

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

A special meeting of the Lake Forest Zoning Board of Appeals was held on Wednesday, December 23, 2020 at 1:30 p.m., in Lake Forest, Illinois.

Zoning Board of Appeals members present: Chairman Mark Pasquesi and Board members Michael Sieman, Pete Clemens, James Moorhead, 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 stated the meeting is being conducted remotely in compliance with Governor's Executive Order 2020-07, issued on March 16, 2020 that suspended certain Open Meetings Act provisions relating to in-person attendance by members of a public body due to the Covid-19 pandemic. He 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 23, 2020 meeting.

The minutes of the November 23, 2020 meeting were approved as submitted.

3. Continued consideration of a request for variances from the front and side yard setbacks to allow construction of a front porch and rear addition, modifications to the roof, installation of an air conditioning unit and construction of a tandem, 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. Hearing none, he invited a presentation from the petitioner and swore in all those intending to speak.

Mr. Joos introduced the petition and noted that he is requesting several variances from the required setbacks. He reviewed each variance. He noted that a new air conditioning unit is proposed on the north side of the house, in the required setback, near the air conditioning units on the neighboring property. He stated that the neighbor has no objection to the location. He reviewed the other locations that were considered for the units and described the pros and cons of each adding that the proposed location is supported by several experts. He

described the variance that is requested to allow a new detached garage to encroach into the side yard setback. He reviewed the setbacks of other garages on June Terrace. He noted that from a vehicle maneuverability standpoint, siting the garage within the setback is best. He stated that the existing garage is two feet from the south property line and the new garage is proposed with the same two foot setback. He noted that auto turn studies were submitted in support of the proposed garage location. He acknowledged that staff is recommending a setback for the garage of at least four feet from the south property line. He noted that the existing driveway is only 8 feet 10 inches wide making it difficult to access the garage if it is shifted away from the property line. He stated that the requested variance for the garage will allow a 26 inch maple tree to be preserved. He noted that he met with a representative of Lake Forest Open Lands who confirmed that the tree is a heritage tree. He noted that the previous owners of the property encouraged them to keep the tree and noted the shade it provides in the back yard. He noted that based on his research, all of the lots in the subdivision are nonconforming and added that there are three multi-family residences on June Terrace.

Ms. Czerniak expressed appreciation to the Board for agreeing to a special meeting. She noted that this has been a difficult petition due to the number of variances requested and the extent of the variances requested. She noted that City staff encouraged the petitioner to explore all options in an effort to find the right balance between meeting the needs of the new owners, respecting the requirements of the Code, protecting current and future neighbors in the area, and avoiding establishing a precedent of granting variances that do not meet the applicable criteria. She noted that although June Terrace is a small lot neighborhood, it is not the only small lot neighborhood in the community. She noted that City staff studied the June Terrace area extensively and found that four properties in the area were granted variances in the past. She noted that eight properties in the neighborhood have made recent improvements, all in compliance with the required setbacks. She acknowledged that many of the homes on June Terrace are non-conforming to the current Code requirements. She explained that side yard setbacks on small properties are more important than side yard setbacks on very large properties because of the proximity of the homes to each other on the small lots. She noted that setbacks are intended to provide for natural light, privacy and safety. She noted that at the last meeting, a majority of the Board members were supportive of the project and directed staff to continue to work with the petitioner and to develop findings based on the applicable criteria for each variance requested. She stated that findings are included in the staff report and noted that the Board can certainly suggest modifications to the findings as determined to be appropriate. She confirmed that the Building Review Board recommended approval of the design aspects of the petition. She reviewed the staff recommendation on each variance requested. She stated that staff recommends approval of a variance from the front yard setback to allow an open, covered porch to encroach no closer than 25 feet to the front property line. She

reviewed the variance requested to allow an addition to the house to encroach into the side yard setback along the north property line. She noted that the proposed addition increases the size of the house by approximately 180%. She explained that the ridge of the roof will be stepped back and raised approximately eight feet. She noted that the proposed height and square footage of the house with the proposed addition comply with the Code. She noted that this property is the largest property on June Terrace, so theoretically expansion of the house within the setbacks should be possible however, due to the form of the proposed addition, a variance from the side yard setback is requested. She noted that as proposed, the addition and extended roof will not encroach further into the setback than the existing house however the total mass of the house within the setback will increase. She pointed out that the dormer proposed on the rear roof form fully complies with the required six foot side yard setback. She noted that unlike many of the homes on June Terrace, this home and the home to the north are structure to structure without an intervening driveway and as a result, the homes are very close together. She stated the third variance requested is to allow an new air conditioner unit to be located in the side yard setback. She stated that the petitioner is proposing to locate the unit ten inches from the north property line near the units for the neighboring home which were installed without a permit or inspections. She noted that in the past, the Board has considered any variance for a variance for mechanical equipment very carefully and if approved, required vegetation or fencing to mitigate impacts on the neighboring property. She stated that the limited setback proposed does not provide sufficient space for maintenance of the unit. She stated that staff recommends approval of an alternate plan provided by the petitioner which locates the air conditioner unit at the northwest corner of the house, two feet six inches from the property line. She noted that there is a six foot fence along the property line at this location and the property owner stated the intent to retain the fence and add landscaping to screen the unit within the setback. She stated that the final variance is requested to allow a replacement, detached garage to be constructed two feet, six inches from the south property line. She stated that the existing garage is two feet, six inches from the property line and is smaller than the proposed tandem garage. She noted that although siting the new garage in compliance with the required six foot setback appears to be feasible, staff recommends a minimum setback of four feet in acknowledgement of the property owners interest in preserving the nearby Maple tree and green space in the back yard. She noted that the staff recommendation is consistent with the Building Review Board's recommendation that the garage be set back from the property line a minimum distance of four feet from the south property line to assure that it can be constructed and maintained without going on to the neighboring property. She noted that shifting the garage west a few feet, could offer some benefits to the tree and provide additional space between the house and the garage for improved mobility for vehicles entering and exiting the garage. She noted that the City's Certified Arborist stated that Norway Maples have a life span of about 40 to 50 years, the approximate age of the petitioner's tree. She noted that beyond that age, the trees become brittle and susceptible to storm damage. She noted that the Arborist stated that he

