

**The City of Lake Forest**  
**Zoning Board of Appeals**  
**Proceedings of the July 22, 2019 Meeting**

A regular meeting of the Lake Forest Zoning Board of Appeals was held on Monday, June 24, 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, Nancy Novit, Laurie Rose and Lisa Nehring.

Zoning Board of Appeals members absent: Kevin Lewis

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.

**2. Consideration of the minutes from the June 24, 2019 meeting.**

The minutes of the June 24, 2019 meeting were approved as submitted.

**3. Consideration of a request for variances from the required setbacks to allow construction of two buildings to support replacement pumps to address flooding under the viaduct on Deerpath, at Route 41. The property is located at the southwest corner of Deerpath and Ahwahnee Lane.**

**Property Owner: Illinois Department of Transportation,  
Brian Kuttab, P.E., Bureau of Design, IDOT**

**Suleyman Tulgar, P.E. Bureau of Design, IDOT**

**James Mitchell (project engineer), Knight E/A**

**Presented by: Catherine Czerniak, Director of Community Development**

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.

Ms. Czerniak introduced the petition. She explained that she is presenting the petition on behalf of the City because although the property is currently owned by the State of Illinois, after construction, the City will be the owner of the property and the pump

station. She noted that the property on which the new pump station and emergency generator are proposed is located at the corner of Deerpath and Ahwahnee Lane. She noted that the new pump station will replace the existing pump station which dates from the 1950's and is located under the viaduct. She stated that the new pump station is intended to significantly reduce or eliminate flooding under the viaduct on Deerpath, near Route 41. She reviewed the existing conditions of the property on which the pump station is proposed noting the bike path and water main that run across the property. She noted the proposed relocation of each, slightly to the south, but still on the property. She stated that public safety is the primary impetus for the project. She noted the proximity of Northwestern Lake Forest Hospital, the City's Public Safety facility and Deerpath Middle School to the viaduct noting that two to three times a year, the viaduct is impassable due to flooding. She noted that the project will be funded substantially by IDOT and noted that there is interest in moving the project forward while the IDOT money is available. She stated that the project represents a \$7-10 million dollar investment in the community by IDOT to support public safety. She noted that in addition to construction of a new pump station and the supporting emergency generator, there will also be limited improvements to the lanes on Deerpath, under the viaduct. She stated that separate left turn lanes to provide access on to Route 41 are planned. She noted that as part of the project, two new detention ponds are proposed at Deer Path Golf Course, on the north side of Deerpath. She noted the overall project is expected to take 1 ½ to 2 years to complete. She explained that zoning variances are requested because, at the request of City staff, the pump station and generator buildings are located in the northwest corner of the property, as far as possible away from the homes to the east and north. She noted the buildings could be centered on the site, in compliance with the 50 foot setback requirement for community buildings in a residential district. She noted that during construction there will be activity on the site however, after construction is complete, City crews will monitor the site about once a week. She noted that the generator will run about once a month for 30 minutes and during power outages. She stated that both the pump and the generator are constructed with sound attenuating materials and both pieces of equipment will also be enclosed in masonry buildings. She stated that most of the trees on the site are non-native and of poor quality. She stated efforts will be made to preserve the few good quality trees on the site, particularly those near the corner of Deerpath and Ahwahnee Lane, in the northeast corner of the property. She presented the conceptual landscape plan and noted that staff will evaluate the site on an ongoing basis and enhance the plantings as necessary with the goal of overtime, screening the structures from the streets. She noted that due to the grade of the site, the buildings are not likely to be visible to eastbound traffic. She stated that as part of the projects, some of the sidewalks in the immediate vicinity of the project will be widened. For comparison purposes, she noted that there are two other pump stations in residential neighborhoods in Lake Forest, one at Sheridan Road and Spruce Avenue, the other at the west end of Old Mill Road. She noted that as proposed, at the closest point, the proposed pump station and generator buildings are 90 feet from east property line, 50 and 75 feet from the south

property line, 18 feet from the west property line and 37 feet from the north property line.

Chairman Pasquesi invited questions from the Board.

In response to questions from Board member Novit, Ms. Czerniak reviewed the grading planned for the site acknowledging that most of the property will be impacted by the grading and construction activity. She clarified the proposed driveway location.

In response to questions from Board member Nehring, Ms. Czerniak confirmed that the drainage plan will be reviewed by the City Engineer.

In response to questions from Board member Rose, Ms. Czerniak confirmed that the generator will have the latest technology with respect to sound mitigation.

