

The City of Lake Forest
Zoning Board of Appeals
Proceedings of the April 3, 2018 Meeting

A regular meeting of the Lake Forest Zoning Board of Appeals was held on Tuesday, April 3, 2018 at 6:30 p.m., in the Council Chambers at City Hall, 220 E. Deerpath, Lake Forest, Illinois.

Zoning Board of Appeals members present: Chairman Louis Pickus and Board members Nancy Novit, Richard Plonsker, Kevin Lewis and Lisa Nehring

Zoning Board of Appeals members absent: Mark Pasquesi and Michael Sieman

Staff present: Michelle Friedrich, Planning Technician and Catherine Czerniak, Director of Community Development

1. Introduction of Board members and staff, overview of meeting procedures.

Chairman Pickus reviewed the role of the Zoning Board of Appeals and asked members of the Board and staff to introduce themselves.

2. Consideration of the minutes from the November 27, 2017 meeting.

The minutes of the November 27, 2017 meeting were approved with one correction as requested by Board member Lewis.

3. Consideration of a request for approval of a variance for an expanded driveway and garage apron area within the front yard setback to accommodate a reconfigured and expanded garage at 635 Buena Road.

Owners: David and Deb Moore

Representative: Jonathan Clair, architect

Chairman Pickus introduced the agenda item and asked the Board for any Ex Parte contacts or conflicts of interest.

Board member Plonsker noted that he lives in the neighborhood and knows the petitioners. He stated that he can objectively consider the petition.

Hearing no objections to Board member Plonsker participating in the hearing, Chairman Pickus invited a presentation from the petitioner and swore in all those intending to speak.

Mr. Clair introduced the petition, describing the winding nature of Buena Road and explaining that the Ponds Subdivision was approved through a process that allowed lots smaller than required by the zoning district in exchange for common, preserved,

open space. He noted that the house that is the subject of this request, and other homes in the neighborhood, were constructed very close to the front yard setback line to preserve trees and open space and, as a result, there is little room for modifications to the homes without encroaching into the zoning setbacks. He noted that a variance is requested to allow a wider than permitted driveway in the front yard setback. He explained that the driveway is needed to accommodate changes to the garage which include the addition of a third garage bay and conversion of the existing side load garage, to a front load garage. He noted that currently, visitors park in the street because parking cannot be accommodated on the long, narrow driveway. He pointed out that Buena Road is a narrow street, not conducive to parking. He noted that currently, the relationship between the driveway and the front door is awkward. He explained that the proposed reconfiguration offers the opportunity for the sidewalk to the front door to be reworked, creating a better connection to the driveway, and improving the overall aesthetics of the house. He noted that currently, the driveway pitches to the southwest. He stated that the general direction of water flow on the site will remain unchanged. He explained that alternatives for expanding the garage were limited due to a large, healthy, red oak tree in the side yard, near the existing garage doors. He added that acorns from the tree currently fall on the cars parked on the driveway apron. He noted that modifications to the front elevation of the residence are also planned, but are not located in the zoning setback. He noted that other homes in the neighborhood have front loading garages and wide driveways within the front yard setback. He noted that significant additional landscaping is proposed along the streetscape to soften views of the garage and driveway.

Ms. Friedrich reviewed that a variance from the front yard setback is requested to allow a driveway wider than the maximum of 16 feet permitted in the Zoning Code. She stated that the other aspects of the project are in compliance with the zoning setbacks and do not require Board action.

In response to questions from Board member Nehring, Mr. Clair reviewed the current drainage patterns on the site reiterating that the flow of water will not change. He stated that the grading and drainage plan will be reviewed by the City's engineering staff.

In response to questions from Board member Nehring, the petitioner confirmed that there are and will be gutters on the garage to direct water to the driveway and into the street.

In response to questions from Chairman Pickus, Mr. Clair confirmed that there are no plans to change the existing grade of the property.

In response to questions from Board member Nehring, Mr. Clair confirmed that since the materials in the Board's packet were prepared, the windows on the garage have been revised to provide a solid wall for a work bench.

