

The City of Lake Forest
Zoning Board of Appeals
Proceedings of the December 11, 2023 Meeting

A regular meeting of the Lake Forest Zoning Board of Appeals was held on Monday, December 11, 2023 at 6:30 p.m., in Lake Forest, Illinois.

Zoning Board of Appeals members present: Chairman Ari Bass and Board members Pete Clemens, James Moorhead, Mike Adams, Art Miller, Laurie Rose and Henry Kleeman

Zoning Board of Appeals members absent: None

Staff present: Catherine Czerniak, Director of Community Development and Michelle Friedrich, Planning Technician

1. Introduction of Board members and staff, overview of meeting procedures - Chairman Bass

Chairman Bass reviewed the meeting procedures and asked the members of the Board to introduce themselves.

2. Consideration of the minutes from the July 24, 2023 and September 28, 2023 meetings.

The minutes of the July 24, 2023 and September 28, 2023 meetings were approved as submitted.

**3. Consideration of a request for a recommendation in support of variances from the corner and interior side yard setbacks to allow modifications to the roof and front porch and conversion of the garage to first floor living space and the addition of a second story over the garage. The existing residence is nonconforming to setbacks in these areas. The property is located at 1062 Valley Road.
Property Owner and Representative: Oana Herghelegiu, architect**

This item was postponed at the request of the petitioner.

**4. Consideration of a request for a recommendation in support of variances from the front and interior side yard setbacks to allow construction of a two story addition and expansion of the driveway at 1055 Beverly Place.
Property Owners: Theodore Hadjis and Stephanie Poulos
Representative: Jeff Letzter, project manager**

Chairman Bass asked for any Ex Parte contacts or conflicts of interest. Hearing none, he stated that he met the petitioner while visiting the site and exchanged pleasantries. He invited a presentation from the petitioner.

Mr. Letzter stated that the Building Review Board recently recommended approval of the petition after modifications were made to address initial concerns expressed by the Board. He stated that at the outset, the addition was designed to comply with all of the setbacks however, those designs impacted Heritage trees on the site, resulted in a driveway that did not function well, and presented a large garage mass on Longwood Drive. He stated that the current plan requires variances from the setbacks. He described the project noting that a two story addition is proposed at the north end of the home to provide a larger garage and storage space and expanded second floor living space. He pointed out that the house currently encroaches into the corner side yard setback along Beverly Drive. He stated that the plan now presented requires a variance from the 12 foot side yard setback on the east side. He noted that the addition is proposed five and a half feet from the east property line. He stated that a variance is also required for a small area of the driveway which exceeds the allowed width in the front yard setback along Longwood Drive. He noted that the garage is stepped back from the north wall of the addition to minimize the area for which a variance is requested.

Ms. Friedrich stated that because the property is a corner lot, more restrictive setbacks apply. She stated the house is sited on the north portion of the property limiting the areas available to add to the house in a functional manner. She confirmed that over the course of two meetings, the Building Review Board strongly supported the plan as now proposed noting that it allows the driveway to remain in the existing location, limits impacts on heritage trees, and provides for a functional garage. She reviewed that as proposed, the addition is five and a half feet from the east property line. She noted the large arborvitae along the east property line and the neighboring garage and driveway located just beyond the arborvitae which together mitigate the impact of the encroachment of the addition into the setback. She stated that a variance is also requested to allow a small portion of the driveway to be expanded beyond the permitted width of 16 feet within the front yard. She explained that to provide adequate space for vehicles to maneuver in to and out of the garage, a small area of the driveway is proposed at 21 feet wide within the front yard setback. She noted that the plan as presented reuses the existing driveway which the Building Review Board strongly encouraged in an effort to preserve and protect heritage trees on the property. She stated that letters of support were received from two neighbors. She stated that a condition is recommended requiring all reasonable efforts to protect trees on the north and east side of the property.

In response to questions from Chairman Bass, Mr. Letzter acknowledged that the stakes on the site do not reflect the footprint of the addition as now proposed.

In response to questions from Board member Adams, Mr. Letzter agreed to see that all reasonable efforts are made to preserve the arborvitae along the east property line.

In response to the questions from Chairman Bass, Mr. Letzter stated that the existing driveway is three feet from the east property line and will not encroach further.

Hearing no further questions from the Board, Chairman Bass invited public comment, hearing none, he invited final questions and comments from the Board.

Board member Moorhead stated support for the variances and noted that the applicable criteria appear to be satisfied.

Board member Clemens agreed with Board member Moorhead.

Board member Miller stated that the property was developed in 1941. He commented that the addition is sensitively designed and is sited to avoid disrupting views from Beverly Place.

Board member Kleeman agreed with Board member Miller's comments adding that the addition will be an improvement to the property.

