around Hubbard Woods School. The District will use good judgment and decision making as to when the equipment will be installed ensuring, to the best of its ability, that traffic and sidewalks will not be obstructed for users.

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

Over the past year the Hubbard Woods School playground has lost play equipment due to the aging process. This new updated play equipment will offer the school and neighborhood children an engaging place to imagine, create, climb, jump, leap and play.

TOPOGRAPHIC MAP OF PART OF HUBBARD WOODS SCHOOL

(SEE ATTACHED EXHIBIT C)

EXHIBIT D

PROJECT LOCATION PLAN

(SEE ATTACHED EXHIBIT D)

EXHIBIT E

SITE PHOTOS

(SEE ATTACHED EXHIBIT E)

EXHIBIT F

SITE PLAN

(SEE ATTACHED EXHIBIT F)

EXHIBIT G

LANDSCAPE STRUCTURE PLAN

(SEE ATTACHED EXHIBIT G)

EXHIBIT H

UNCONDITIONAL AGREEMENT AND CONSENT

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

WHEREAS, Winnetka Public School District No. 36 ("*Applicant*") is the record title owner of the property commonly known as 1110 Chatfield Road in the Village ("*Subject Property*")

WHEREAS, the Applicant desires to construct on the Subject Property certain outdoor playground improvements for use by students; and

WHEREAS, Ordinance No. M-5-2017, adopted by the Village Council on May 16, 2017 ("*Ordinance*"), grants a certain variation from the provisions of the Winnetka Zoning Ordinance and a special use permit to the Applicant to permit the construction of the playground improvements on the Subject Property and the expanded use of the Subject Property for the operation of an elementary school; and

WHEREAS, Section 9 of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Applicant has filed, within 60 days following the passage of the Ordinance, its unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

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

1. The Applicant does hereby unconditionally agree to accept, consent to, and abide by each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.
2. The Applicant acknowledges that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.
3. The Applicant acknowledges and agrees that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's grant of variations and a special use permit for the Subject Property or its adoption of the Ordinance, and that the Village's approvals do not, and will not, in any way, be deemed to insure the Applicant against damage or injury of any kind and at any time.
4. The Applicant does hereby agree to hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with the Village's adoption of the Ordinance granting the variations and the special use permit for the Subject Property.
5. The Applicant hereby agrees to pay all expenses incurred by the Village in defending itself with regard to any and all of the claims mentioned in this Unconditional Agreement and Consent. These expenses will include all out-of-pocket expenses, such as attorneys' and experts' fees, and will also include the reasonable value of any services rendered by any employees of the Village.

Dated: __, 2017

ATTEST:

By: __

Its: __

WINNETKA PUBLIC SCHOOL DISTRICT NO. 36

By: __

Its: __

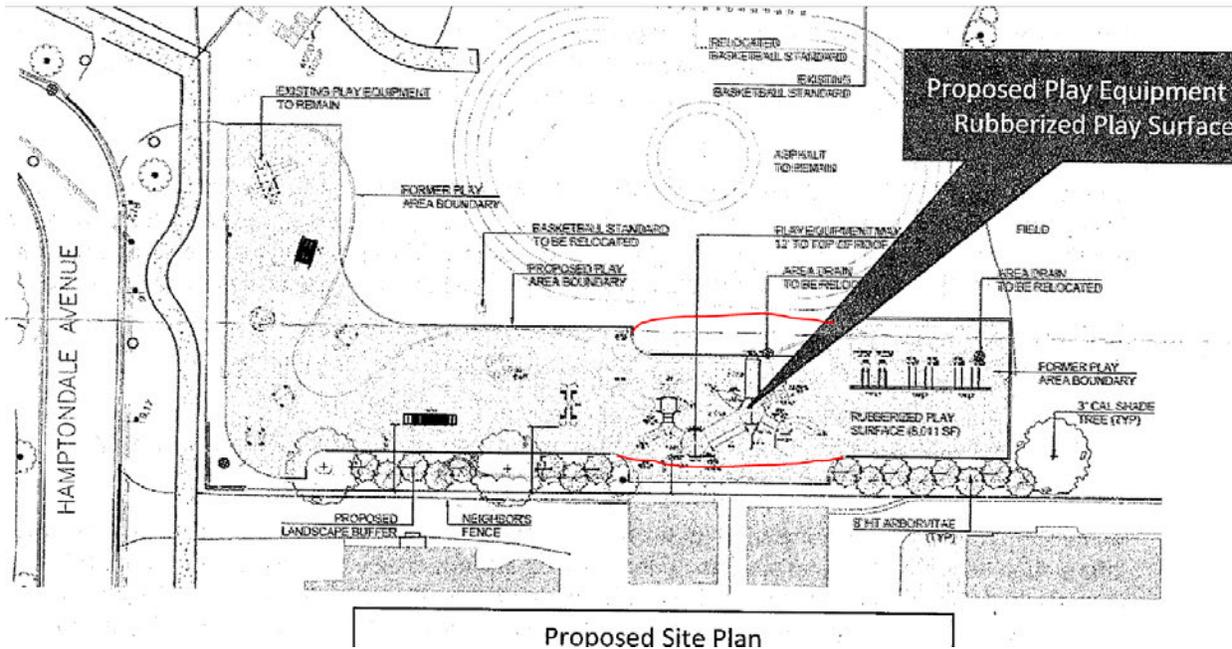
ATTACHMENT D

From: [REDACTED]
To: [Planning](#)
Subject: Hubbard Woods Elementary Proposal
Date: Wednesday, March 2, 2022 6:27:43 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My name is Chad Humphrey, live at 1138 Hamptondale and am the neighbor to the school on the North West side of the property. Thank you for this proposal and taking the neighbors into consideration. I have a question in regards to the new playground.

Does the new playground still have to be so close to our property line? If so, why? Especially one the involves a 12' structure. I see the new trees that will be planted to the North and South and would suggest they continue down the length of the fence. Or if the trees are not an option, and least push the equipment further away from the fence line. I understand the articulation design of the playground, maybe make it convex instead of concave. Thank you for your consideration.





MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: ZONING BOARD OF APPEALS
FROM: ANN KLAASSEN, SENIOR PLANNER
DATE: MARCH 10, 2022
SUBJECT: 379 ROSEWOOD AVENEUE - VARIATIONS (CASE NO. 22-10-V)

INTRODUCTION

On March 14, 2022, the Zoning Board of Appeals is scheduled to hold a public hearing on an application submitted by 379 Rosewood Avenue, LLC (the "Applicant"), as the owner of the property located at 379 Rosewood Avenue (the "Subject Property"). The Applicant currently has under construction additions to the existing home and is now requesting approval of the following zoning variations to allow retention of the third garage bay of the existing attached garage (the "Retained Garage Bay"), which is to be removed as part of the recently approved building permit that is under construction:

1. Roofed Lot Coverage of 4,213.05 square feet, whereas a maximum of 3,978 square feet is permitted, a variation of 235.05 square feet (5.91%) [Section 17.30.030 – Intensity of Use of Lot];
2. Side Yard Setback of 11.76 feet from the north property line, whereas a minimum of 12 feet is required, a variation of 0.24 feet (2%) [Section 17.30.060 – Side Yard Setback] [Note: The residence currently provides a north side yard setback of 11.76 feet];
3. Total Side Yard Setback of 31.23 feet, whereas a minimum of 31.82 feet is required, a variation of 0.59 feet (1.85%) [Section 17.30.060 – Side Yard Setback] [Note: The residence currently provides a total side yard setback of 31.23 feet]; and
4. An unarticulated north side building wall 44.53 feet in length, whereas articulation of 18 inches is required for any building additions if any of the side building walls is at least 40 feet long, a variation of 4.53 feet (11.32%) [Section 17.30.090 – Building Line Articulation].

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 February 24, 2022. As of the date of this memo, staff has not received any written comment from the public regarding this application.

The Zoning Board of Appeals (ZBA) has final jurisdiction on this request as the Board has the authority to grant variations to exceed the roofed lot coverage limitations by no more than 20%. Typically, the Zoning Administrator has final jurisdiction on requests to (i) reduce a side yard setback for a principal building by no more than 25% of the required setback; and (ii) vary the building line articulation requirements for additions to single family residential buildings; however, since this request includes additional zoning relief for which the Zoning Administrator does not have jurisdiction, the ZBA also has final jurisdiction on the requests to reduce the side yard setbacks and vary the building line articulation.

PROPERTY DESCRIPTION

The Subject Property, which is approximately 0.36 acres (15,912 square feet) in size, is located on the east side of Rosewood Avenue, between Willow Road and Ash Street, and contains an existing two-story residence with an attached garage (see Figure 1). 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.



Figure 1 – Aerial Map

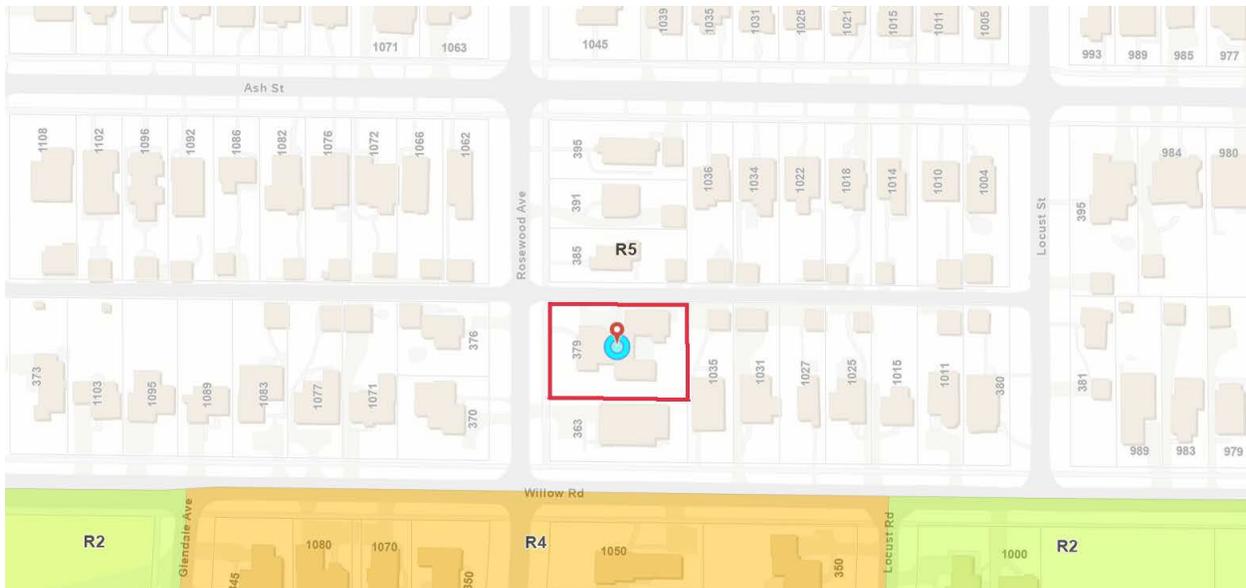


Figure 2 – Zoning Map

PROPERTY HISTORY AND PREVIOUS ZONING APPLICATIONS

The residence and attached garage were constructed in 1996. On February 28, 2022, a building permit for interior remodeling and one-story additions to the existing residence was issued and is currently under construction. In order to comply with the zoning regulations, portions of the existing residence are being removed to accommodate the additions currently under construction. The removals include one bay of the three-car attached garage (the Retained Garage Bay), a small bump out on the south side of the garage, and a greenhouse attached to the garage. Other minor permits have been issued over the last several years. The Applicant acquired the property in July 2021. There are two previous zoning cases on file for the Subject Property:

1. In August 1975, ZBA Case No. 1146 was a request for side yard and rear yard setback variations related to a proposed three-lot subdivision. The Village Council denied the request; and
2. In January 1976, the Village Council adopted an ordinance granting variations from the side yard and rear yard setback regulations to allow what was the former residence on the Subject Property to remain in its location. This case was also related to a subdivision of what was a larger lot located at the northeast corner of the intersection of Willow Road and Rosewood Avenue.

Figure 3 below and Figure 4 on the following page are current photos of the site.



Figure 3 – Subject Property (Front Elevation – Rosewood Avenue)

Existing Attached Garage



Figure 4 – Subject Property (North Elevation – Alley)

PROPOSED PLAN

The variations are being requested in order to maintain the third bay of the existing attached garage (the Retained Garage Bay). The area measures approximately 23 feet by 10.6 feet (244 square feet). As previously noted, the Subject Property currently has a three-car attached garage that is to be reduced in size to a two-car attached garage to accommodate additions elsewhere to the existing residence. The existing three-car garage can be seen in Figure 4 above.

Excerpts of the proposed site plan, floor plan, and building elevations are provided on the following pages as Figures 5 through 9. The complete set of plans is provided in the application materials (Attachment B).

Line Representing Required Minimum Side Yard Setback

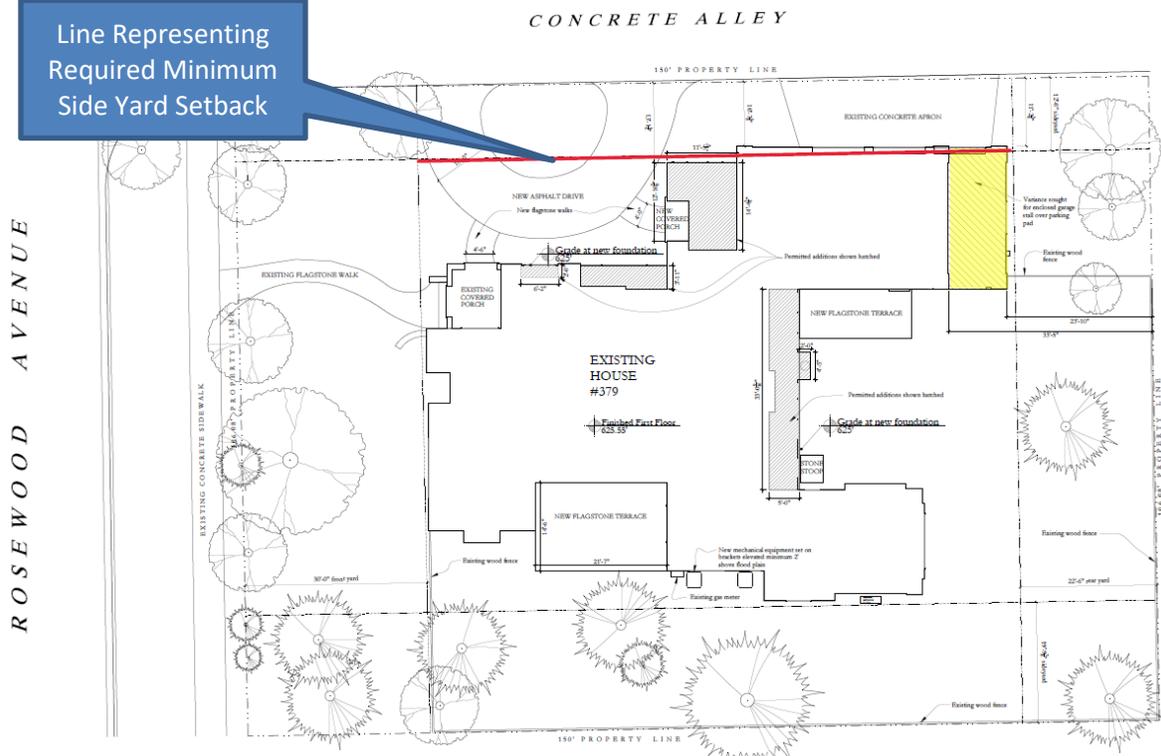


Figure 5 – Excerpt of Site Plan

(Gray shaded areas represent previously approved additions currently under construction; the yellow represents the garage bay the applicant would like to retain.)