In response to questions from Chairman Pickus, Ms. Friedrich confirmed the City Engineer will review the permit request, but at the initial review there were no concerns.

In response to questions from Board member Nehring, Ms. Friedrich confirmed that the City Arborist will review a final landscape plan and any trees proposed for planting in the right-of-way. She confirmed that trees within the right-of-way can be counted toward required replacement inches and clarified that the City oversees planting and maintenance of trees in the right-of-way.

Chairman Pickus invited public testimony, hearing none, he returned the discussion to the Board.

Board member Lewis stated support for the petition noting that it will be an improvement to the neighborhood. He stated support for the recommendation as detailed in the staff report.

Board member Plonsker agreed with Board member Lewis.

Board member Novit complimented the landscape plan and thanked the petitioners for their work to date to assure that there will be some screening of the driveway and garage doors.

Board member Lewis also commended the landscape plan.

Chairman Pickus agreed with the comments of the Board members noting that there appears to be a consensus of the Board in support of the project. He asked for a motion.

Board member Lewis made a motion to recommend approval of a front yard variance as requested based on the findings presented in the staff report and subject to the following conditions.

1. A detailed landscape plan shall be submitted along with plans for permit and shall reflect plantings of varying heights and substantial density between the expanded driveway and the right-of-way. The plan shall include replacement of 2 parkway ash trees with 2 3" DBH shade trees, with the species and location to be determined by the City of Lake Forest. The plan and the installed plantings shall be subject to review and approval by the City Arborist.
2. Provide a pre and post tree maintenance plan for the Oak to the east of the driveway for review and approval by the City's Arborist.

The motion was seconded by Board member Plonsker and was approved by a vote of 5 to 0.

4. Consideration of a request for approval of a variance from the front yard setback to allow a second floor addition to an existing non-conforming residence at 1192 Griffith Road.

Owner: Jonathan Vold

Representative: Jeff Letzter, project designer

Chairman Pickus introduced the agenda item and asked the Board for any Ex Parte contacts or conflicts of interest. Hearing none, he swore in all those intending to speak and invited a presentation from the petitioner.

Mr. Letzter offered a brief overview of the history of the subdivision and the existing house. He reviewed the proposed renovation and expansion plans noting that the rear addition, which was not well constructed, will be removed, increasing the green space on the property. He noted that a second floor addition is proposed on the original residence, with no expansion of the footprint. He noted that the original residence was constructed in compliance with the 25 foot setback shown on the early plat of subdivision, but not in conformance with the current front yard setback. He noted that a two story residence is in keeping with other homes in the neighborhood. He reviewed the additional landscaping proposed for the site. He noted that a smaller patio than exists today is proposed. He reviewed the roof modifications proposed to accommodate second floor space. He noted that other homes in this neighborhood have been updated and expanded in recent years.

Ms. Friedrich noted that this is a pretty straightforward request to allow a second story addition, over an existing one story structure, which encroaches, in a neighborhood with prevailing front yard setbacks that predate the Zoning Code and current requirements. She noted that the variance request includes modifications to an existing open front porch, which, as proposed is about 21 feet from the front property line. She noted that the subdivision plat does dictate a 25 foot front yard setback. She noted that the current zoning district dictates a 40 foot front yard setback, creating the need for the variance request before the Board.

In response to questions from Board member Nehring, Mr. Letzter confirmed that the new rear patio will be at grade.

In response to questions from Board member Plonsker, Mr. Letzter stated that the gutters and downspouts will be located similar to what exists on the house today. He confirmed that the driveway drains to the street. He stated that a drainage and grading plan has not been prepared but stated that little, if any, re-grading is proposed.

Hearing no questions from the Board, Chairman Pickus invited public testimony. Hearing none, he returned the matter to the Board for final questions and deliberation.

In response to questions from Board member Lewis, Ms. Friedrich agreed that staff can request plans in the future to show the siting of homes in the neighborhood with dimensions to the front property lines, to provide context in the variances in the future.

Board member Nehring agreed with Board member Lewis' comment and further noted that driving up and down the street, she noticed a similar setback pattern to what is requested in this variance request.