Board member Rose agreed with the other Board member's comments. She acknowledged that it is tricky to preserve the trees but commented that with proper care, it can be done. She stated support for the project.

Hearing no further questions or comments from the Board, Chairman Bass invited a motion.

Board member Kleeman made a motion to recommend approval of variances to the addition to encroach no closer than five and a half feet to the east property line and an expansion of a small portion of the driveway up to 21 feet in width within the front yard setback. He stated that the recommendation is based on the site plan submitted to the Board and incorporates the findings as detailed in the staff report which are adopted by the Board as part of the motion. He stated that the recommendation includes the following condition.

A plan for protecting the mature trees on the north side of the house and the arborvitae along the east property line shall be submitted along with the application for building permit and will be subject to review and approval by the City's Certified Arborist.

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

5. Consideration of a request for a recommendation in support of updates and amendments to the Special Use Permit for Gorton Center, 400 E. Illinois Road. The updates are intended to align the Special Use Permit with current activities at Gorton and to establish some parameters for activities recognizing the adjacency to residential properties.

Property Owner: The City of Lake Forest

Tenant: Gorton Center

Gorton Center Representative: Amy Wagliardo, Executive Director

Chairman Bass introduced the agenda item and asked for any Ex Parte contacts or conflicts of interest. Hearing none, he invited a presentation from the petitioner.

Board member Miller stated that he is on the Lake Forest Preservation Foundation Board which is a tenant at the Gorton Center. He stated that he will be able to consider the petition objectively.

Andrew Trees, Chairman of the Gorton Center Board, stated that Gorton values its relationship with the City. He stated that the fact that the Special Use Permit is being reviewed and updated is a sign that the Gorton Center is thriving. after it's near death a few years ago.

Ms. Wagliardo, Gorton's Executive Director, reviewed the Mission and Vision statements of the Gorton Center. She stated that between 2010 and 2012, the Gorton Center was restabilized and the Mission Statement was written at that time. She stated that the Vision Statement was updated in 2022. She noted that the Gorton Center has a stable budget today because multiple revenue streams have been established including revenue from not for profit groups that occupy tenant space on the second floor, the Children's Learning Center, and from various classes, films and events offered to the community. She stated that in addition, spaces in the building can be rented by groups and individuals for private parties and events and donations are received from members of the community and beyond on a regular basis. She stated that consistent with the Gorton Center Strategic Plan, indoor spaces are being reconsidered which may lead to some interior modifications to allow the space to function more efficiently. She stated that 2024 is Gorton's 50th anniversary. She stated that during the pandemic, in summer 2020, Gorton hosted drive in movies in the parking lot and other small gatherings for the community. She said that prior to the pandemic, the Gorton Center had not offered many outdoor activities. She stated that outdoor activities at Gorton were expanded in 2021 and since then, the number of outdoor activities has declined. She highlighted some of the outdoor activities held in 2022 and 2023. She explained that the terrace at the northwest side corner of the building is deteriorating due to a drainage issue adding that the City planned to rebuild the terrace. She stated that the Gorton center applied for and received a grant with the intent of expanding the terrace as part of the work planned by the City.

She stated that the terrace is used during the day informally by participants in classes and camps. She expressed concern about the staff recommendation that amplified sound be prohibited on the terrace. She stated that for instance, a group may want to watch a video on a phone or screen. She suggested that the limitation on amplified sound apply only to evening hours. She stated concern about the staff recommendation to not allow outdoor events on consecutive evenings. She pointed out that it is costly to set up an outdoor movie screen and equipment and is cost effective to hold movie events on consecutive evenings. She stated that outdoor movies are offered only a few times a year adding that the ability to show movies on consecutive nights would be helpful. She stated that in 2024, Gorton Center is having a 50th anniversary bash over a weekend. She stated that the detail of the event is not yet known but noted that for one-time events of that type, it would be helpful to have flexibility a few times a year to allow events on consecutive evenings.