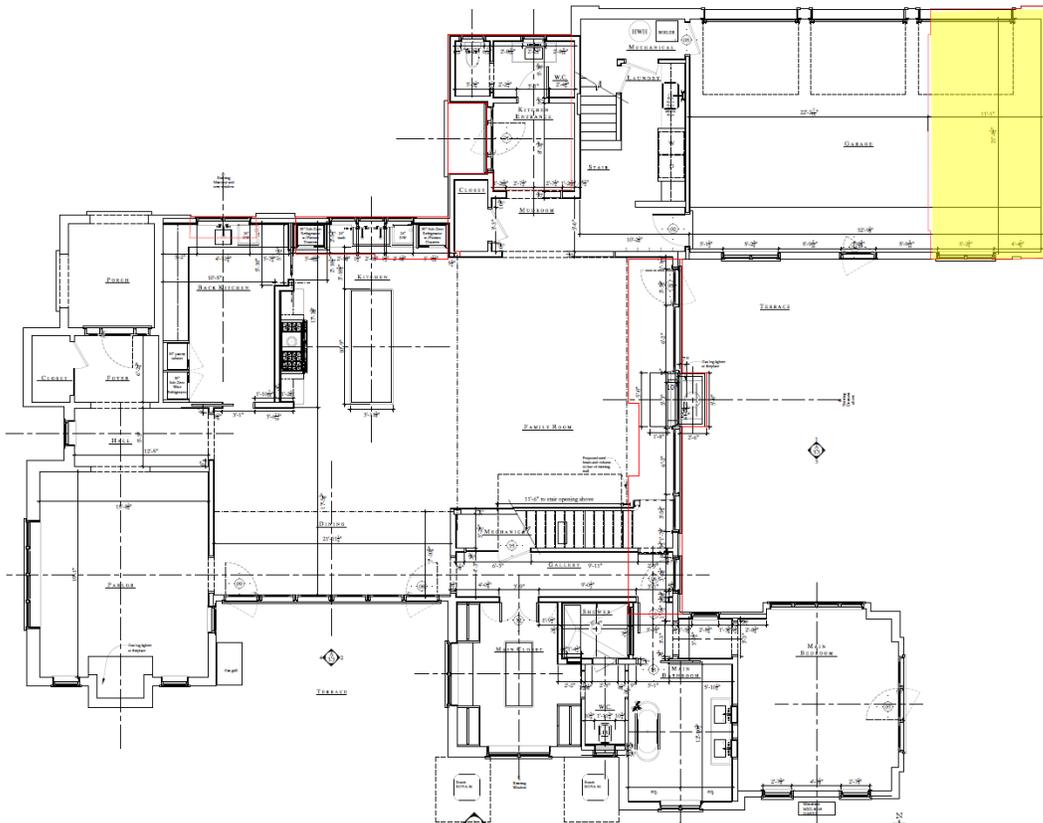


Figure 6 – Proposed First Floor Plan



Figure 7 – Proposed North Elevation (Side)



Figure 8 – Approved North Elevation Under Construction



Figure 9 – Proposed East Elevation (Rear)

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 Subject Property are located within the 100-year floodplain. Therefore, the proposed improvements must comply with the Village of Winnetka Flood Hazard Protection Ordinance as well as the Village stormwater regulations. The building permit for the additions currently under construction were approved by Village Engineering staff. Based on the proposed plan currently before the Board, it appears the proposed addition also complies with the Flood Hazard Protection Ordinance and the stormwater regulations; however, a final determination will be made by Village Engineering staff. Figure 10 on the following page represents the Subject Property's location in the floodplain; the cyan represents the 100-year flood area; the orange represents the 500-year flood area.



Figure 10 - GIS Floodplain Map

REQUESTED ZONING RELIEF

The attached zoning matrix highlights the existing lot and the proposed improvement’s compliance with the R-5 zoning district (Attachment A). Four variations are being requested: (1) roofed lot coverage; (2) minimum side yard setback; (3) total side yard setback; and (4) building line articulation.

Roofed Lot Coverage (RLC). The maximum permitted RLC for Post-FAR buildings (single-family residences built since 1989) in the R-5 District is 25% of the lot area. The maximum allowed RLC on the Subject Property is 3,978 square feet. The improvements currently under construction on the Subject Property consist of 3,969.11 square feet of RLC. The Retained Garage Bay is 243.94 square feet; bringing the total RLC to 4,213.05 square feet, whereas a maximum of 3,978 square feet is permitted, a variation of 235.05 square feet (5.91%).

Minimum Side Yard Setback (North). The existing residence is legally nonconforming with respect to the minimum required side yard setback as it currently provides a north side yard setback of 11.76 feet, encroaching the minimum required setback of 12 feet by 0.24 feet. The Retained Garage Bay is in line with the existing residence providing a setback of 11.76 feet, requiring a variation of 11.76 feet (2%).

Total Side Yard Setback. The existing residence currently provides a total side yard setback of 31.23 feet; 11.76 from the north property line and 19.47 feet from the south property line. The side yard setbacks would remain unchanged with the Retained Garage Bay , providing a total side yard setback of 31.23 feet, whereas a minimum of 31.82 feet is required, a variation of 0.59 feet (1.85%). It is worth noting that since the existing residence was constructed in 1996, the Zoning Ordinance was amended so that side yard setbacks are determined based on the average lot width, rather than the zoning district in which a property is located.

Building Line Articulation. The proposed north side building walls would measure 44.53 feet in length without providing the minimum required building line articulation of 18 inches. The Zoning Ordinance requires all exterior building walls on any principal building constructed before April 1999, that face the smaller side yard in the R-5 or R-4 zoning district be articulated at least 18 inches, if the side walls are at least 40 feet long. The existing residence is also considered legal nonconforming with respect to the

building line articulation requirement. Built in 1996, the residence pre-dates the adoption of the building line articulation requirement in 1999.

FINDINGS

In the attached application materials submitted by the Applicant, the Applicant has 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 C). 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: Application Materials

Attachment C: Draft Resolutions

ATTACHMENT A

ZONING MATRIX

ADDRESS: 379 Rosewood Avenue

CASE NO: 22-10-V

ZONING: R-5

ITEM	MIN/MAX REQUIREMENT	EXISTING	PROPOSED	DIFFERENCE BETWEEN PROPOSED & EXISTING	ZONING CODE COMPLIANCE (2)
Min. Lot Size	8,400 SF	15,912 SF	N/A	N/A	OK
Min. Average Lot Width	60 FT	106.08 FT	N/A	N/A	OK
Min. Lot Depth	120 FT	150 FT	N/A	N/A	OK
Max. Roofed Lot Coverage	3,978 SF (1)	3,969.11 SF	4,213.05 SF	243.94 SF	235.05 SF (5.91%) VARIATION
Max. Gross Floor Area	4,990.4 SF (1)	4,727.36 SF	4,971.3 SF	243.94 SF	OK
Max. Impermeable Lot Coverage	7,956 SF (1)	5,932.13 SF	5,932.13 SF	0 FT	OK
Min. Front Yard (Rosewood/West)	30 FT	30.73 FT	30.73 FT	0 FT	OK
Min. Side Yard (North)	12 FT	11.76 FT	11.76 FT	0 FT	0.24 FT (2%) VARIATION
Min. Total Side Yards	31.82 FT	31.23 FT	31.23 FT	0 FT	0.59 FT (1.85%) VARIATION
Min. Rear Yard (East)	22.5 FT	33.42 FT	23.83 FT	-9.59 FT	OK

NOTES:

(1) Based on lot area of 15,912 s.f.

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

(3) A variation is required to allow an unarticulated north side building wall 44.53 feet in length, whereas articulation of 18 inches is required when any of the side building walls is at least 40 feet in length, a variation of 4.53 feet (11.32%).

ATTACHMENT B

Village of Winnetka
ZONING VARIATION APPLICATION

VILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT



ZONING VARIATION APPLICATION

Case No. 22-10-V

Property Information

Site Address: 379 Rosewood Avenue

Owner Information

Name: 379 Rosewood Avenue, LLC

Primary Contact: Michael W. Kanzler

Address: 3423 N. Drake Avenue

Phone No. 773.278.1100

City, State, ZIP: Chicago, IL 60618

Email: MKanzler@novakconstruction.com

Date property acquired by owner: 07/20/21

Architect Information

Attorney Information

Name: Liederbach & Graham, Architects

Name: Gozdecki, Del Guidice, Americus, Farkas & Brocato LLP

Primary Contact: Erica Weeder

Primary Contact: Joseph B. Brocato

Address: 500 N Wells Street

Address: One East Wacker Drive, Suite #1700

City, State, ZIP: Chicago, Illinois 60654

City, State, Zip: Chicago, IL 60618

Phone No. 312 828-0900

Phone No. 312.782.5010

Email: eweeder@liederbachandgraham.com

Email: _____

Nature of any restrictions on property: _____

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

Enclose proposed parking pad to form third garage stall with open porch above.

VA2022-090

Property Owner Signature _____

Date: 2/9/2022

L I E D E R B A C H & G R A H A M
A R C H I T E C T S

March 2, 2022

Village of Winnetka, Building Department

510 Green Bay Road
Winnetka, Illinois 60093

Job Site Address: 379 Rosewood Avenue
Zoning Variation Application

Explanation of Requested Variation:

The Owners are seeking permission to leave in place an existing portion of a garage that exceeds the “Roofed Lot Coverage” standard, and to legalize two existing nonconformities on that garage: encroachment into the sideyard setback an a 44’-6” garage wall without the required 18” articulation on the portion of the garage which faces the alley.

Standards for Granting of Zoning Variations:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by regulations in the district; *Interior modifications on the ground floor required by the owner might, in other circumstances result in a tear down. New construction on the property would be able to be built 7’-7” higher, potentially increasing the bulk of new construction by 17,000 cubic feet. The Owners wish to maintain and modify the existing house in order to conserve resources, and to maintain the existing reduced scale and bungalow character of the existing house.*
2. The plight of the owner is due to unique circumstances: *The property is located within the floodplain. Because of the floodplain requirements, no basement is permitted, therefore the storage normally afforded by a basement to other residents of Winnetka is not available to the Homeowners. If this house were*

to be torn down in order to achieve amenities desired, the new house would need to have a finished floor elevated 2' above the flood plain. The house would lose its strong connection to a well developed yard with mature plantings which it currently enjoys as a slab on grade structure with one step down to terraces and grass.

3. The variation, if granted, will not alter the essential character of the locality; *No change to the character of the locality is proposed.*
4. An adequate supply of light and air to adjacent property will not be impaired; *No change to the supply of light and air to the adjacent properties is proposed.*
5. The hazard from fire and other damages to the property will not be increased; *No increase to the hazard from fire and other damages to the property is proposed.*
6. The taxable value of the land and buildings throughout the Village will not diminish; *No change to the taxable value of the land and buildings throughout the Village is proposed.*
7. The congestion in the public street will not increase; *No increase to the congestion in the public streets is proposed.*
8. The public health, safety, comfort, morals and welfare of the inhabitants of the Village will not be otherwise impaired. *The proposed variation will have no impact on the public health, safety, comfort, morals and welfare of the inhabitants of the Village.*

Sincerely,

Erica Weeder

379 Rosewood Avenue – Photos Submitted by Applicant March 2, 2022





PLAT OF SURVEY

by
Michael J. Emmert Surveys, Inc.
of

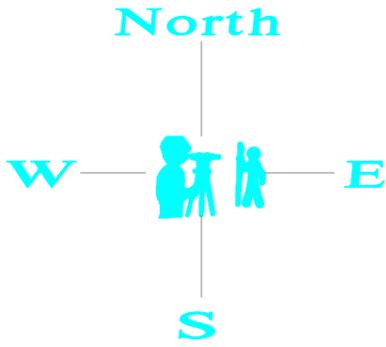
Property located at: 379 ROSEWOOD AVENUE
Legally described as:

LOT 2 IN REMPERT'S RESUBDIVISION OF THAT PART, LYING SOUTH OF THE ALLEY, OF THE WEST 150.0 FEET OF THE SOUTH HALF OF BLOCK 12 IN GROVELAND ADDITION TO WINNETKA, BEING A SUBDIVISION OF THE EAST 70.0 ACRES OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF REMPERT'S SUBDIVISION REGISTERED IN THE [OFFICE] OF THE REGISTRAR OF TITLES [OF COOK COUNTY, ILLINOIS,] FEBRUARY 10, 1976 AS DOCUMENT NUMBER 2854336, IN COOK COUNTY, ILLINOIS.

[TEXT ADDED BY SURVEYOR]

LINE TABLE

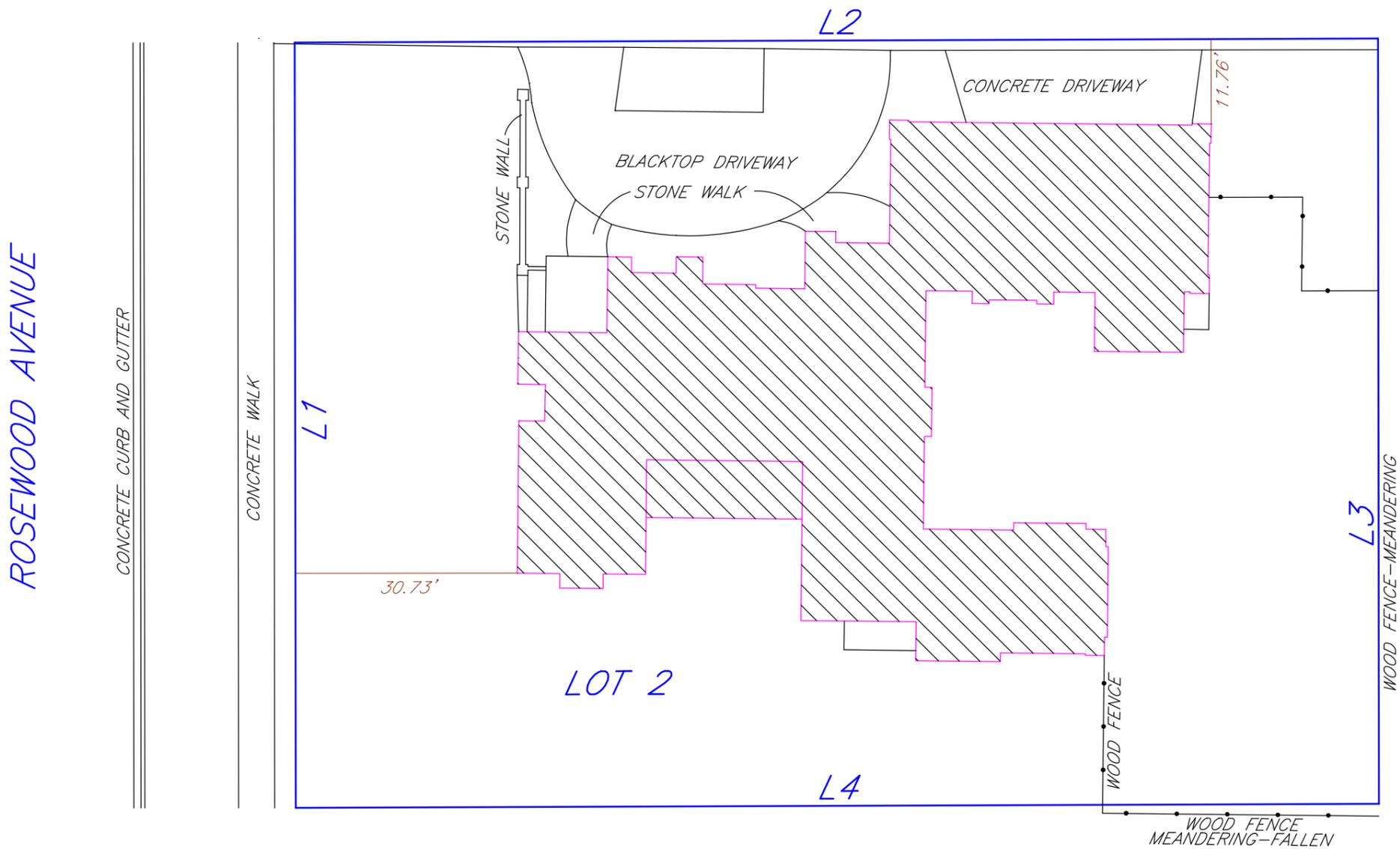
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L2	N.89°46'55"E.	150.00'	150.00'
L3	S.00°04'14"E.	106.08'	106.08'
L4	S.89°46'55"W.	150.00'	150.00'



1 IN. = 16 FT.
VERIFY SCALE
AGAINST THIS
GRAPHIC

BASIS OF BEARINGS IS ASSUMED

20 FT. PUBLIC ALLEY
CONCRETE PAVEMENT



Survey ordered by: Madden, Jiganti, Moore and Sinars

State of Illinois)
County of Du Page)

Michael J. Emmert Surveys, Inc. does hereby certify that we have surveyed the above described property and prepared the plat hereon drawn. The legal description shown hereon is provided by others. Refer to deed or title policy for building setbacks, easements or other restrictions which may exist. Dimensions not noted hereon shall not be assumed by scaling or otherwise. Compare all points before building and report any discrepancies. This professional service conforms to the current Illinois Minimum Standards for a Boundary Survey.

