

Agenda Item 4

**375 E. Westminster
Variance from the Lot-in-Depth Side Yard Setback**

Staff Report
Vicinity Map
Air Photo:

Materials Submitted by Petitioner

Application
Statement of Intent
Plat of Survey
Site Plan
Elevations
Landscape Plan

Materials shown in italics are included in the Board packet only. A complete copy of the packet is available from the Community Development Department.



STAFF REPORT AND RECOMMENDATION

TO: Chairman Bass and members of the Zoning Board of Appeals
DATE: August 25, 2025
ADDRESS: 375 E. Westminster Avenue
FROM: Luis Prado, Assistant Planner
SUBJECT: **Variance from the Lot-in-Depth Side Yard Setback**

OWNERS

Chris and Anne Policinski

PROPERTY LOCATION

375 E. Westminster

ZONING DISTRICT

R1 – Single Family Residential District

PROJECT REPRESENTATIVE

Peter Witmer, Architect, Witmer and Associates

Summary of the Request

This is a request for a recommendation in support of a variance from the lot-in-depth side yard setback for an open pergola.

Description of the Property

The property is located on the south side of Westminster in the R. H. Mabbatt Subdivision which was recorded in 1961. An 80 foot front yard "building line" is depicted on the original plat of subdivision however, in consultation with the City Attorney, staff was advised that the City must apply the 40 foot setback as required by the applicable zoning district. The "building line" is a private covenant that can only be enforced by property owners within the subdivision if desired.

This property is a front lot of a lot-in-depth subdivision. Therefore, the side yard setback from the east (the yard adjacent to the contiguous access area) is required to meet the front yard setback of 40 feet rather than the standard ten foot side yard setback for the R-1 District.

On August 27th, 2025, the Historic Preservation Commission will review the design aspects of the proposed residence, attached garage and the overall site plan.

FACTS

Compliance/Non-Compliance with Key Code Requirements

- ❖ The property is approximately 71 feet wide at the street frontage and does not comply with the minimum lot width for the R-1 zoning district for a

lot-in-depth of 130 feet. (The west 30 feet of the property was transferred to the property to the west as part of the McKinley Condominium development.)

- ❖ The property complies with the minimum lot size for the R-1 zoning district for a lot-in-depth of 16,250 square feet. The property totals 18,610 square feet.
- ❖ The proposed residence complies with the setbacks from the north, west and south property lines.
- ❖ Because the property is the front lot of a lot-in depth as noted above, a 40 foot setback applies to the east side of the property, the side adjacent to the driveway to the two properties to the rear.
- ❖ The overhang and gutter of the proposed residence encroaches into the lot-in-depth side yard setback 18 inches. The east wall of the residence complies with the 40 foot setback.
- ❖ The proposed open pergola on the east side of the house encroaches into the 40 foot lot-in-depth setback 13 feet five inches at the furthest point.

Physical, Natural or Practical Difficulties

- ❖ The property as originally subdivided did not comply with the minimum lot width required by the applicable R-1 zoning district and was further reduced in width to support the development to the west.
- ❖ The 40 foot lot-in-depth setback from the adjacent driveway to the east is intended to serve as a buffer for the subject property from the adjacent driveway.

Staff Evaluation

The petitioner proposes to construct a new house on a vacant lot with an open pergola on the east side of the home. The east side of the home will serve as the primary private yard area. The rear of the house is separated from the rear yard by the garage which is positioned to minimize views of the garage from the streetscape and from the neighboring single family homes to the east and south. As noted above, the proposed open pergola encroaches into the 40 foot lot-in-depth setback 13 feet 5 inches. The pergola is an open structure. A condition is recommended requiring the pergola to remain open.

The overhang and gutter of the house encroaches 18" into the 40 foot lot-in-depth side yard setback. As noted above, the wall of the house complies with the 40 foot setback.

The proposed encroachments will be mitigated by landscaping planned east of the house and the pergola.

Findings of Fact

Based on a review of the information submitted by the petitioners, an analysis of this request based on applicable portions of the Zoning Code, and inspection of the site, staff submits the following findings in support of a variance from the east setback.