would not require efforts be made to design around the tree. She stated that City staff received two calls from neighboring property owners noting general support for the project while expressing concern about potential drainage impacts and congestion on the street due to construction vehicles.

Chairman Pasquesi invited questions from the Board.

In response to questions from Board member Sieman, Ms. Czerniak stated that the garage at 49 June Terrace is three feet from the north property line. She noted other garages that are in compliance with the setback requirements.

In response to questions from Board member Novit, Mr. Joos noted that the house is a Cape Cod style home and stepping in the wall of the south elevation would be difficult from a design perspective. He noted that the garage is 27 feet from the house.

In response to questions from Board member Rose, Ms. Czerniak confirmed that the findings in support of the requested variances should be specific to this property to avoid making them generally applicable to other small properties.

In response to questions from Board member Nehring, Ms. Czerniak noted that staff has not yet received engineering plans for this project. She noted that it is possible that a swale may be required along a portion of the south property line, adjacent to the new and longer garage, to provide for proper drainage.

In response to questions from Board member Nehring, Mr. Joos noted that the property at 10 June Terrace is at a slightly higher elevation.

In response to questions from Board member Nehring, Mr. Divizio stated that the drainage pattern on the site is from south to the north. He stated that in his opinion, if the property to the north is redeveloped, variances would likely be requested.

In response to questions from Board member Nehring, Ms. Czerniak stated that to date, the City has not received preliminary engineering plans for the project. She stated that from a drainage perspective, a larger setback is always preferable, but not always workable. She noted that the resident at 4 June Terrace confirmed that water flows from south to north in this area, toward the bike path.

In response to questions from Board member Moorhead, Mr. Joos stated that the garage was moved two feet further to the west from the plans previously presented to the Board and is now 27 feet from the house. He stated that moving the garage further to the north, away from the property line, will impact the heritage tree that he would like to preserve and will create a difficult situation backing in and out of the garage due to the narrowness of the driveway and proximity of the house. He stated that moving the garage west and north will require that a driveway be located over

the root system of the tree. He noted that creating a longer driveway and moving the garage further away from the house will create a safety issue for his young family.

In response to questions from Board member Moorhead, Ms. Czerniak confirmed that the City has not yet received any engineering plans for the project. She stated that from the drawings submitted, it appears that shifting the garage further away from the house could improve maneuverability. She noted that staff was not aware of the petitioner's intention to park a car on a pad outside, between the garage and house, near the tree. She stated that staff understood that area would be used to allow a vehicle to back out of the garage and pull out of the driveway toward June Terrace rather than back out of the driveway.

In response to questions from Board member Moorhead, Mr. Joos stated that the proposed addition does not increase the size of the house by 180%. He noted that the proposed roof height is below the maximum height permitted by the Code and pointed out that only a portion of the house is getting taller. He stated that the auto turn study was prepared by an international professional service for two different sized vehicles.

In response to a question from the Board, Ms. Czerniak confirmed that everything received from the petitioner was included in the Board's packet.

In response to questions from Board member Nehring, Mr. Joos confirmed that the proposed garage is shifted back from the location of the existing garage. He stated that the cobblestone parking pad between the house and garage requires a 12 inch deep base.

Chairman Pasquesi, hearing no further questions from the Board, invited public testimony. Hearing none, he invited final comments from the petitioner.

Mr. Joos noted that he has met with the residents in the houses to the north and south and confirmed that they support the petition as presented to the Board. He noted that the neighbors commented that they enjoy the shade provided by the Maple tree that he intends to preserve. He stated that the Board received emails in support of the project from some neighbors.