In response to questions from Board member Moorhead, Ms. Czerniak stated that the curb cut will be generally located where the entrance to the bike path is today. She acknowledged that construction staging will need to be carefully considered and noted that portions of the golf course may be available for staging during some parts of the project.

In response to questions from Board member Sieman, Ms. Czerniak confirmed that this site was selected as the optimum site for the new pump station after years of study.

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

Christine Moulder, 535 W. Deerpath, noted she lives directly across Ahwahnee Lane from the site and stated her appreciation for the careful planning completed to date. She noted that she submitted a letter to the Board and asked that her questions be addressed.

Tom Glusic, 375 Deerpath Square, asked questions about the engineering design and the site selection.

Brian Kuttab, P. E. Consultant Project Manager, Illinois Department of Transportation, reviewed the basis for selection of the site and explained how stormwater management will be improved with the new pump station, detention ponds and new storm sewer. He stated that the existing pump station is located under the viaduct, in the bridge abutment. He explained that the new pump station in combination with other improvements, will drain the area much more efficiently. He noted that stormwater will be pumped to the east, to the Skokie Drainage ditch, more efficiently than occurs today.

Ms. Czerniak acknowledged the questions in Ms. Moulder's letter and noted that they have been answered in the earlier comments by staff and Mr. Kuttab.

Hearing no further public testimony, Chairman Pasquesi returned the discussion to the Board.

Board member Nehring stated appreciation for the detail provided to the Board including the sound study. She stated that the project is great for the community.

Chairman Pasquesi commended the plan and the opportunity to take advantage of available funding from IDOT.

Board member Novit expressed support for the project and the efforts to reduce flooding in the area.

Board member Rose expressed support for the project and appreciation for all of the planning that has occurred to date.

Board member Sieman noted that this is a good project at a location where improvement is needed. He agreed that the project is needed to address a life safety issue. He agreed that the questions raised in Ms. Moulder's letter were addressed.

Board member Moorhead stated support for the project and stated that in his opinion, the requirements for a variance are satisfied.

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

Board member Nehring made a motion to recommend approval to the City Council of a variance to allow construction of a pump station and a generator building no closer than 18 feet to the west property line, and no closer than 37 feet to the north property line in lieu of the required 50 foot setback and consistent with the site plan submitted to the Board. She stated that the motion is based on the findings detailed in the staff report and noted that the Board's discussion is also incorporated in the findings.

The motion was seconded by Board member Novit and was approved by a vote of 6 to 0.

- 4. Consideration of a request for approval of a variance from the lot-in-depth setback to recognize an existing historic structure located within the required setback that is proposed for adaptive reuse and to allow construction of a portion of a breezeway and a screen porch, as part of a replacement residence, within in the setback. The property is located at 1302 N. Green Bay Road.**

**Owners: Ralph and Mary Gesualdo**  
**Representative: Tim Kress, bba Architects**

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. Kress introduced the petition noting that the Gesualdos are longtime residents of Lake Forest. He noted that they currently live to the west of the property in question and recently acquired the 1302 property. He stated that the goal is to construct house within walking distance to their home, for their children who often visit and live out of State. He noted that his office has worked with Susan Benjamin in the past and asked her to conduct an historic assessment of the existing structure on the property. He noted that the original intention was to tear down the existing residence in its entirety but noted that after Ms. Benjamin's assessment, which concluded that a portion of the existing structure was designed by Howard Van Doren Shaw, a decision was made to incorporate that element into the new design. He noted that the challenge in the design is that the historic piece of the existing building is in the 50 foot lot in depth setback. He reviewed several site plan alternatives that were considered and noted that a goal of the petitioners is to have a covered passage from the house to the garage. He noted that the alternatives studies included complete demolition and new construction in compliance with the 50 foot setback, and various other configurations. He noted the drawbacks of each alternative that was studied. He reviewed the preferred alternative noting that the majority of the new construction conforms to the setback however, a new screen porch is located within the setback, 40 feet from the north property line. He added that alterations are proposed on the historic element which is wholly located in the required setback and a covered passage is proposed in the setback, to connect the house and garage. He noted that the tallest point on the entire new structure is 24 feet and the screen porch is 21feet in height. He noted that the maximum height permitted on the property is 40 feet. He noted there are no significant modifications proposed to the historic structure but acknowledged that some openings are being relocated to align with the floor plans. He noted that the intent is to keep the character of the existing structure. He described the proposed natural materials for the exterior and a dark gray, matte roof. He noted that the face of the dormer on the existing structure will be a vertical wood siding and stated that the intent is to preserve the clay block on the lower portion of the historic structure and cover it with stucco. He described the sidewalk proposed from the property to the west and acknowledged that the ownership and access issues will need to be worked out.