Board member Nehring noted that this is a nicely done house.

Board members Plonsker and Lewis agreed with Board member Nehring's comment.

Hearing no further comments, Chairman Pickus invited a motion from the Board.

Board member Novit made a motion to recommend approval of a variance from the front yard setback to allow a second story addition to a non-conforming residence based on the findings presented in the staff report.

The motion was seconded by Board member Nehring and approved by a vote of 5 to 0.

The Board took a break to await the arrival of the petitioner and architect for the final agenda item.

5. Consideration of a request for steep slope and lot-in-depth setback variances to allow construction of a pool and elevated terrace at 1 Stonegate Road.

Owners: Eva and Cezary Jakubowski

Representative: Diana Melichar, architect

Chairman Pickus introduced the agenda item and asked the Board for any Ex Parte contacts or conflicts of interest. Hearing none, he swore in all those intending to testify and invited a presentation from the petitioner.

Ms. Melichar noted that the homeowner is not present because her flight was delayed. She introduced the petition explaining that she was involved in the design and construction of the home in the foot print of an earlier home on the site. She stated that the original home was constructed prior to the current zoning setback requirements. She stated that the Jakubowskis purchased the property in 2009 with the intent of restoring the residence. She noted that during the initial stages of the construction project that it became apparent that the original home was in such deterioration and restoration was not feasible. She noted that they reevaluated the project and hired her firm in 2010 to reconstruct the home on the site. She explained that the Jakubowski's also learned in the same timeframe that the bluff was not as stable as originally thought and they began to undertake the stabilization of the bluff. She noted by late 2016 the home and the bluff stabilization was complete. She stated

that the request before the Board tonight was to complete the outdoor family living areas for the Jakubowskis. She described the outside living areas today and described the existing terraces. She noted the existing terraces are adjacent to the formal living spaces in the home and reflect the homes original entertaining patterns from the early 1900s. She described the proposed extension of the elevated terrace to the north. She noted the area of the proposed pool to the south of the existing residence. She noted that the elevated terrace to the north would create a grilling space and family room terrace for eating. She noted the height of the existing and proposed terrace will be at the same level. She described the existing landscaping would be continued around the proposed terrace. She noted that the proposed terrace extension requires a lot-in-depth setback variance and a steep slope setback. She described the proposed pool placement, along the south side of the home. She noted that there is a significant amount of sunlight there and few trees. She noted that only a small portion of the pool lies within the steep slope setback and that it complies fully with the pool setbacks and the 30 foot wide view easement that is in place along the south property line. She noted that the historic nature of the original property is encumbered by the lot-in-depth setbacks, that are more stringent in nature and the steep slope setback that exists today. She noted that the proposed improvements will not impact adjacent properties in a negative way.

Ms. Friedrich described the proposed project including a pool that requires a steep slope setback variance and an elevated terrace that requires a steep slope setback variance and a lot in depth setback variance. She noted that the project also includes a pool house, which does not require a zoning variance, but will be reviewed by the Historic Preservation Commission for design and for a bulk variance request. She noted the City's Engineer has reviewed the steep slope setback variance request and has given approval of the request, based on the plans submitted. She explained that the original house was built on this property, prior to the adoption of the steep slope and lot in depth setback requirements. She described the restoration project of this home that was undertaken several years ago and after various discoveries and mishaps on the site, the restoration ended up as a new construction project. She noted that during that time, some work was done without a proper approvals. She noted that due to many nonconforming areas on the site, options are limited for a pool location on the property. She explained that the property does have a View Corridor Easement on the plat of subdivision that does not allow construction within the southern 30 feet of the property. She noted that the site plan as proposed, appears to be in compliance with that easement requirement. She noted that during the reconstruction, there was a bluff failure and reconstruction of the bluff was completed consistent with the approved plans. She stated that the elevated terrace, as proposed, would encroach 27 feet into the setback. She noted that both the pool and the elevated terrace are proposed to encroach in the steep slope setback as shown on the plans in the packet. She confirmed that the pool will conform with the pool setback requirements. She noted that there is one letter in the packet and another that staff received this afternoon at the Board's places. She noted that notices for this petition were sent out on March 20 and to the neighbor that noted did

not receive the notice, was on the mailing list. She noted that a second notice was sent out on March 30 noticing this meeting again and an upcoming Historic Preservation Commission meeting.

