

**The City of Lake Forest**  
**Zoning Board of Appeals**  
**Proceedings of the April 25, 2022 Meeting**

A regular meeting of the Lake Forest Zoning Board of Appeals was held on Monday, April 25, 2022 at 6:30 p.m., in Lake Forest, Illinois.

Zoning Board of Appeals members present: Chairman Michael Sieman and Board members Pete Clemens, James Moorhead, Nancy Novit, Ari Bass, Lisa Nehring, and Laurie Rose (by phone)

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 Sieman**

**2. Consideration of the minutes from the March 28, 2022 meeting.**

The minutes of the March 28, 2022 meeting were approved as presented.

**3. Consideration of a request for an approval of an amendment to the Special Use Permit for Woodlands Academy to permit the replacement and addition of tennis courts, reconfiguration of a parking area and the addition of a vehicle turnaround all generally located at the rear of the academic building, near the northeast corner of the Campus. The property is addressed as 760 E. Westleigh Road. Property Owner: Woodlands Academy of the Sacred Heart Representatives: Lynda Mooney, Chairman Woodlands Academy Board and Kathryn Talty, Landscape Architecture, Inc.**

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

Board member Rose stated that she saw Board member Clemens while visiting the site and they exchanged pleasantries but did not have a substantive discussion about the petition.

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

Ms. Talty introduced the project team Lynda Mooney, Woodlands Academy Board Chair, Mike Bleck, Bleck Engineering, Robert O'Donnell, attorney and Mike MaRous,

real estate appraiser. She stated that as a follow up to the questions and comments from the Board and the public at the last meeting, the project team conducted further study and prepared additional materials relating to the site plan, landscape plan, property values and activity levels. She reviewed the pros and cons as well as the estimated cost differences between the proposed site plan and the alternative site plans that were considered. She noted that all the alternate sites would require substantial regrading and are significant distances from the gymnasium. She noted that one option conflicts with the area used for the softball team's warm ups and practices, another is too close to the soccer field, and another would require removal of mature trees. She stated the ravines limit the development potential of the campus. She noted that at the Zoning Board of Appeals' request, opportunities to shift the tennis courts on to Carney Field, the open field south of the tennis courts, was studied. She stated that Carney Field is adjacent to the school gymnasium and is used for physical education classes and for some of the school's team sports and is used more frequently and more actively than the tennis courts. She noted that the cost of this option would include building a new sports field in addition to the tennis courts. She stated that the estimated cost of the tennis courts in the proposed location is \$396,087. She stated that various alternatives increase the cost of the project by 105% to 148%. She reviewed the uses that occur on the northeast portion of the campus noting that a detailed schedule was provided to the Board. She stated that the gymnasium is used year-round for physical education classes during the day, during the school year. She stated that sports teams use the gymnasium after school, during the school year from 3:15 p.m. to 8 p.m. She stated that the tennis courts are used by physical education classes during the school day from August through October, and March through June. She stated that the school tennis teams use the courts for practices from 3:15 p.m. to 5:15 p.m. and for matches from 4:30 p.m. to 6:30 p.m., August through October. She stated that Carney Field is used for physical education classes spring, summer and fall, during the school day and in the late afternoons by the field hockey and soccer teams. She stated that from June to August, youth camps and sports teams may periodically use the tennis courts and Carney Field. She reviewed the proposed plan as revised since the last meeting noting that the five tennis courts are setback 25 feet from the property line. She stated that no lights are proposed on the tennis courts. She stated that the parking lot is proposed to be reconfigured to limit headlights toward neighboring properties. She stated that as part of the project, the existing lighting on the exterior walls of the gymnasium will be upgraded to direct light downward and reduce the impacts on the neighboring homes from what exists today. She stated that a solid fence and landscaping are proposed along the shared property line with the adjacent homes. She stated that bollards will be installed between the vehicle turnaround and the north property line as an additional safety precaution. She stated the Woodlands Academy intends to implement a no idling policy as suggested at the last meeting. She stated that when not in use, the tennis courts will be locked and will only be used during daylight hours. She stated that use of the courts by outside groups will be limited to use for racquet

sports only. She stated that after 9:30 p.m., vehicular traffic on the north side of the building will be limited to Woodlands Academy personnel.

Mike MaRous, MaRous and Company, reviewed his experience as a real estate appraiser in the State of Illinois and in Lake Forest. He stated that he has appraised many types of properties; residential, academic, and commercial. He described the appraisal process noting that it takes into consideration the surrounding area, sound, smells, development, use and lighting. He pointed out that most of the people playing on the tennis courts are already on the school property limiting additional traffic to the area. He reviewed real estate transactions for six properties on Highview Terrace over the course of several years. He noted that tennis courts are a low impact use. He noted that other properties in Lake Forest have tennis courts located close to neighboring homes including the Winter Club, Lake Forest College, Waveland Park, Lake Forest Academy, and Lake Forest High School. He noted that the Winter Club has a significant mix of outdoor uses all through the year, yet the neighboring properties reflect a high increase in value. He noted that the Woodlands Academy campus is nearly 10 times the size of the Winter Club. He stated that based on his review of various factors, the proposed improvements will not be a detriment to the community, but rather an amenity.

Ms. Talty stated that Woodlands Academy has considered all of the comments from the Board and the neighbors in preparing the revised plans and responsive comments.