Date of field survey: June 30, 2021

Dated this 30th day of June, 2021

By:  President

Professional Illinois Land Surveyor No. 2499

License expires on November 30, 2022

Professional Design Firm Land Surveyor Corporation No. 184.004811



PAGE 1 OF 2

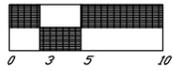
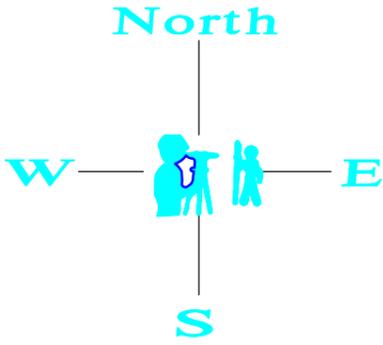
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mike@mjesurveys.com
Michael J. Emmert Surveys, Inc
185 East Vallette Street
Elmhurst, Illinois 60126
Office 630-516-0383
Fax 630-516-0387

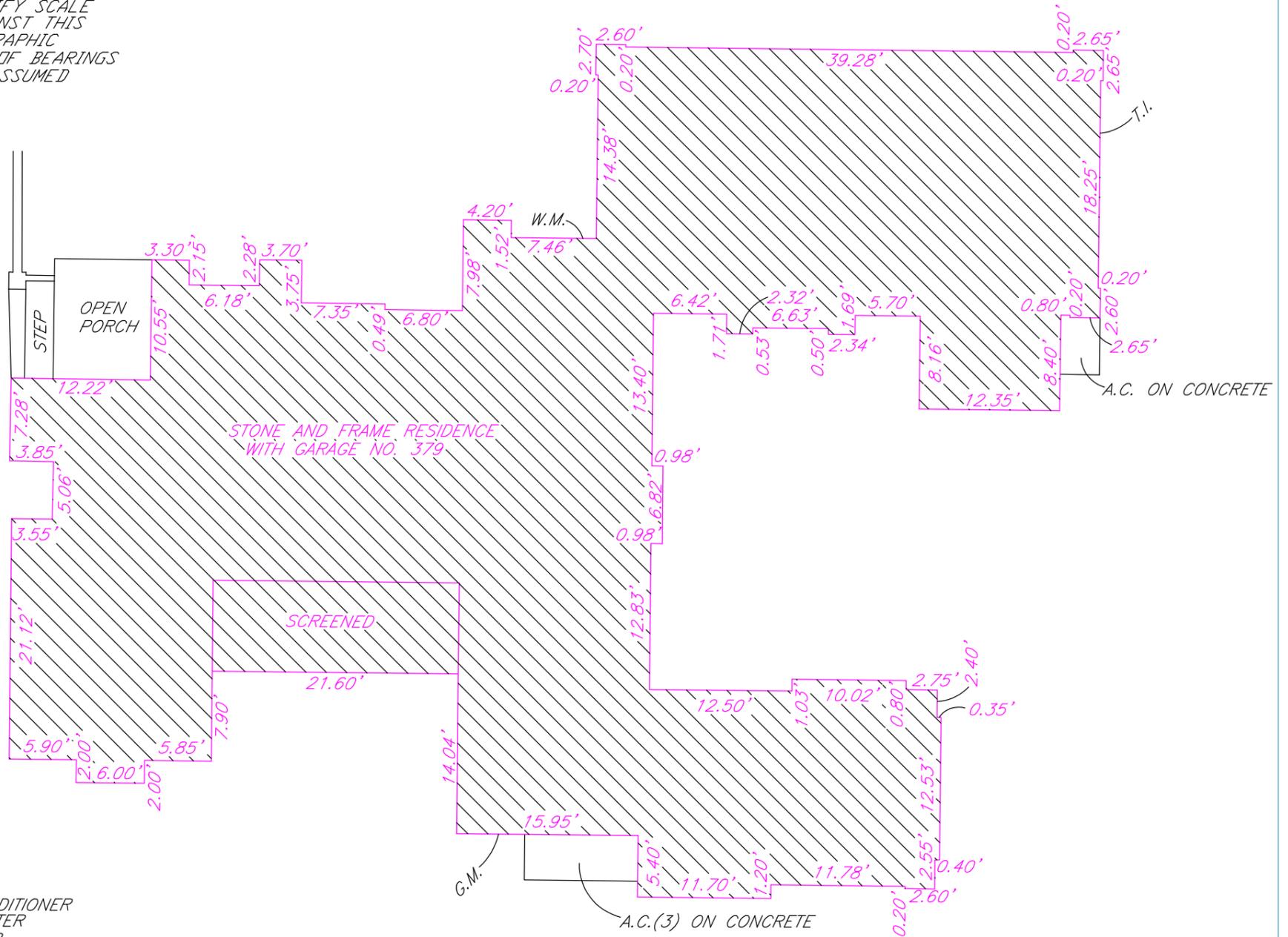
PLAT OF SURVEY

by
Michael J. Emmert Surveys, Inc.
of

Property located at: 379 ROSEWOOD AVENUE



1 IN. = 10 FT.
 VERIFY SCALE
 AGAINST THIS
 GRAPHIC
 BASIS OF BEARINGS
 IS ASSUMED



A.C. - AIR CONDITIONER
 W.M. - WATER METER
 G.M. - GAS METER
 T.I. - TELEPHONE INTERFACE
 C.S. - CABLE SERVICE
 E.M. - ELECTRIC METER

	1/8	1/4	3/8	1/2	5/8	3/4	7/8	
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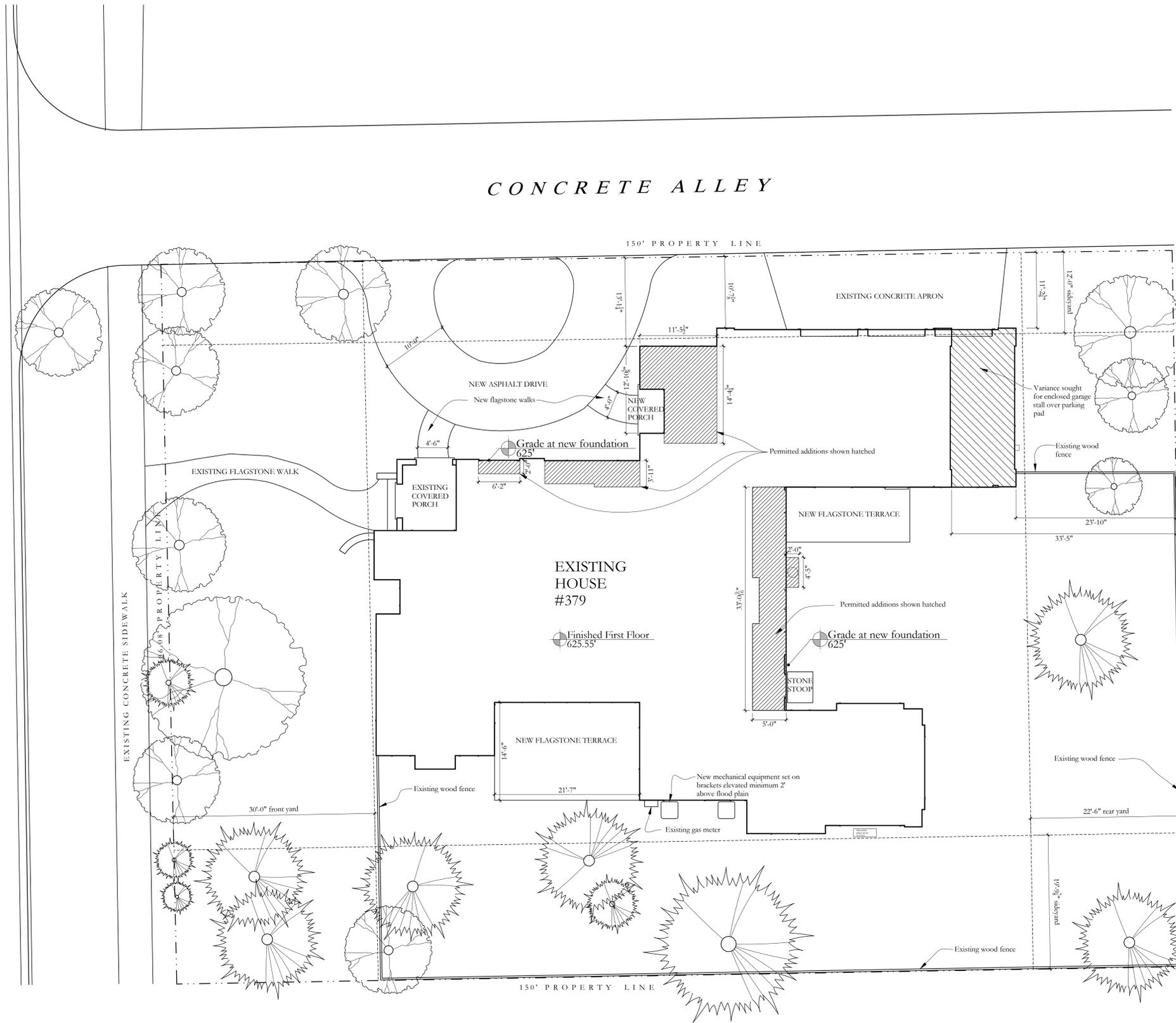


PAGE 2 OF 2

mike@mjesurveys.com
 Michael J. Emmert Surveys, Inc.
 185 East Vallette Street
 Elmhurst, Illinois 60126
 Office 630-516-0383
 Fax 630-516-0387

ROSEWOOD AVENUE

CONCRETE ALLEY



VILLAGE OF WINNETKA - ZONING NOTES:

- Zoning District R-5
- 17.30.050 Front and Corner Yard Setbacks
 - R-5 30 feet
- 17.30.060 Side Yard Setback
 - Average lot width = 106.08' > 100' Side Yard is 30% of average lot width
 - A. Minimum Side yard setback 12 feet
 - B. Minimum Sum of Setbacks of Both Yards = 30% of average lot width
 - 106.08' x .3 = 31.82' 12feet + 19.82'
- 17.30.070 Rear Yard Setback
 - A. Required Rear Yard Setback in R-5 15% of the lot depth, but not less than 10 ft. nor more than 25 ft.
 - Lot Depth 150' 150' x 15% = 22.5'
- None of the proposed additions encroach on required setbacks.
- 17.30.080 Height of Buildings and Structures
 - E. Maximum Building Height in R-5 31 feet
- No change proposed to existing Ridge height of 25'- 8 1/4"

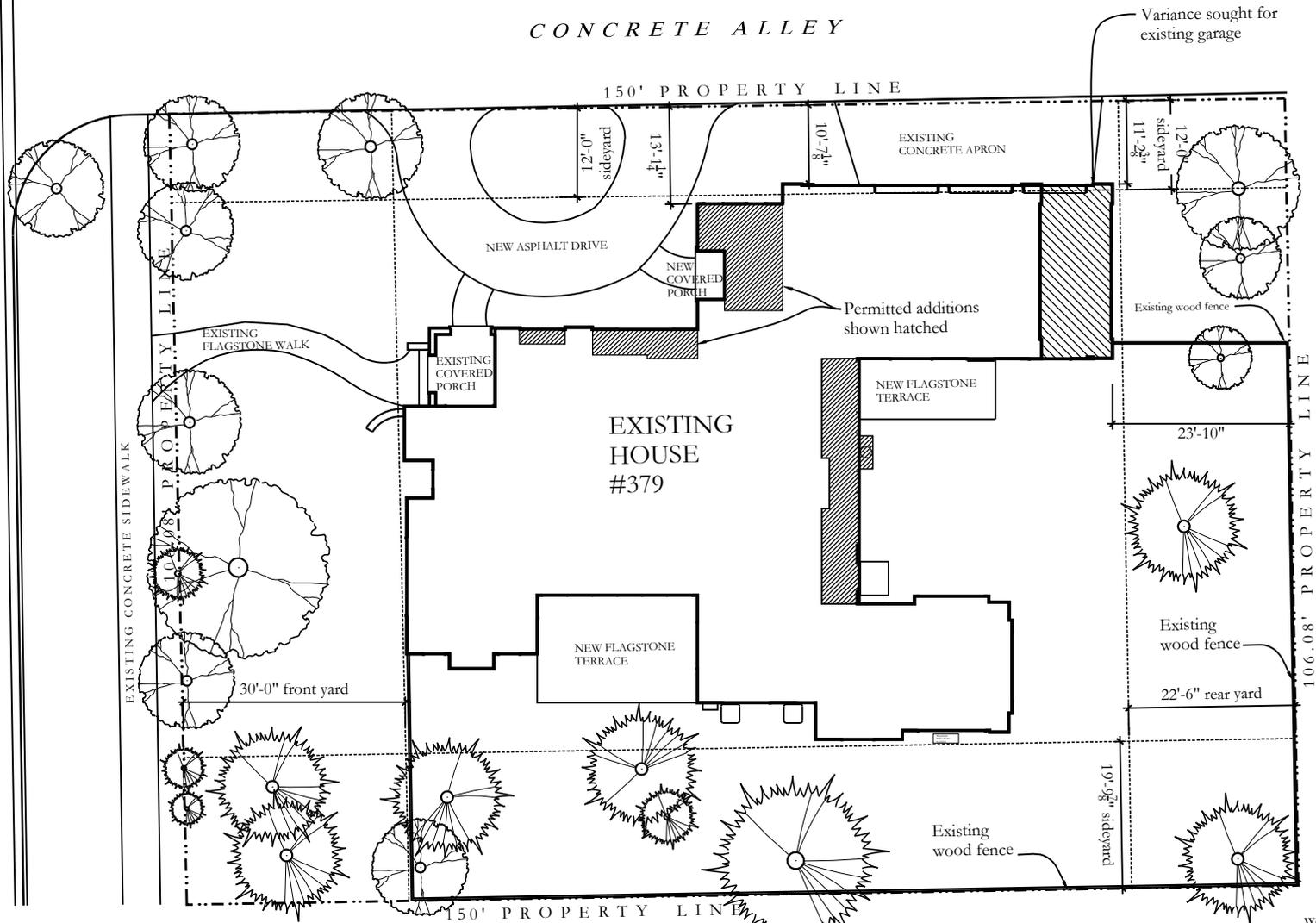
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LIEDERBACH & GRAHAM, ARCHITECTS LLP 300 NORTH WELLS STREET CHICAGO, ILLINOIS 60654		

