

The City of Lake Forest
Zoning Board of Appeals
Proceedings of the May 29, 2019 Meeting

A regular meeting of the Lake Forest Zoning Board of Appeals was held on Wednesday, May 29, 2019 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 Mark Pasquesi and Board members James Moorhead, Michael Sieman, Kevin Lewis, Nancy Novit, Laurie Rose and Lisa Nehring.

Zoning Board of Appeals members absent: None

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 Pasquesi reviewed the role of the Zoning Board of Appeals and asked members of the Board and staff to introduce themselves. He welcomed Laurie Rose, the newly appointed member of the Board.

2. Consideration of the minutes from the April 2, 2019 meeting.

The minutes of the April 2, 2019 meeting were approved as submitted.

3. Consideration of a request for approval of variances from the lot-in-depth and steep slope setbacks to allow a single story addition, a dormer addition, a two story addition and patios at 420 Washington Road.

Owner: Alling C Brown Trust (Bank of America & Thoms E. Quinlan Successor, Co-Trustees)

Contract Purchaser and Representative: Michael Hrusovsky

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

Mr. Hrusovsky introduced the petition. He described the history of the house and the surrounding properties. He noted the home and the neighboring homes are in an area that is part of original plat of Lake Forest. He noted a shallow ravine that runs along the east and south sides of the property and some of the adjacent properties and noted that part of the ravine was filled in at one point. He described the historic neighborhood known as Brownsville, which includes a cluster of six homes constructed in the 1914 – 1934 timeframe. He noted that the property is zoned R-3. He described the additions proposed. He noted that extensive interior remodeling is planned and explained that variances are requested to bring this property up to today's standards with some small additions. He noted the setbacks on the site plan and stated that the detached garage meets the setback requirements. He noted the

placement of the garage is an attempt to be respectful of the neighboring house at 430 Washington Road to the northeast and the 410 Washington Road house to the west. He noted the house on Rosemary Road, to the south, across the ravine. He described the development of the homes in the Brownsville neighborhood over time. He noted that the subdivision of the area was approved by the City in 1980's and resulted in most of these existing homes being located near the property lines, creating non-conforming conditions. He pointed out that many of the other homes in the Brownsville neighborhood have received setback variances in the past as updates have been completed.

Ms. Friedrich noted Mr. Hrusovsky is the contract purchaser of this house and the house to the west at 410 Washington Road. She stated the work proposed at 410 Washington Road, as currently proposed, does not require zoning variances. She noted that the proposed projects at both of these homes are subject to review and approval by the Historic Preservation Commission which is tentatively scheduled for June. She noted that the Commission will review the architectural details of the projects and will consider the proposed detached garages, tree impacts, visibility of the additions and proposed landscaping. She noted that lot-in-depth and steep slope setbacks apply to the property adding that both setbacks are noted on the site plan in the Board's packet. She noted that a large portion of the existing house is non-conforming to the setbacks and as a result, variances are required for nearly any work done to the existing house. She acknowledged that the house is in disrepair and the contract purchaser is working to bring the home up to date and make some modifications to the exterior with those updates. She described the single story addition proposed on the west side of the house noting the encroachment into the lot-in-depth setback pointing out that the addition will not encroach further into the setback than the existing house. She stated that the proposed dormer on the south elevation of the house requires also requires a variance from the lot-in-depth setback, but does not encroach further into the required setback than the existing house. She described the two story addition proposed on the south elevation and noted it encroaches into the slot-in-depth and steep slope setbacks. She noted however, that the addition aligns with an existing element and infills a gap on the rear elevation. She noted that the addition does not extend further into the setback than the existing condition. She described the at-grade patios proposed within the steep slope setback. She noted that the City Engineer reviewed the preliminary plans and recommended granting the steep slope setback variance as requested subject to review of final drainage and grading plans. She noted that the proposed garage does not require any variances and therefore, is not part of the Board's consideration. She noted that Staff has received contacts from neighboring property owners with questions about the plans for the properties. She noted that correspondence received after the packet was compiled was provided to the Board. She noted that the staff report includes conditions of approval for the Board's consideration. She noted that based on staff's conversations with neighboring property owners, there are other conditions that could be considered as well.

Chairman Pasquesi invited questions from the Board.

In response to questions from Board member Lewis, Ms. Friedrich noted that the garage was not part of the variance request. She noted that the encroachment of the garage into the steep slope setback was not identified by staff. She confirmed that the garage will need to be moved north, to avoid encroaching into the steep slope setback. She noted that the dimensioned site plan was submitted just before the packets were distributed.

At Board member Sieman's request, Chairman Pasquesi allotted the petitioner additional time to complete his presentation.

