

**The City of Lake Forest**  
**Zoning Board of Appeals**  
**Proceedings of the November 23, 2020 Meeting**

A regular meeting of the Lake Forest Zoning Board of Appeals was held on Monday, October 26, 2020 at 6:30 p.m.

Zoning Board of Appeals members present: Chairman Mark Pasquesi and Board members Michael Sieman, James Moorhead, Nancy Novit, Pete Clemens, 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.

**2. Consideration of the minutes from the October 26, 2020 meeting.**

Consideration of the minutes of the October 26, 2020 meeting was postponed.

**3. Consideration of a request for a variance to allow expansion of an existing lap pool on the property at 1150 E. Westleigh Road.**

**Property Owners: John Gibbons and Carlette McMullan**

**Representative: Linda Hartman, landscape architect**

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

Board member Nehring noted that she introduced herself to the property owner while visiting the site.

Board member Rose stated that she also met the owners while at the site.

Hearing no further declarations from the Board, Chairman Pasquesi invited a presentation from the petitioner and swore in all those intending to speak.

Ms. Hartman noted that the variance is requested to allow the pool to be extended 10 feet to the west. She introduced the property owner and noted that he is also in attendance, virtually.

Ms. Hartman provided some history noting that the existing swimming pool was originally constructed as a water trough for the stables of a large estate. She noted that several years ago, the trough, in its original form, was adaptively repurposed as a swimming pool. She stated that the pool is located 2.5 feet from the south property line. She stated that a variance is required to allow the pool to be extended ten feet because the current Code requires pools to be setback a minimum distance of 20 feet from all property lines. She explained that the owners wish to extend the existing, unique pool to allow it to be functional as a lap pool. She described the existing year round evergreen screening along the south and west property lines and pointed out that the existing pool is not visible from the street or from neighboring homes. She stated additional plantings are proposed along the property lines by the owners. She stated that the proposed extension of the pool will match the existing pool in width and materials.

Ms. Friedrich stated that this situation is unique in that the existing nonconforming pool is an adaptive reuse of an historic feature of the McCormick Estate, "Walden". She stated that the property, and the area in question, is on the northeast corner of Walden Lane and Westleigh Road. She stated that the existing pool is located 2.5 feet from the south property line and the proposed extension will elongate the pool 10 feet to the west maintaining the same setback from the south property line as the existing nonconforming pool. She noted that the use of the area will not change, but rather, the proposed expansion will allow the pool to be more functional. She noted that the perimeter of the property is heavily screened with year round plantings and, as a result, the pool is not easily visible from off of the site.

In response to questions from Board member Rose, Ms. Friedrich stated that the conversion of the water trough to a pool did not require a variance because no modifications were made to the location or size of the trough.

In response to questions from Board member Moorhead, Ms. Friedrich stated that the 20 foot setback requirement for swimming pools is in recognition that swimming pools generate noise and activity and could potentially impact neighboring properties. She noted that in this case, the area of the pool is bordered by two streets not adjacent properties.

In response to questions from Board member Nehring, Ms. Hartman confirmed the pool equipment will remain in a vault, underground.

Chairman Pasquesi, hearing no further questions from the Board, invited public testimony. Hearing none, he returned the discussion to the Board.

In response to a question from Board member Novit, Ms. Hartman stated that the pool is 45 inches deep.

Board member Nehring stated that given the historic nature of the pool and the existing unique, nonconforming condition, she supports the request for the purpose of making the pool more functional for the owners.

Board member Novit agreed with Board member Nehring and stated support for the continued adaptive reuse of the pool with a 10 foot extension.

Board member Moorhead stated support for the petition noting that the criteria appear to be 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 the existing nonconforming pool to be extended ten feet to the west with no portion of the pool located closer than 2.5 feet to the south property line consistent with the site plan submitted to the Board.

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

**4. Consideration of a request for variances from the front and side yard setbacks to allow construction of a front porch, rear addition, increase in the height of the roof, installation of an air conditioning unit and construction of a replacement and expanded detached garage at 2 N. June Terrace.  
Property Owners: Timothy and Mary Joos  
Representative: Anthony Divizio, designer**

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

Board member Novit stated that she met the property owner at the site and had a lengthy conversation with him. She stated that they discussed the materials presented in the Board's packet.