ROSEWOOD AVENUE

CONCRETE ALLEY



1 PROPOSED SITE PLAN
A-1.1 N.T.S.

RAPP - NOVAK RESIDENCE

379 ROSEWOOD AVENUE
WINNETKA, ILLINOIS 60093

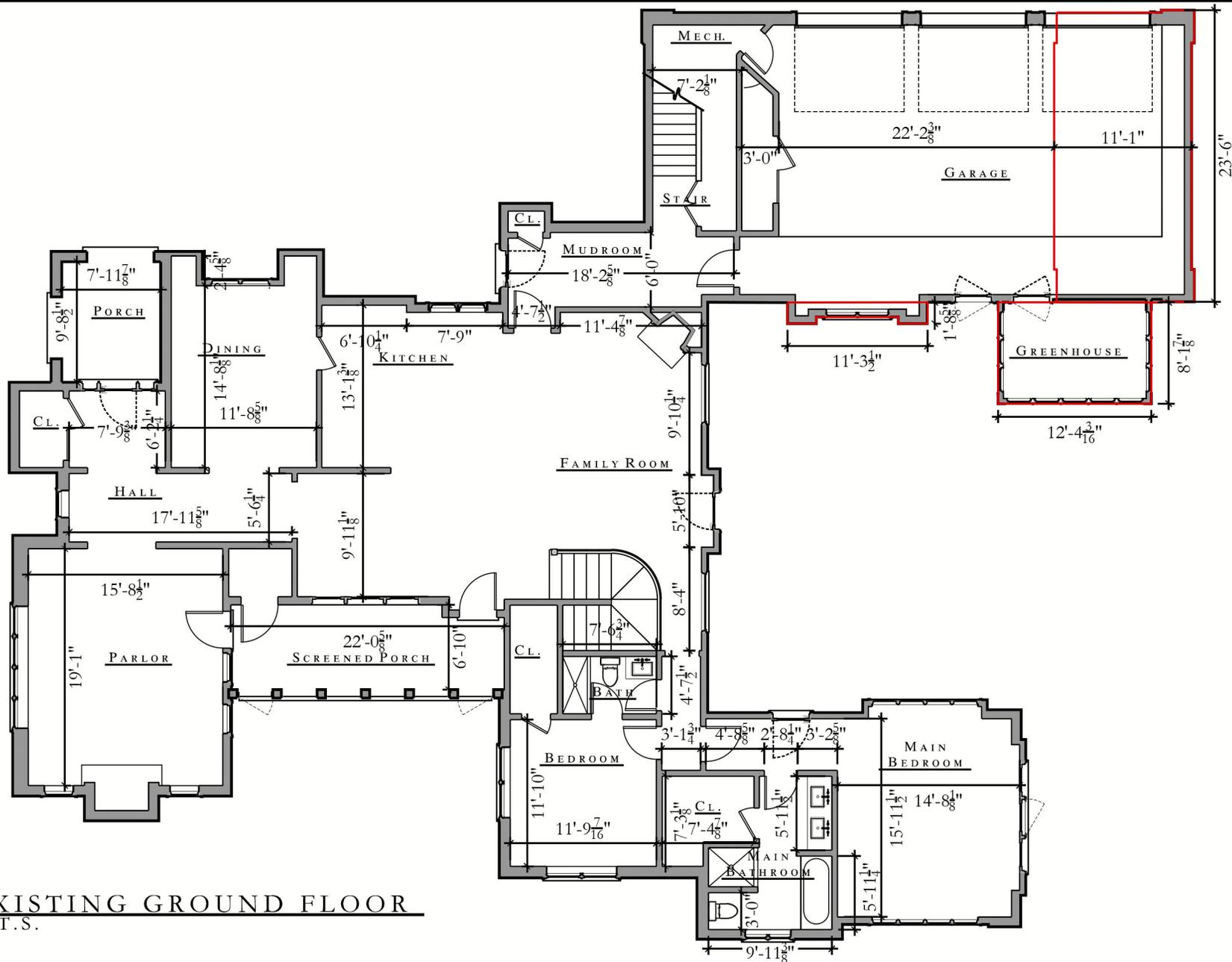
LIEDERBACH & GRAHAM, ARCHITECTS LLP

500 NORTH WELLS STREET
CHICAGO, ILLINOIS 60654

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VARIANCE
02-09-2022

1
S.1



① EXISTING GROUND FLOOR
N.T.S.

VARIATION
02-09-2022

RAPP - NOVAK RESIDENCE

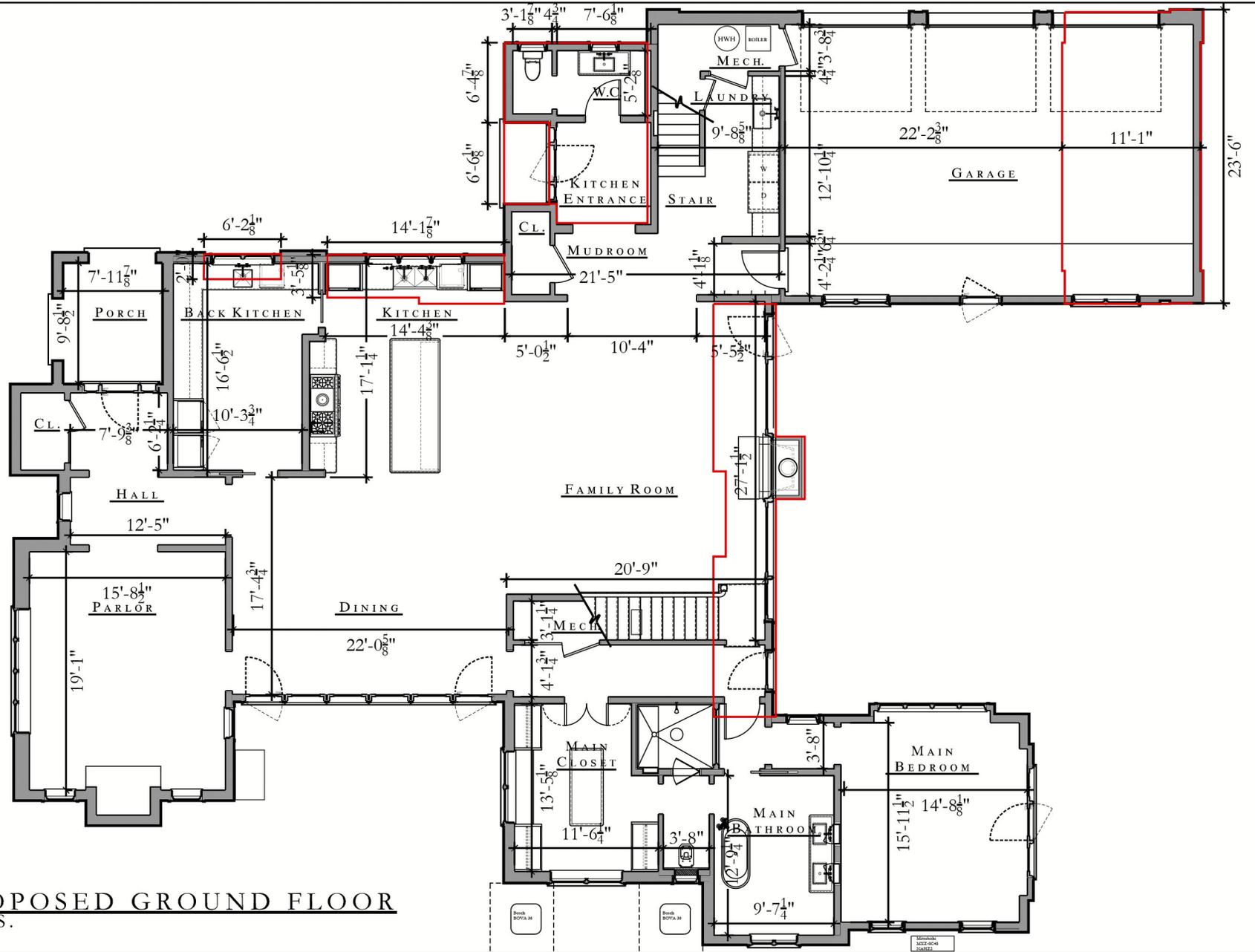
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WINNETKA, ILLINOIS 60093

LIEDERBACH & GRAHAM, ARCHITECTS LLP

500 NORTH WELLS STREET
CHICAGO, ILLINOIS 60654

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2.1



② PROPOSED GROUND FLOOR
N.T.S.

VARIATION
02-09-2022

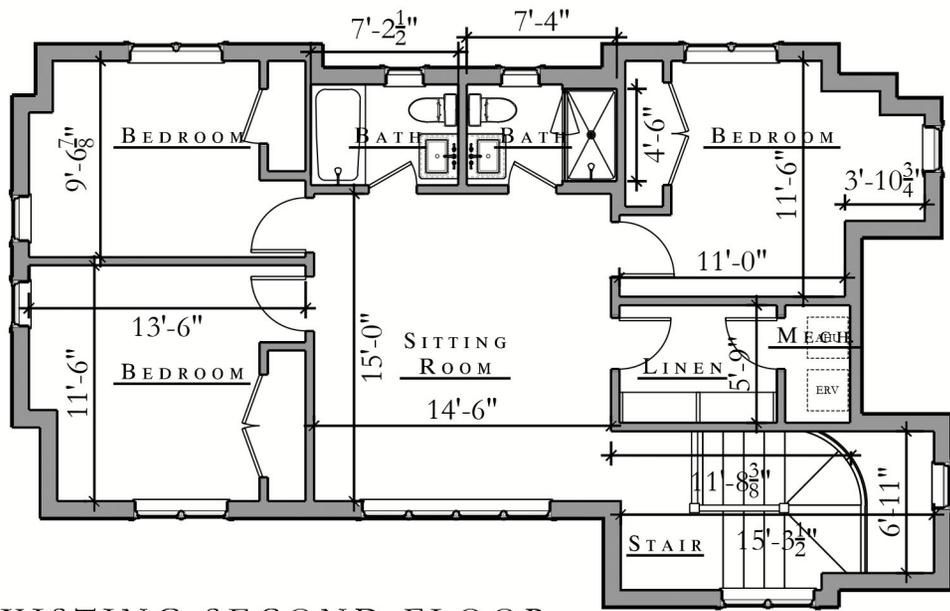
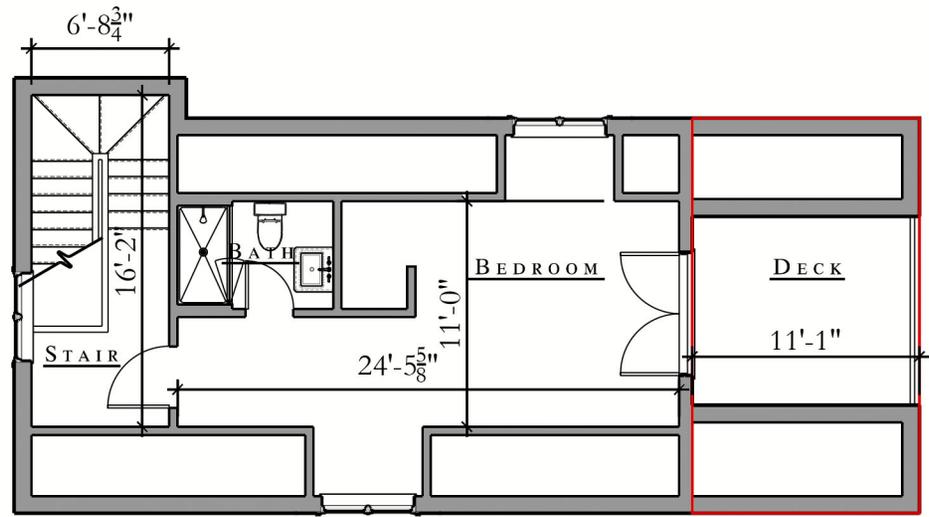
RAPP - NOVAK RESIDENCE

379 ROSEWOOD AVENUE
WINNETKA, ILLINOIS 60093

LIEDERBACH & GRAHAM, ARCHITECTS LLP

500 NORTH WELLS STREET
CHICAGO, ILLINOIS 60654

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① EXISTING SECOND FLOOR
N.T.S.

VARIATION
02-09-2022

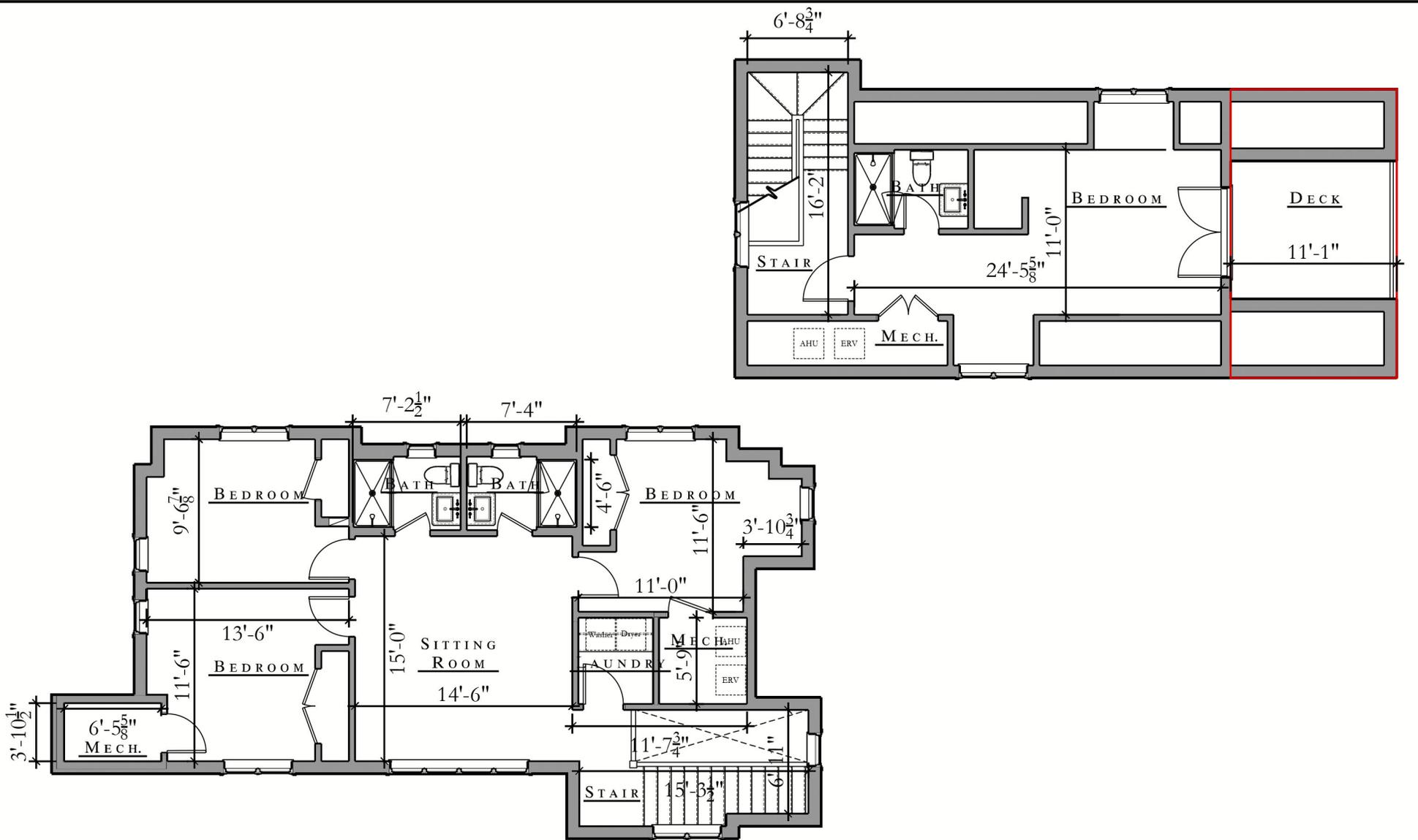
RAPP - NOVAK RESIDENCE

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LIEDERBACH & GRAHAM, ARCHITECTS LLP
500 NORTH WELLS STREET
CHICAGO, ILLINOIS 60654