Chairman Pasquesi expressed appreciation to City staff for the time and work that was put into evaluating this petition and to the Board members for agreeing to a special meeting. He noted that the Board always works to balance the interests of the petitioner, the neighboring properties and the community as a whole while adhering to the requirements in the Code to the extent possible. He stated that in his opinion, the variances requested for the air conditioner unit and the garage are more difficult than the other two. He stated support for the staff recommendation for a lesser encroachment for the air conditioner unit although a variance is still

required. He stated that in his opinion, the staff recommendation is a reasonable compromise. He agreed with Board member Moorhead's comments which pointed out that with respect to the garage, because of the depth of the property, there is the flexibility to shift the garage back on the site and still preserve the Maple tree. He added that moving the garage further west to increase the distance between the house and garage could help to address the petitioner's concerns about safety.

Board member Rose stated that she is struggling with the proposed location of the air conditioner and garage and expressed concern that a preliminary drainage plan has not yet been prepared. She stated that Board action may be premature given the questions yet to be answered. She noted that this is the largest property on the block and expressed concern about the potential for setting a precedent by granting variances when other options may exist. She stated concern about impacts on the light and air to the neighboring property as a result of the addition.

Chairman Pasquesi stated his hope that the Board will be able to move the petition forward since the special meeting was in response to the petitioner's request in an effort to keep the project moving forward.

Board member Moorhead stated that the variance requested for the open front porch appears to satisfy the criteria. He stated support for a variance to allow the air conditioning unit to be located two feet, six inches from the north property line with the addition of landscape screening as recommended by staff. He questioned whether the variance request to allow the addition to the house to encroach into the setback satisfies the criteria noting that it appears that the new construction could impact natural light to the property to the north. He stated that he visited the house twice in the morning and again in the early afternoon. He noted that in the afternoon, the property to the north is in the shadow of the petitioner's house adding that if the house increases in height by eight feet within the setback, the property to the north will experience significantly more shadowing. He stated that he does not support the variance as presented noting that the proposed addition is too large given the circumstances of the property. He stated that with respect to the garage, it is not clear why the garage cannot be shifted to the west providing sufficient space for the driveway to shift after it is beyond the tree which the owner desires to preserve. He noted that there is another Maple tree in the rear yard that is proposed for removal due to impacts from the addition. He noted that there has been no discussion of that tree. He stated that he supports the design of the garage but noted that the required setback should be met. He stated that the safety concerns raised by the petitioner do not appear to justify the variance noting that other options exist.

Board member Nehring agreed with Board member Moorhead adding her support for the variance for the front porch. She stated that she also supports a variance

for the air conditioner unit adding that the unit should be placed at or near grade. She stated that with respect to the variance proposed for the addition to the house, she understands the needs of the petitioner and noted the neighbor's support for the addition. She stated support for the tandem design of the garage but noted that the proposed garage placement, near the property line, raises some concern about drainage. She stated support for a compromise with a four foot setback.

Board member Clemens stated support for the staff recommendations on each variance request.

Board member Novit stated support for variances for the open front porch and the air conditioning unit. She stated that the family clearly needs a new garage and acknowledged the Code criteria that must be applied to all variance requests. She noted that granting the variance will allow the property owner to preserve the Maple tree which is important to the new owners. She stated support for a variance to allow the new garage to be constructed a minimum distance of four feet from the south property line adding that the garage should be shifted west to improve the turning radius. She stated support for a variance for the rear addition to the house.

Board member Sieman stated that he is having difficulty with the numerous variances requested. He stated support for a variance for the open front porch. He stated support for the variance to allow the addition to the rear of the house as proposed and pointed out that the increased height of the roof is below the allowable height for the property. He stated concern about a variance for an air conditioning unit noting concern about setting a precedent for future similar requests. He stated support for Board member Moorhead's suggestion to move the garage to the west to increase the space between the garage and the house and the tree. He stated support for a variance to allow the garage to be located three feet from the south property line with the garage shifted to the west.

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

Board member Novit made a motion to recommend approval to the City Council of a the front yard setback variance to allow an open front porch to encroach no closer than 25 feet to the east property line consistent with the site plan submitted to the Board.

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

Board member Sieman made a motion to recommend approval to the City Council of the side yard setback variance to allow a portion of the rear addition and a portion of the extended roof over the existing residence to be located no closer than 4'1" to the north property line at the point of furthest encroachment. He noted that the new roof ridge shall not exceed 28'6".

The motion was seconded by Board member Clemens and was approved by a vote of 5 to 2 with Board members Moorhead and Rose voting nay.

Board member Nehring made a motion to recommend approval to the City Council of a the side yard setback variance to allow an air conditioning unit to be located no closer than 2'6" to the north property line.

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

Board member Nehring made a motion to recommend approval to the City Council of a the side yard setback variance to allow a new tandem detached garage to be located no closer than 4' to the south property line from the furthest point of encroachment. She stated that as a condition of approval, a drainage and grading plan shall be submitted to the City for review and will be subject to approval by the City Engineer.

The motion was seconded by Board member Clemens and was approved by a vote of 5 to 2 with Board members Moorhead and Rose voting nay.

4. Public testimony on non-agenda items.

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

5. Additional information from staff.

Ms. Friedrich noted that the next meeting is scheduled for Monday, January 25, 2021.

The meeting was adjourned at 3:15pm.

Respectfully submitted,

Michelle E. Friedrich
Planning Technician