Mr. Hrusovsky reviewed the proposed site plan and stated that the proposed garage will be shifted out of the steep slope setback. He noted that the existing garage, under the house, will be renovated as living space with a patio adjacent to it, in the foot print of the existing driveway.

In response to questions from Board member Nehring, Mr. Hrusovsky clarified that the new garage is proposed to the west of the house, outside of the required setbacks. He confirmed that a grading plan will be included when the project is submitted for permit and will detail all work proposed, including any necessary drainage work. He confirmed that any structural remediation that is determined to be necessary, including work on the foundation will be completed.

In response to questions from Board member Nehring, Ms. Friedrich confirmed that the City Arborist was recently out at the site to review the staking and evaluate potential impacts on trees. She stated that the Historic Preservation Commission will consider potential impacts on trees in reviewing the siting of the garage. She stated that if approved plan impacts trees, replacement inches will be required consistent with the Code.

In response to questions from Board member Moorhead, Mr. Hrusovsky stated that a breezeway is not proposed between the proposed garage and the existing house which allows the garage to be considered using accessory structure setbacks. He noted there might be some lattice work in that area.

Ms. Friedrich confirmed that the plans included in the Board's packet do not reflect a breezeway.

In response to questions from Board member Lewis, Ms. Friedrich noted that patios proposed at grade, or within 8 inches at existing grade, are not required to conform to lot-in-depth setback requirements. She noted however that the patios require a variance because they are located in the steep slope setback.

In response to questions from Board member Nehring, Mr. Hrusovsky confirmed the patios will be flagstone.

In response to questions from Board member Nehring, Ms. Friedrich noted that the City Engineer will review the proposed patio plans as part of the grading and plan.

In response to questions from Board member Rose, Ms. Friedrich noted that there are both two and three car garages in the neighborhood.

In response to questions from Chairman Pasquesi, Ms. Friedrich explained that the proposed plans provided to staff for the neighboring property at 410 Washington Road do not appear to require a variance.

In response to questions from Board member Moorhead, Ms. Friedrich clarified that staff has been in contact with the attorney for the property owner of 420 Washington Road and he knows this petition is moving forward.

Chairman Pasquesi, hearing no further questions from the Board, invited public testimony.

Amy Schuetz, 552 Rosemary Road, stated that she supports improvement of the property. She noted however that her property is directly south of the house adding that most of the ravine is on her property. She stated that the south east corner of the retaining wall, near the ravine, is falling and needs attention. She noted that water flows over the top of the ravine from the 420 Washington Road property and is causing erosion of the ravine. She noted that it is difficult to maintain the ravine when she is not in control of the entirety of the tableland adjacent to the ravine. She noted appreciation for the work proposed at the house adding that the house has been deteriorating for years.

Jim Carris, 430 Washington Road, noted that he and his wife also support improvements to the homes. He noted that his house is directly northeast of the 420 property. He expressed concern that the petitioner is the contract purchaser for both 410 and 420 Washington Road both of which take access across his property. He stated that the provisions of the access easement needs to be clarified along with the maintenance responsibilities particularly if construction vehicles are going to use the driveway. He stated that the plans presented are conceptual adding that the details of the proposed work need to be reflected on the plans. He noted that he has talked with the petitioner and several ideas about altering the driveway, the proposed work, and longer term plans were mentioned, but not resolved. He stated that each aspect of the work should be contingent on understanding the larger picture.

Steve Douglass, 460 Washington Road, stated that his family has lived in their house for 28 years and as a result, he is very familiar with the neighborhood and the homes in it. He confirmed that the house at 420 Washington Road has not been lived in for about 38 years. He stated that he is supportive of the proposed improvement and variances to support the improvements. He stated support for a careful review of drainage from the property. He agreed with Mr. Carris' on the need for detailed and comprehensive plans for both properties, showing all that is planned. He stated that the petitioner is proposing a complex project that deserves more definitive plans. He noted his hope that detailed plans will be available for the Historic Preservation Commission's review.

Hearing nothing further, Chairman Pasquesi returned the discussion to the Board.

In response to questions from Board member Sieman, Ms. Friedrich noted that if the Board recommends approval of the setback variances, the proposed changes to both the 410 and 420 Washington Road properties will be presented to the Historic Preservation Commission for the review.

In response to questions from Chairman Pasquesi, Ms. Friedrich offered some additional thoughts on conditions the Board may want to consider based on the testimony presented. She suggested that conditions could be added to direct careful review of the plans to assure protection of the ravine, repair of retaining walls as determined to be needed based on a structural analysis to be completed by the petitioner, verification the rights and responsibilities

for the access easement are clarified and addressed and that drainage and any construction activity, and a condition requiring that access be maintained along the driveway throughout the construction process.