Ms. Czerniak stated that the existing uses located in the northeast quadrant of the Woodlands Academy Campus, tennis courts, parking and a driveway, predate the Special Use Permit process. She stated that the City recognized Woodlands Academy as a Special Use in 1998 and has supported various modifications and updates to the campus in a series of amendments since that time. She stated that the parking area and tennis courts existed at this location since at least the 1970's as documented in air photos. She stated that the proposed amendments to the Special Use Permit do not request approval of a change in use of the area but instead, the opportunity to improve upon the existing campus for the benefit of the school and the neighbors. She stated that the amendment process allows for certain parameters and requirements to be put in place which do not exist now. She noted that the parking that occurs in this area today is haphazard with not formalized parking spaces or turn around area. She stated that as proposed, the parking area will be paved and striped. She noted that staff recommends the removal of the three parking spaces located closest to the property line to avoid congestion in that area. She stated that the conditions recommend that a solid, six foot tall fence with no gaps be required along the property line to provide visual screening and some buffering of sound. She noted that currently, there is thick buckthorn along a portion of the north property line, near the tennis courts which could remain or, if it is removed, would need to be replaced with layered and year round plantings to offer the same benefit over time. She reviewed that the Board is charged with balancing various interests including the

interest of the overall community. She noted that “special uses” throughout the community, clubs, schools, the College, the hospital and churches are in residential districts throughout the community and add character and distinctiveness to the community. She noted that the staff report includes several recommended conditions that are intended to improve upon the existing conditions and mitigate impacts on the neighboring residential properties.

In response to questions from Board member Bass, Ms. Czerniak confirmed if, in the future, lighting is proposed on the tennis courts, or significant changes are proposed to the parking area, further public review and amendment of the Special Use Permit will be required. She explained that the removal of the three parking spaces from the plan is recommended to avoid cars backing out into the through lane and to provide the opportunity for additional landscaping.

In response to questions from Board member Bass, Ms. Talty confirmed stated that youth sports organizations could rent the courts and participants in Woodlands Academy summer camps may use the courts for racquet sports as well. She stated that is possible, construction would begin this summer.

In response to questions from Board member Clemens, Ms. Talty confirmed that the wood fence will run the length of the project area, from the parking area past the tennis courts, to the east property line where it would abut a neighbor’s solid wood fence. She confirmed that the chain link fence would be removed.

In response to questions from Board member Novit, Mr. Bleck stated that the fence will be on or near the property line and at the point of highest elevation, will measure feet from the ground to the top of the fence.

In response to questions from Board member Novit, Ms. Talty stated that a decision on whether to remove the buckthorn will be made as the final landscape plan is developed in the next couple of weeks. She confirmed that a definitive landscape plan with exact size, species of plant materials, sizes at time of planting and planting locations will be part of the final landscape plan.

In response to questions from Board member Nehring, Ms. Czerniak confirmed that in the revised conditions, the term “racquet sports” is proposed instead of tennis. She stated that the City is seeing demand for various racquet sports on tennis courts. She confirmed that as recommended, the conditions prohibit lights on the courts. She clarified that the courts can be used for physical education classes.

In response to questions from Board member Nehring, Ms. Talty confirmed that only tennis matches, not tournament, will be held on the courts. She stated that tournaments require larger facilities.

In response to questions from Board member Moorhead, Ms. Talty stated that the Woodlands Academy varsity team takes buses to Waveland Park for daily practice and for matches. She confirmed that those buses would no longer be needed on campus for daily practices and matches. She confirmed that with the additional courts, visiting varsity teams will now come to campus along with the junior varsity away teams which currently come to the campus for matches. She confirmed that the Woodlands Academy junior varsity team currently practices and holds matches on the existing courts. She stated that there are approximately 10 home matches and 10 away matches each year. She stated that the limited spectators that attend come in their own vehicles. She stated that players typically visiting teams arrive by bus and some parents of the visiting team come to campus in their own vehicles.

In response to questions from Board member Novit, Ms. Talty confirmed that the reorganized parking area will also accommodate volleyball and basketball activity in the gymnasium as it does now. She stated that some parents attending games park in the area that is proposed for improvement. She stated that students are required to park in a different lot, further to the west. She stated that the improved parking area will improve accessibility for spectators and for emergency vehicles.

In response to questions from Board member Nehring, Mr. Bleck confirmed that implementing the proposed grading improvements are intended to eliminate flooding in the gymnasium and improve drainage near the tennis courts and in the area between the tennis courts and Carney Field. He stated that at this time, no drainage improvements on Carney Field have been discussed.

In response to questions from Board member Rose, Ms. Czerniak confirmed that the vehicle turnaround as designed cannot accommodate full size buses, only small and medium shuttle buses.

In response to questions from Board member Rose, Ms. Talty stated that a no idling policy will be applied to the entire Woodlands Academy campus. She stated that the students are respectful of these types of sustainable policies and confirmed that visiting parents and others using campus will be informed of the policy.

In response to questions from Board member Bass, Ms. Talty stated that the landscape improvements will be implemented adjacent to the areas where work is planned and will be implemented further to the west over the course of a over the course of a couple of years.

In response to questions from Chairman Sieman, Ms. Talty stated that the alternative which locates the tennis courts adjacent to the softball field is problematic because that area is already utilized throughout the year by various athletic groups. She confirmed that Woodlands Academy representatives have reviewed the recommended conditions and has thought about how they will enforced. She stated

that Woodlands Academy is prepared to accept the conditions as recommended by staff and is prepared to enforcement them.

In response to questions from Board member Clemens, Ms. Talty confirmed that from a timing perspective, it would be difficult for students in physical education classes to cross campus to get to the tennis courts given the limited class time.

In response to questions from Board member Novit, Mr. Bleck explained that if Carney Field and the tennis courts were flipped, seven to eight feet of grade change would need to be addressed through regrading to create a playable field near the north property line. He noted that to be appropriately sized, the field would need to approach close to the east side of the building, in the overland flow route. He stated that the field would likely need to be closer to the north property line than the tennis courts as proposed.