1. The siting of the proposed residence, attached garage, and pergola are generally consistent with the pattern of development along Westminster to the west and east. Granting the requested variance to allow an encroachment of the overhang and gutter of the house and the open pergola into the lot-in-depth setback on the east side of the house will not alter the essential character of the neighborhood. The proposed landscaping will allow the new home to, over time, settle into the neighborhood and the streetscape.
2. The Historic Preservation Commission will review the design aspects of the proposed residence for compliance with the applicable standards for the Historic District and the surrounding neighborhood.
3. The conditions upon which the variance is requested are generally unique to this property and not commonly found on other properties in the R-1 District.
4. The hardship or practical difficulties on which the request for a variance is based is the desire to locate the garage at the rear of the home, away from views from the streetscape which disconnects the house from the rear yard. The application of the 40 foot lot-in-depth side yard setback to the east side of the property creates a narrow buildable area.
5. No evidence has been submitted that indicates that the variance, if approved, will increase congestion, endanger public safety, or diminish property values in the neighborhood.

PUBLIC COMMENT

Standard public notice of this request was provided by the City to surrounding residents and property owners. Notice was also published in the Lake Forester and the meeting agenda was posted at public locations and on the City's website. As of the date of this writing, no correspondence or contacts have been received regarding this petition.

RECOMMENDATION

Based on the findings presented above, recommend approval of a setback variance to allow encroachment of the overhang and gutter on the east side of the house not to exceed 18 inches and the encroachment of an open pergola for further than 13'5" into the side yard lot-in-depth setback as reflected on the site plan presented to the Board.

The recommendation includes the following condition of approval.

➤ The pergola shall remain open.



Area of Request
375 E. Westminster

E WESTMINSTER

N MCKINLEY RD

E DEERPATH

E WALNUT RD



Area of Request
375 E. Westminster



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

PROJECT ADDRESS 375 E. WESTMINSTER AVE

ZONING DISTRICT R1

Property Owner (s) Name Chris & Anne Policinski
(may be different from project address) Address 1026 Western Ave
Phone Fax
Email cjpolcinski@gmail.com

Applicant/Representative Name Peter Witmer, Witmer & Associates
Title Principal Architect
(if different from Property Owner) Address 919 Sherwood Drive, Lake Bluff IL 60044
Phone 847-234-5240 Fax
Email pwitmer@witmerandassoc.com

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 Representative
Fax Report: Owner Representative
Pick Up Report: Owner Representative

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.

Handwritten signature of Chris & Anne Policinski

July 18, 2025

Owner

Date

Owner

Date

Handwritten signature of Peter Witmer

July 18, 2025

Applicant/Representative

Date



**WITMER AND ASSOCIATES
ARCHITECTURE AND INTERIOR DESIGN**

August 12, 2025

Statement of Intent for 375 E. Westminster Ave, Lake Forest IL

This application proposes a single-family home on a vacant lot. We are requesting zoning relief to allow a pergola structure to encroach 13'-6" into the 40 foot setback on the east side of the home. The furthest edge of the 16'-3" wide open-air pergola would be 26'-7" from the east property line.

1. The variance, if granted, will not alter the essential character of the subject property, the surrounding area or the larger neighborhood in which the property is located;

The proposed home has been designed to "hide" the 3 car garage entirely from the street view. This is greatly beneficial to the character of the streetscape and surrounding neighborhood. However, by placing the garage at the south end of the home, the east yard is the only opportunity for the home occupants to enjoy direct access to outdoor leisure space. The pergola itself would have minimal visual impact from the street.

2. The conditions upon which a petition for a variance are based are unique to the property for which the variance is sought, and are not applicable, generally, to other property with the same zoning classification;

Because of the parcel is a "lot-in-depth" property, the east setback is required to be 40 feet. This setback is otherwise respected by the enclosed walls of the home. Relief is sought only for the open-air pergola. (The Pergola is approximately 430 sq. ft.) Other properties of this zoning, without the lot-in-depth feature, would only need to conform to a 12' side yard setback.

3. The alleged difficulty or hardship in conforming with the requirements of this chapter is caused by this chapter and has not been created by the actions of any persons presently or formerly having an interest in the property; and

