

### **Agenda Item 3**

#### **853 Oakwood Avenue Front and Side Yard Setback Variances**

Staff Report  
Vicinity Map  
Air Photos

#### Materials Submitted by Petitioner

Application  
Statement of Intent  
Plat of Survey  
Proposed Site Plan  
Proposed West Elevation  
Existing West Elevation  
Proposed South Elevation  
Existing South Elevation  
Proposed North Elevation  
Existing North Elevation  
Proposed East Elevation  
Existing East Elevation  
Proposed Floor Plans  
Proposed Roof Plan  
Proposed Rendering  
Setback Study  
Proposed Neighborhood Streetscape  
Photographs



## STAFF REPORT AND RECOMMENDATION

TO:	Chairman Nehring and members of the Zoning Board of Appeals
DATE:	November 28, 2022
FROM:	Michelle Friedrich, Planning Technician
SUBJECT:	<b><i>Front Yard and Side Yard Setback Variances</i></b>

### **OWNERS**

Oakwood Family  
Management LLC (Tom  
Swarthout, David Swarthout,  
Cynthia Luetje and James  
Swarthout  
853 Oakwood Avenue  
Lake Forest, IL 60045

### **PROPERTY LOCATION**

853 Oakwood Avenue

### **ZONING DISTRICT**

R1 – Single Family  
Residence

### **PROJECT REPRESENTATIVE**

Michael Breseman, architect

### **SUMMARY OF REQUEST**

This is a request for approval of front yard and side yard (north) setback variances to allow a second story addition to the single story element of a split level house. A new, open front porch is also proposed. The existing single family residence is located within the front yard and side yard (north) setbacks.

The property is located on the east side of Oakwood Avenue, north of Summit Place. The property is in the Green Bay Addition Subdivision which was approved in 1907. The parcel today is developed with a split-level residence which dates back to 1959, and a detached garage.

### **FACTS**

#### ***Compliance/Non-Compliance with Key Code Requirements***

- ❖ The existing house complies fully with the side (south) and rear yard setbacks.
- ❖ The existing house does not comply with the side yard setback along the north property line or the front yard setback.
- ❖ The proposed second story addition and open front porch complies fully with the side (south) and rear yard setbacks.
- ❖ The proposed second story addition and open porch require variances from the 40-foot front yard setback and 10-foot side (north) yard setback.
- ❖ The property does not meet the minimum lot width requirement in the R-1 zoning district of 75'. (The lot was created prior to this requirement.)

- ❖ The property does not meet the minimum lot size requirement of the R-1 zoning district of 9,375 square feet. (The lot was created prior to this requirement.)

***Physical, Natural or Practical Difficulties***

- ❖ The existing residence was constructed prior to the present day setback requirements and other zoning regulations.
- ❖ The Green Bay Addition Subdivision was approved by the City in 1907, prior to the City's adoption of a Zoning Code and setback requirements.

**STAFF EVALUATION**

As noted above, this property is located in the R-1 Zoning District which has a minimum lot size of 9,375 square feet and a minimum lot width of 75 feet. The parcel totals approximately 7,000 square feet and is 50 feet wide and does not meet the current minimum lot width and minimum lot size requirements. Many lots along Oakwood Avenue, in the immediate vicinity of the parcel in this request, are narrower than the minimum lot width requirement for the R-1 Zoning District because this neighbor was developed prior to current zoning regulations.

The existing residence is approximately 4' 10" from the north (side) property line at the closest point as measured from the overhang and gutter. The second story addition is proposed over the existing single story element and will encroach into the side to the same extent as the existing residence. Importantly, the proposed improvements are adjacent to the neighbor's driveway to the north, providing increased distance between the proposed second story addition and the neighboring house.

The existing residence is approximately 25 feet from the front property line and the proposed single story, open front porch extends an additional 7 feet into the front yard setback, or 18 feet from the front property line. The proposed porch is open and adds to the streetscape presence of the home and human scale of the front elevation.

The proposed second story also encroaches into the front yard, over the existing non-conforming single story element of the house. The petitioner reviewed the setbacks along this block of Oakwood Avenue and found that the front yard setback as proposed is consistent with the prevailing pattern of setbacks in this neighborhood.

The existing air conditioning unit is at the rear of the house, within the side yard setback on the north side of the home. City files do reflect a permit for the existing air conditioner. The petitioner intends to replace the unit, in the same location, approximately 7 feet from the north property line. A variance is requested to allow the air conditioner unit to be replaced at the present non-conforming condition.

The practical difficulty and hardship in adding to and updating this home in compliance with current zoning regulations is a result of approval of the subdivision prior to the adoption of the Zoning Code and construction of the home prior to the adoption of the current zoning regulations. Since the subdivision was approved and the home was constructed, the City adopted zoning requirements creating the nonconformity with respect to the setbacks. Neither the size nor configuration of the lot has changed since the subdivision was originally created in 1907.

### **FINDINGS OF FACT**

Based on review of the information submitted by the petitioners, a site visit and an analysis of this request based on applicable portions of the Zoning Code, staff submits the following findings.

1. The requested front yard and side yard (north) setback variances will not alter the essential character of the neighborhood. The proposed second story addition over an existing one-story element of the house, and the addition of an open front porch, and replacement of the air conditioner unit within the side yard setback are generally compatible with the surrounding neighborhood.
2. The conditions upon which the variances are requested, including the City's adoption of a Zoning Code after the property was created through a subdivision in the early 1900's and construction of the house in 1959 in conformance with the zoning regulations that were in place at that time, are generally unique to this neighborhood and to this property and are not generally applicable to other properties in the same zoning district throughout the City.
3. The existing residence does not conform to the current 40-foot front yard or 10-foot side yard (north) setback requirements. The hardship in conforming to the required setback is the result of changes to the applicable regulations over time.
4. The variance and the resulting modifications will not impair light or ventilation to adjacent properties, increase congestion, endanger public safety, or diminish property values. The proposed improvements, additions and replacement, are intended to upgrade the home and the front porch will be open in character.

### **PUBLIC COMMENT**

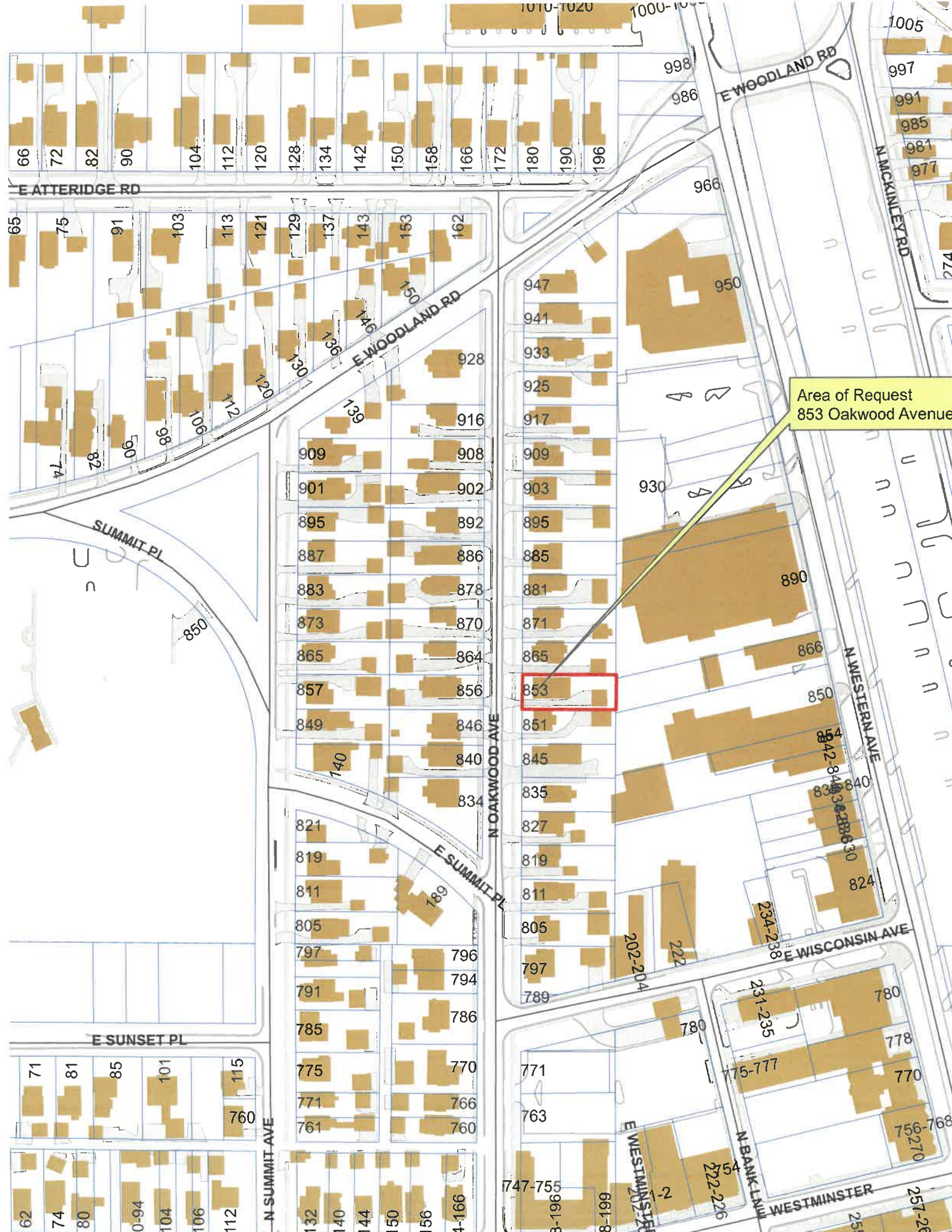
Standard public notice of this request was provided by the City to surrounding property owners. Notice was also provided in the Lake Forester and the agenda was posted at five public locations. As of the date of this writing, no correspondence or contacts pertaining to this request were received.