In response to a question from Chairman Pasquesi, Ms. Czerniak noted that Ex Parte contacts with petitioners or neighbors are discouraged to avoid the appearance of influence outside the public hearing process.

Board member Nehring stated that she also had a conversation with Mr. Joos while at the site and reviewed the location of a stake in the rear yard and discussed some of the plans.

Hearing no further declarations from the Board, Chairman Pasquesi invited a presentation from the petitioner and swore in all those intending to speak.

Mr. Joos introduced the petition and the project designer, Mr. Divizio. He noted that his family currently lives in Chicago and recently purchased the property with the intention of renovating it for their home. He stated that they are excited to become Lake Forest residents. He stated that a variance from the front yard setback is requested. He noted that the front entry currently does not have a roof to offer protection from the weather. He stated that the proposed front porch covering will create an inviting and functional entry to the house. He stated that a variance from the six foot side yard setback is requested along the north property line to accommodate an increase in the height of the roof and construction of a rear addition both following the same extent of the encroachment into the side yard setback as the existing house. He noted that other design approaches were considered including a design that complies with the six foot side yard setback. He noted however they prefer to retain the Cape Cod style of the house. He stated that demolition of the house was considered but they prefer to work with the existing structure. He stated that the style of the existing house fits into the neighborhood. He noted that 10 June Terrace and 49 June Terrace were both renovated several years ago. He noted that the garage at 49 June Terrace was expanded and required a variance. He noted that the massing of the project as proposed is not out of scale with other homes in the neighborhood. He stated that a third variance is requested to allow the air conditioning unit to be moved from the rear of the house to the north side of the home, 10 inches from the property line. He noted that the neighboring home has two air conditioner units in the same area and as a result, the noise from the units will be concentrated in one unit. He noted that alternative locations for the air conditioner unit were explored in order to comply with the setback requirement. He stated that locating the air conditioner unit at the rear of the residence, on the proposed patio, will create a safety and noise issue for his family. He noted that a location away from the house was explored but is cost prohibitive and creates a noise issue for the neighbor. He stated that the air conditioner unit cannot be located in the center of the patio or on the south side of the house because of the driveway. He stated that the fourth variance requested is to allow a new garage to be constructed the same distance from the south property line, two feet, as the existing garage. He stated that this location will preserve one of two Maple trees in the rear yard. He stated that one Maple tree will be removed to accommodate the addition to the house. He added that if the garage is sited to meet the six foot setback, maneuvering into and out of the garage will be difficult due to the proximity of the garage to the house. He added that moving the garage further from the property line will take up a larger portion of the backyard and limit views of the green space in the yard from the

house. He stated that he is concerned about the safety of small children playing in the rear yard if the garage blocks views into the yard. He noted that his property is the largest on the block. He commented on the height and siting of other homes in the neighborhood and suggested that variances have been granted in this area in the past due to the narrow lots. He stated that the neighbors support the project.

Ms. Friedrich reviewed the variances requested. She stated that a variance from the 40 foot front yard setback is requested for an open front porch. She stated that the existing house is non-conforming with respect to the 40 foot setback and is located about 30 feet from the front property line consistent with the setback pattern for many homes along the street. She noted that an open front porch is consistent with the character of homes in the neighborhood. She stated that the open porch is proposed at 25 feet from the front property line. She stated that the staff report includes findings in support of a variance from the front yard setback for the open porch. She stated that the second variance request is to allow an increase in height of the roof by 8 feet and extension of the north wall 18 feet for a rear addition. She noted that both the extended roof and wall are proposed within the side yard setback, a distance of 4'1" at the point of furthest encroachment into the require 6 foot side yard setback. She stated that the mass of the building will increase significantly. She stated that the proposed construction within the setback will impact light and ventilation to the adjacent property to a greater extent than exists today. She noted that a new dormer is also proposed on the rear of the house and, based on the plans submitted, the dormer conforms to the side yard setback and does not require a variance. She noted that the proposed chimney on the addition encroaches into the setback the same distance as the addition and is part of the variance request. She noted that the neighboring house to the north is a single story duplex and is much shorter than the petitioners' home. She pointed out that the neighboring home is also nonconforming and encroaches into the side yard setback and, as a result, the two homes are sited very close to each other and the area between the homes is shaded and narrow, not conducive to landscape screening. She acknowledged that, as the petitioner pointed out, other homes along June Terrace have been expanded with second floor additions however she noted that those additions were stepped back to comply with the setback requirements. She noted that an alternative concept for a rear addition that complies with the side yard setback is included in the Board's packet for information. She stated that Board direction on the side yard setback variance to support expansion of the house within the setback is requested. She stated that stated given that an alternative exists that would create less mass within the required setback, staff has not developed findings pending Board direction. She stated that a third variance is requested to allow a new air conditioner unit to be located within the side yard setback, 10 inches from the north property line. She stated that staff recommends that alternate locations be explored for the unit, further from the property line. She noted that a fourth variance is requested to allow a new, tandem garage to be constructed 2'6" from the south property line.