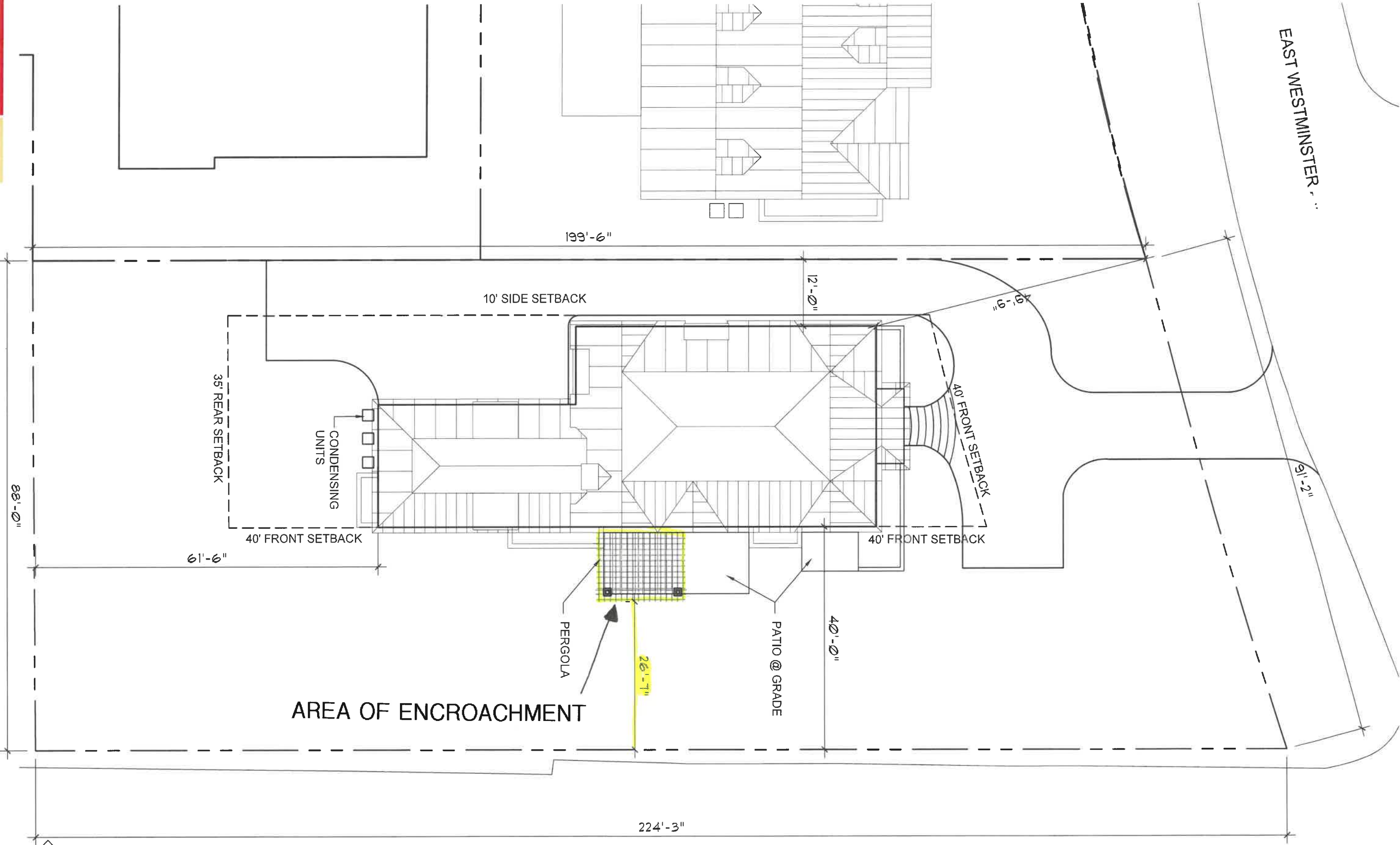
This hardship is due to the lot-in-depth feature of the property.

4. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The setback relief, if granted, would not cause any of the negative effects listed.

SITE PLAN

EAST WESTMINSTER...



199'-6"

10' SIDE SETBACK

12'-0"

16'-9"

40' FRONT SETBACK

35' REAR SETBACK

CONDENSING UNITS

40' FRONT SETBACK

6'-6"

88'-0"

40' FRONT SETBACK

PERGOLA

PATIO @ GRADE

40'-0"

26'-7"

AREA OF ENCROACHMENT

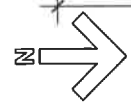
224'-3"

91'-2"



Witmer & Associates
 Architecture and Interior Design
 witmerandassoc.com

375 E WESTMINSTER AVE
 PROPOSED SITE PLAN
 July 29, 2025
 SCALE: 1/16" = 1'-0"



NORTH ELEVATION

T/ ROOF
+126'-3"

T/ SECOND FLOOR
+110'-6"

T/ FIRST FLOOR
+100'-0"