In response to questions from Board member Clemens, Mr. Bleck stated that the base of the existing tennis courts will be the starting elevation for the new tennis courts which will be partially in the footprint of the existing courts.

Ms. Talty stated that the opportunity to reuse a portion of the base of the existing tennis courts is a cost benefit to the school.

Hearing no further questions from the Board, Chairman Sieman invited public testimony.

Paul Hammon, 511 Beverly Place, stated that Woodlands Academy has been at this site since 1904, prior to most of the homes in the area. He stated that when the current residents purchased their homes, they knew the properties were adjacent to a school campus. He noted that the existing tennis courts are less than a one minute walk from the gymnasium. He stated that the other sites studied are a five minute or more walk from the gymnasium. He noted that time during the school day would be wasted if the tennis courts are moved elsewhere on campus.

Ralph Elwart, 748 Waveland Road, stated that he was on the Woodlands Academy Board of Trustees for 17 years and served six of those years as Board Chair. He stated support for Catholic education adding that he has served in various roles for Catholic schools and has witnessed what has worked and what has not worked. He stated that it is important to have the flexibility to use school facilities for fundraising and recruitment for the school in a responsible manner. He stated that limited spectators should be permitted on the north side of the courts adding that at any one time, the number of spectators would likely not exceed 12 people. He noted that spectators on the north side of the courts will project any sound to the south, away from the homes. He acknowledged that the Board is charged with trying to find the right balance between various interests.

Adam Kingsley, attorney for the adjacent neighbors, noted that the project proposed by Woodlands Academy is a project of choice, not a project of necessity. He stated that Woodlands Academy has options for locating the tennis courts elsewhere on the campus, but the neighbors do not have a choice to relocate away from the shared property line. He stated that Woodlands Academy has not worked with the neighbors since the last meeting. He questioned why five tennis courts are necessary. He noted that some of the alternate locations may not be problematic if only four courts are constructed. He stated that grading will be required at any of the alternatives presented for the tennis courts. He stated that the courts as proposed, can be used from sun up to sun down in the summer months. He noted that what is proposed is a major expansion of the courts in size and in use.

Marlena Parr, 711 Highview Terrace, stated special uses must not be detrimental to the use of properties nearby. She stated that until now, there has been no issue with busing Woodlands Academy teams to off campus locations. She stated that the construction will be noisy, dusty and disruptive to her way of life. She stated that the proposed changes will increase pollution and decrease property values. She stated that based on the proposed conditions, there could be traffic on the north side of the campus from 7 a.m. to 10 p.m., the time when the neighbors want to be use their backyards. She stated that Woodlands Academy is concerned about views from Westleigh Road rather than about the taxpaying neighbors to the north. She stated that recently, she found a young man trying to climb her fence to retrieve a ball on her property adding that his mother is a teacher at Woodlands Academy.

Katherine Dormann, 730 Highview Terrace, stated that she has lived on the north side of Highview Terrace for 42 years and used to sled on the Woodlands Academy campus. She noted that Highview Terrace is a high point adding that water is always an issue in the neighborhood. She stated that in her experience, Woodlands Academy has been a good neighbor. She stated that initially, she was supportive of the project, but is now opposed to any expansion on this part of the campus. She stated concern about additional tennis courts, noise and exhaust fumes. She stated that it is difficult to enforce a no idling policy especially for visitors to the campus.

Kari Johnston, 755 Highview Terrace, stated that in her opinion, Woodlands Academy is not a good neighbor. She noted that Woodlands Academy has identified alternative locations for the courts, away from the north property line. She noted that in her opinion, all the alternative locations are workable. She stated that locating the tennis courts near the north property line is not aesthetically appealing to the neighbors adding that a 25 foot setback is not much. She stated that her home was built in 1927, prior to the school building. She stated that school only needs the courts for 10 weeks out of the year and given the investment that will be made, the courts will be rented out to others the rest of the year. She stated that other schools in Lake

Forest that have tennis courts adjacent to residential properties have a much larger student body and the courts are located a greater distance from the neighbors.

Scott Nehls, 766 Highview Terrace, noted that at the last meeting, Woodlands Academy was asked to provide a traffic study, consider alternative locations and to provide a cost analysis. He stated that in his opinion, a fifth court is not necessary and will only be used for warm ups. He stated that the fifth court hinders the ability to locate the courts somewhere else. He stated that a proper appraisal was not completed noting that sales history was considered with no analysis as to why there were changes in value. He stated that no traffic analysis was provided. He noted that Woodlands Academy is trying to raise funds by renting the tennis courts. He urged the Board to deny the petition.

Elizabeth Sperry, 754 Highview Terrace, discussed the MaRous evaluation of the neighboring properties. She noted that Mr. MaRous stated that the homes on the south side of the street have increased in value more than the properties on the north side of the street. She provided detail on some of the properties referenced, the timing of the sales and the specific conditions of properties. She stated that the data provided by MaRous is false and does not show that the properties on the south side of the street are appreciating more than the properties on the north side of the street. She encouraged the Board to deny the petition.

Annie Elfering, 232 Mills Court, stated that she has lived in Lake Forest her entire life. She noted that she had the privilege of using the various clubs and fields in Lake Forest. She noted that some of those facilities have large setbacks from the property lines than is proposed in this petition. She stated that a 25 foot setback is not enough.

Bozena Sanford, 155 Winston Road, stated that she lives adjacent to Highview Terrace. She noted that the schedule of activities planned at Woodlands Academy will take place June to August from 4-9 p.m. every day. She stated that summers are short and expressed concern that the neighbors will be listening to people playing tennis or other racquet sports.