### **RECOMMENDATION**

Based on the findings presented above, recommend approval to the City Council of:

- A front yard variance to allow a second story addition over the existing single story portion of the house and the addition of a single story open front porch both no closer than 18' to the front (west) property line.
- A side yard variance to allow a second story addition over the existing single story portion of the house and the addition of a single story, open front porch both no closer than 4'10" to the side (north) property line.
- A side yard variance to allow a replacement air conditioner unit to be located no closer than 7' to the side (north) property line.

All consistent with the site plan submitted to the Board.



Area of Request  
853 Oakwood Avenue

853

E ATTERIDGE RD

E WOODLAND RD

SUMMIT PL

E SUNSET PL

E WOODLAND RD

N OAKWOOD AVE

E SUMMIT PL

N SUMMIT AVE

E WESTMINSTER

E WISCONSIN AVE

N BANK LN

WESTMINSTER

N MCKINLEY RD



Area of Request  
853 Oakwood Avenue



Area of Request  
853 Oakwood Avenue



THE CITY OF LAKE FOREST  
ZONING BOARD OF APPEALS APPLICATION OF ZONING VARIANCE

PROJECT ADDRESS 853 OAKWOOD AVENUE

ZONING DISTRICT R-1

Property Owner (s)

Name OAKWOOD FAMILY MANAGEMENT LLC

(may be different from project address)

Address 874 OAKWOOD AVE LAKE FOREST IL 60045

Phone 847 987-8962 Fax N/A

Email TOWNSHOUT@HIGHVIEWGROUP.LTD.COM

Applicant/Representative

Name MICHAEL E. BRESEMAN ARCHITECTS LTD

Title PRESIDENT

(if different from Property Owner)

Address 2911 FAWN TRAIL CT. PRAIRIE GROVE IL 6012

Phone 847 845-4000 Fax N/A

Email \_\_\_\_\_


Beneficial Interests

- Corporation  See Exhibit A
- Partnership  See Exhibit B
- Trust, land or other  See Exhibit C

Staff Reports are Available the Friday before the Meeting				
Email Report:	Owner	<input checked="" type="checkbox"/>	Representative	<input checked="" type="checkbox"/>
Fax Report:	Owner	<input type="checkbox"/>	Representative	<input type="checkbox"/>
Pick Up Report:	Owner	<input type="checkbox"/>	Representative	<input type="checkbox"/>

Signatures

I have read the complete application packet and understand the variance process and criteria. I understand that this matter will be scheduled for a public hearing when a determination has been made that my application is complete.

  
Owner

10/25/22  
Date

  
Applicant/Representative

\_\_\_\_\_  
Date  
10/21/22  
Date

# PARTNERSHIP OWNERSHIP (EXHIBIT B)

Please list all partners, general and/or limited, with an individual or beneficial interest of 5% or greater.

Name <u>TOM SWARTZOUT</u>	Name <u>DAVID SWARTZOUT</u>
Address <u>987 MAPLEWOOD LF IL</u>	Address <u>835 OAKWOOD AVE LF IL</u>
Ownership Percentage <u>25</u> %	Ownership Percentage <u>25</u> %

Name <u>CYNTHIA LUETJE</u>	Name <u>JAMES SWARTZOUT</u>
Address <u>834 OAKWOOD AVE IL LF</u>	Address <u>10265 N. RIVER RD. ACQUINQUIN, IL</u>
Ownership Percentage <u>25</u> %	Ownership Percentage <u>25</u> %

Name _____	Name _____
Address _____	Address _____
Ownership Percentage _____ %	Ownership Percentage _____ %

Name _____	Name _____
Address _____	Address _____
Ownership Percentage _____ %	Ownership Percentage _____ %

Name _____	Name _____
Address _____	Address _____
Ownership Percentage _____ %	Ownership Percentage _____ %



## STATEMENT OF INTENT

Michael E. Breseman Architects, Ltd., are requesting front and side yard setback variances for a porch and second floor addition, at 853 Oakwood Avenue Lake Forest, Illinois. The home was purchased this October by the Oakwood Family Management Tom and Dave Swarthout.

### **Property Home History:**

The property was plated on October 14<sup>th</sup>, 1907. The home was built in the 1959 and split-level design is in keeping with the popular housing type of the time.

### **Zoning Request:**

Our lot which is 7,000 SF is within the R-1 zoning. The side yard setback lines are 10', front yard setback is 40', and the rear yard setback is 35'. The existing structure with the gutter and 2' overhang is approximately 4'-10" from the north property line. The original front setback was 25'-0" when the home was built. The existing building face is currently 25'-1" from the front property line.

We are requesting a zoning variance which would allow the new second floor addition with overhang and gutter to be within 4'-10" of the side yard property line. This dimension with the existing nonconformity of the original structure. We are also requesting a front yard setback variation for new second floor addition which matches the existing structure's nonconformity. And finally, we are requesting a front yard setback variation for the new open porch roof overhang to be within 18'-0" from the front setback line.

### **Hardship:**

As can be seen on the site plan, the existing home was positioned to account for the setbacks at the time, which was a 25' front yard setback. The overlaying of the current zoning requirements on the property creates the hardship we see today.



### **Project needs:**

- Add a second-floor addition to allow the home to have a true but efficient master suite – bedroom, bath and closet.
- Add a front porch to provide a connection between the home and the streetscape.
- Update the existing current structure by replacing all existing windows in current masonry openings, replace aluminum soffits and trim, and refreshing the roof with new architectural grade asphalt shingles.
- The original framed garage which has a different style to the 60's home will be cleaned up and painted. The proposed changes to the home will now be more aligned and consistent with this structure.

### **Mitigating factors:**

The front yard setback requested for the addition on the home is the same as the existing nonconformities of the original structure. Also, seven of the twenty-two properties have houses closer to the street than this property.

The side yard setback requested for the addition on the home is the same as the existing nonconformities of the original structure. Also, almost all of the properties are about six feet from the north property lines with larger side yards to the south for driveways.

The front porch addition is in keeping with the neighborhood and specifically the east side of Oakwood Avenue. As per the front setback chart provided in the packet there six homes which currently have similar setbacks to the front property line, with one porch as close as 16'-6" (property U).

The height of the proposed addition is five to six feet lower than the adjoining properties - see the streetscape drawing in the packet.



**Standards for variance:**

**Standard #1**

The proposed addition will not alter the essential character of the neighborhood because the setbacks are currently in context with the neighborhood. Also, a vast number of homes on the Eastside have porches, opened or close providing a buffer between the home and the street. Most porches on the block have floor levels that are 2-3' higher than the proposed open porch which is one step above grade.

**Standard #2**

The conditions for the request for the variation are unique to this block and the current zoning requirements that were overlaid on to the existing homes on this block.

**Standard #3**

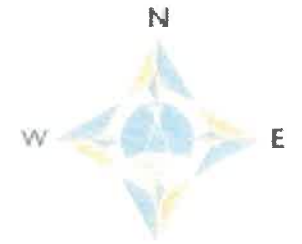
The hardship was not created by the current owner but again by the current zoning requirements overlaid on to the existing homes on this block.

**Standard #4**

The proposed variance will not impair the adequate supply of light and air to adjacent properties because the addition is thoughtful in its massing and will not substantially increase the congestion of the public streets, or increase the danger of fire, or endanger public safety, and will in fact increase the property values within the neighborhood.