WOOD PERGOLA



CEDAR SHINGLES

ALUM GUTTERS &
DOWNSPOUTS

COPPER ROOF

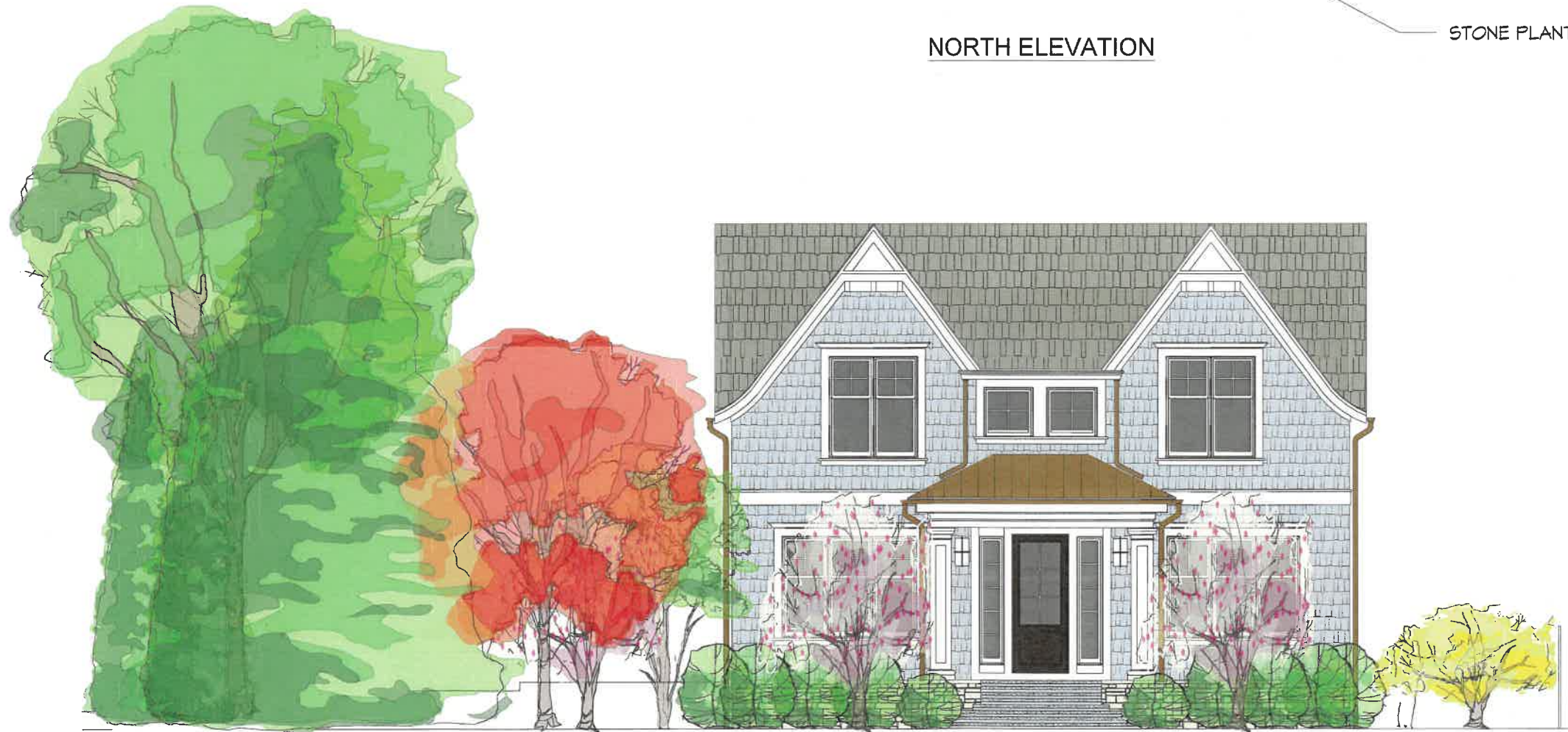
WOOD TRIM

WOOD SHINGLE SIDING

ALUM CLAD DOUBLE HUNG
WINDOWS w/ INSULATING GLASS

STONE PLANTER

NORTH ELEVATION



NORTH ELEVATION - WITH LANDSCAPE



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Architecture and Interior Design
witmerandassoc.com

0 1' 2' 4' 8'
SCALE: 1/8" = 1'-0"