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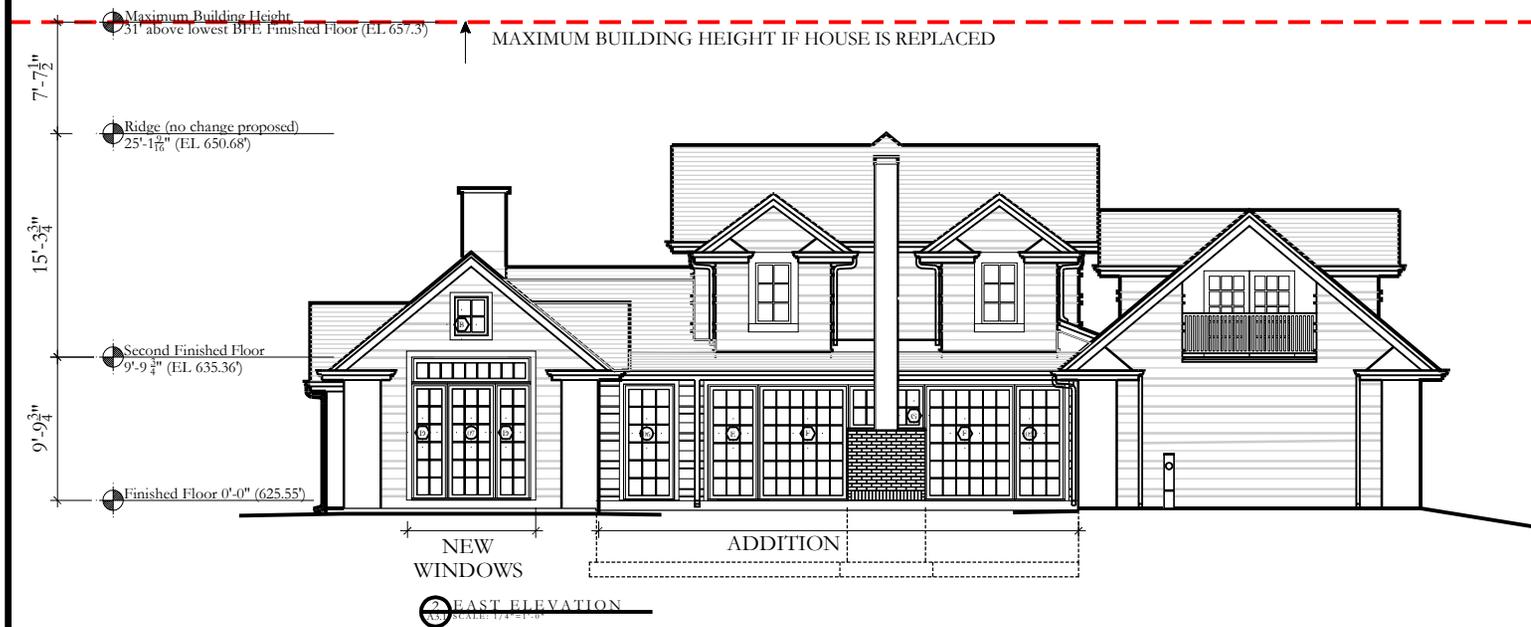
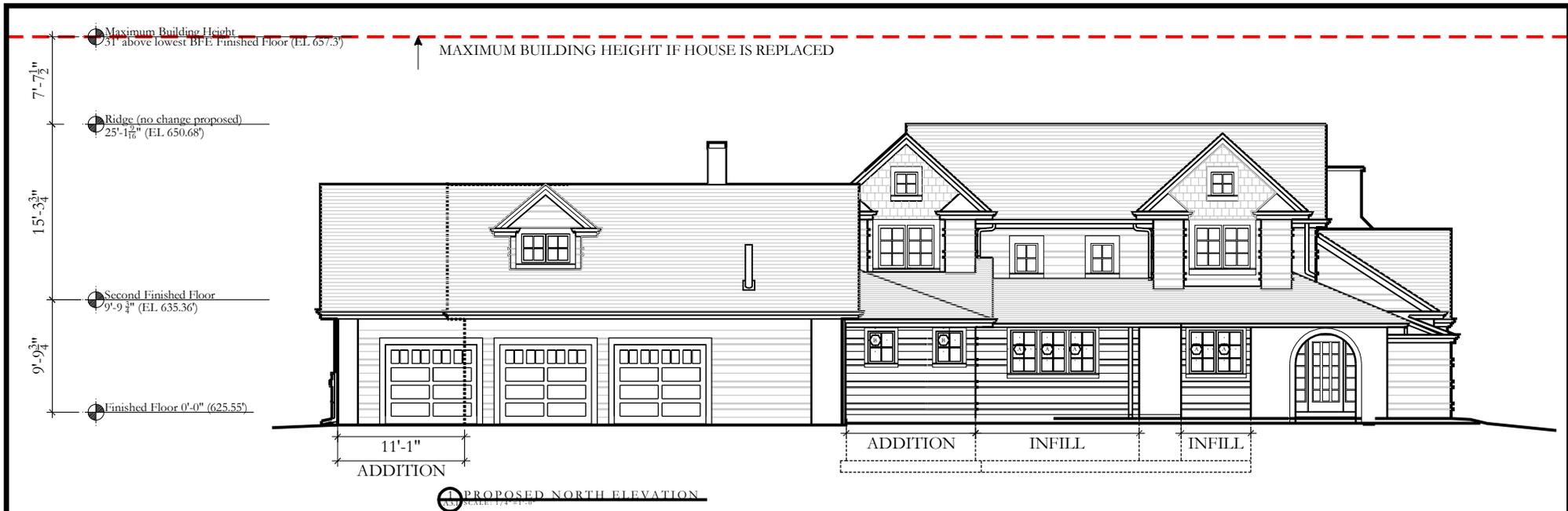
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VARIATION
02-09-2022

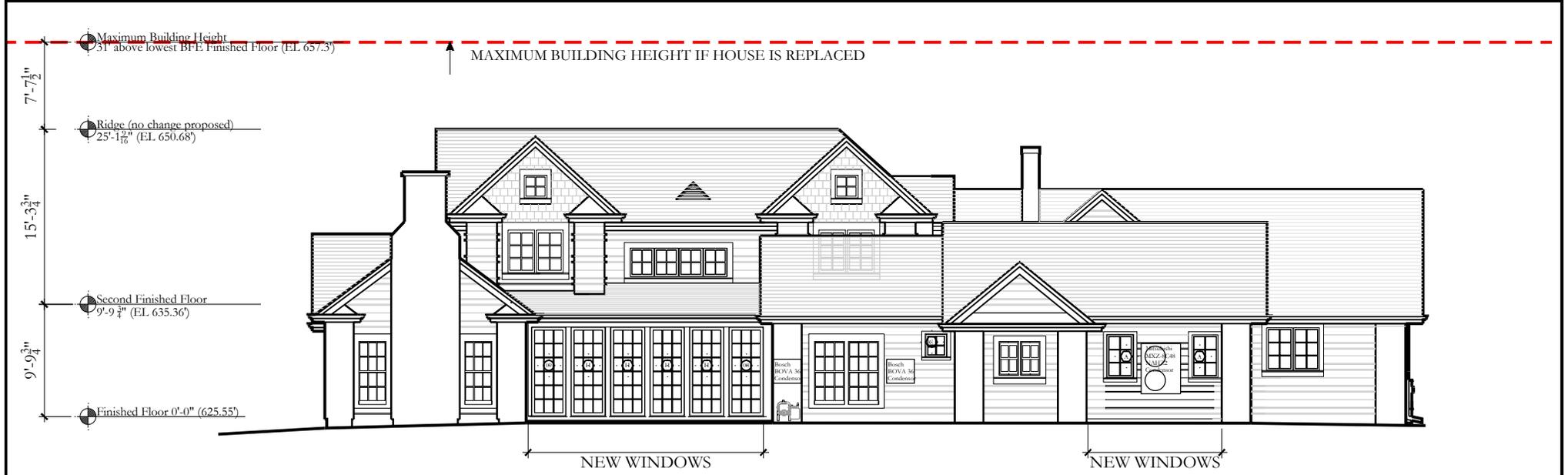
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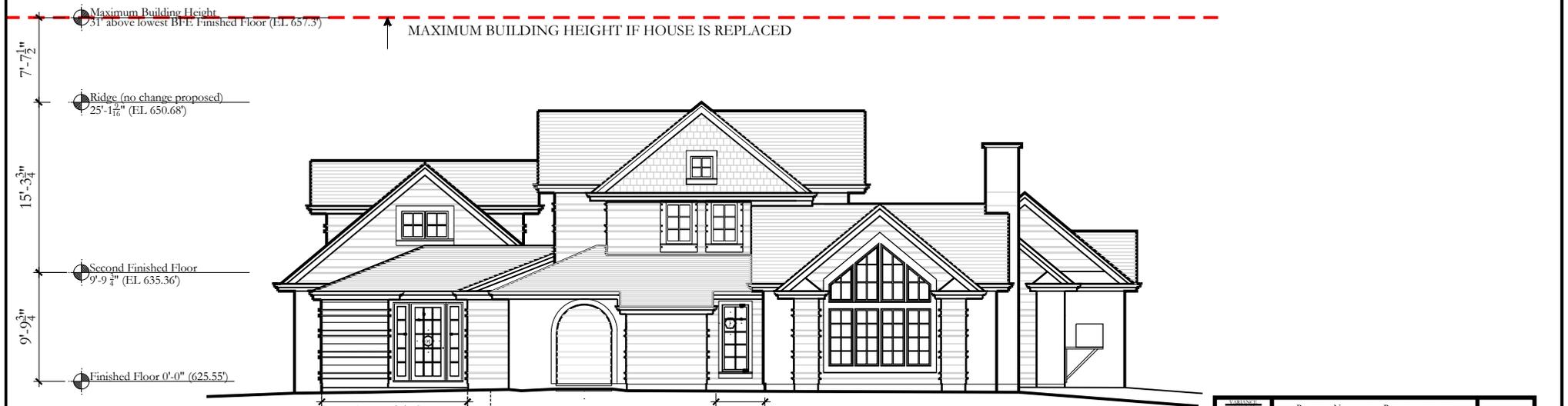
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<ul style="list-style-type: none"> _____ _____ _____ _____ _____ 	<p>RAPP-NOVAK RESIDENCE 379 ROSEWOOD AVENUE WINNETKA, ILLINOIS 60093</p> <p>LIEDERBACH & GRAHAM ARCHITECTS LLP 260 NORTH WELLS STREET CHICAGO, ILLINOIS 60610</p> <p>© 2015 LIEDERBACH & GRAHAM ARCHITECTS LLP</p>	<p>A-3.1</p>
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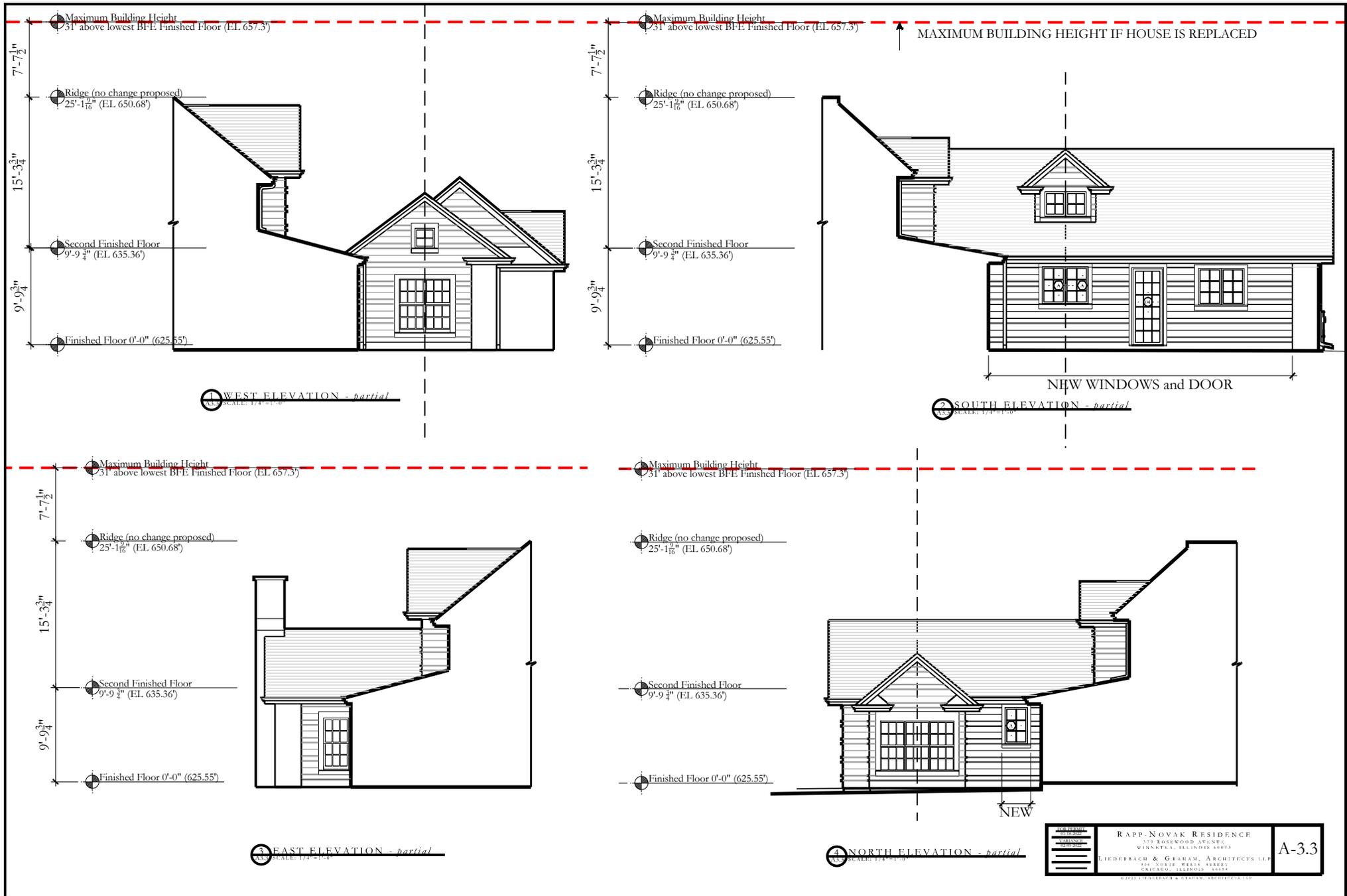


PROPOSED SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



PROPOSED WEST ELEVATION
SCALE: 1/4" = 1'-0"

	RAPP-NOVAK RESIDENCE	A-3.2
	275 ROSEWOOD AVENUE WINNETKA, ILLINOIS 60093	
	LIEDERBACH & GRAHAM, ARCHITECTS LLP	
	100 NORTH WELLS STREET CHICAGO, ILLINOIS 60604	



<ul style="list-style-type: none"> PREPARED BY DESIGNED BY DRAWN BY CHECKED BY DATE 	<p>RAPP-NOVAK RESIDENCE 379 ROSEWOOD AVENUE WINNETKA, ILLINOIS 60093</p> <p>LIEDERBACH & GRAHAM, ARCHITECTS LLP 100 SOUTH WELLS STREET CHICAGO, ILLINOIS 60604</p> <p><small>© 2017 LIEDERBACH & GRAHAM, ARCHITECTS LLP</small></p>	<p>A-3.3</p>
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1 EXISTING EAST ELEVATION
A-3.4 SCALE: 1/8"=1'-0"



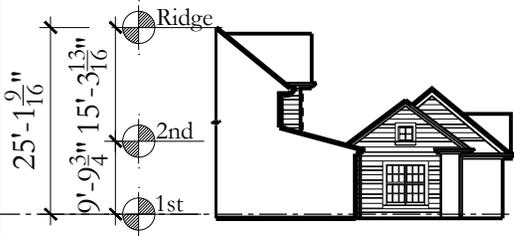
2 EXISTING WEST ELEVATION
A-3.4 SCALE: 1/8"=1'-0"



3 EXISTING NORTH ELEVATION
A-3.4 SCALE: 1/8"=1'-0"



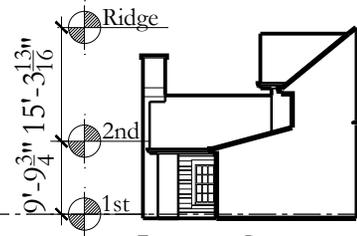
4 EXISTING SOUTH ELEVATION
A-3.4 SCALE: 1/8"=1'-0"



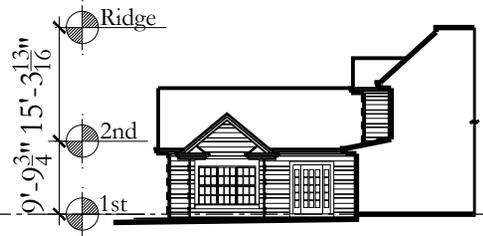
5 EXISTING MAIN CLOSET WEST ELEVATION
A-3.4 SCALE: 1/8"=1'-0"



6 EXISTING SOUTH GARAGE ELEVATION
A-3.4 SCALE: 1/8"=1'-0"



7 EXISTING PARTIAL EAST ELEVATION
A-3.4 SCALE: 1/8"=1'-0"



8 EXISTING PARTIAL NORTH ELEVATION
A-3.4 SCALE: 1/8"=1'-0"

	<p>RAPP-NOVAK RESIDENCE 375 ROSEWOOD AVENUE WINNETKA, ILLINOIS 60093</p> <p>LIEDERBACH & GRAHAM, ARCHITECTS LLP 101 SOUTH WELLS STREET CHICAGO, ILLINOIS 60604</p> <p>©2017 LIEDERBACH & GRAHAM, ARCHITECTS LLP</p>	<p>A-3.4</p>
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ATTACHMENT C
RESOLUTION NO. ZBA-03-2022
VILLAGE OF WINNETKA
ZONING BOARD OF APPEALS
APPROVAL OF ZBA CASE NO. 22-10-V – 379 ROSEWOOD AVENUE