Marie Ocollo, resident of Lake Forest, stated that her daughter attended Woodlands Academy. She noted that having facilities close to the school is important for health and safety. She noted that many Highview Terrace homes have been improved with large additions adding that Woodlands Academy did not dispute those additions.

Chairman Sieman invited cross examination by attorney Adam Kingsley, attorney for some of the Highview Terrace neighbors.

In response to questions from Mr. Kingsley, Mr. Bleck stated he did not analyze the cost of four tennis courts versus five adding that the petitioner desires four courts.



In response to questions from Mr. Kingsley, Ms. Czerniak stated she did not perform an analysis of whether the student population at Woodlands Academy warrants five courts adding that she does not know off hand the number of students at Lake Forest Academy and Lake Forest College. She stated that she did not direct Woodlands' representatives on the alternatives that should be explored but encouraged consideration of alternatives to the proposed plan and discussed the overall project with the petitioner. She confirmed that under the conditions as proposed, Woodlands Academy has the option to remove the buckthorn along the property line even though it provides a dense buffer. She noted that the conditions as recommended require the petitioner to submit a detailed landscape plan the provides for a dense buffer along the property line with or without the existing buckthorn. She stated that she is not an arborist and does not know which species are fast growing. She acknowledged that during summer daylight hours, youth camps are held on the Woodlands Academy campus and that no limit on the number of camps is in place. She stated that in her opinion, enhanced buffering and a solid fence along the property line could help to mitigate any noise. She stated that an acoustical engineer has not been involved in the process.

Hearing no further requests to cross examine, Chairman Sieman invited final questions and comments from the Board.

In response to questions from Board member Clemens, Ms. Johnston stated that she believes that the chain link fence belongs to ComEd. She stated that the buckthorn is on Woodlands Academy property and pointed out the location of the property line.

In response to questions from Board member Nehring, Ms. Czerniak stated that the new fence will be on the property line or very close to the property line if there are obstructions that necessitate shifting the fence. She stated that she cannot confirm whether the existing chain link fence is on the property line adding that the property line will be surveyed and staked prior to the installation of a new fence.

In response to questions from Board member Nehring, Ms. Talty confirmed that the tennis courts will be locked when not in use. She explained that shuttle buses will no longer need to back up in the area but will flow more efficiently around the turnaround, drop students off and move out of the area.

In response to questions from Board member Moorhead, Ms. Czerniak confirmed that the Special Use Permit currently does not limit the offering of summer youth camps at Woodlands Academy. She said that she is not aware that the City has received any complaints about youth activity on the campus in the summer. She confirmed that most institutions permitted through Special Use Permits are not tax paying entities. She confirmed that City policy is to minimize grade change on properties whenever possible. She confirmed that the Board is not charged with evaluating requests for Special Use Permits based on project costs but noted that in the past, the Board has

been cognizant of the fact that institutions need to grow and change to remain viable.

In response to questions from Board member Moorhead, Ms. Talty stated that Carney Field is used as a practice field by soccer and field hockey teams. She stated that having a practice field in addition to game fields is important to avoid over use. She confirmed that the activity on Carney Field is louder than the activity on the tennis courts. She confirmed that Woodlands Academy is requesting consideration of the tennis courts as located on the plan presented and presented information on the alternative locations for information, not as a choice. She confirmed that other than the varsity tennis team practicing and playing matching on the new courts instead of traveling to Waveland Park, no change in the type or level of activity in this area of the campus is proposed.

Board member Moorhead stated that based on his analysis, about 50 trips to Waveland Park would be eliminated with the proposed improvements. He acknowledged that varsity teams from other schools will now be coming to the Woodlands Academy campus but stated that he assumes they may be on the same bus as the junior varsity team which is already coming to the campus. He concluded that the number of bus trips to and from the campus may well be reduced because of the proposed improvements. He stated that in his experience, only a limited number of spectators attend tennis matches.

In response to questions from Board member Moorhead, Ms. Talty stated that she is not aware of any view corridor easement rights benefiting the neighbors adjacent to the campus.

In response to questions from Board member Moorhead, Ms. Czerniak stated that the City Code does not establish a decibel threshold for noise. She confirmed that tennis courts are permitted as part of other authorized Special Uses in the community. She confirmed that in the nuisance provisions, the Code speaks to "unreasonable" noise. She confirmed that the primary academic use of the Woodlands Academy Campus is not proposed to change and that the improvements are proposed to support that use.

Board member Moorhead noted there are 22 homes on the south side of Highview Terrace and 18 of them have garages at the rear of the properties which involve vehicles traveling through the backyards.

In response to questions from Board member Moorhead, Ms. Czerniak stated that she is not aware of any complaints from any parties about vehicles accessing garages in the rear yards.

In response to questions from Board member Moorhead, Ms. Talty confirmed that Woodlands Academy researched noise levels resulting from a tennis match for their own information.

Board member Moorhead stated that he reviewed three studies that speak to the noise level of a tennis match and found three studies, one from 2011 from the EMC Planning Group, one from 2018 of the South Hampton Tennis Club, and another from 1999 from the Technical University in Munich. He noted that these studies concluded that a tennis match generates noise levels ranging from 46.1 – 56 dba. He noted that normal ambient noise levels in residential neighborhoods is 55 dba. He acknowledged that grunting by tennis players raises the noise level.

In response to a question from Board member Moorhead, Ms. Czerniak stated that she is not aware of whether religious land use law applies in this case.

In response to questions from Board member Nehring, Ms. Talty confirmed that Woodlands Academy is on a block schedule with 80 minute classes.

In response to questions from Board member Nehring, Ms. Mooney confirmed that the physical education and health classes share a block schedule.