375 E WESTMINSTER
ELEVATIONS

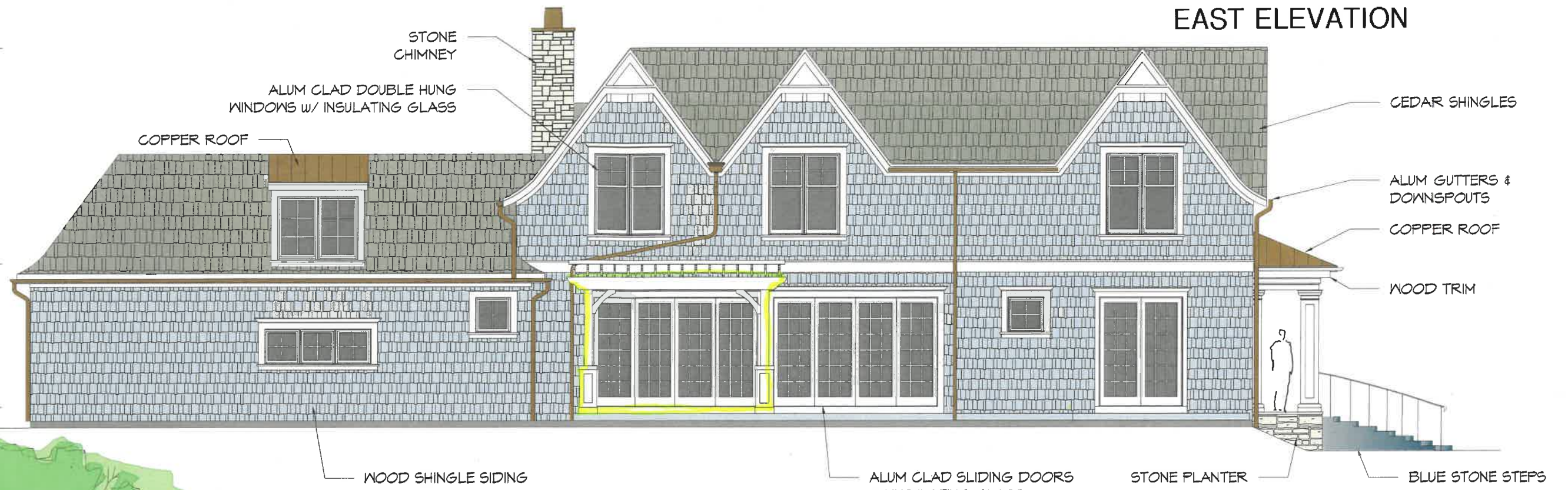
July 18, 2025 SCALE: 1/8" = 1'-0"

EAST ELEVATION

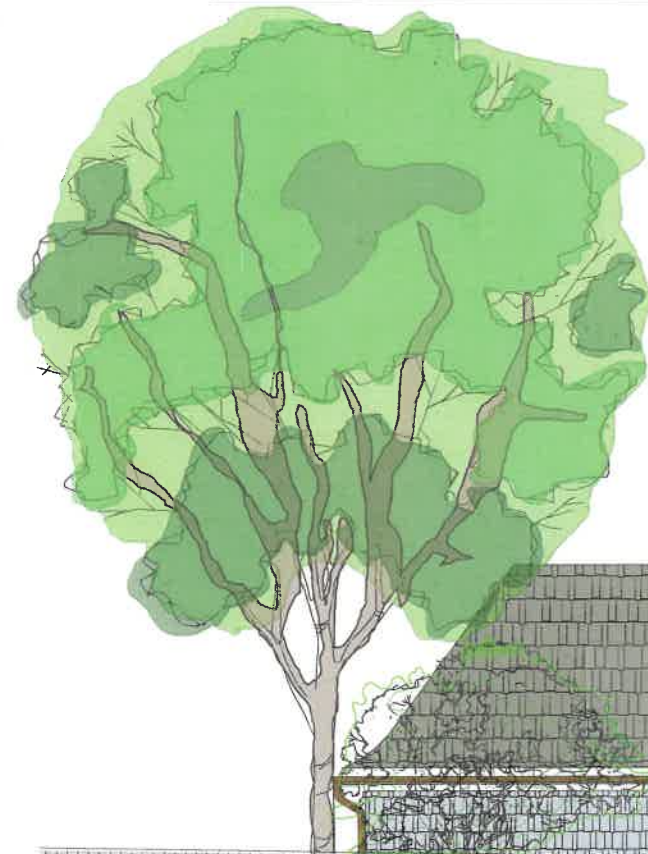
T/ ROOF
+126'-3"

T/ SECOND FLOOR
+110'-6"

T/ FIRST FLOOR
+100'-0"



EAST ELEVATION



EAST ELEVATION - WITH LANDSCAPE



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0 1' 2' 4' 8'
SCALE: 1/8" = 1'-0"

375 E WESTMINSTER
ELEVATIONS

July 18, 2025 SCALE: 1/8" = 1'-0"