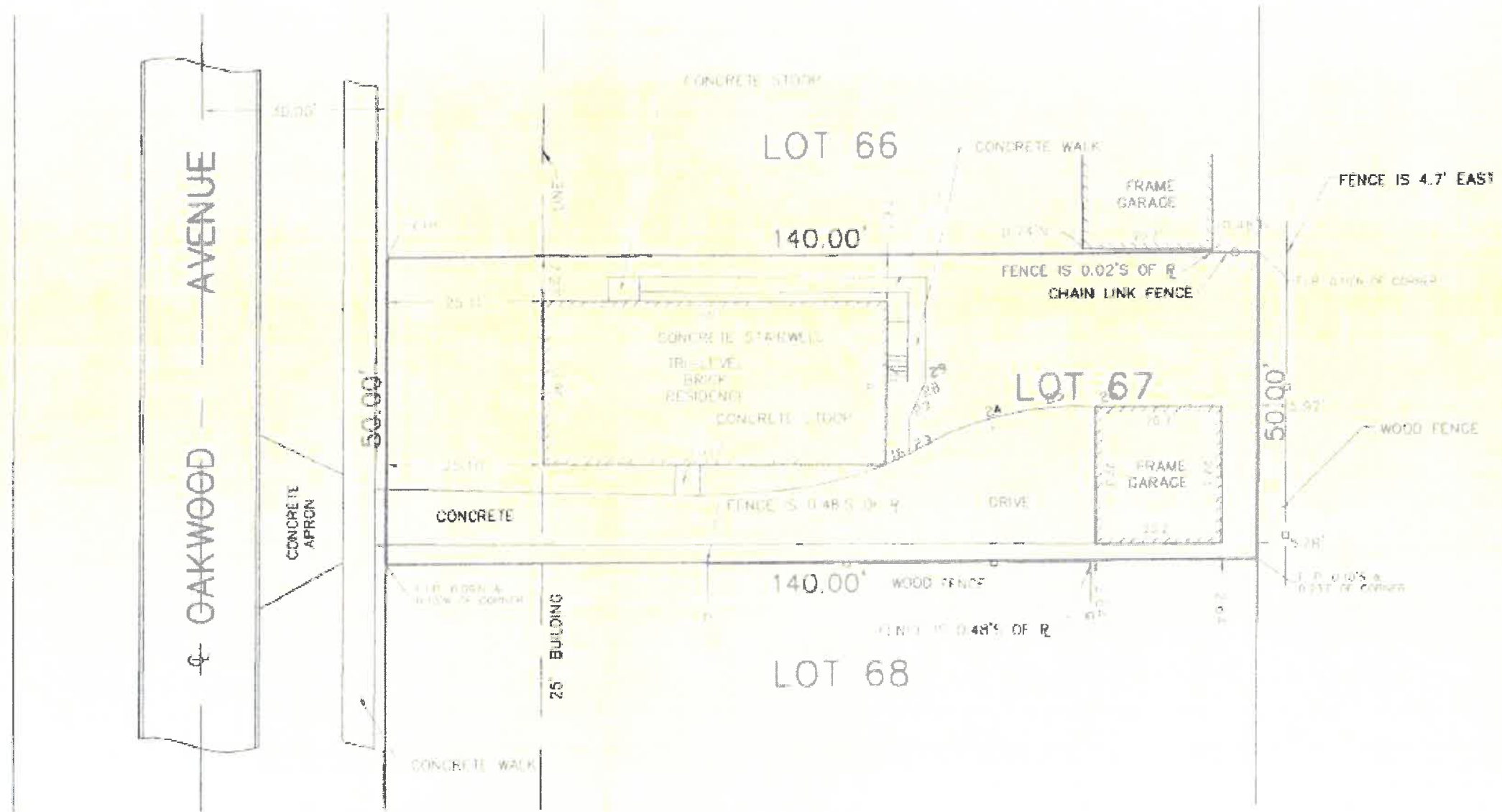
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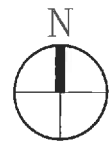
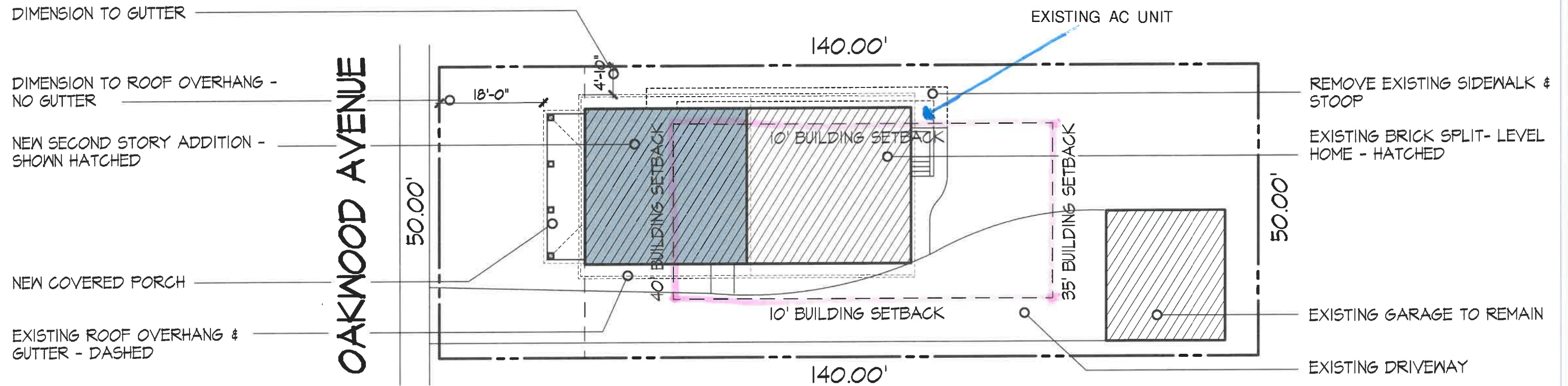
We hope the board finds this petition as a being sensitive to the zoning requirements, as well as the overall streetscape of Oakwood Avenue.



The Meridian is assumed but reflects the record Subdivision or Deed, except when noted.

Scale 1" = 20ft





Proposed Site Plan

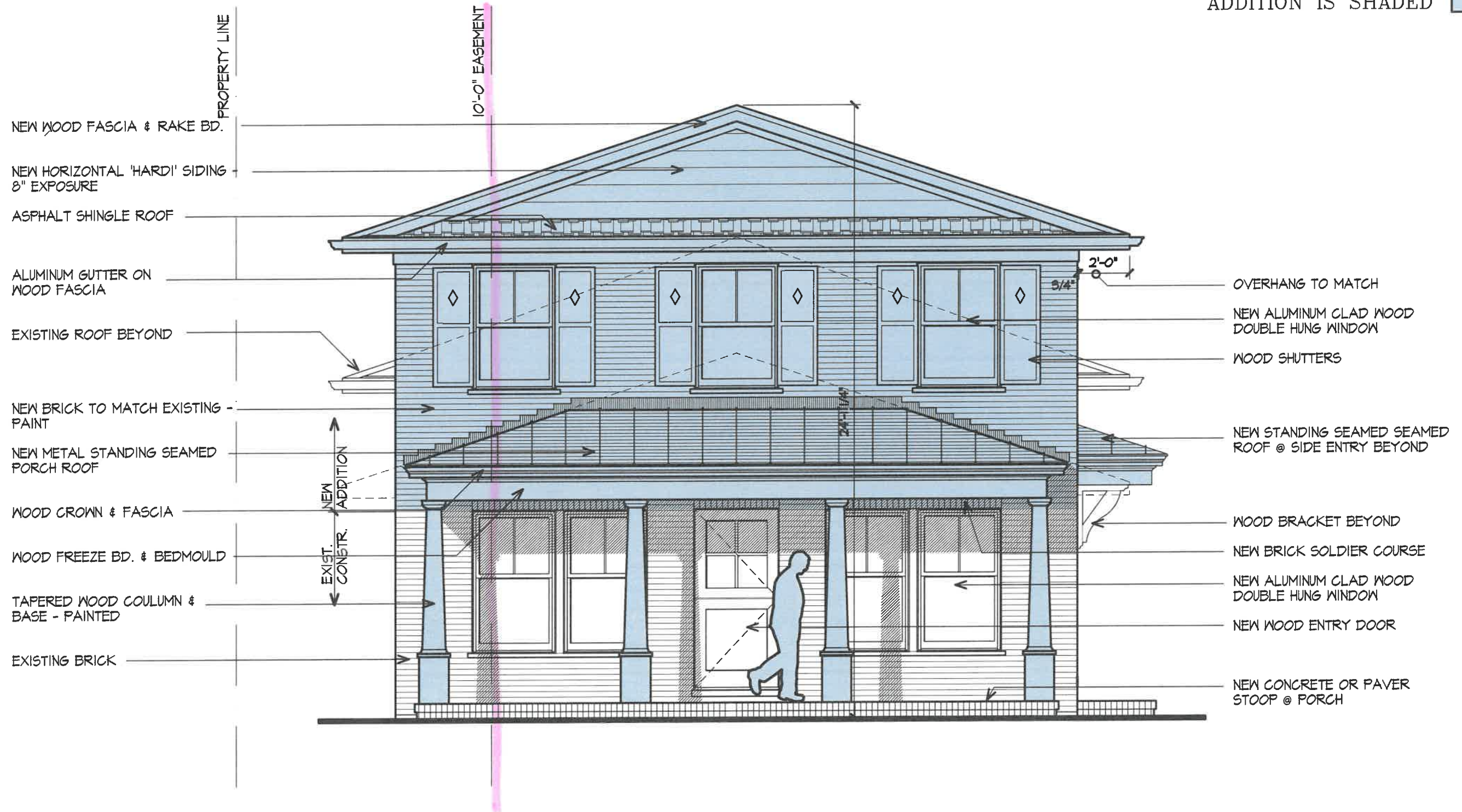
Single Family Residence - 853 Oakwood Avenue

Michael E. Breseman Architects Ltd




ARCHITECTS, Ltd.