In response to questions from Board member Nehring, Ms. Czerniak confirmed that for all construction projects, a construction parking and staging plan is required. She confirmed that the City speaks with property owners and contractors about dust control and permitted construction hours. She acknowledged that construction projects are disruptive. She stated that the Special Use Permit will approve a specific plan that will document the approved setback from the property line.

In response to questions from Board member Rose, Ms. Czerniak confirmed that one criterion that must be evaluated for special uses is whether the proposed use will substantially diminish property values of other properties in the area. She stated the criteria does not require specific documentation adding that it is customary to hear public testimony on this issue.

In response to questions from Board member Bass, Ms. Mooney stated that the number of camps conducted by an outside organization on the Woodlands Academy campus varies from year to year. She stated that the camps are traditionally for young girls up through about 5<sup>th</sup> grade. She stated that the camps do not extend past late afternoon. She stated that the varsity tennis team uses all four tennis courts at Waveland Park. She stated that even with five tennis courts, it will be a push to get the matches completed before dark later in the season.

In response to questions from Board member Bass, Ms. Czerniak confirmed that some Special Use Permits establish ending times for activities particularly when lights are

involved. She stated that most special uses do not have specific end times for use of courts or fields.

In response to questions from Board member Clemens, Mr. Bleck confirmed that the adjacent residential properties are upstream from the Woodlands Academy Campus and as a result, the drainage from those properties come on to the campus. He provided an overview of the proposed drainage improvements on the campus.

In response to questions from Chairman Sieman, Ms. Talty stated that visiting schools bring both junior varsity and varsity teams for tennis matches. She stated that it is cost prohibitive and functionally difficult to have tennis courts at two different locations on the campus.

Chairman Sieman invited final comments from staff.

Ms. Czerniak stated that the area where the improvements are proposed is currently used and can continue to be used for tennis, parking and as a vehicle turn around. She stated that this part of campus needs of improvement to manage stormwater and to improve upon the parking situation. She stated that the improvements, including a solid fence along the property line and a landscape buffer will help to improve upon the current conditions for the neighbors while allowing Woodlands to remain competitive with other schools. Based on the Board's comments and public testimony, she offered an additional condition for consideration; a requirement that buses for youth summer camps pick up and drop off at another location on the campus, not in the area near the tennis courts.

Chairman Sieman closed the public hearing and invited final comments from the members of the Board.

Board member Clemens stated that in 1971-72 he lived at 781 Highview Terrace and the tennis courts were at the back of his property. He stated that at that time, Barat College was in operation with about 800 students. He stated that he believes that students and faculty from both schools, Barat and Woodlands Academy, used the tennis courts. He noted that there was no buckthorn along the fence at that time so the view to the tennis courts was unobstructed. He stated that the houses on Highview Terrace are elevated so the views from the houses look over the courts. He stated that the tennis courts were used during the week and on weekends and were not an annoyance or distraction. He stated that Woodlands Academy was a good neighbor.

Board member Moorhead stated support for the petition. He stated that the request is for an amendment to a Special Use Permit that was approved many years ago. He stated that the tennis courts and the parking area are legal and long established uses at their current locations. He stated that he agrees with the staff analysis and stated

support for the conditions as recommended by staff which address fencing, revisions to the parking lot, limiting use to daylight hours only, limiting the seating at the tennis courts, limiting the use of the courts to racquet sports, prohibiting regional tournaments, prohibiting use of the area near the property line between the hours of 10 p.m. and 7 a.m., a requirement to lock the courts when not in use, and the installation of bollards near the vehicle turnaround in direct response to a concern raised by one neighbor. He stated that he supports sports for students, particularly for females at this age level noting the documented value of this type of activity. He stated that in his opinion, this is an important project. He stated that the petitioner is proposing a specific plan and noted that any petitioner has a right to get a vote up or down on the proposed plan. He stated that the Board's role is not to design the project. He noted that the City policy is to minimize changes in topography, when possible, on all sites and pointed out that the alternate sites considered for the tennis courts are not suitable due to topography and the additional cost that would be incurred to do the necessary regrading. He stated that based on his analysis, there will not be much of a change, if any at all, in traffic volumes. He noted that currently, the opposing team buses drop the junior varsity team off at Woodlands Academy and the varsity team off at Waveland Park. He stated that he does not believe that traffic trips will be added because of adding three tennis courts as proposed. He stated that the petitioner has the right to use property as they see fit subject to applicable laws. He stated that there is no landscape buffer or view corridor or open space easement on the Woodlands Academy Property near the proposed improvements contrary to some comments made. He stated that flipping the tennis courts with the adjacent sports field to the east is not logical because the intensity of team sports played on the field is higher than the intensity of tennis matches. He stated that tennis is a quieter sport than team sports. He stated that based on his research, the noise levels generated by a tennis match range between about 46 and 56 dba. He stated that normal ambient sound levels in a residential neighborhood are about 55 dba. He acknowledged that grunting in tennis matches can reach 90 dba but questioned whether players at this level emit that level of sound. He suggested that, if necessary, Woodlands Academy could consider a "no grunting" policy. He stated that tennis in an outdoor setting has not been determined to be a nuisance as evidenced by outdoor tennis courts throughout the community including at the Onwentsia and Winter Clubs, at Waveland Park, Lake Forest College and Lake Forest Academy. He stated that no one has a right to silence noting again that ambient sound at average levels of 55 dba are normal for residential neighborhoods. He stated that in his opinion, nothing the petitioner is proposing is unreasonable. He commented on property values noting that he reviewed properties on Highview Terrace on Redfin and found that properties on both the north and south sides of the street sold for an average of \$350 per square foot and for an average of \$392 on Sheridan Road near the school. He stated that based on his research, homes immediately adjacent to the Winter Club sold for more per square foot than homes in the area, but not adjacent to the Club. He noted that one neighbor raised concern about late night nuisance noise coming from the Woodlands Campus, music from cars and trespassing. He stated that those issues are

better handled by the nuisance and trespass provisions in the Code rather than by the Special Use Permit. He stated that regardless of whether the religious land use standards apply in this case, in his opinion, the applicable criteria are satisfied.