She stated that the required side yard setback is 6 feet. She stated that the existing garage is 21 feet in length and is 2'6" from the south property line and is proposed for removal. She noted that the proposed tandem garage is proposed at the same distance from the south property line and is 42 feet in length. She noted that staff has not identified a clear hardship to support the proposed placement of the garage 2'6" from the property line. She noted that it appears that the garage can be shifted north and, if necessary, west, to comply with the required side yard setback. She acknowledged that petitioners' interest in preserving a Maple tree located to the north of the garage. She stated that the City Arborist commented that the tree is not a desirable species and stated that preservation of the tree, in his opinion, is not worth designing around. She stated that staff recommends continuing this portion of the request with direction to the petitioner to explore alternative siting for the garage. She stated that four letters and emails of support for the project were received and were provided to the Board.

In response to questions from Board member Nehring, Mr. Joos acknowledged that there are trees on the neighboring property to the south, near the property line, that would need to be removed to allow construction of the garage as proposed. He stated that the neighboring property owner is supportive of the removals. He stated that the trees on the neighboring property that will need to be removed are Boxelders. He stated that an Elm tree on the neighboring property will likely be able to be preserved with root pruning. He stated that the neighbors' patio is constructed over the roots of the tree adding that the roots of the tree extend on to his property. He stated that the neighbor to the south is only concerned about drainage impacts and he assured the neighbor that drainage would be addressed.

In response to questions from Board member Nehring, Mr. Divizio stated that the intent is to install a storm sewer along the south property line to drain the rear of the property.

In response to questions from Board member Nehring, Ms. Friedrich stated that prior to the issuance of building permits, a grading and drainage plan prepared by an engineer will be required and will be subject to review and approval by the City Engineer.

In response to questions from Board member Rose, Mr. Divizio stated that the increase in mass proposed over the existing house is about 40%.

In response to questions from Board member Novit, Mr. Divizio confirmed that the height and square footage of the house with the proposed addition are in compliance with the Code.

In response to questions from Board member Moorhead, Mr. Divizio stated that if the garage is moved further west, the amount of pavement on the site will increase

and the owners do not wish to increase the amount of pavement. He stated that if the garage is pushed to the far west corner of the site, near the rear property line, the garage would be well over 50 feet from the house.

In response to questions from Board member Moorhead, Mr. Joos reviewed the alternate plans that were considered for siting the garage. He noted that locating the garage in compliance with the 6 foot setback creates a difficult driveway configuration because of the narrow driveway and the proximity of the garage to the house.

In response to questions from Board member Moorhead, Mr. Divizio confirmed that the plans are drawn to scale.

In response to questions from Board member Rose, Mr. Joos clarified that the roots from the neighbor's tree create a problem on his property.

In response to questions from Board member Nehring, Mr. Divizio confirmed that the air conditioning unit is proposed adjacent to the air conditioning units on the neighboring property.

In response to questions from the Board, Mr. Divizio noted that many of the homes and garages in the neighborhood do not comply with the setback requirements.

In response to questions from Board member Moorhead, Mr. Joos stated pointed out the Maple tree in the center of the yard that is being preserved by locating the new garage the same distance from the property line as the existing garage.

In response to questions from the Board, Ms. Friedrich clarified that there is an overhead vehicle door shown on the plans on the rear of the garage and an apron at the rear of the garage. She stated that it is unclear how the garage is intended to function.