In response to questions from Board member Novit, Ms. Friedrich reviewed the view corridor easement that is reflected on the plat of subdivision noting that a 30 foot strip of property, along the south property line is restricted with respect to plantings in order to preserve Lake views for the neighboring home.

In response to questions from Board member Novit and Chairman Pickus, Ms. Czerniak explained that the City's interest in the pedestrian easement along the north property line was vacated a few years ago. She stated that because the Illinois Road right-of-way was part of the original plat of subdivision for this area, individual property owners may have the ability to exert a right to the easement. She noted however that the City attorney has advised that is a private matter. She confirmed that there is no access to the beach from the table land in the area of the easement, just a fairly steep drop off.

In response to questions from Board member Nehring, Ms. Czerniak stated that although the City records are not clear on the matter, neighbors have stated that stairs used to exist in line with the easement providing access to the beach.

In response to questions from Board member Lewis, Ms. Czerniak stated that given her understanding that neighbors may have the ability to assert a right to an easement along the north property line, it would be reasonable to not block the strip of land with a fence unless a legal opinion supporting an alternative view is submitted and found to be acceptable by the City's attorney.

In response to questions from Board member Nehring, Ms. Melichar reviewed the plan for enclosing the pool noting that the retaining wall along the bluff, because of its height, will serve as a part of the required enclosure. She explained that the terrace proposed at the northeast corner of the house extends past the wall of the house to provide distance between the grill area and the wood siding on the house. She noted that the elevated terrace will not extend as far as the north wall of the garage.

In response to questions from Board member Novit, Ms. Czerniak stated that the City has no involvement in the maintenance of the 10 foot strip along the north property line. She stated that the strip extends across properties to the west of the Jakubowski's property as well.

In response to questions from Chairman Pickus, Ms. Friedrich confirmed that the City Engineer reviewed the preliminary engineering plans and recommended approval of the steep slope setback subject to review and approval of final plans.

In response to questions from the Board, Ms. Czerniak clarified that the Jakubowski's were prepared to resurface the driveway after construction of the house however,

because the driveway is located on the neighboring properties, the owners' consents and signatures on the permit application were necessary. She stated that to her knowledge, the neighbors never consented to the work and despite the fact that the Jakubowskis signed a contract to have the work completed, it did not move forward because a permit was never issued. She stated that the neighbors will need to work together to allow resurfacing of the driveway to proceed.

In response to questions from Board member Novit, Ms. Czerniak stated that conditions as determined to be appropriate by the Board can be recommended as part of the Board's action, including conditions related to verification of the stability of the bluff.

Hearing no further questions from the Board, Chairman Pickus invited public comment.

Mr. Tracy, 41 Stonegate Road, reviewed the history of the project at 1 Stonegate Road from his perspective as a neighbor. He noted that the house today is significantly over the allowable square footage for the property. He stated that in 2010, due to the construction work, the storm sewer was cut off and the bluff on the 1 Stonegate property collapsed during a storm. He stated that the storm sewer was connected to his property as well as the 1 Stonegate Road property. He stated that a stop work order was issued for the property and was in place when Ms. Melichar got involved with the project. He stated that the Historic Preservation Commission did not discuss a zoning variance. He stated opposition to the pool and to locating it within the steep slope setback. He stated that he would like to see the landscape plan for the entire property.

Kim Layton, 15 Stonegate Road, thanked the Board members for reading the e-mail she sent earlier in the day and reviewed the materials she included with it. She stated that she is as upset about the property as Mr. and Ms. Tracy. She stated that there are inaccuracies in the packet that the Jakubowskis provided to the Board. She stated that the easement rights were vacated for other properties, but not hers. She stated that the easement used to provide access to steps that lead to the beach acknowledging that they were not in good condition. She stated that work on the 1 Stonegate property continued for a long time and in the end, the renovation turned into a new house. She stated that the driveway was destroyed and not fixed. She stated that the vegetation was removed from the bluff and that led to the bluff failure. She stated that in 2009, the Jakubowskis were not working within the scope of the permits that were issued. She stated that the work did not proceed in a neighborly way. She stated that she does not want a fence to block the easement along the north property line. She stated objection to the petition.