Chairman Sieman stated that he has 24 years of experience in commercial real estate. He stated that every asset has a unique value because property owners value different things. He stated that in his view, the required landscaping will improve upon the existing conditions along the property line. He stated that the driveway and parking lot needs attention and will get it through this project. He acknowledged that it may be appropriate to explore some further restrictions through conditions of approval. He noted however that he is not supportive of requiring parents to drop children off elsewhere on the site requiring them to walk to the activity area. He noted that as requested by the Board, the petitioner explored alternative locations for the tennis courts. He acknowledged that there may be disagreement with the decisions reached about each alternate site noting the initially, he was interested in Option A. He noted however that he agrees that the athletes need adequate space to warm up and he stated that it is reasonable for the school to take economics into account. He stated that Woodlands Academy has been in Lake Forest on the larger campus for over 100 years before homes in the area.

Board member Nehring stated support for the proposed location for health and safety reasons. She stated that the proximity to building is important for physical education classed. She noted that as a teacher, she knows that every minute counts noting that having students traverse the campus for class is not reasonable. She stated that she observed the sand bags around the gymnasium and stated that the drainage must be fixed adding the ongoing flooding of the gym is not acceptable. She noted that the homes on Highview Terrace are at a higher elevation than the school campus adding that fencing and screening will help mitigate sound. She stated that in residential districts, tennis courts must be 20 feet from all property lines. She stated that the tennis courts in the proposed plan are located 25 feet from the closest property line. She stated that five tennis courts make sense to allow the junior varsity and varsity teams to play and practice together. She suggested that consideration be given to allowing the tennis courts to be used for limited fundraising event noting that a parent/student tennis activity could be offered. She stated support for the petition adding that the time limitations as proposed in the conditions in the staff report are reasonable.

Board member Novit stated that she appreciates that the driveway and drainage will be fixed. She stated however her preference that those issues be separated from consideration of the tennis courts. She stated that in her opinion, the tennis courts can be handled in a different way. She stated that the proposed fencing and landscaping will be helpful and acknowledged that the proposed tennis courts are setback 25 feet from the property line but stated that she is not supportive of the tennis courts. She stated that she believes there is a better solution for the tennis courts. She stated that she appreciates that Woodlands Academy needs to stay viable and

should have what is needed on the campus. She stated however that she is not convinced that five courts are needed noting that other schools have fewer courts.

In response to a question from Chairman Sieman, Board member Novit stated that she could be supportive of four courts on the campus at a different location.

Board member Moorhead noted that in the future, Woodlands Academy may need an additional building and if the tennis courts are located elsewhere on the campus, a building may be proposed in the area near the neighboring residences where the tennis courts are now. He stated that on most school campuses the buildings are near the center of the site, not at the edge.

Board member Novit stated that she would prefer a building where the tennis courts are now adding that it makes more sense to her to locate another academic use near the existing building. She stated that if additional space is needed, a ravine could be filled.

Chairman Sieman commented that a building near the property line would create a larger obstruction than the tennis courts.

Board member Novit stated that the campus is large and suggested that the varsity courts could be located away from the junior varsity courts. She stated that option is appealing to her. She stated that she understands that the petition provides the opportunity to address several issues that need to be addressed, the driveway and the drainage. She stated however that she is not convinced that the tennis courts cannot be handled another way. She stated that she supports providing additional tennis courts on the campus and eliminating the need for students to travel to Waveland Park. She stated that she too supports sports and agrees that Woodlands should have the facilities that are needed. She stated interest in flipping the athletic field and the tennis courts.

Board member Moorhead questioned how putting a noisier sport closer to the property line addresses the concerns that were raised.

Board member Nehring reiterated that the tennis courts have been in this location for many years.

Board Novit said that she is a real estate attorney and understands the concept of "coming to a nuisance" but noted what is proposed will be very different from what exists today. She stated particular concern about use of the courts after school and in the summer when residents will have their doors and windows open. She stated that she is not convinced that the option presented is the only viable option. She suggested that two courts could remain in the current location and three courts could be built at another location on the campus.

In response to a question from Board member Sieman, Board member Novit stated that the neighbors have a valid point in not wanting the tennis courts in this location. She noted that tennis courts at other schools and clubs in the community are not as close to the neighboring homes.

Board member Moorhead noted that the courts at the Winter Club are very close to the adjacent homes. He noted that the buildable area on the campus is materially less than 40 acres.

Board member Rose stated support for the petition and acknowledged that balancing the various interests is difficult. She stated appreciation for the history of the school at this site and appreciation for the concerns expressed by the neighbors. She noted that the neighbors are contributing to the drainage issue Woodlands Academy is experiencing adding that stormwater issues do not start at the property line. She pointed out that some of the homes in the area have garages at the rear of the property with driveways and vehicles in the rear yards which add noise. She stated that when purchasing a house, there are always advantages and disadvantages. She noted that she is aware that some neighbors take advantage of walking on the school campus which is an advantage. She stated that when buying a home near a school, residents need to consider the school related activities that occur there. She stated that the conditions provide some advantages for the neighbors, landscaping, a fence, greater security, and traffic limitations. She stated support for the additional condition offered by staff directing that consideration should be given to locating drop off and pick up areas for buses for summer camps away from the north property line.

Board member Bass stated support for most of the conditions as recommended by staff. He stated that in his opinion, recommended condition 10a is too restrictive. He stated that family members and alumni should be able to use the courts to some extent at school sponsored events.