As a follow up to Ms. Friedrich's comment, Mr. Divizio stated that the apron at the rear of the garage is proposed to allow the cars to move around a little bit.

In response to questions from Board member Nehring, Mr. Divizio confirmed that the proposed garage is taller than the existing garage.

In response to questions from Board member Nehring, Mr. Joos stated that the proposed garage is similar to the garage at 10 June Terrace. He noted that the height of the existing garage does not accommodate an SUV.

In response to questions from Board member Rose, Mr. Divizio stated that the garage, as proposed, is 550 square feet.

In response to questions from Board member Moorhead, Ms. Friedrich stated that the City's Certified Arborist has no objections to the removal of the second Maple tree which is located north of the garage. She stated that the City Arborist stated that Maple trees are not faring well in the community. She stated that staff has not received auto-turn studies for alternate garage locations.

In response to questions from Board member Nehring, Mr. Divizio stated that asphalt is proposed for the driveway.

In response to questions from Board member Moorhead, Mr. Divizio stated that siting the garage in the middle of the property adds about 400 square feet of asphalt. He added that siting the garage near the rear property line will require about 1000 square feet of asphalt.

In response to questions from Board member Rose, Mr. Divizio stated that to date, the use of permeable pavers has not been explored.

In response to comments from staff, Mr. Joos stated that he wants to preserve the Maple tree adding that it would be impacted by siting the garage further away from the property line. He stated that siting the garage further from the property line would also create a safety issue with small children playing in the backyard.

In response to questions from Board member Moorhead, Mr. Joos stated that not all of the properties are separated by driveways noting that there is no buffer between 40 and 50 June Terrace.

Board member Moorhead pointed out that the structure at 50 June Terrace is near the property line and the structure at 40 June Terrace is centered on the property.

In response to questions from the Board, Mr. Divizio stated that the proposed second floor dormers on the rear addition comply with the setback on the north side. He stated that the variance is required only for the first floor mass.

Chairman Pasquesi, hearing no further questions from the Board, invited public testimony. Hearing none, he returned the discussion to the Board.

Chairman Pasquesi stated that the petition is difficult because several variances are requested however, the project would be a major improvement to the property. He noted that the Board's interest is always to help the petitioner achieve their ultimate goals. He noted that alternatives were considered and, June Terrace is a very unique neighborhood. He noted that there is comfort in knowing the neighbors support the project.



Board member Nehring stated her support for locating the garage near the house for convenience. She agreed that it is important to know where the young children are on the property. She noted that a few houses across the street have garages located more centrally in the backyard which does impact the size of the rear yard. She agreed that it is important that the neighbors support the project.

Board member Novit agreed with Board member Nehring and noted that a two car garage that complies with setbacks, rather than the tandem garage as proposed would limit the size of the rear yard. She stated support for the variance for the air conditioning unit noting that the unit will be located adjacent to the air conditioning units on the neighboring property and adding that the units today are quieter than in the past. She stated support for the entire project and all of the variances.

Board member Sieman agreed with the comments of the other Board members and stated support for the project.

Board member Rose agreed with the comments of the other Board members. She stated that it is appropriate to balance the desires of the petition with the required setbacks. She observed that the lots and streets are narrow in the neighborhood.

Board member Moorhead stated his support for a variance for the front porch noting that the variance criteria appear to be met. He stated that in his opinion, there is not a hardship to support the variance as requested for the garage. He noted that the City Arborist has determined that the Maple tree is not a tree that should dictate the design of the site and noted that the desire for green space is not a hardship unique to this property. He noted that for a variance to be approved, the petitioner must show that a hardship exists and in the case of the garage, a hardship has not been demonstrated. He observed that the massing of the roof and addition within the setback along the north property line do not allow for any buffer between the homes. He stated that light and air will be impacted and the variance criteria are not met. He encouraged the applicant to work with the City to refine the project to meet the setbacks or variance criteria.

Board member Clemens stated support for the variances for the covered front porch and the air conditioning unit. He noted that the tandem garage seems to be a clever solution for a narrow lot but noted that it could be pushed back about 10 feet to the west, away from the tree and shifted away from the property line eliminating some of the concern raised.