WHEREAS, 379 Rosewood Avenue, LLC, an Illinois limited liability company (the “Applicant”) is the owner of the property commonly known as 379 Rosewood Avenue, 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-5 Single Family Residential District; and

WHEREAS, the Subject Property is improved with a single family residence with an attached garage that is nonconforming with respect to (i) the minimum required side yard setback from the north property line; (ii) the required total side yard setback; and (iii) the required building line articulation (“**Building**”); and

WHEREAS, the Applicant currently has under construction additions to the existing home and is now requesting approval of the following zoning variations to allow retention of the third garage bay of the Building’s existing attached garage (the “Retained Garage Bay”), which is to be removed as part of the recently approved building permit that is under construction, and the retention of the Retained Garage Bay on the Subject Property would (i) exceed the maximum permitted roofed lot coverage; (ii) provide less than the minimum required side yard setback from the north property line; (iii) provide less than the required total side yard setback; and (iv) have an unarticulated north side building wall more than 40 feet in length; (“**Proposed Improvement**”); and

WHEREAS, pursuant to Section 17.30.030 of the Winnetka Zoning Ordinance (“**Zoning Ordinance**”), the Subject Property is permitted a maximum roofed lot coverage of 3,978 square feet; and

WHEREAS, pursuant to Section 17.30.060 of the Zoning Ordinance, the Subject Property is required to provide a minimum side yard setback of at least 12 feet; and

WHEREAS, pursuant to Section 17.30.060 of the Zoning Ordinance, the Subject Property is required to provide a total side yard setback of at least 31.82 feet; and

WHEREAS, pursuant to Section 17.30.090 of the Zoning Ordinance, the Subject Property is required to provide articulation if any of the side building walls is at least 40 feet long; and

WHEREAS, the Applicant desires to construct the Proposed Improvement on the Subject Property with (i) a roofed lot coverage that exceeds the maximum permitted of 3,978 square feet, a violation of Section 17.30.030 of the Zoning Ordinance; (ii) a minimum side yard setback that is less than the required 12 feet, a violation of Section 17.30.060 of the Zoning Ordinance; (iii) a total side yard setback that is less than the required 31.82 feet, a violation of Section 17.30.060 of the Zoning Ordinance; and (iv) an unarticulated north side building wall that is more than 40 feet long, a violation of Section 17.30.090 of the Zoning Ordinance; and

WHEREAS, the Applicant filed an application for variations from Section 17.30.030, Section 17.30.060, and Section 17.30.090 of the Zoning Ordinance to permit the Proposed Improvement on the Subject Property with (i) a roofed lot coverage of 4,213.05 square feet; (ii) a north side yard setback of 11.76 feet; (iii) a total side yard setback of 31.23 feet; and (iv) an unarticulated north side building wall 44.53 feet in length ("**Requested Variations**"); and

WHEREAS, a public notice for the Requested Variations was duly published on February 24, 2022, 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, a public hearing was held by the Winnetka Zoning Board of Appeals during a meeting held on March 14, 2022, for the purpose of considering the Requested Variations with the final decision being rendered at the Zoning Board of Appeal's Regular Meeting on March 14, 2022; 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 February 9, 2022, 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 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 it will serve and be in the best interest of the Village and its residents to grant the application for (i) the roofed lot coverage variation; (ii) the minimum side yard setback variation; (iii) the total side yard setback variation; and (iv) the building line articulation 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 VARIATIONS. Subject to and contingent upon the conditions, restrictions, and provisions set forth in Section Three of this Resolution, the requested (i) roofed lot coverage variation from Section 17.30.030 of the Zoning Ordinance; (ii) minimum side yard setback variation from Section 17.30.060 of the Zoning Ordinance; (iii) total side yard setback variation from Section 17.30.060 of the Zoning Ordinance; and (iv) building line articulation variation from Section 17.30.090 of the Zoning Ordinance to permit the Proposed Improvement 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 its 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 roofed lot coverage requirement set forth in Section 17.30.030 of the Winnetka Zoning Ordinance; (ii) the minimum side yard setback requirement set forth in Section 17.30.060 of the Winnetka Zoning Ordinance; (iii) the total side yard setback requirement set forth in Section 17.30.060 of the Winnetka Zoning Ordinance; and (iv) the building line articulation requirement set forth in Section 17.30.090 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:
- B. Passage by the Zoning Board of Appeals in the manner required by law; and
- C. 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.

D. In the event that the Applicant does not file fully executed copies of the Unconditional Agreement and Consent, as required by Section 7.C of this Resolution, within 60 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 14th day of March, 2022, 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

Lot 2 in Rempert's Resubdivision of that part, lying South of the Alley, of the West 150.0 Feet of the South Half of Block 12 in Groveland Addition to Winnetka, being a subdivision of the East 70.0 Acres of the Northwest Quarter of Section 20, Township 42 North, Range 13 East of the Third Principal Meridian, according to the Plat of Rempert's Subdivision registered in the Office of the Registrar of Titles of Cook County, Illinois, February 10, 1976 as Document Number 2854336, in Cook County, Illinois.

Commonly known as 379 Rosewood Avenue, Winnetka, Illinois.

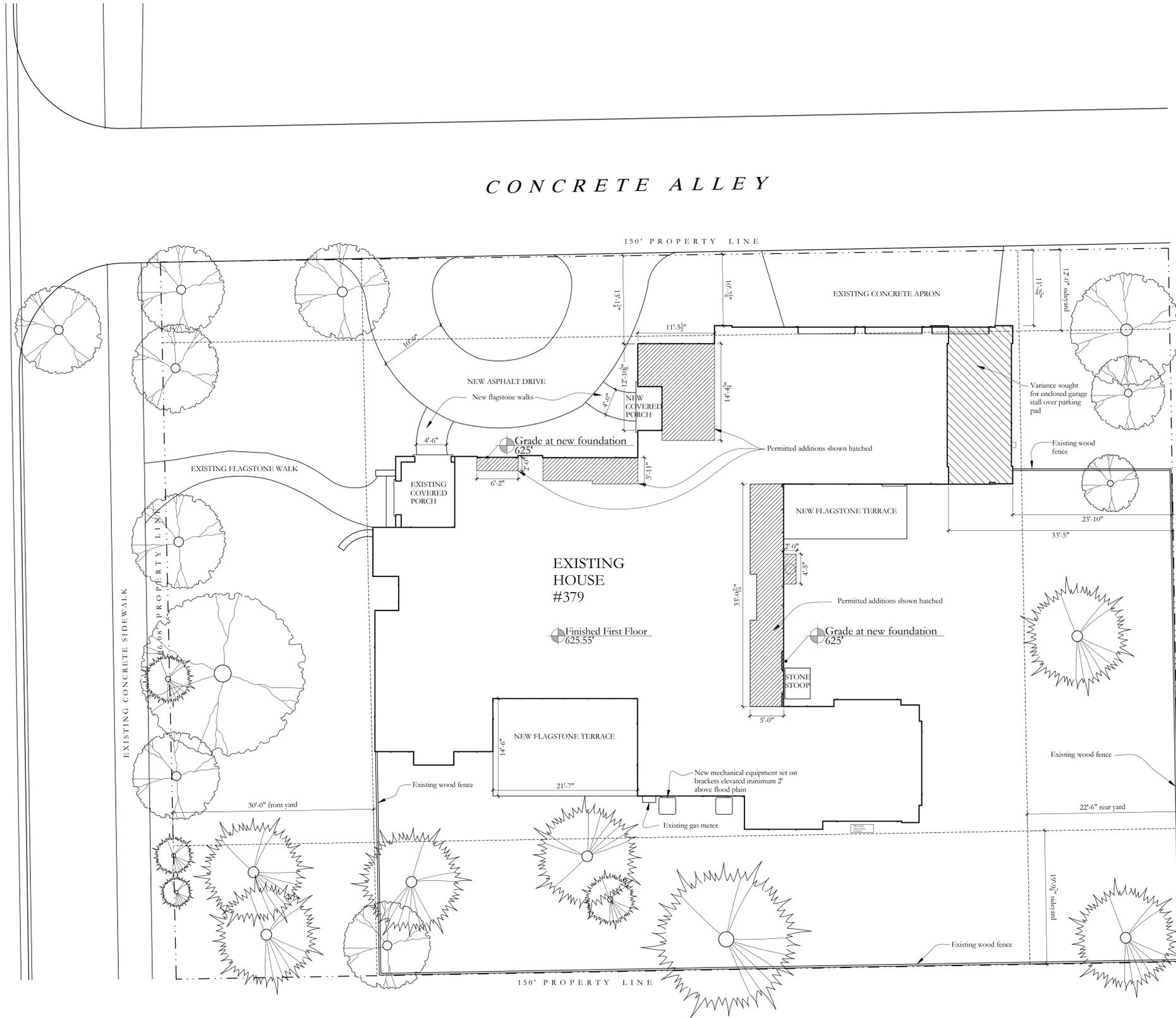
Parcel Index Number: 05-20-122-021-0000

EXHIBIT B
PLANS

(SEE ATTACHED EXHIBIT B)

ROSEWOOD AVENUE

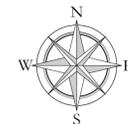
CONCRETE ALLEY



VILLAGE OF WINNETKA - ZONING NOTES:

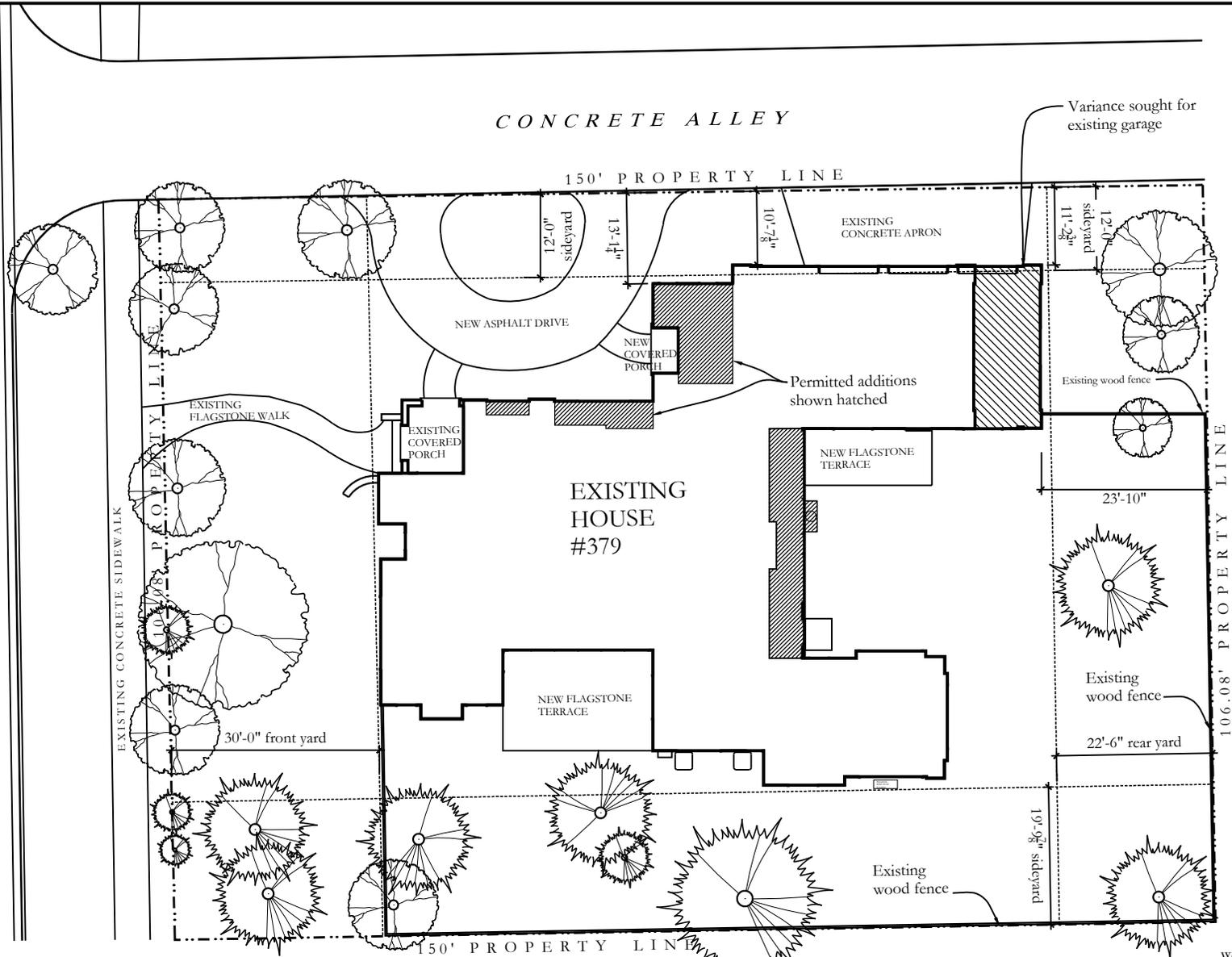
- Zoning District R-5
- 17.30.050 Front and Corner Yard Setbacks
R-5 30 feet
- 17.30.060 Side Yard Setback
Average lot width = 106.08' > 100' Side Yard is 30% of average lot width
A. Minimum Side yard setback 12 feet
B. Minimum Sum of Setbacks of Both Yards = 30% of average lot width
106.08' x .3 = 31.82' 12feet + 19.82'
- 17.30.070 Rear Yard Setback
A. Required Rear Yard Setback in R-5
15% of the lot depth, but not less than 10 ft. nor more than 25 ft.
Lot Depth 150' 150' x 15% = 22.5'
- None of the proposed additions encroach on required setbacks.
- 17.30.080 Height of Buildings and Structures
E. Maximum Building Height in R-5 31 feet
- No change proposed to existing Ridge height of 25'- 8 1/4"

1 PROPOSED SITE PLAN
A-1.1 SCALE: 1/8"=1'-0"



VARIANCE 02-09-2025	RAPP-NOVAK RESIDENCE 379 ROSEWOOD AVENUE WINNETKA, ILLINOIS 60093	A-1.1
	LIEDERBACH & GRAHAM, ARCHITECTS LLP 300 NORTH WELLS STREET CHICAGO, ILLINOIS 60654	

ROSEWOOD AVENUE



1 PROPOSED SITE PLAN
A-1.1 N.T.S.

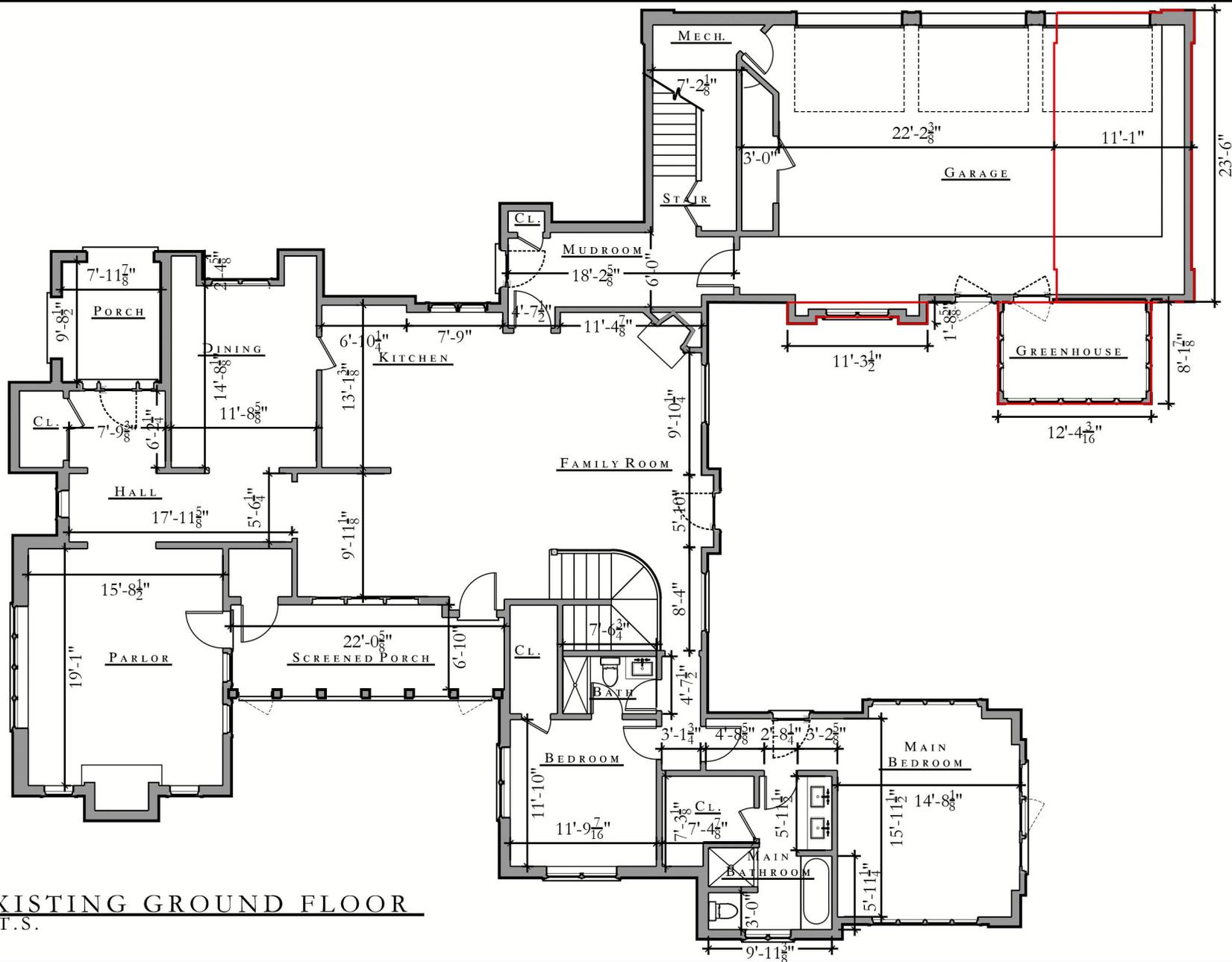
RAPP - NOVAK RESIDENCE

379 ROSEWOOD AVENUE
WINNETKA, ILLINOIS 60093

LIEDERBACH & GRAHAM, ARCHITECTS LLP

500 NORTH WELLS STREET
CHICAGO, ILLINOIS 60654

1
S.1



① EXISTING GROUND FLOOR
N.T.S.