Chairman Sieman agreed with Board member Bass comments that school sponsored events on the courts should be permitted with some limitations. He suggested that no permanent seating should be permitted on the north side of the tennis courts.

Board member Novit requested that the fence extend the full length of the tennis courts.

In response to a request for clarification from Ms. Czerniak, Chairman Sieman agreed that a condition should be added directing Woodlands Academy to minimize, to the extent possible, drop offs and pick ups for summer camps near the north property line.

In response to a question from Board member Bass, Ms. Czerniak confirmed that if the buckthorn is removed, replanting would be required to achieve the same density of plantings along the north property line over time.



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

Board member Moorhead made a motion to recommend approval of an amendment to the Special Use Permit for Woodlands Academy of the Sacred Heart located at 760 E. Westleigh Road subject to and in accordance with the staff report and recommendation as modified by the Board and as detailed below and further subject to all plans and schematics provided by the petitioner and incorporating all testimony, written and oral, submitted to the Board as part of the record.

*Screening/Buffer*

1. A continuous solid fence, with no gaps between boards, at least six feet in height as measured from the adjacent grade to the top of the tallest post, shall be installed along the north property line extending from, at a minimum, a point west of the parking spaces located in the "L" shaped area, the full length of the tennis courts. The final design and siting of the fence shall be subject to City staff approval.
2. Landscaping is required along the north property line, in addition to a fence as noted above. The landscape plan shall be subject to review and approval by City staff and shall include a variety of species, including, but not limited to, a mix of fast growing evergreens and shall provide for layered plantings of low and mid-level plantings (shrubs and bushes) and taller trees that over time will provide a dense landscape wall along the north property line.
3. The City shall conduct twice a year inspection of the landscape buffer for three years following the completion of the initial planting to 1) identify any plantings that are failing to thrive and 2) identify any gaps in plantings that should be infilled with additional plantings consistent with good forestry practices. Woodlands Academy shall augment the plantings if so, directed by the City no later than the next available planting season. Note: It is acknowledged that the plantings will take time to grow in and that initially, some gaps in the plantings will be apparent recognizing that proper spacing of plant material is important to provide the opportunity for plantings to mature and thrive.)

*Parking Lot*

4. The parking area, driveway and turnaround shall be paved and are not permitted to remain as gravel.
5. The three parking spaces in the triangular space along the driveway shall be eliminated and a landscape plan for the area shall be prepared and will be subject to review and approval by the City. Plantings in the triangle shall occur as part of the overall project.

6. The final parking lot plan shall clearly delineate the striping proposed and the number of spaces. The total number of spaces permitted in the "L" north of the gymnasium and adjacent to the tennis courts shall not exceed 22 and the parking spaces must meet applicable parking lot standards.
7. The final parking lot plan must reflect signage informing users of the following regulations:
  - a. No idling is permitted on the driveway or in parking spaces.
  - b. Access to the "L" parking area and the turnaround is limited to Woodlands Academy personnel only after 9:30 p.m. (or similar language subject to City approval).
8. Small and medium size shuttle buses are permitted to drop off and pick up activity participants in the vehicle turnaround. When not actively dropping off or picking up participants, buses must stage/park in other areas of the campus and are not permitted to remain on the driveway or in the parking lot to the north of the gymnasium.
9. Woodlands Academy shall, to the extent possible, minimize drop offs and pick ups for youth attending summer camps on the campus in the area adjacent to the north property line, near the homes.

#### *Tennis Courts*

10. The use of the tennis courts shall be limited as follows:
  - a. Racquet sport related activities: practice, lessons, matches and limited school sponsored events involving Woodlands Academy students, faculty, staff, parents and alumni are permitted. (Regional tournaments are not permitted.)
  - b. Racquet sport related activities: practice, lessons and matches for summer youth camps are permitted.
  - c. Use for Woodlands Academy physical education classes and Woodlands Academy sports teams is permitted.
  - d. Use of the courts is permitted only during natural light hours. No lights are permitted on the tennis courts.
  - e. No permanent seating is permitted within the 25 foot buffer between the tennis courts and the north property line.
  - f. No loud speakers may be installed on the courts.
11. No work may proceed until all required permits are obtained.

The motion was seconded by Board member Nehring and approved by a vote of 5-2.

#### **4. Consideration of a request for variances from the side and rear yard accessory structure setbacks for a detached garage at 137 Atteridge Road. Property Owner and Representative: Kathleen Taubensee**

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

Board member Bass noted that a neighbor approached him while he was at the site but noted that there was no substantive discussion about the petition that would affect his ability to consider the petition impartially.

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

Ms. Taubensee stated that she recently purchased the property. She stated that currently, there is no garage on the property adding that an old garage was removed by a previous owner in about 2018. She noted that the garage slab still exists and is used as a parking pad. She stated that she proposes to build a modest one car garage with storage space in generally the same location as the former garage.

Mr. Pines, project architect, stated that a two car garage was considered but given the size of the property and the rear yard, a single car garage is appropriate. He stated that the previous garage was setback 2.75 feet from the east property line and 2.5 feet from the southeast corner. He stated that the eave of the proposed garage will be setback the same distance as the previous garage setback. He stated that the wall of the new garage will be set back a bit further from the property line than the previous garage.

Ms. Friedrich stated that the property is nonconforming to the current minimum lot size and lot width requirements. She confirmed that there was a garage on the property until about 2018 when it was removed by the prior owner. She noted that the proposed garage shifts slightly north and west from the footprint of the previous garage and more closely complies with the setback requirements than the former garage. She stated that there is landscape screening along the south property line which will remain. She stated that the southwest corner of the garage complies with the required setbacks due to the angle of the rear property line. She noted that the southeast corner of the proposed garage is 3 feet from the south property line and, including the eave, 3 feet from the east property line. She stated that the applicable accessory structure setback is five feet.