In response to Board comments, Ms. Czerniak stated that the petition is scheduled to be considered by the Building Review Board at the next meeting. She noted that Board may have discussion about alternatives to the current proposal. She stated that staff believes that there may be some alternatives that are worth future

study in an effort to mitigate the number and/or the magnitude of the variances requested. She noted that depending on how the garage is used, some additional pavement may be required in the rear yard to accommodate vehicles entering or exiting the garage. She stated that staff will further review the Maple tree adding that there may be construction techniques that can be used to mitigate the potential for impacts to the tree if the owner desires to preserve the tree. She noted that at the Board's direction, staff will work to develop findings that speak to the variance criteria. She noted that findings are not currently prepared to support approval of the variances as presented. She stated that the Building Review Board's deliberations may help guide the development of findings to support the petition.

In response to questions from Board member Rose, Ms. Czerniak noted that the Building Review Board considers all aspects of the site plan, building massing, height and detailing from a design perspective. She noted that at some time in the future, the property to the north of the 2 June Terrace property may be redeveloped and stated that consideration should be given to the requested variances and the implications on future development on the adjacent property. She stated that clear findings that speak to the hardship and unique aspects of a specific property are required by the Code to assure that the findings are not generally applicable to other properties. She stated that the Building Review Board may identify opportunities that may work well to allow the petitioners to achieve their goals. She stated that there is no question that expansion of the house and improvements on the site are appropriate. She noted that improvements have been made to many homes in the neighborhood normally with variances from the front yard setback or to allow some encroachment of garages. She noted that this petition is unusual in that the mass proposed in the side yard is more than double the mass of the existing garage and noted that an addition to this house is very consistent with what has happened up and down June Terrace, but the majority of variances granted were for front yard setbacks or for garages, not for a two story mass that more than doubles the overall mass of the house within the setback. She acknowledged that this decision could establish a precedent if clear findings that speak specifically to this property are not presented to support the decision.

In response to questions from Board member Nehring, Ms. Friedrich confirmed that a drainage and grading plan prepared by an engineer will be required at the time of submittal for permit.

Board member Sieman questioned whether or not part of the hardship is that the June Terrace neighborhood is unique. He stated that the Zoning Board of Appeals exists to consider variances based on the uniqueness of properties. He noted that preserving the tree is likely important to the neighbors as well as to the property owners. He noted his support for trying to preserve the tree. He stated that he

understands the interest in preserving a backyard for the family. He stated support for the proposed location of the air conditioner unit near the units on the neighboring property. He stated appreciation for Board member Moorhead's diligent review of the criteria that must be used in consideration variances. He questioned whether the addition as proposed would impact the light and ventilation to the property to the north. He noted that the Board has heard that the owner of the neighboring property and the tenants are supportive of the project. He stated that he appreciates the owner preserving the structure. He stated support for the variances as requested.

Hearing Chairman Pasquesi invited a motion.

Ms. Czerniak suggested that it could be helpful to address the variances individually and, as appropriate, offer direction to staff on findings. She noted that detailed findings could be brought back to the Board for final action.

Board member Moorhead made a motion to continue the petition to allow staff and the petitioner to conduct further review of the variance requests including a determination of whether a hardship exists, review of impacts on neighboring properties and consideration of alternative plans.

The motion was seconded by Board member Rose.

Board member Sieman suggested an amendment to the motion to include direction to staff and the petitioner to provide detailed documentation of the hardships and details of the specific relief the Board is being asked to provide.

The motion was approved by a vote of 7 to 0.

**5. Opportunity for the public to address the Zoning Board of Appeals on matters not on the agenda.**

**6. Additional information from staff.**

Ms. Friedrich presented the proposed 2021 meeting schedule to the Board for consideration.

In response to a question from Board member Nehring, Ms. Friedrich noted that an alternate meeting date is proposed in March due to Spring Break.

Board member Rose noted that for public health reasons, the school calendars may change.

Ms. Friedrich stated that modifications can be made to the schedule as needed throughout the year.

Board member Nehring made a motion to approve the 2021 Zoning Board of Appeals calendar as presented.

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

The meeting was adjourned at 8:04 p.m.

Respectfully,

Michelle E. Friedrich  
Planning Technician