VARIATION
02-09-2022

RAPP - NOVAK RESIDENCE

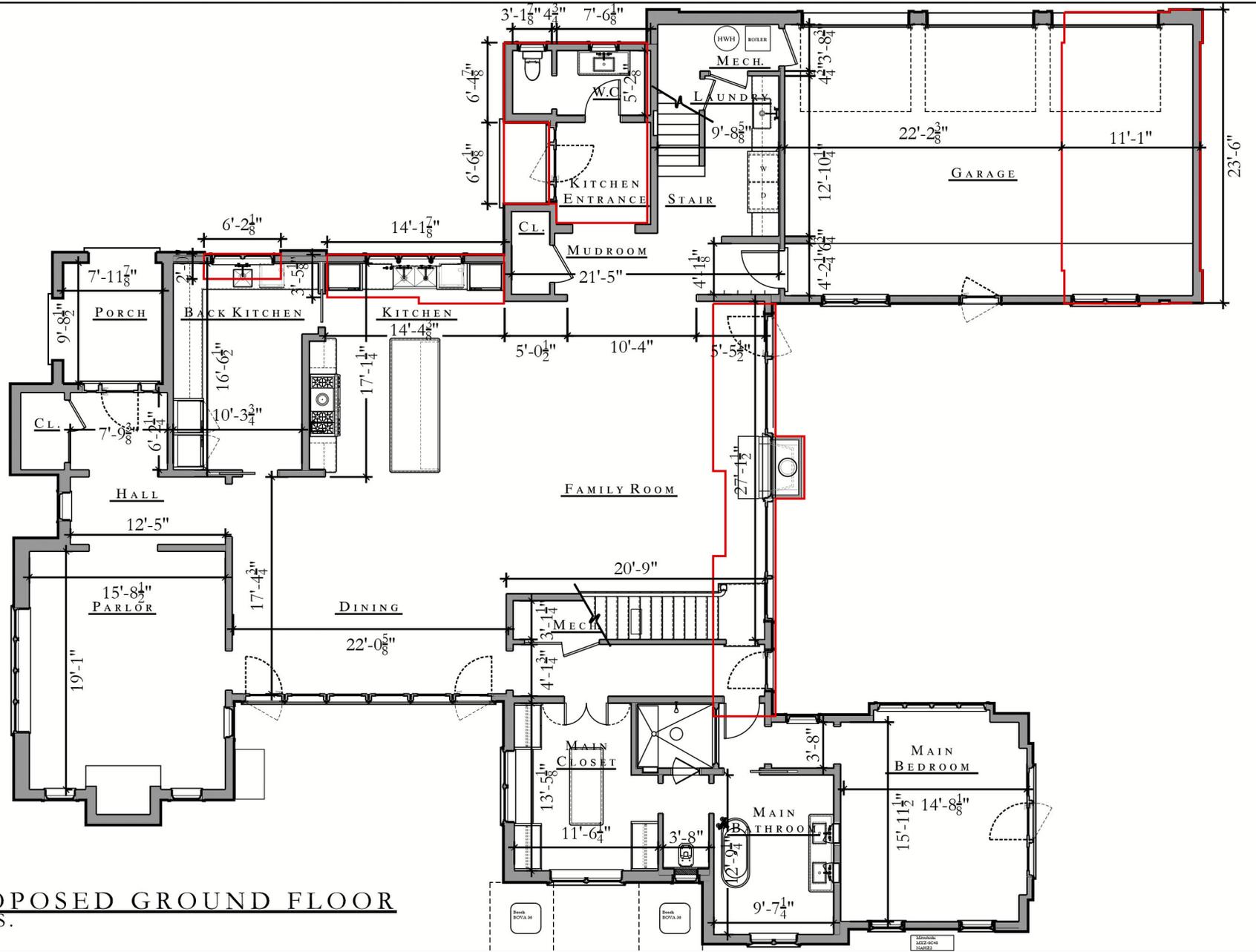
379 ROSEWOOD AVENUE
WINNETKA, ILLINOIS 60093

LIEDERBACH & GRAHAM, ARCHITECTS LLP

500 NORTH WELLS STREET
CHICAGO, ILLINOIS 60654

A

2.1



② PROPOSED GROUND FLOOR
N.T.S.

VARIATION
02-09-2022

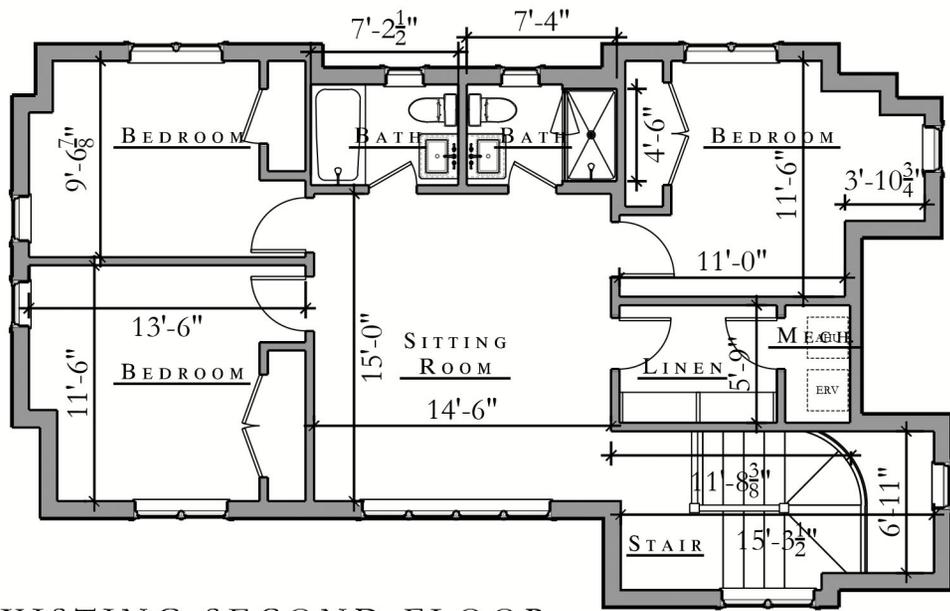
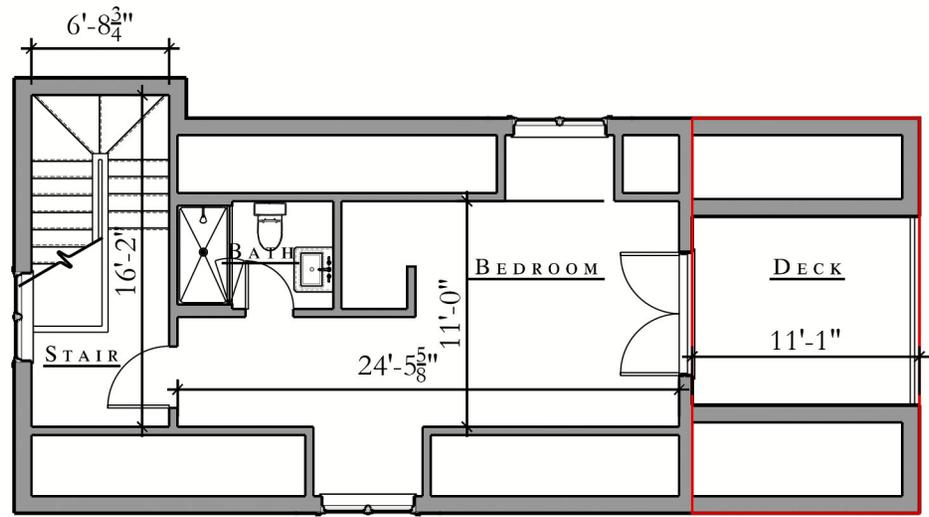
RAPP - NOVAK RESIDENCE

379 ROSEWOOD AVENUE
WINNETKA, ILLINOIS 60093

LIEDERBACH & GRAHAM, ARCHITECTS LLP

500 NORTH WELLS STREET
CHICAGO, ILLINOIS 60654

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2.1



① EXISTING SECOND FLOOR
N.T.S.