Ms. Friedrich noted that this project is scheduled for Historic Preservation Commission review later in July. She noted that the Gesualdos recently purchased the property and after consideration of several options which were briefly presented in the Board's packet and described by Mr. Kress, have brought forward the petition with their

preferred alternative. She noted that this petition is unusual because the Board does not typically hear requests for variances to allow the construction of new structures within the setback. She described the unique aspect of the project, the proposed adaptive reuse and restoration of an historic building on the site, in conjunction with a new structure. She noted that the property is a remnant of a larger estate that over time, was subdivided and reconfigured resulting in the existing siting of the house within 11.5 feet of the north property line. She noted that today, the property is considered a lot-in-depth, in the R-4 district, which requires a 50 foot setback from all property lines. She noted that the variance request seeks approval of modifications to the existing nonconforming structure within the require setback, a variance for a breezeway to connect the original structure with the new proposed structure, and a variance for a portion of the screen porch. She noted that the breezeway extends about 14.5 feet into the 50 foot setback and the proposed screen porch, located to the east of the original structure, extends 10 feet into the 50 foot setback. She stated that both elements are open in nature. She noted that letters received from neighbors were provided to the Board.

In response to questions from Chairman Pasquesi, Ms. Czerniak confirmed a request for approval of demolition of the entire structure was not submitted by the petitioners. She confirmed that as part of early discussions, various site plan alternatives were presented by the petitioners for staff input.

Chairman Pasquesi invited questions from the Board.

In response to questions from Board member Novit, Mr. Kress noted that the petitioner's preference is to keep the portion of the existing residence that is associated with Howard Van Doren Shaw.

In response to questions from Board member Nehring, Mr. Kress confirmed that the pool will be removed and a stockade fence will remain along the west property line. He stated that the metal fencing on the site will be removed.

In response to questions fomr Board member Moorhead, Ms. Friedrich reviewed the various aspects of the project that require variances from the zoning setbacks. In response to questions from Board member Nehring, Ms. Friedrich noted that in the past, when petitions require both design review and zoning variances, the Zoning Board of Appeals has indicated a preference to have an opportunity to weigh in on the petition before design review occurs. She acknowledged that this is a unique petition given the interest on the part of the petitioners to preserve and reuse part of a structure based on its historic nature. She noted that in the case of this petition, review by the Historic Preservation Commission at the front end may have provided some helpful insights.

In response to questions from Board member Moorhead, Mr. Kress confirmed that the footprint of the coach house will not change.

In response to questions from Chairman Pasquesi, Mr. Kress noted that the driveway immediately to the west of the Gesualdo property serves 1410 and 1412 N. Green Bay Road.

Chairman Pasquesi, hearing no further questions from the Board, invited public testimony and swore in those intending on speaking.

Susan Benjamin, preservation consultant, confirmed that she evaluated and researched the structure located on the Gesualdo property. She described the Howard Van Doren Shaw structure and noted that although originally designed as an auxiliary structure, Shaw took great care in the design of these types of structures. She stated her belief that the building served as a garage for a larger estate. She noted that the three openings on the south elevation were retained over the years and over the course of various alterations to the structure. She noted that this petition is an opportunity to return the structure to its original design and give credit to Shaw for his good work.

Art Miller, 169 Wildwood Road, noted his interest in preservation throughout the community. He stated that in the case of this petition, there are two families involved, on opposite sides of any issue, adding that both families have done great things for the community and in support of preservation. He talked about the historic structure noting that the shingles might be original adding that covering them up may not be the best approach if the intent is restoration of the original character. He questioned whether the changes proposed will in fact preserve the building. He suggested that if preservation is the goal, the existing materials should be evaluated and a determination made whether reuse is appropriate. He noted the structures built in the late 1800s were often fire proofed and suggested that the materials used were for that purpose.