In response to questions from Board member Plonsker, Ms. Layton confirmed that she used to be able to get down to the Lake.

Chairman Pickus invited additional public comment.

Ann Lyon, Berkshire Hathaway real estate professional, stated that she has the listing at 15 Stonegate Road and has had poor experiences with the owners of 1 Stonegate Road when she has used the easement while showing the property to potential buyers.

Mr. Tracy noted that his bluff is failing and asked whether the bluff work at 1 Stonegate was ever approved.

Ms. Layton commented on a gazebo that used to be in the easement area.

In response to public testimony, Ms. Czerniak stated that it is unfortunate that the owners of the 1 Stonegate Road property are not present noting that the Code requires petitioners to be present at public hearings when variance requests are considered. She reviewed that after the property was purchased by the petitioners, work proceeded beyond the scope of the permits and a stop work order was issued. She confirmed that a significant bluff failure occurred on the property during construction activity. She added that the bluff on the property just to the north is in poor condition. She confirmed that the bluff restoration on the 1 Stonegate Road property was completed in accordance with all applicable regulations and was inspected at completion and the bluff repair permits were closed. She confirmed that the work on the historic home that was on the property started as a major renovation and exceeded that scope. She stated that the project returned to the Historic Preservation Commission and ultimately, and with some regret, the Commission approved the plan for the replacement house. She acknowledged that the process has been difficult for all involved, the property owners, neighbors, the Historic Preservation Commission and staff. She stated that the past mis-steps happened but the Board is now asked to consider a new petition, based on the applicable criteria, for variances from the steep slope and lot in depth setbacks. She stated that it would not be usual for the Board to ask for alternative plans to be considered to eliminate the need for variances or, reduce the magnitude of the encroachment of the structures into the setback areas. She stated that the matter of the pedestrian easement itself is not before the Board.

In response to questions from Board member Nehring, Ms. Czerniak stated that it is her understanding that the neighbor's interest in having the stormwater inlets and pipes replaced is part holding up the resurfacing of the driveway.

In response to questions from Chairman Pickus, Ms. Czerniak confirmed that the Board can require a landscape plan as part of approval of the variances.

In response to questions from Board member Lewis, Ms. Melichar confirmed that the Jakubowskis could not resurface the driveway because the neighbors did not sign off on the permit. She confirmed that the driveway is located on the Tracy's and Ms. Layton's properties.

Chairman Pickus noted that the property owner, Ms. Jakubowski arrived, swore her in and invited her to speak.

Ms. Jakubowski apologized noting that her flight was delayed and she just came from the airport. She confirmed that they were prepared to repair and replace the driveway but after multiple conversations with City staff and the neighbors, could not get the property owners to sign the permit application to allow work on their properties.

In response to questions from Chairman Pickus, Ms. Jakubowski stated that at the end of their construction, they fixed a portion of the storm sewer that was damaged, near their property, along the driveway. She noted that Mr. Tracy was aware of the work being done. She commented that now, Mr. Tracy is asking that they replace all of the aging storm sewer along the driveway before he will authorize resurfacing of the driveway.

In response to questions from Board member Plonsker, Ms. Jakubowski confirmed that the storm sewers were functioning when they moved into the house.

In response to questions from Board member Lewis, Ms. Czerniak confirmed that the permits for construction of the house are closed and a Certificate of Occupancy was issued despite the fact that the driveway was not resurfaced. She stated that the Jakubowskis were not able to get permission from the neighbors to resurface the driveway.

Board member Lewis suggested that the Board could require televising of the existing storm sewer to determine its condition and to demonstrate whether the existing system is working.

Mr. Tracy stated that there are four basins and the Jakubowskis fixed one of them.

Ms. Czerniak stated that the City encourages property owners to work together to inspect, maintain and replace privately owned infrastructure including storm sewers and driveways.