ADDITION IS SHADED 



Proposed West Elevation

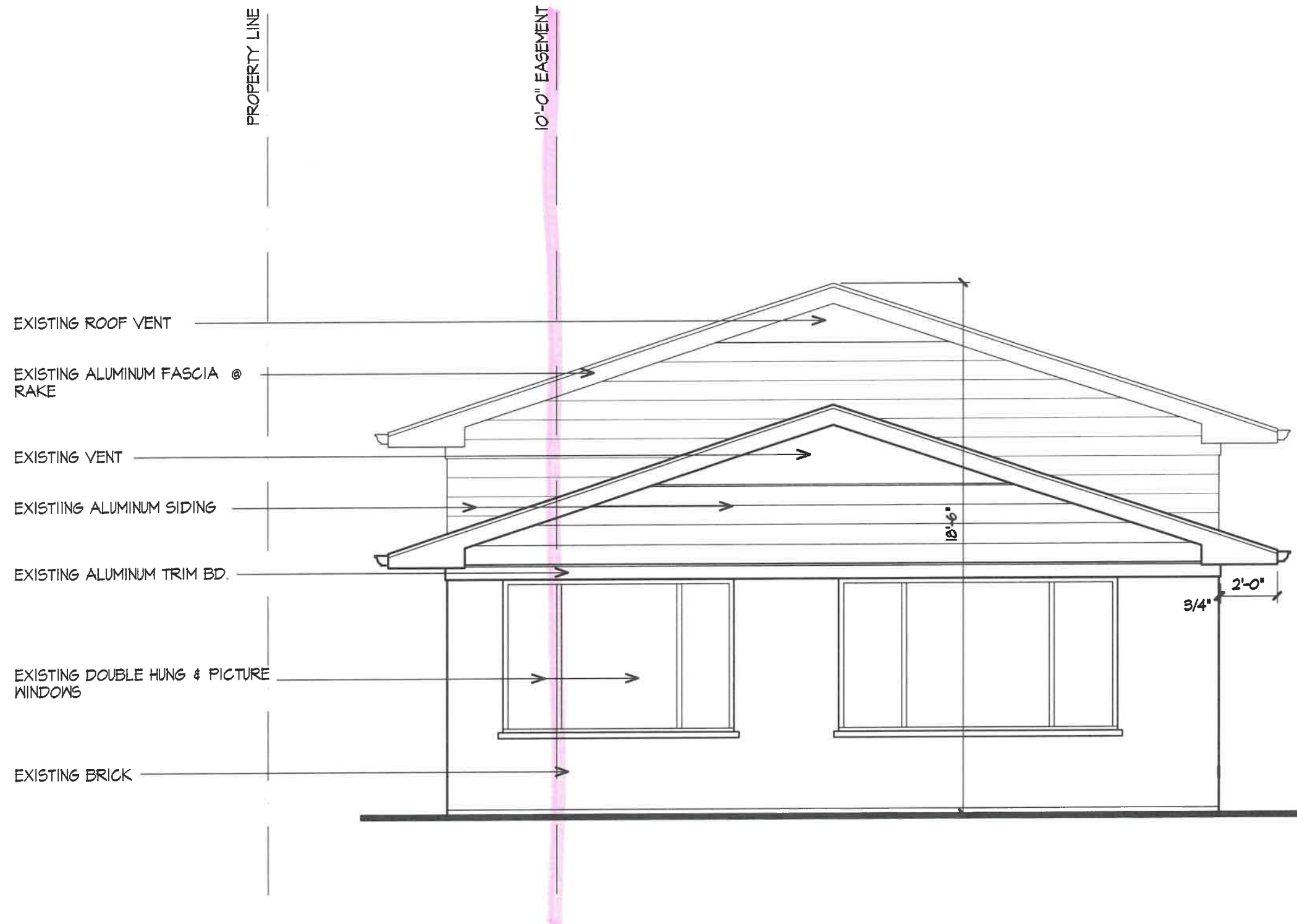
SCALE 1/4" = 1'-0" 

Single Family Residence - 853 Oakwood Avenue

Michael E. Breseman Architects Ltd



ARCHITECTS, Ltd.



Existing West Elevation

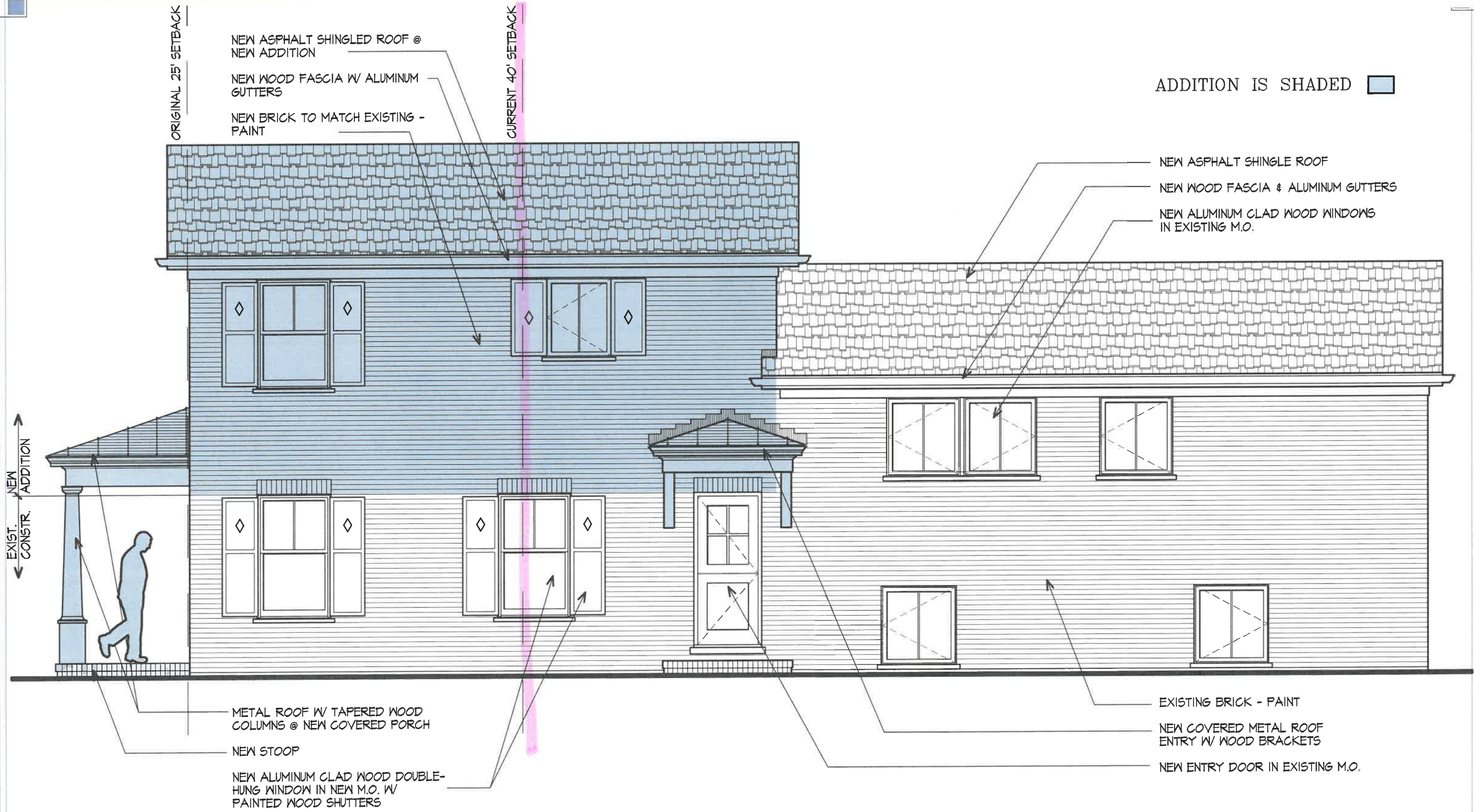
SCALE 1/4" = 1'-0" 0 2 4

Single Family Residence - 853 Oakwood Avenue

Michael E. Breseman Architects Ltd



ADDITION IS SHADED



# Proposed South Elevation

SCALE 1/4" = 1'-0"

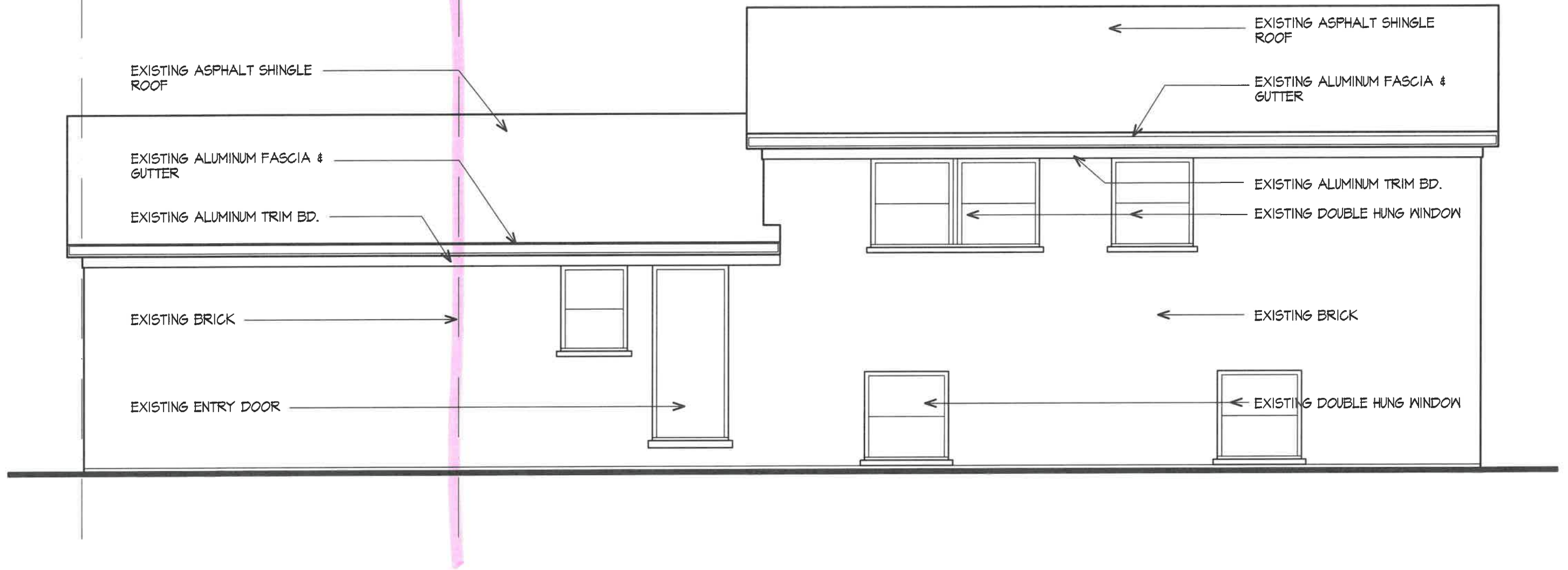
## Single Family Residence - 853 Oakwood Avenue

Michael E. Breseman Architects Ltd



ORIGINAL 25' SETBACK

CURRENT 40' SETBACK




### Existing South Elevation

SCALE 1/4" = 1'-0"