In response to questions from Board member Clemens, Mr. Pines stated that the existing slabs will be removed. He stated that the drainage on the property is to the north and explained that water will be directed down the driveway to Atteridge Road. He stated that the drainage and grading plan will be prepared and submitted as part of the application for a building permit.

In response to questions from Board member Novit, Mr. Pines stated that the garage is 16 feet at the highest point.

In response to questions from Board member Novit, Ms. Friedrich confirmed that the height of the garage complies with the allowable height in the Code. She noted that if a height variance was requested, it would be considered by the Building Review Board.

In response to questions from Board member Clemens, Mr. Pines stated that the garage will have hardiboard siding and masonry features.

Hearing no further questions from the Board, Chairman Sieman invited public testimony.

Linda Larsen, 136 E. Woodland Road, stated that she lives to the rear of the property. She stated that she remembers the previous garage on the property. She questioned why the garage is proposed at 16 feet tall and why there is a window on the south elevation, facing her home. She asked that the existing landscaping remain.

Hearing no further public testimony, Chairman Sieman invited a response to public testimony from the petitioner.

Ms. Taubensee stated that the window is proposed for aesthetic reasons and to allow natural light into the second story storage area. She stated that her house is small and has limited storage space.

In response to a question from Board member Clemens, Ms. Friedrich stated that the prior garage was removed without a permit.

In response to a question from Board member Clemens, Ms. Taubensee confirmed that she plans to construct a deck behind the house.

Board member Novit stated support for the variance and the siting of the garage as proposed.

Board member Moorhead stated support for the variance noting that the applicable criteria appear to be satisfied.

Board member Nehring stated support for the variance.

Chairman Sieman agreed with the comments of the other Board members and invited a motion.

Board member Nehring made a motion to recommend approval of variances to allow construction of a detached garage no closer than 3 feet to the side (east) property line and no closer than 3 feet to the rear property line, consistent with the site plan submitted to the Board.

The motion was seconded by Board member Novit and approved by a vote of 7-0.

**5. Consideration of a request for variances from the side yard setbacks for additions and alterations at 1245 W. Deerpath.**

**Property Owners: Matthew and Nicole Phelan**

**Representative: Jonathan Clair, architect**

Chairman Sieman introduced the agenda item and asked the Board for any Ex Parte contacts or conflicts of interest. Hearing no declarations from the Board, Chairman Sieman swore in all those intending to speak and invited a presentation from the petitioner.

Mr. Clair explained that the project started as a rear addition to provide a family room and improve the flow of the interior space. He noted that after investigation, it was determined that the foundation under the west side of the house was failing due to bad soil conditions. He stated that on response, the scope of the project increased to include removal and replacement of the garage to address the failing foundation. He noted that the addition as now proposed includes a replacement garage and modest expansion of the second story living space over the new garage. He noted that the addition is sited about 3 feet in front of the existing garage and follows the footprint of the existing garage along the west and south elevations. He described the neighboring homes and their relationship to the subject property. He noted a grade change along the west property line adding that the existing retaining walls will be maintained. He described the proposed elevations and the proposed modifications to the remaining portions of the existing residence. He noted that the proposed second story space is built within the roof space of the new garage to minimize the appearance of additional mass. He acknowledged that the gable on the front elevation is steeper than the existing roof forms. He noted that the exterior materials will match the materials on the house. He noted that the property is zoned R-5, and a 50 foot setback applies from all property lines adding that the house is not in conformance with the applicable setbacks today. He noted that the existing 13 foot side yard setback from the west property line will be maintained. He noted that the rear family room addition does not encroach into the setback any further than the existing house.

Ms. Friedrich explained that variances are required from the west and east property lines because the house and the proposed additions encroach into the required 50 foot setback. She noted that the property is 100 feet wide which results in no buildable area given the 50 foot setbacks. She noted that the replacement garage on the west

side, including the second story addition, will maintain the existing setback, 13 feet from the west property line. She stated that the rear family room addition will be no closer than 28 feet to the east property line. She noted that the property owners have consulted an arborist and intend to preserve the tree located near the proposed addition.

In response to a question from Board member Nehring, Mr. Clair noted that this property is at a high point and the water flows to the street.

In response to questions from Board member Clemens, Mr. Clair stated that there is about 6-7 feet of bad soil. He confirmed that soil borings will be done after the garage area is removed to guide determine what is needed with respect to fill and the design of the foundation. He noted that after construction, the retaining walls along the west side of the property will be removed and replaced. He stated that the oak tree that is leaning will likely be removed.

In response to questions from Board member Novit, Mr. Phelan confirmed that the west side door will be moved to the rear elevation.

Chairman Sieman invited public testimony. Hearing none, he asked the Board for any final questions or comments or a motion.

Board member Novit stated support for the variances as requested.

Board member Nehring made a motion to recommend approval of variances to allow the new additions to be located no closer than 28 feet to the east property line and no closer than 13 feet to the west property line as shown on the site plan provided in the Board's packet based on the findings as detailed in the packet.

The motion was seconded by Board member Moorhead and approved by a vote of 7-0.

#### **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 a special Zoning Board of Appeals meeting is scheduled for Monday, May 9<sup>th</sup> to hear the request for an amendment to the Elawa Farm Special Use Permit. She stated that the next regular meeting of the Board is scheduled for Monday, May 23<sup>rd</sup>.

The meeting was adjourned at 10:31pm.

Respectfully submitted,

Michelle E. Friedrich  
Planning Technician