Ms. Czerniak reviewed that Special Use Permits are required for non-residential uses such as the Gorton Center, Elawa Farm, the College, the Hospital, churches, and private clubs, located in residential districts. She stated that Special Use Permits allow for parameters and conditions to be put in place to mitigate impacts that result from these unique uses in residential neighborhoods. She commented that the non-residential uses are part of the fabric and character of the community. She stated that the Special Use Permit for Gorton was last updated in 1998 in conjunction with a major addition to the building. She acknowledged that since that time, uses at Gorton have evolved most notably, with the expansion of outdoor events during the pandemic and with the increase in rentals for private parties and events to increase revenues. She explained that a review and update of the Special Use Permit is presented to the Board at this time to align it with the uses that are actually occurring and to establish use parameters and conditions as may be appropriate. She pointed out that Gorton Center it is at the edge of the Central Business District, in a transition area, an area with a fair amount of non-residential activity similar to restaurants that the Board has recently reviewed. She noted that like Elawa Farm, the Gorton Center is a unique use which may require tweaking of the Special Use Permit from time to time in the years ahead. She reminded the Board that the Elawa Farm Special Use Permit was amended several times over the course of about five years and today, the parameters that were put in place and refined appear to strike the right balance between the activities at the Farm and the surrounding residential neighborhood. She stated that Special Use Permits always require compromise on the part of all parties. She stated that an updated Special Use Permit will provide certainty for all parties and will position the City staff well to enforce the parameters and conditions of approval. She reiterated that if problems arise and cannot be resolved, the Special Use Permit will be returned to the Board for further consideration. She stated that most of the activities at the Gorton Center do not negatively impact the nearby neighbors. She stated that concerns have been raised about the noise, hours, and the frequency generated by outdoor community events and private parties and events in the Stuart Room. She commented on some of the conditions recommended in the staff report

noting that directing outdoor speakers to the northwest, away from the residences was recommended by an acoustical engineer. She stated that the recommendation to prohibit amplified sound on the terrace was not intended to apply to using the speaker on a phone or laptop but instead, to prohibit the setup of outdoor speakers for an event. She suggested that the prohibition on outdoor evening events on consecutive nights could be modified to provide exceptions a limited number of times per year.

In response to questions from Board member Kleeman, Ms. Czerniak confirmed that the 1998 Special Use Permit did not detail the specific activities permitted at Gorton. She stated that more detail is proposed in the update to the Special Use Permit to align the document with the detail found in most Special Use Permits today. She confirmed that the Board's recommendation will be forwarded to the City Council for final action.

In response to questions from Board member Rose, Ms. Czerniak confirmed that the Special Use Permit for Elawa Farm limits the number of outdoor rental events that can be held in a year and goes further to place limits on the number of events permitted on consecutive weekends. She stated that the conditions of approval in the Elawa Farm Special Use Permit are more limiting than those proposed for the Gorton Center.

In response to questions from Board member Adams, Ms. Wagliardo confirmed that 2021 saw the highest number of outdoor events. She reiterated that outdoor movie nights are expensive unless held on consecutive nights. She stated that no outdoor movie nights were held in 2023 adding that many residents called to request outdoor movies in the future. She stated that allowing outdoor events on consecutive nights, two or three times a year would be sufficient.

In response to questions from Board member Miller, Ms. Wagliardo stated that a one night movie event would not break even given the cost of renting the equipment.

In response to questions from Board member Moorhead, Ms. Wagliardo explained that there are about 24 events scheduled from May through October. She stated that an event company suggested that the Gorton parking lot could accommodate 1,000 people at an outdoor event but noted that the outdoor events are limited to a total of 600 people. She stated that the availability of private rental space is noted on the Gorton Center website but not advertised in other ways. She stated that during outdoor events, no concurrent indoor events are permitted. She stated that the bathrooms inside the buildings are available for use. She stated that there is a catering kitchen in the building which is not typically used. She stated that outdoor events are usually served by food trucks.

In response to questions from Board member Rose, Ms. Wagliardo stated that staff at the Gorton Center have not received complaints from neighbors.

In response to questions from Board member Rose, Ms. Czerniak confirmed that on occasion the City has received complaints about noise levels and the frequency of events from neighbors. She stated that the complaints are related to the outdoor events but more frequently to the private events held in the Stuart Room. She stated that on occasion, the windows and doors in the Stuart Room are opened during events exacerbating the noise impacts on the neighboring homes to the north.

In response to questions from Board member Rose, Ms. Wagliardo confirmed that the Stuart Room is connected to the terrace. She stated that the Gorton Center staff have begun to monitor the doors and windows to assure they are not opened.

Hearing no further questions from the Board, Chairman Bass invited public comment,

Mary Sanders, 391 E. Deerpath, noted that she sent in a letter to the Board. She stated that she lives adjacent to the north side of the Gorton building, adjacent to the outdoor terrace and the Stuart Room. She stated that it is difficult to live with the ongoing noise. She noted that the DJs for private events in the Stuart Room play very loud music. She noted that alcohol is provided at the parties and attendees sometimes gather on the north side of the building, near her property. She stated that she has not been able to find a Gorton Center manager on the site during the rental events, only a janitor. She stated that the parties can go on for 5 hours, on Saturdays and Sundays in the evenings.

Charles Stevens, 418 E. Illinois Road, stated support for the Gorton Center and the activities that occur there. He stated that he lives three homes to the east of Gorton and adding that his only concern is with parking on Illinois Road, on the curve. He stated that parking should not be permitted, and the prohibition should be enforced. He stated that parking creates a dangerous condition with limited sightlines and a single travel lane. He stated as part of Gorton's promotion of events, attendees should be provided with parking information.