Single Family Residence - 853 Oakwood Avenue

Michael E. Breseman Architects Ltd



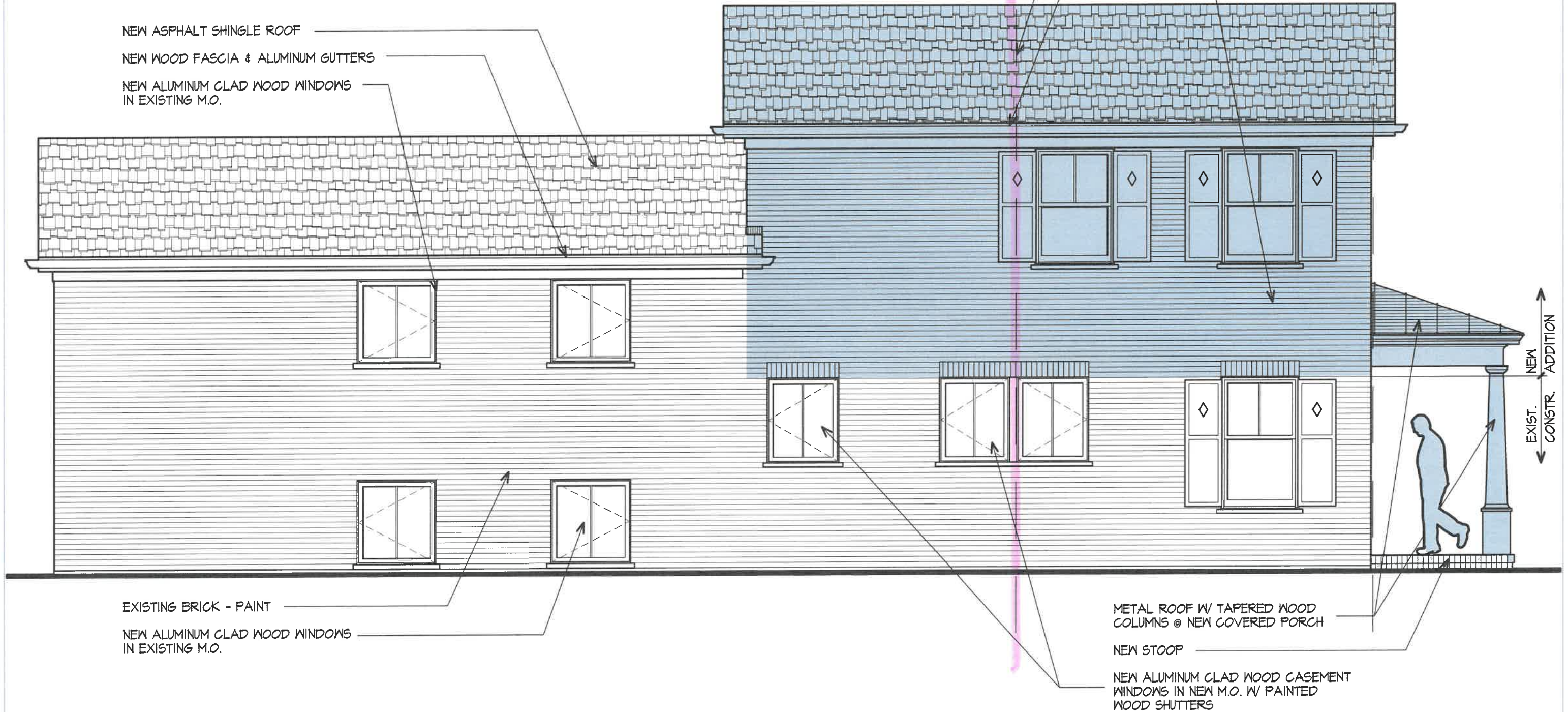
ADDITION IS SHADED 

NEW ASPHALT SHINGLE ROOF  
NEW WOOD FASCIA & ALUMINUM GUTTERS  
NEW ALUMINUM CLAD WOOD WINDOWS  
IN EXISTING M.O.


CURRENT 40' SETBACK

NEW ASPHALT SHINGLED ROOF @  
NEW ADDITION  
NEW WOOD FASCIA W/ ALUMINUM  
GUTTERS  
NEW BRICK TO MATCH EXISTING -  
PAINT

ORIGINAL 25' SETBACK



# Proposed North Elevation

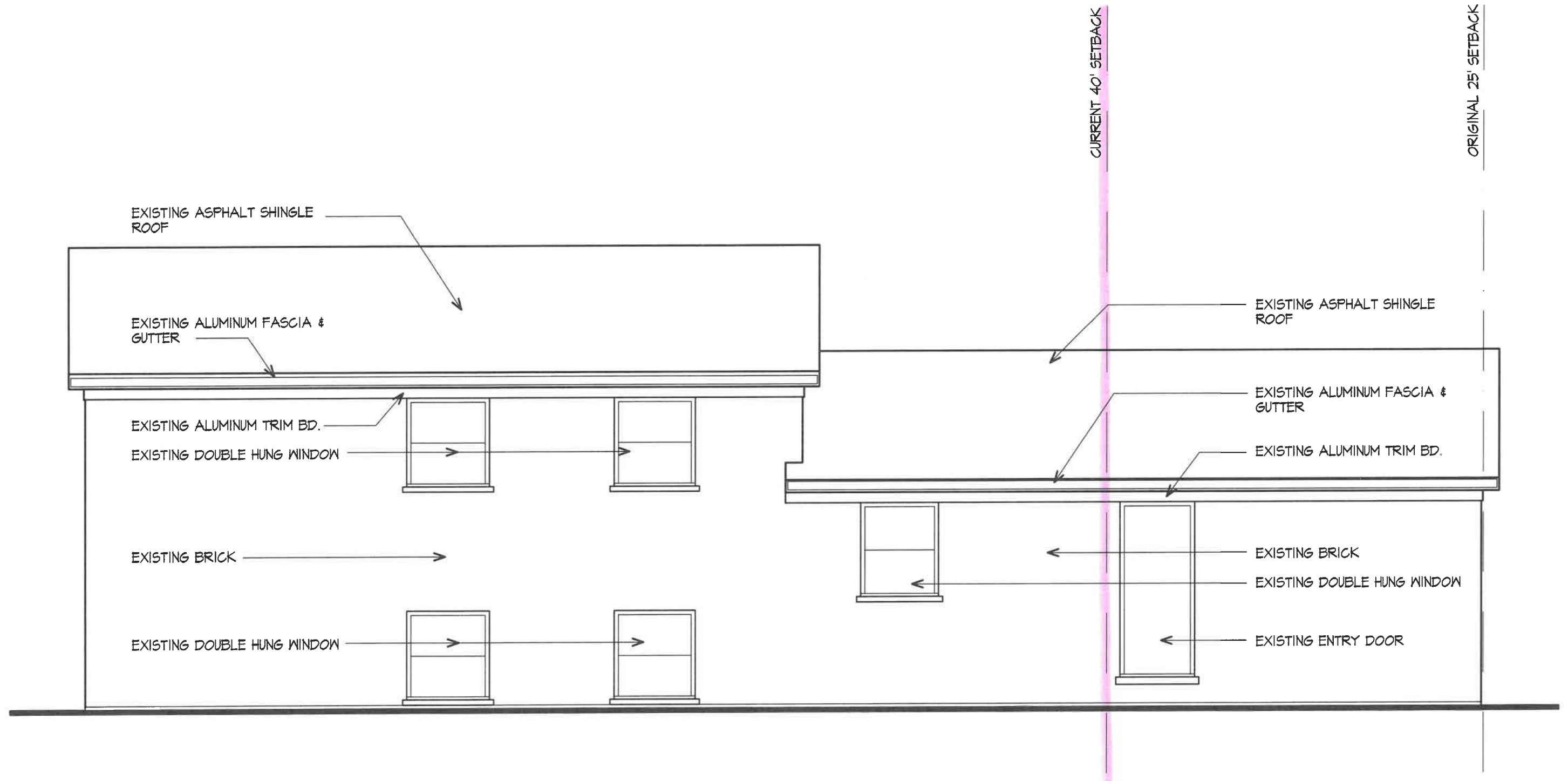
SCALE 1/4" = 1'-0" 

## Single Family Residence - 853 Oakwood Avenue

Michael E. Breseman Architects Ltd



ARCHITECTS, Ltd.



Existing North Elevation

SCALE 1/4" = 1'-0" 0 2 4

Single Family Residence - 853 Oakwood Avenue

Michael E. Breseman Architects Ltd



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ADDITION IS SHADED

NEW WOOD FASCIA & RAKE BD.