Edgar Heizer, 1412 N. Green Bay Road, stated that his homes is directly west of the subject property and described his driveway as a spur road off the 1400 driveway. He noted that he is pleased with the proposed clean up of the property. He noted that he submitted a letter and reviewed his three concerns as stated in the letter. He asked that the stockade fence along the west property line be maintained for privacy and safety. He stated that the landscaping along the west property line is important and should be maintained or enhanced. He acknowledged that the Gesualdos property at 1418 N. Green Bay Road is well landscaped. He noted his concern about the proposed pedestrian gate to his driveway. He stated that the driveway is 11 feet wide, has a grade change and, in the winter, can be slick with ice. He stated that the proposed pedestrian access could jeopardize the access to his property. He noted that he believes the access drive is owned by the Peterson's.

In response to questions from Board member Nehring, Mr. Heizer stated that he and his neighbors, the Trees, at 1410 N. Green Bay Road, maintain and plow the driveway.

Andy Trees, 1410 N. Green Bay Road, stated that he shares the Heizer's concerns with respect to safety, especially in the winter. He added that in the winter, when there is heavy snowfall, there can be many piles of snow along the drive limiting visibility.

Nicole Peterson, 1400 N. Green Bay Road, stated that they have enjoyed the Gesualdo's as neighbors for many years and their careful attention to the maintenance of their property. She stated support for the idea of the proposed project. She noted however, that she opposes the plan to retain the portion of the existing residence that is close to her property line. She noted that the 1302 property is higher in elevation than her property and in the winter, she can see not only the existing house on the site, but the original house at 1296 N. Green Bay Road. She stated that in her opinion, there is no historic value to the existing structure that is proposed for reuse. She stated that keeping the structure is a detriment to the property. She noted that the proposed home is beautiful home but stated opposition to the proximity to her property.

Hearing no further public testimony, Chairman Pasquesi returned the discussion to the Board.

In response to questions from Board member Nehring, Ms. Friedrich confirmed that the existing structure complies with the applicable accessory structure setbacks. She explained that if the historic element of the existing residence is not connected to a principal structure, and is separated by at least a distance of 10 feet, it would meet the setback requirements.

In response to questions from Board member Sieman, Ms. Friedrich noted that by connecting the new house to the garage with a breezeway, the garage is considered part of the principal structure for the purpose of determining required setbacks. She confirmed that as part of the principal structure a 50 foot setback is required.

In response to questions from Chairman Pasquesi, Ms. Czerniak noted that if the variance for breezeway and screen porch are denied, theoretically, the historic element could remain as an accessory structure.

In response to questions from Board member Nehring, Ms. Czerniak acknowledged that part of the difficulty in making a decision on the variance request is not knowing if the Historic Preservation Commission believes that the structure is worth preserving.

In response to questions from Board member Rose, Ms. Friedrich explained that the Board can continue the petition and request review and a recommendation from the



Historic Preservation Commission to help the Board in determining whether a hardship exists.

In response to questions from Chairman Pasquesi, Ms. Benjamin explained that the structure is significant from a historical perspective in part because it was designed by Howard Van Doren Shaw and in part because it is part of a larger estate which was comprised of multiple buildings. She noted that it is an auxiliary structure to a main estate house and still holds that spatial relationship. She noted that the Shaw form of the structure has been retained and it is significant to the whole, larger estate.

Miles Marsh, 930 Lake Road, stated that the structure proposed for preservation was originally a barn, not a garage. He stated that the barn was converted to a garage, and then to living quarters. He noted that the petitioners propose to renovate the structure and clad it with new materials. He questioned whether the building would retain any historical significance. He stated that the proposed new residence, in his opinion, does not relate to the original estate house at 1296 N. Green Bay Road of which the property was originally part. He noted that the house at 1400 N. Green Bay Road is of considerable interest and should be appropriately protected. He noted that the proposed project will be visible from the main living areas of the 1400 N. Green Bay Road residence. He noted that the project as proposed will impact the enjoyment of 1400 N. Green Bay Road, an important property. He stated that it is important that the proposed residence comply with the 50 foot setback requirement.

Chairman Pasquesi invited response to public comments from the petitioner.

Mr. Kress noted that the design was developed with sensitivity to the concerns raised. He noted however, that the owners can keep the original structure, as a detached accessory structure, without a variance. He noted that the new construction within the setback includes a portion of a screen porch and a breezeway, both behind a 6 foot fence, 40 feet away from the property line. He stated that beyond that, a new, single story house is proposed, in compliance with the setbacks.

In response to questions from Board member Moorhead, Mr. Kress confirmed that the new structure will be lower than the existing house. He noted that the breezeway will have a bluestone material that matches the patio proposed to the east and that any lighting in the roof of the breezeway will be directed down. He noted that the screen porch will not be heated.