VARIATION
02-09-2022

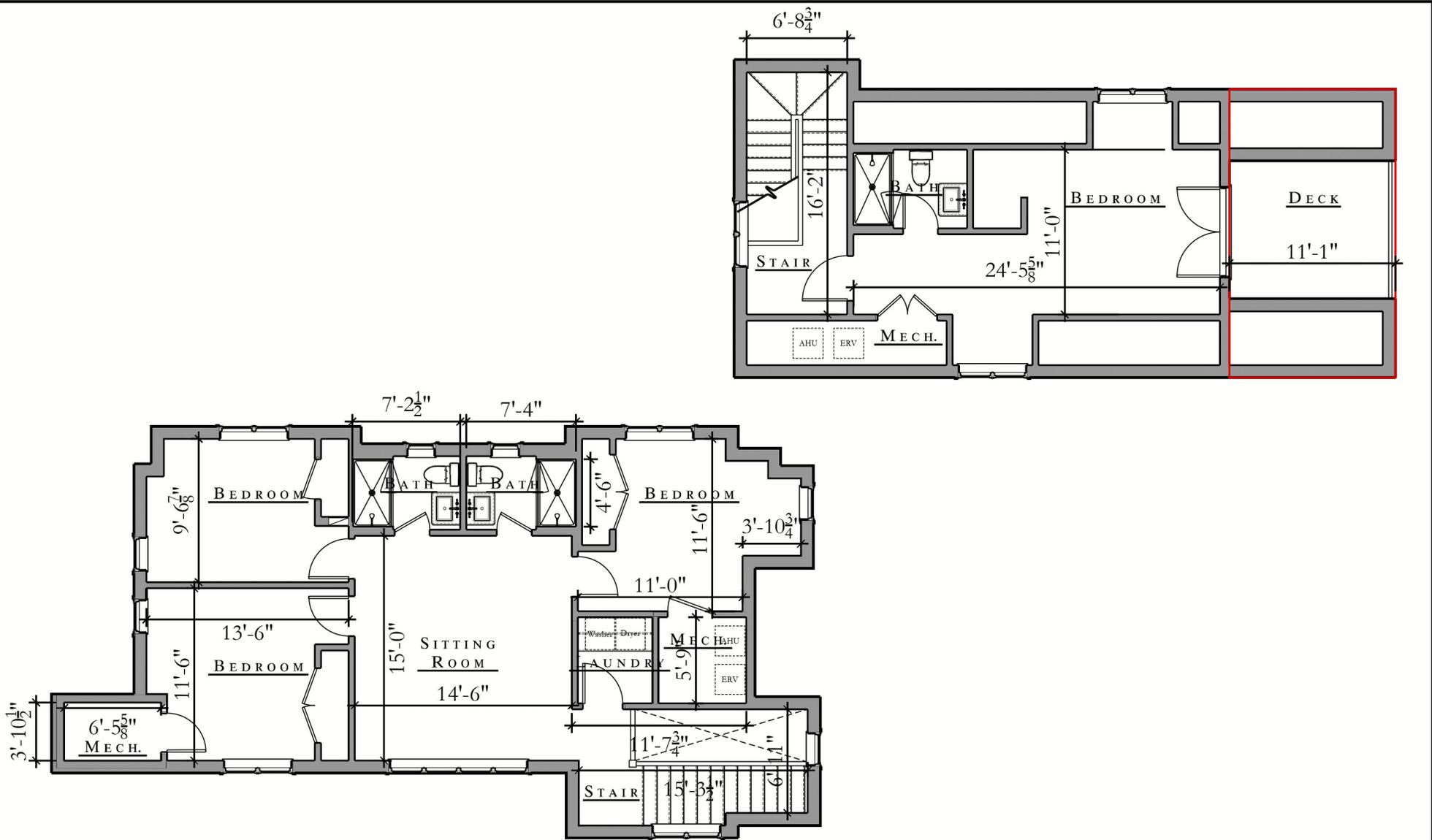
RAPP - NOVAK RESIDENCE

379 ROSEWOOD AVENUE
WINNETKA, ILLINOIS 60093

LIEDERBACH & GRAHAM, ARCHITECTS LLP
500 NORTH WELLS STREET
CHICAGO, ILLINOIS 60654

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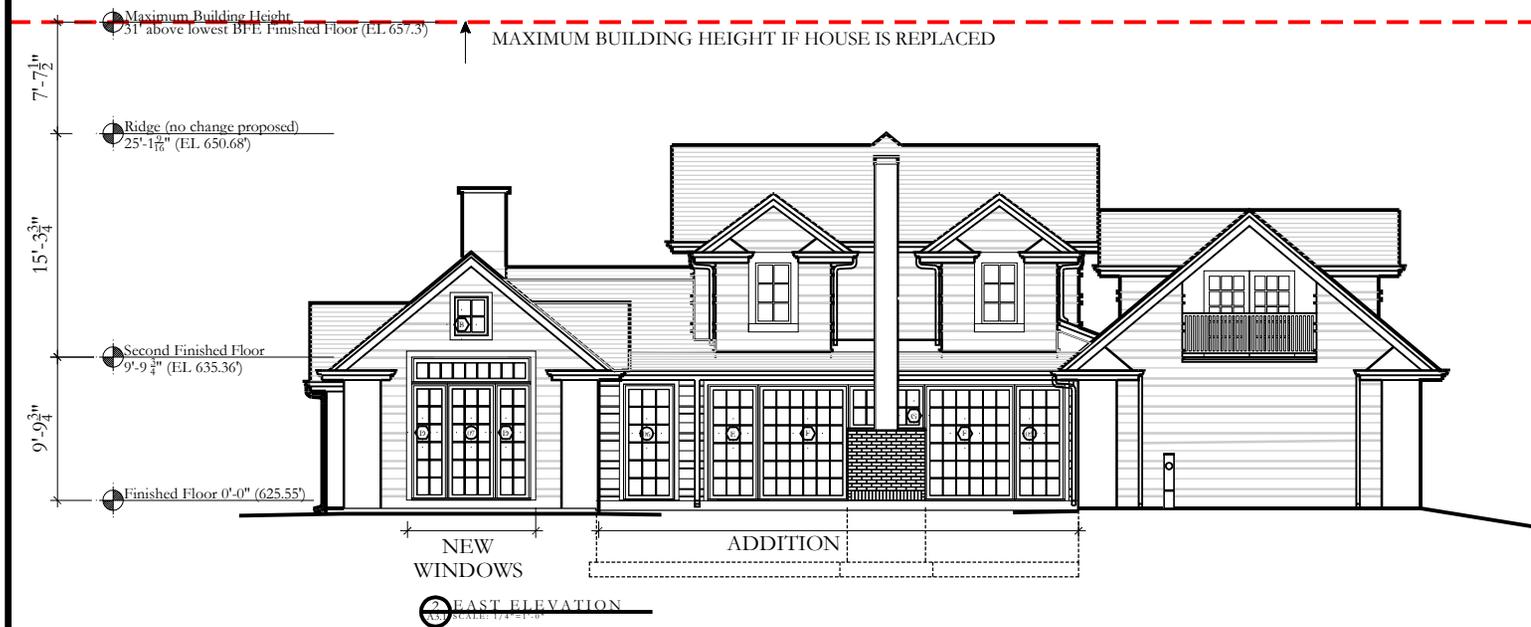
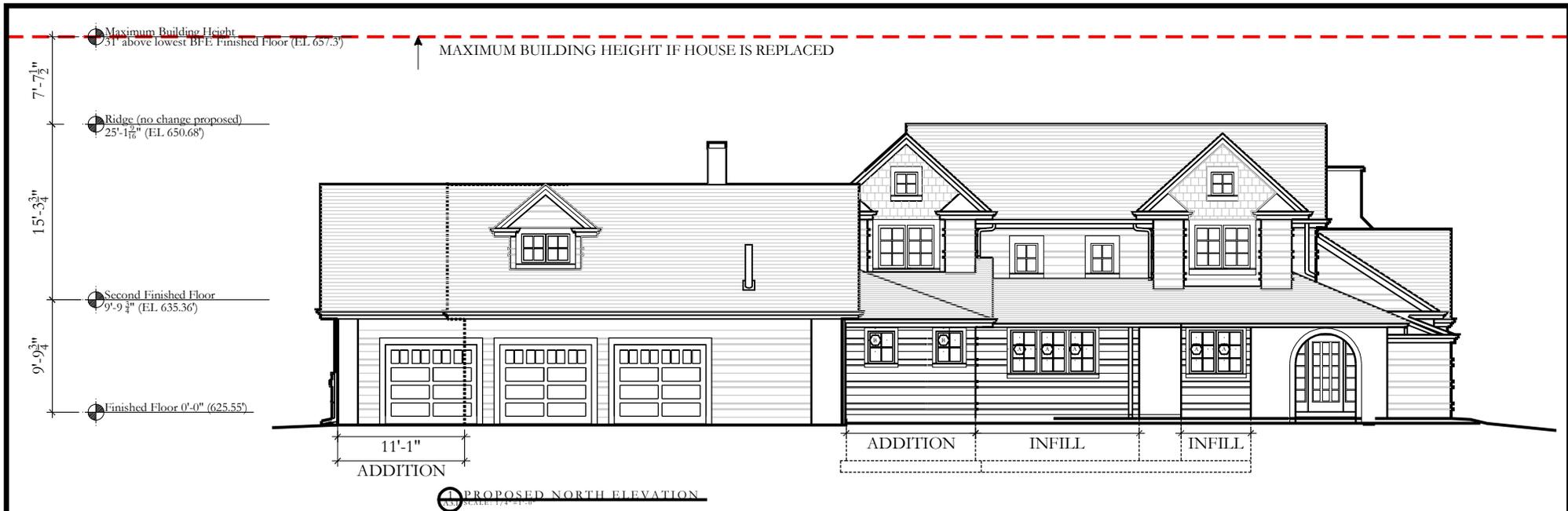
2 PROPOSED SECOND FLOOR
N.T.S.

VARIATION
02-09-2022

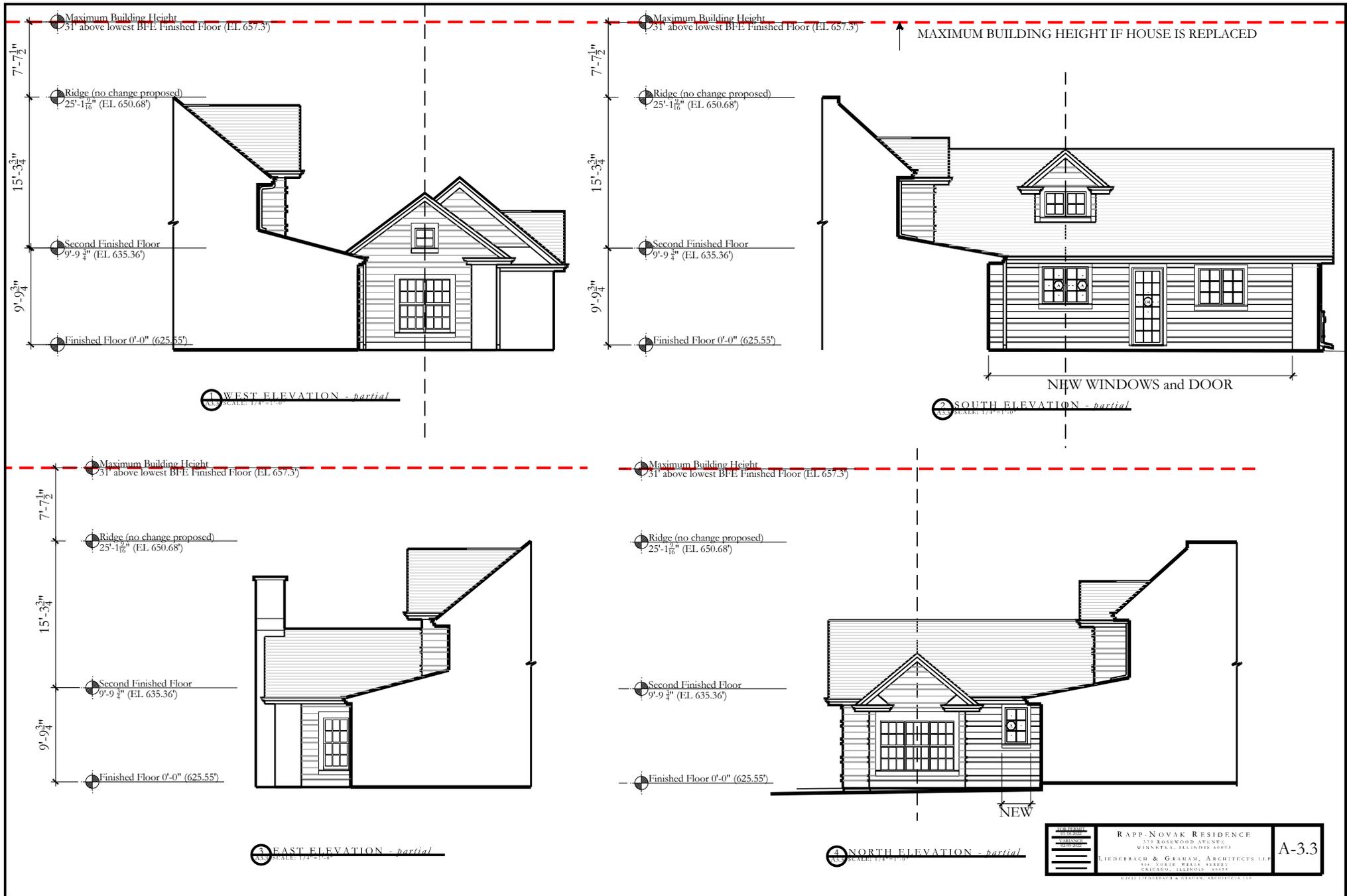
RAPP - NOVAK RESIDENCE
 379 ROSEWOOD AVENUE
 WINNETKA, ILLINOIS 60093
LIEDERBACH & GRAHAM, ARCHITECTS LLP
 500 NORTH WELLS STREET
 CHICAGO, ILLINOIS 60654

A

2.2



<ul style="list-style-type: none"> _____ _____ _____ _____ _____ 	<p>RAPP-NOVAK RESIDENCE 379 ROSEWOOD AVENUE WINNETKA, ILLINOIS 60093</p> <p>LIEDERBACH & GRAHAM, ARCHITECTS LLP 260 NORTH WELLS STREET CHICAGO, ILLINOIS 60610</p> <p>© 2012 LIEDERBACH & GRAHAM, ARCHITECTS LLP</p>	<p>A-3.1</p>
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1 EXISTING EAST ELEVATION
A-3.4 SCALE: 1/8"=1'-0"



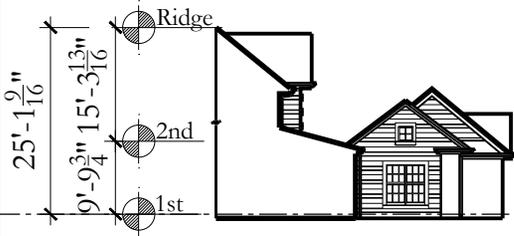
2 EXISTING WEST ELEVATION
A-3.4 SCALE: 1/8"=1'-0"



3 EXISTING NORTH ELEVATION
A-3.4 SCALE: 1/8"=1'-0"



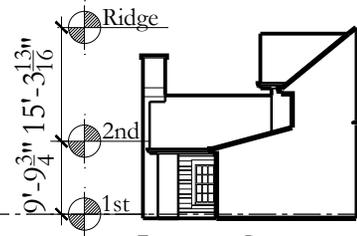
4 EXISTING SOUTH ELEVATION
A-3.4 SCALE: 1/8"=1'-0"



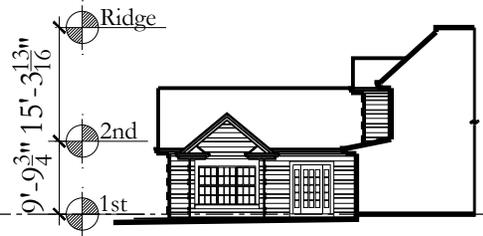
5 EXISTING MAIN CLOSET WEST ELEVATION
A-3.4 SCALE: 1/8"=1'-0"



6 EXISTING SOUTH GARAGE ELEVATION
A-3.4 SCALE: 1/8"=1'-0"



7 EXISTING PARTIAL EAST ELEVATION
A-3.4 SCALE: 1/8"=1'-0"



8 EXISTING PARTIAL NORTH ELEVATION
A-3.4 SCALE: 1/8"=1'-0"

<ul style="list-style-type: none"> REVISIONS DATE BY CHKD APPD 	<p>RAPP-NOVAK RESIDENCE 270 ROOSEVELT AVENUE WINNETKA, ILLINOIS 60093</p> <p>LIEDERBACH & GRAHAM, ARCHITECTS LLP 101 SOUTH WELLS STREET CHICAGO, ILLINOIS 60604</p> <p>©2012 LIEDERBACH & GRAHAM, ARCHITECTS LLP</p>	<p>A-3.4</p>
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EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

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

WHEREAS, 379 Rosewood Avenue, LLC, an Illinois limited liability company (the "**Owner**") is the owner of record of that certain real property located at 379 Rosewood Avenue, Winnetka, Illinois ("**Property**"); and

WHEREAS, Resolution No. ZBA-03-2022, adopted by the Winnetka Zoning Board of Appeals on March 14, 2022 ("**Resolution**"), grants variations to retain the third garage bay of the existing attached garage (the "**Retained Garage Bay**"), which is to be removed as part of the recently approved building permit that is under construction 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 Owner has filed, within 60 days following the passage of the Resolution, its 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 Owner does hereby agree and covenant as follows:

1. The Owner hereby unconditionally agrees to accept, consent to, and abide by each and all of the terms, conditions, limitations, restrictions, and provisions of the Resolution.
2. The Owner acknowledges 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 Owner acknowledges and agrees that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's 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 Owner against damage or injury of any kind and at any time.
4. The Owner hereby agrees 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: _____, 2022.

ATTEST

379 ROSEWOOD AVENUE, LLC

By: _____

By: _____

Its: _____

Its: _____

RESOLUTION NO. ZBA-03-2022
VILLAGE OF WINNETKA
ZONING BOARD OF APPEALS
DENIAL OF ZBA CASE NO. 22-10-V – 379 ROSEWOOD AVENUE

WHEREAS, 379 Rosewood Avenue, LLC, an Illinois limited liability company (the “Applicant”) is the owner of the property commonly known as 379 Rosewood Avenue, 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-5 Single Family Residential District; and

WHEREAS, the Subject Property is improved with a single family residence with an attached garage that is nonconforming with respect to (i) the minimum required side yard setback from the north property line; (ii) the required total side yard setback; and (iii) the required building line articulation (“**Building**”); and

WHEREAS, the Applicant currently has under construction additions to the existing home and is now requesting approval of the following zoning variations to allow retention of the third garage bay of the Building’s existing attached garage (the “Retained Garage Bay”), which is to be removed as part of the recently approved building permit that is under construction, and the retention of the Retained Garage Bay on the Subject Property would (i) exceed the maximum permitted roofed lot coverage; (ii) provide less than the minimum required side yard setback from the north property line; (iii) provide less than the required total side yard setback; and (iv) have an unarticulated north side building wall more than 40 feet in length; (“**Proposed Improvement**”); and

WHEREAS, pursuant to Section 17.30.030 of the Winnetka Zoning Ordinance (“**Zoning Ordinance**”), the Subject Property is permitted a maximum roofed lot coverage of 3,978 square feet; and

WHEREAS, pursuant to Section 17.30.060 of the Zoning Ordinance, the Subject Property is required to provide a minimum side yard setback of at least 12 feet; and

WHEREAS, pursuant to Section 17.30.060 of the Zoning Ordinance, the Subject Property is required to provide a total side yard setback of at least 31.82 feet; and

WHEREAS, pursuant to Section 17.30.090 of the Zoning Ordinance, the Subject Property is required to provide articulation if any of the side building walls is at least 40 feet long; and

WHEREAS, the Applicant desires to construct the Proposed Improvement on the Subject Property with (i) a roofed lot coverage that exceeds the maximum permitted of 3,978 square feet, a violation of Section 17.30.030 of the Zoning Ordinance; (ii) a minimum side yard setback that is less than the required 12 feet, a violation of Section 17.30.060 of the Zoning Ordinance; (iii) a total side yard setback that is less than the required 31.82 feet, a violation of Section 17.30.060 of the Zoning Ordinance; and (iv) an unarticulated north side building wall that is more than 40 feet long, a violation of Section 17.30.090 of the Zoning Ordinance; and

WHEREAS, the Applicant filed an application for variations from Section 17.30.030, Section 17.30.060, and Section 17.30.090 of the Zoning Ordinance to permit the Proposed Improvement on the Subject Property with (i) a roofed lot coverage of 4,213.05 square feet; (ii) a north side yard setback of 11.76 feet; (iii) a total side yard setback of 31.23 feet; and (iv) an unarticulated north side building wall 44.53 feet in length ("**Requested Variations**"); and

WHEREAS, a public notice for the Requested Variations was duly published on February 24, 2022, 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, a public hearing was held by the Winnetka Zoning Board of Appeals during a meeting held on March 14, 2022, for the purpose of considering the Requested Variations with the final decision being rendered at the Zoning Board of Appeal's Regular Meeting on March 14, 2022; 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 February 9, 2022, 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-5 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 VARIATIONS. 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.

[SIGNATURES ON FOLLOWING PAGE]

ADOPTED this 14th day of March 2022, 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

Lot 2 in Rempert's Resubdivision of that part, lying South of the Alley, of the West 150.0 Feet of the South Half of Block 12 in Groveland Addition to Winnetka, being a subdivision of the East 70.0 Acres of the Northwest Quarter of Section 20, Township 42 North, Range 13 East of the Third Principal Meridian, according to the Plat of Rempert's Subdivision registered in the Office of the Registrar of Titles of Cook County, Illinois, February 10, 1976 as Document Number 2854336, in Cook County, Illinois.

Commonly known as 379 Rosewood Avenue, Winnetka, Illinois.

Parcel Index Number: 05-20-122-021-0000