NEW HORIZONTAL 'HARDI' SIDING - 8" EXPOSURE

ASPHALT SHINGLE ROOF

ALUMINUM GUTTER ON WOOD FASCIA

OVERHANG TO MATCH

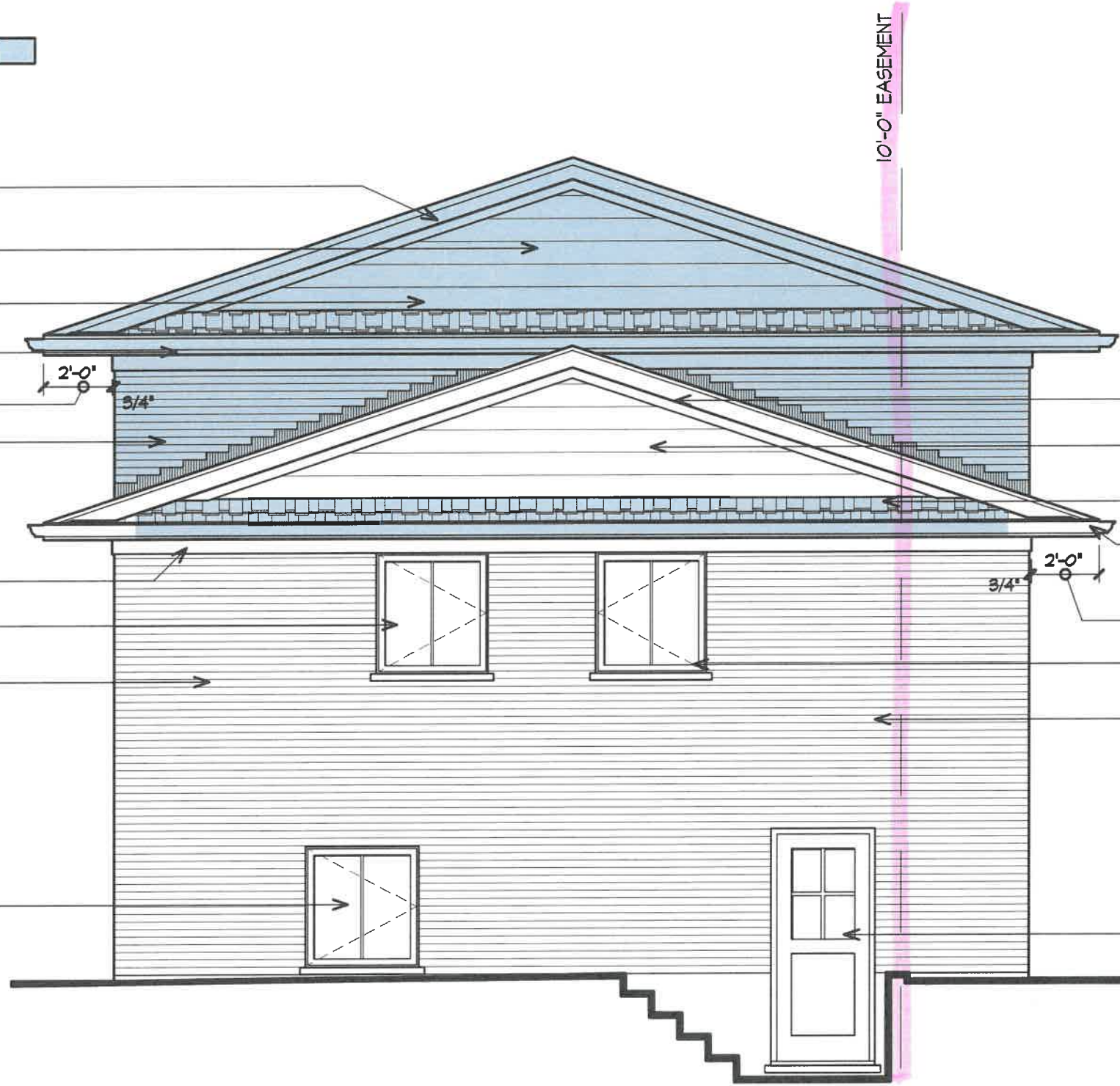
NEW BRICK TO MATCH - PAINT

NEW WOOD TRIM BOARD

NEW ALUMINUM CLAD WOOD CASEMENT WINDOW IN EXISTING M.O.

EXISTING BRICK - PAINT

NEW ALUMINUM CLAD WOOD CASEMENT WINDOW IN EXISTING M.O.



PROPERTY LINE

NEW WOOD FASCIA & RAKE BD.

NEW HORIZONTAL 'HARDI' SIDING - 8" EXPOSURE

ASPHALT SHINGLE ROOF

ALUMINUM GUTTER ON WOOD FASCIA

OVERHANG TO MATCH

NEW ALUMINUM CLAD WOOD CASEMENT WINDOW IN EXISTING M.O.

EXISTING BRICK - PAINT

NEW ALUMINUM CLAD WOOD ENTRY DOOR W/ GLASS LITES IN EXISTING M.O.

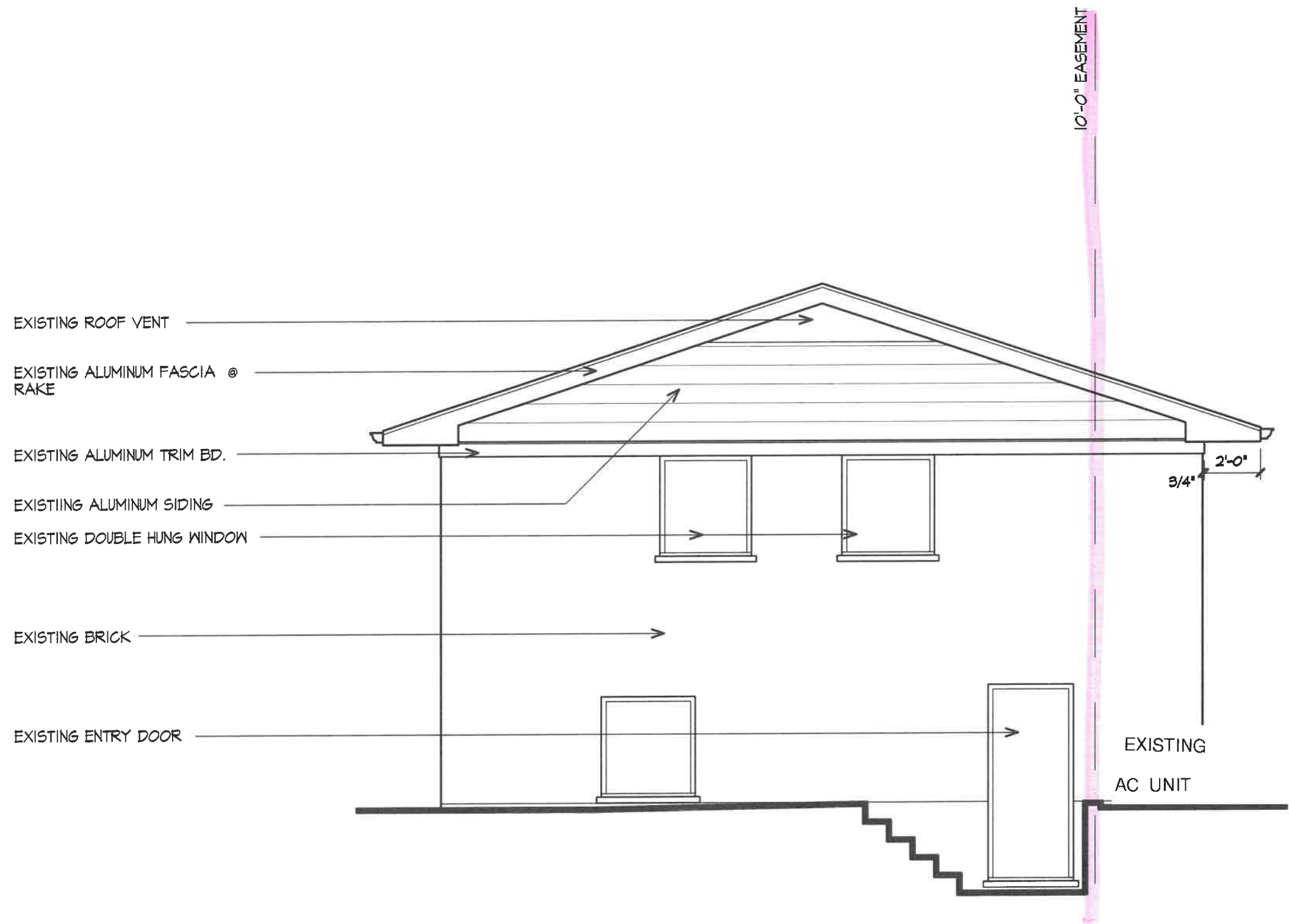
### Proposed East Elevation

SCALE 1/4" = 1'-0"

Single Family Residence - 853 Oakwood Avenue

Michael E. Breseman Architects Ltd





EXISTING ROOF VENT

EXISTING ALUMINUM FASCIA @  
RAKE

EXISTING ALUMINUM TRIM BD.