In response to questions from Board member Nehring, Ms. Melichar stated that the pool equipment will be in a below grade vault and will not be within the required setback.

In response to questions from Board member Lewis, Ms. Jakubowski said that the bluff was in bad shape when they purchased the property. She stated that the bluff collapse during a record rain storm in 2010. She stated that after much work and expense, the bluff is now restored and stable. She stated that vegetation is important on the bluff and noted that the neighbor recently took down large trees from the

neighboring bluff. She stated that she is willing to modify the fence location on the east property

In response to questions from Board member Lewis, Ms. Melichar stated that as proposed, there is a self-closing gate in the fence that can be unlocked. She stated that the pool cannot be located east of the house because of the steep slope setback and cannot be located to the west of the house because of mature trees. She stated that the terrace was sized to accommodate the proposed uses and to relate to the house. She stated that the pool is proposed at a standard size, 20' x 40', with a spa on the end. She stated that moving the pool around in the area proposed is hindered to an extent by the storm sewer that exists today.

In response to questions from Board member Nehring, Ms. Melcihar confirmed that they are working with reputable pool companies that often work in Lake Forest and with Bleck Engineering. She added that she wanted to clarify that her firm got involved after the house was under construction. She stated that her firm was not involved in the bluff issues. She stated that the project now proposed is a simple project noting that the terrace will have a three foot foundation. She agreed that the fence configuration can be changed. She stated that the terrace was not completed earlier, along with the house, because the bluff was not yet stabilized. She stated that work on the landscape plan is underway now that the bluff work is completed. She stated that the plan will include landscaping in the area near the pool. She confirmed that the deeper end of the pool will be at the east end.

Board member Nehring suggested that the City Engineer confirm that the proposed depth of the pool will not impact the stability of the bluff. She encouraged the petitioner to look at ways to minimize the encroachment of the pool into the setback. She questioned whether the amount of decking can be reduced. She asked that the location of the fence be modified to avoid blocking the easement.

Board member Novit said that more information is needed. She asked for more information about the magnitude of the existing square foot overage. She suggested that consideration be given to moving the pool out of the steep slope. She asked to see options for the site.

Board member Lewis stated agreement with Board members Novit and Nehring. He noted that the petitioner has agreed to move the fence out of the easement along the north property line. He agreed that consideration should be given to reducing the extent of the encroachment into the steep slope setback. He stated that he would like to see the petitioner and neighbors work together toward a resolution that would allow the driveway to be repaved before approving additional work on the site. He acknowledged however that resolution of the private matters may not be within the direct purview of the Board.

Chairman Pickus agreed with the comments of the other Board members. He noted however that he cannot support variances to allow more work on the site without a resolution that will allow the driveway and storm sewer issues to be resolved. He acknowledged that resolution of the issues is a shared responsibility among the neighbors but reiterated that an agreement on how the issues will be resolved is needed prior to moving this petition forward. Hearing no further comments from the Board, he invited a motion to continue consideration of the petition.

Board member Lewis made a motion to continue consideration of the petition to a future meeting to allow the issues raised by the Board members to be addressed and alternative plans to be explored.

The motion was seconded by Board member Novit and was approved by a vote of 5 to 0.

6. Continued consideration of updates to the Elawa Farm Master Plan and amendments to the associated Special Use Permit. Elawa is located at 1401 Middlefork Drive. No action is scheduled on this matter at this time.

Owner: The City of Lake Forest

Representatives: City staff and Elawa Farm Tenants

This item was postponed due to Board members' absences.

7. Consideration of a request for approval of an amendment to a Special Use Permit for property located at 900 N. Waukegan Road to allow limited retail sales and rental for private events.

Owner and Representative: 900 N. Waukegan Road LLC – Craig Bergmann

This item was postponed at the request of the petitioner.

8. Public testimony on non-agenda items.

No public testimony was presented to the Board on non-agenda items.

9. Additional information from staff.

There was no additional information presented by staff.

The meeting was adjourned at 9:42 p.m.

Respectfully submitted,

Michelle E. Friedrich
Planning Technician