In response to questions from Board member Sieman, Ms. Czerniak confirmed that if the new house was proposed without the breezeway or screen porch, no variance would be required. She noted that in the past, the preservation of an historic resource has been used as part of the justification for a variance. She noted that if the petitioner's pursued complete demolition of the existing structure, the replacement house could be taller than the house currently proposed and could be located 50 feet from the property line. She stated that a new accessory structure could be

constructed generally in the location of the existing structure proposed for preservation and reuse.

In response to questions from Board member Moorhead, Mr. Kress noted that the house has been vacant for about one year. He noted that they will work to enhance the landscaping proposed in any way necessary and provide sufficient screening from neighboring properties. He noted that the owners will review the access easement and determine whether pedestrian access from the property is permitted. In response to questions from Board member Nehring, Mr. Kress agreed that the proposed breezeway is blocked from view from off the property by the structure proposed for preservation. He confirmed that to the east of the breezeway, an open, at grade patio is proposed and to the east of the breezeway, a screen porch is proposed. He stated that the screen porch will be very open in nature and is not proposed for use in the winter months.

Board member Novit acknowledged the concerns of the Peterson's, but noted that the building is already there and has been for many years. She noted that there is a possibility that an accessory, detached structure could be built, right where the existing structure is located.

Chairman Pasquesi noted that the challenge is balancing the interest of the petitioner with the interests of the neighboring property owners. He questioned whether or not the existing structure is worth restoration. He acknowledged that the structure can remain and would be in compliance with the Code, if not for the proposed breezeway.

Board member Sieman stated support for the requested variances based on the various factors and limited additional impact within the setback area.

Board member Nehring commented that the height of the proposed residence is lower than the existing structure. She stated that the project attempts to balance the petitioner's needs with the neighbor's interests. She noted that not every situation is a win-win acknowledged that this is a difficult situation.

Board member Moorhead noted that this petition appears to meet the standards for a variance. He stated that the proposed project, and particularly the areas of encroachment, do not alter the character of the neighborhood. He stated that the breezeway and screen porch are minimal structures. He noted that in his opinion, in addition to satisfying the first two criteria, the petition also satisfies the third criteria in that the proposed structures will not impair the adequate supply of air and light to neighboring properties. He noted that based on the discussions that have occurred, the petitioner seems willing to make enhancements to the landscape plan to protect the neighboring properties.

Board member Rose stated support for the petition, with the condition that the easement language be reviewed.

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

Board member Sieman made a motion to recommend approval to the City Council of variances to recognize the original structure which is proposed for adaptive reuse at the current location within the required setback, 11'9" from the north property line, and to grant variances for a covered breezeway connecting the new residence to the original coach house to be located no closer than 35'8" to the north property line and to allow the a screen porch to be located no closer than 40' to the north property line all as shown on the site plan provided in the Board's packets. He stated that the motion is subject to the following conditions.

1. The breezeway shall remain as an open structure and the screen porch shall remain screened, neither shall be enclosed with a solid wall or walls.
2. The final landscape plan shall be subject to review and approval by the City Arborist. The plan must reflect the required replacement inches and enhanced screening along the north property line. Plantings shall be installed prior to the issuance of a Certificate of Occupancy or, if that is not possible due to the time of year, a cash bond shall be posted in an amount of 110% of the plant materials and labor to assure planting during the next available planting seasons.
3. Prior to the issuance of a building permit, a plan for construction parking and materials' staging shall be submitted for review and will be subject to approval by the City's Certified Arborist, City Engineer and Director of Community Development. The plan shall demonstrate the construction vehicles and equipment are accommodated on site to assure that the narrow road remains unobstructed.
4. Documentation shall be submitted demonstrating that direct access to the private road to the west of the property is authorized. City acknowledges the easement is a private matter.
5. The road used by construction vehicles and the adjacent parkway shall be photographed prior to construction and the photos shall be submitted to the

City to allow verification that any damage caused by construction activity is repaired prior to the issuance of a Certificate of Occupancy.

6. Building height shall remain consistent with the petition as presented.

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 in the findings.

The motion was seconded by Board member Moorhead and was approved by a vote of 6 to 1 with Chairman Pasquesi voting nay.

Chairman Pasquesi explained that his vote in opposition to the variance request is based on his opinion that the existing building is not worth preserving and therefore, the variance is not justified.

#### **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, August 26, 2019.

The meeting was adjourned at 8:30 p.m.  
Respectfully submitted,

Michelle E. Friedrich  
Planning Technician