EXISTING ALUMINUM SIDING

EXISTING DOUBLE HUNG WINDOW

EXISTING BRICK

EXISTING ENTRY DOOR

EXISTING  
AC UNIT

PROPERTY LINE

# Existing East Elevation

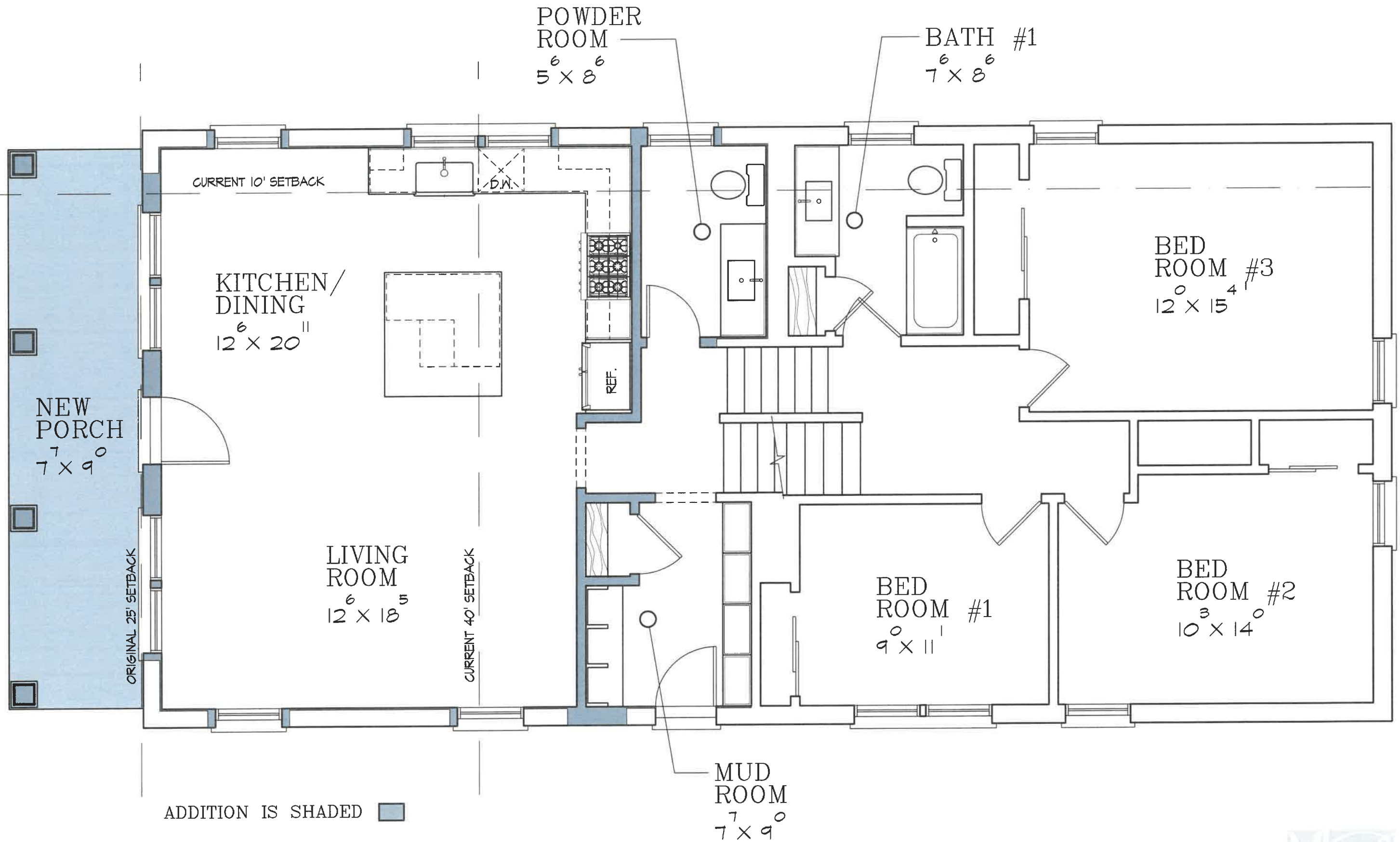
SCALE 1/4" = 1'-0"

Single Family Residence - 853 Oakwood Avenue

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ADDITION IS SHADED



### Proposed First Floor Plan

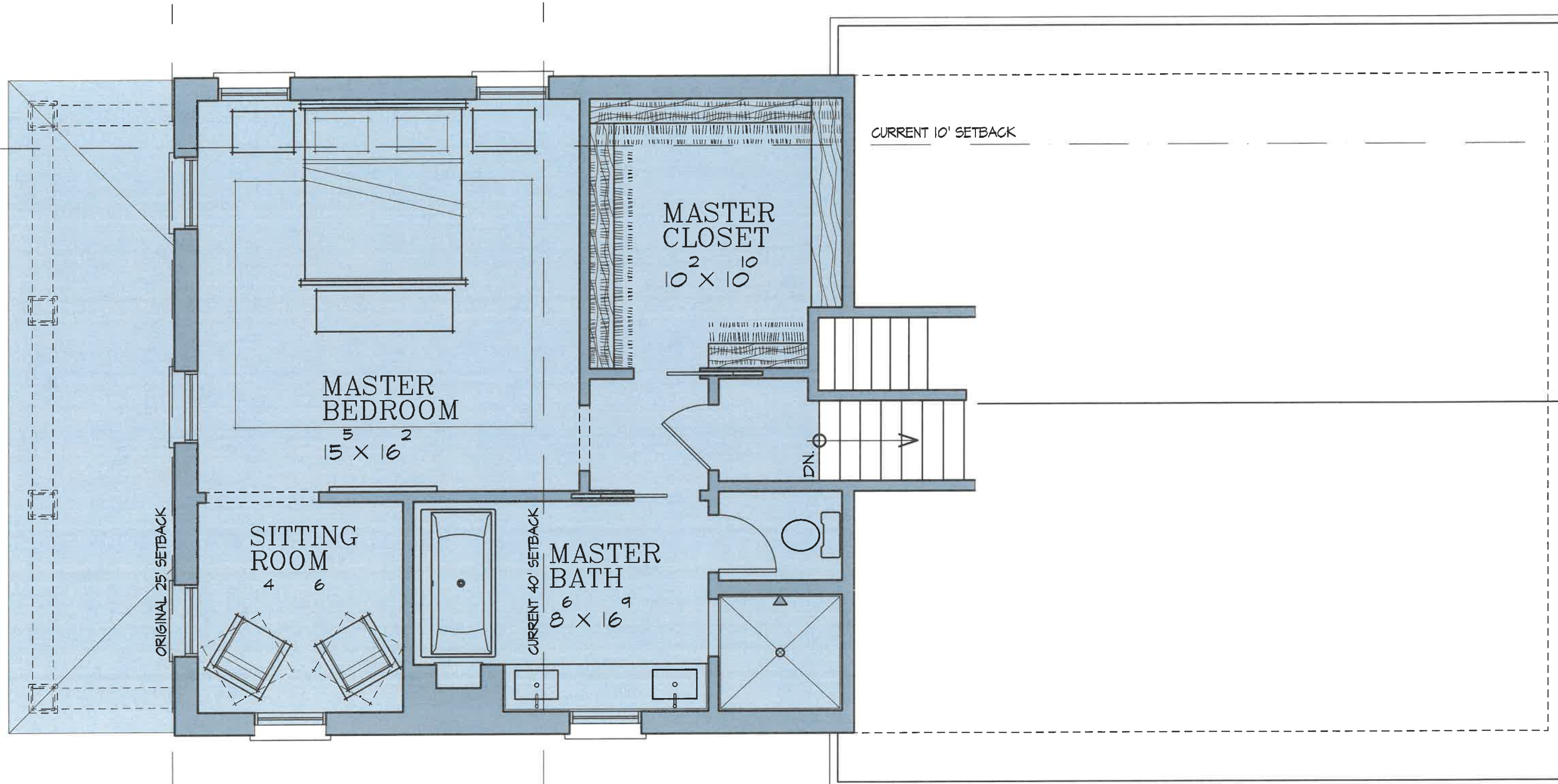
SCALE 1/4" = 1'-0" 0 2 4

Single Family Residence - 853 Oakwood Avenue

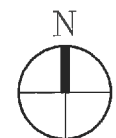
Michael E. Breseman Architects Ltd



ARCHITECTS, Ltd.



ADDITION IS SHADED



**Proposed Partial Second Floor Plan**

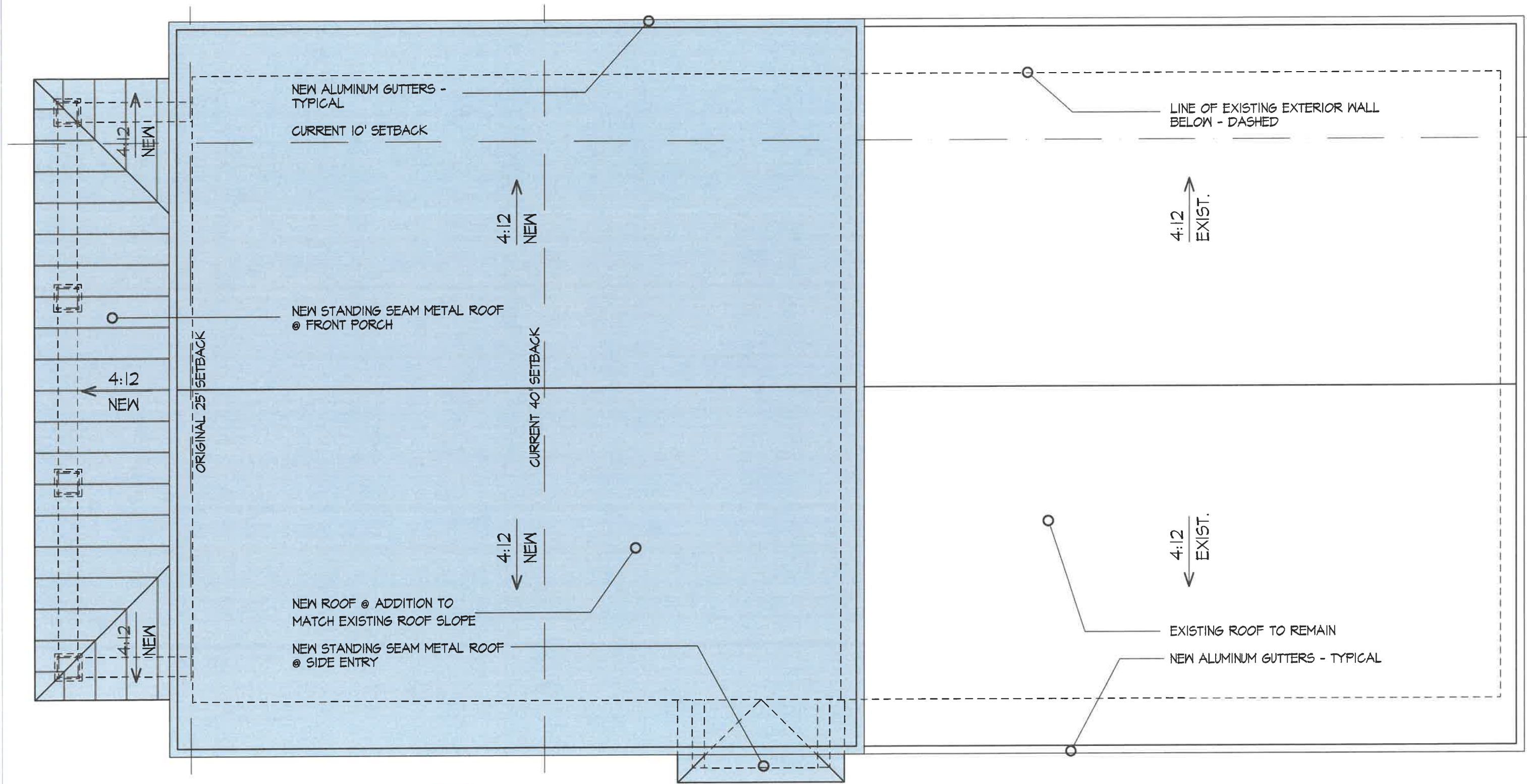
SCALE 1/4" = 1'-0" 
0
2
4

Single Family Residence - 853 Oakwood Avenue

*Michael E. Breseman Architects Ltd*



**ARCHITECTS, Ltd.**



ADDITION IS SHADED

# Roof Plan

SCALE 1/4" = 1'-0"