In response to questions from Board member Nehring, Ms. Friedrich confirmed that the City Engineer's review will include consideration of improvements or corrections that need to be made to the existing drainage as well as review to assure that any additional runoff resulting from proposed excavation or construction is properly handled to avoid impacts to the ravine, the driveway or surrounding properties.

In response to questions from Board member Sieman, Ms. Czerniak confirmed that the City Engineer will review any construction proposed within the steep slope setback further when detailed plans are submitted, prior to the issuance of a permit to allow construction to proceed. She stated that inspections will occur during the construction project. She noted that in general, erosion that is occurring in a ravine, on private property, is the responsibility of the property owner.

In response to questions from Board member Novit, Ms. Friedrich clarified that the Board's recommendation establishes the furthest encroachment permitted subject to review and approval of the final grading and drainage plans by the City Engineer. She confirmed that if from a technical perspective the City Engineer determines that a lesser encroachment is necessary for avoid negative impacts to the ravine or neighboring properties, encroachment to a lesser extent may be required.

Board member Lewis noted that initially, he was surprised at the number of variances requested but after visiting the site and understanding the unique character of the area and past approvals of variances, he is supportive of the petition contingent on the conditions recommended by staff. He acknowledged Mr. Carris' concerns regarding the easement and understanding the bigger picture plans for the properties but noted that the Board's purview is limited.

Chairman Pasquesi agreed with Board member Lewis' comments. He noted his appreciation for the neighbors' testimony adding that it is always helpful to shed light on the potential impacts or concerns about various aspects of the project.

Board member Novit noted her agreement with Board member Lewis and Chairman Pasquesi. She added that the Historic Preservation Commission's review and input will be important to clarify the details of the architecture and provide a clearer understanding of what is proposed.

Board member Nehring noted her agreement with the other Board members and stated support for the conditions proposed by staff.

Board member Moorhead agreed with the other Board members' comments and stated support for the conditions as offered by staff.

Board member Rose also agreed with the other Board members' comments and noted that the purview of the Board is narrow. She stated her expectation that the Historic Preservation Commission will address some of the concerns raised by the neighbors.

Board member Sieman agreed with the other Board members and noted that the petitioner's engagement with the neighbors ahead of the meeting is consistent with the public process. He asked that the City Engineer carefully review of the project given the concerns raised about the existing conditions and impacts on the ravine. He noted that looking forward, he would be supportive of a setback variance for the detached garage if an alternate plan is presented that would save trees.

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

Board member Lewis made a motion to recommend approval to the City Council of variances from the lot-in-depth and steep slope setback requirements to allow:

- The one story addition on the west elevation to encroach no further than 10 feet into the 40 foot lot-in-depth setback.
- The small two story addition on the south elevation to encroach no further than the adjacent element into the 40 foot lot-in-depth setback and the steep slope setback.
- The dormer on the south elevation to encroach into the lot-in-depth setback no further than the existing house.
- The at-grade patio to the south of the house to encroach no closer than 3 feet to the south property line and no closer than 14 feet to the east property line.
- The at-grade patio to the east of the house to encroach no closer than 9 feet to the east property line, at the closest point, and within the limits of the existing driveway.

He stated that the motion is based on the findings detailed in the staff report and noted that the Board's discussion is also incorporated as additional findings. He noted that the motion includes the following conditions of approval.

1. The patios shall be at grade with little to no excavation.
2. A fully dimensioned site plan shall be submitted prior to review by the Historic Preservation Commission detailing the extent of the encroachment of each component of the project.
3. The garage shall be sited outside of the required setbacks or further consideration by the Zoning Board of Appeals is required.
4. Prior to the issuance of a building permit, fully detailed drainage and grading plans shall be submitted and will be subject to review and approval by the City Engineer. The City Engineer is directed to review the plans to verify that existing conditions contributing to erosion in the ravine are addressed and verify that any proposed excavation, tree and vegetation removal, construction and grading

and drainage modifications will not negatively impact the ravine, driveway, or neighboring properties.

5. Prior to issuance of a building permit, the petitioner shall submit an evaluation of the retaining walls and recommendations for corrective action if determined to be necessary, stamped by a structural engineer. The report will be subject to review and approval by City staff or consultants as determined to be necessary to verify the integrity of the structures and the details of any corrective work.
6. Prior to the issuance of a building permit, the owner of the property shall provide verification of rights and responsibilities relating to the access easement and, in particular, how any damage due to construction will be addressed.
7. The private driveway shall be remain accessible throughout construction.

The motion was seconded by Board member Nehring and was approved by a vote of 7 to 0.

6. Public testimony on non-agenda items.

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

7. Additional information from staff.

Ms. Friedrich noted that the next meeting is scheduled for Monday, June 24, 2019.

The meeting was adjourned at 7:51 p.m.

Respectfully submitted,

Michelle E. Friedrich
Planning Technician