SOUTH ELEVATION

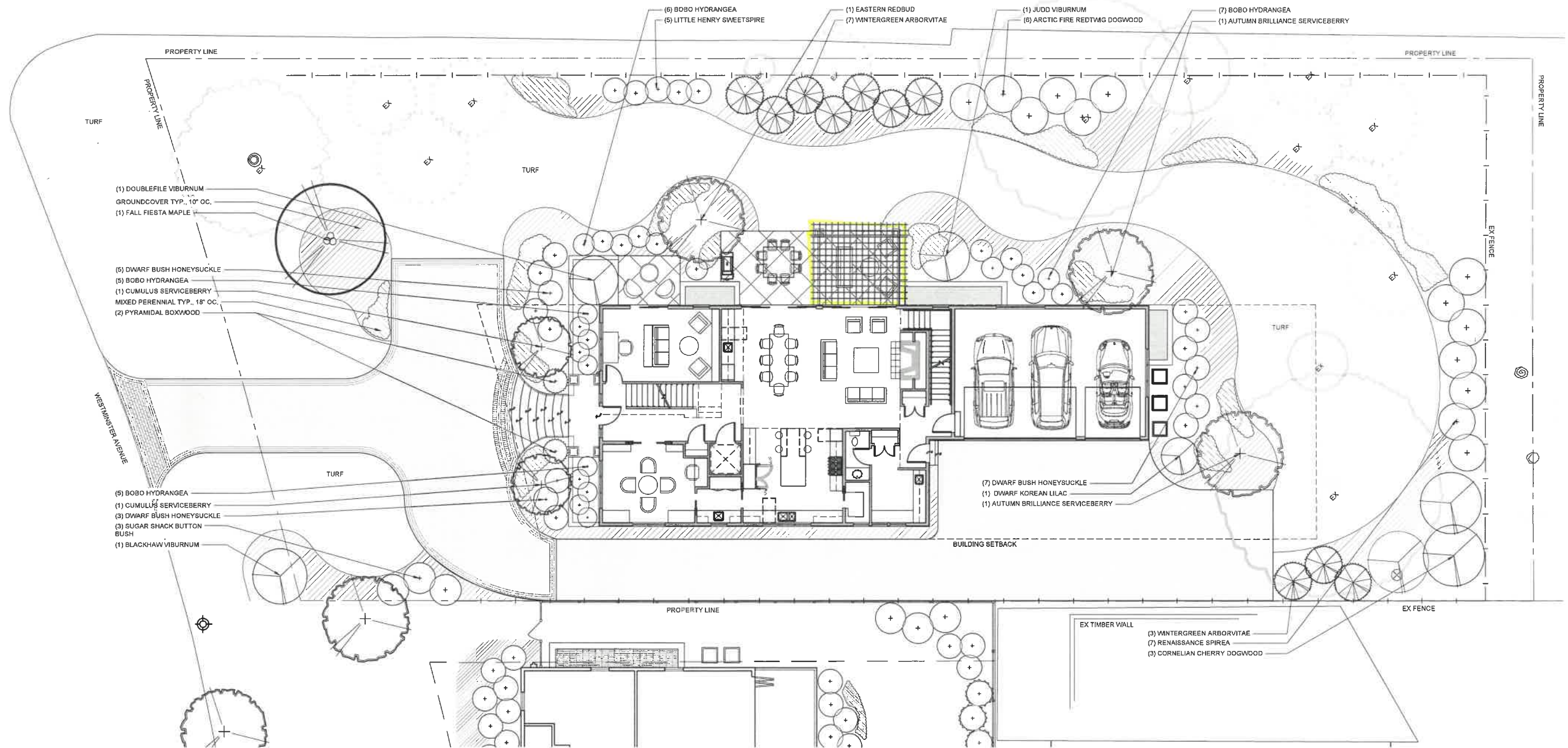


SOUTH ELEVATION



SOUTH ELEVATION - WITH LANDSCAPE

The plan is conceptual. All dimensions are to be verified. Materials are represented in their future condition as more accurate data. All design and ideas contained in these drawings are not to be used as final construction documents. All rights reserved. MARIANI LANDSCAPE ARCHITECTURE, INC. and its staff are not to be employed or paid in any way without written consent. Graphic representations are for illustrative purposes; field adjustments may be made during installation in keeping with the design intent.



375 Westminster - Landscape Plan

375 E Westminster Ave., Lake Forest, IL

Project No: 375_Westminster_25022

20250812