Single Family Residence - 853 Oakwood Avenue

Michael E. Breseman Architects Ltd

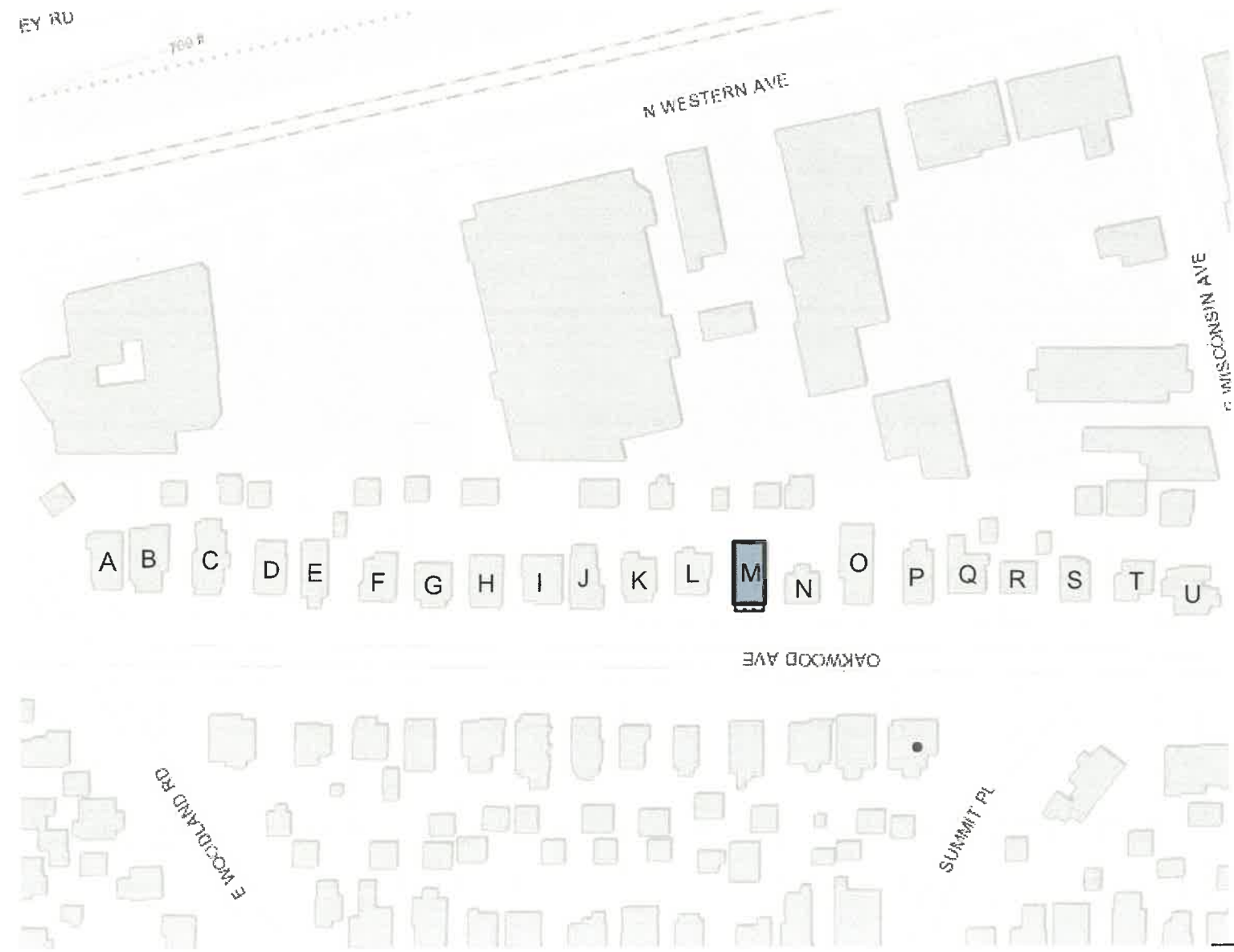




Preliminary Rendering from SW

Single Family Residence - 853 Oakwood Avenue

*Michael E. Breseman Architects Ltd*



Neighboring House	Distance to Porch/Steps	Distance to House	Distance to Gutter/Crown	Notes
A	-	36'-6"		
B	35'-3"	41'-3"		
C	32'-10"	41'-0"		
D	23'-8" to steps	33'-6"		
E	-	19'-6"	19'-6"	
F	-	23'-0" to bay		
G	-	20'-6"	19'-6"	
H	-	21'-6"	20'-6"	
I	-	26'-6"		
J	-	20'-0"	18'-6"	
K	-	27'-0"		
L	-	24'-6"		
<b>M</b>	<b>19'-0"</b>	<b>25'-1"</b>	<b>18'-0"</b>	<b>*</b>
N	-	27'-3"		
O	-	27'-6"		
P	26'-0"	32'-0"		*
Q	-	37'-4"		
R	-	33'-9"		
S	-	30'-0"		
T	-	30'-6"		
U	17'-6"	24'-1"	16'-6"	

\* Porch at grade - all others 30-36" above grade  
 All dimensions are approximate



Front Setback Chart

Single Family Residence - 853 Oakwood Avenue

Michael E. Breseman Architects Ltd



ARCHITECTS, Ltd.



Streetscape

Single Family Residence - 853 Oakwood Avenue

*Majbritt Stewart*



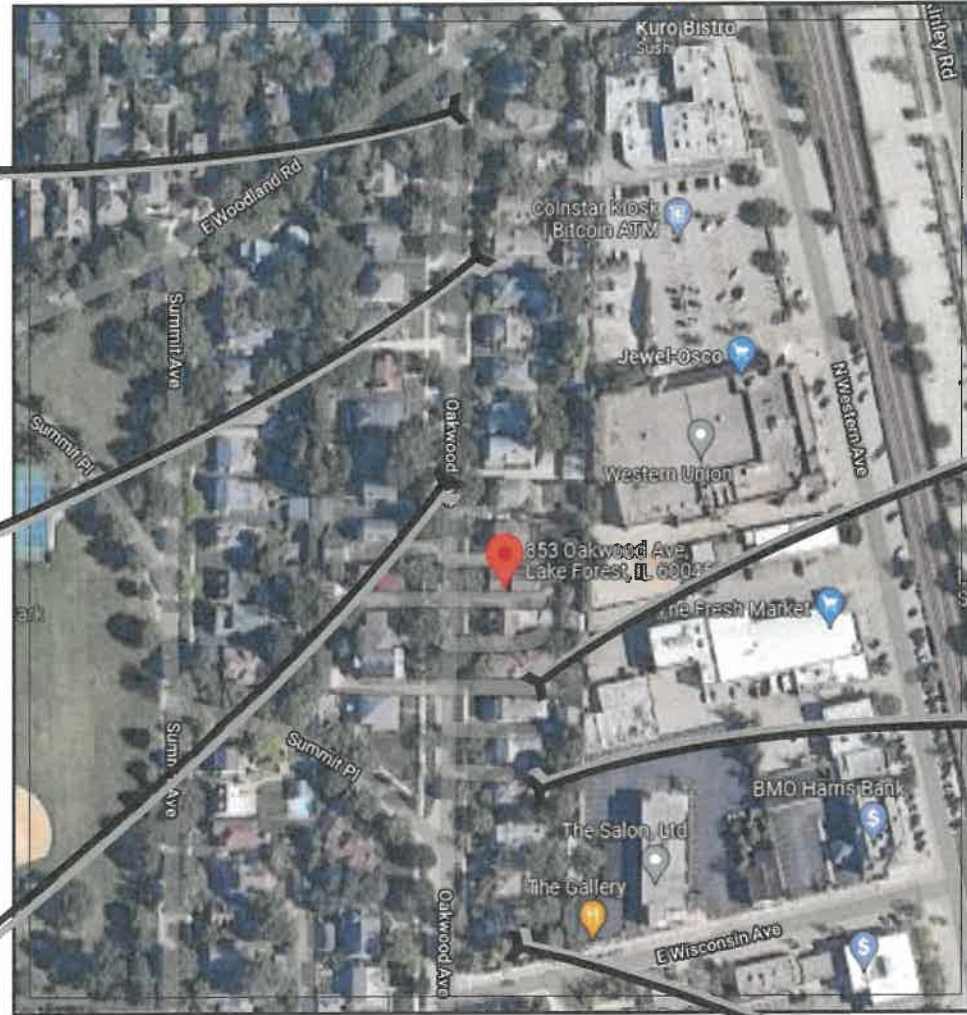
ARCHITECTS, Ltd.



House Photos

Single Family Residence - 853 Oakwood Avenue

*Michael E. Breseman Architects Ltd*



Neighborhood Photos

Single Family Residence - 853 Oakwood Avenue

Michael E. Breseman Architects Ltd