Ms. Wagliardo stated support for prohibiting parking on Illinois Road.

Hearing no further public comments, Chairman Bass invited final questions and comments from the Board.

In response to questions from Board member Kleeman, Ms. Wagliardo explained that the Gorton Center uses the Stuart Room for some of its own programs such as the jazz concerts, but also offers it to private parties as a rental space for parties, funerals, and similar events. She stated that the parking lot is not rented for private events. She stated that private events in Stuart Room are important to keep Gorton financially viable. She stated that Gorton had a sound consultant present at a karaoke party in the Stuart Room to monitor the event. She stated that with the doors and windows closed, the noise level outside was not higher than the normal ambient noise level.

In response to questions from Board member Adams, Ms. Wagliardo stated that there are additional staff in the building besides a janitor during private rental events.

In response to questions from Chairman Bass, Ms. Wagliardo stated that the Gorton Center offers a preferred vendor list but does not require private parties to use preferred vendors. She confirmed that private groups or individuals can hire whomever they want to DJ a party.

In response to questions from Board member Moorhead, Ms. Wagliardo confirmed that the sound consultant monitored sound levels outside the Stuart Room during an evening event. She stated that sound from the theater can be heard in the hallway but not outside the building. She stated there is some acoustical treatment on the walls in the Stuart Room. She stated that additional landscaping on the north side of the building could be considered after the drainage and terrace improvements are completed. She acknowledged that on September 16, 2023, Gorton hosted a food truck event with a band that played from about 4 to 7 p.m. at a very loud volume. She said that she asked the band to reduce the volume. She noted there were about 500 people in attendance. She confirmed that events held by the Gorton Center are marketed in the program guide that is mailed to all Lake Forest residents, in the Lake Forester and Daily Herald, and on social media. She stated that the Gorton Center theatre technician works with the sound person for the bands that perform. She stated that for large events, informs the City in advance.

In response to questions from Board member Rose, Ms. Wagliardo confirmed that a rental agreement is required for private rentals. She confirmed that if the terms of the agreement are violated, Gorton may choose not to rent to the individual or group in the future.

In response to questions from Board member Clemens, Ms. Wagliardo confirmed that a deposit is required prior to a private event being held.

Board member Clemens stated that he has rented the Stuart Room in the past and found that the temperature in the room is hard to manage when it is hot which may result in the windows or doors being opened.

Board member Miller noted that community events are held in various locations in Lake Forest adding that the community is fortunate to have options so that all of the events are not held at Gorton.

Chairman Bass asked staff to review the legal description of the property for accuracy and to make corrections as necessary. He recognized Ms. Sanders and allowed her to make additional comments acknowledging that the formal public hearing portion of the meeting is concluded.

Ms. Sanders stated that she has measured decibel levels during events at the Gorton Center and spoke to the sound consultant engaged by Gorton. She stated that her coach house is just a few feet from the Stuart Room. She stated that the doors and windows are opened during events. She played a recording from an event in June 2023. She stated that her concern is the duration and intensity of the noise from unlimited events.

Chairman Bass invited the petitioner to respond to public testimony.

Ms. Wagliardo stated that the sound consultant was brought on site to monitor one outdoor amplified event, a country band, and one indoor event that Gorton staff knew would be loud. She stated there are capacity limits that are enforced in each room. She stated there were about six outdoor events held during the summer of 2023 some of which ended by 7pm.

Chairman Bass returned the discussion to the Board and invited final questions and comments.

Board member Moorhead stated that based on the information provided, he does not believe that 1, 2, 3, 6 or 7 are satisfied. He noted that the Gorton Center is intended for Lake Forest and Lake Bluff residents but appears to be benefiting a larger group of people beyond the community. He stated that in his opinion, parking issues can be addressed by the Gorton Center and the City. He stated that noise impacts from both indoor and outdoor events are concerns. He stated he lives nearly a third of a mile away from the Gorton Center and he heard the food truck band clearly in his backyard. He stated that in his opinion, there should be more specificity in the Special Use Permit, similar to other Special Use Permits like Elawa Farm and Woodlands Academy. He questioned the connection between an event in the parking lot and the Gorton building.

Chairman Bass concurred with Board member Moorhead's comments. He noted that the statement submitted by the petitioner is not clear on what is requested.

Board member Miller acknowledged that some events and activities are done for financial purposes. He noted that financial concerns almost took down Gorton in the early 1970's and again more recently. He noted that Gorton is an evolving organization that needs community support to continue to offer activities, programs, and events to the community. He stated that he lived several doors from the Lake Forest College football field and at times, Saturday afternoons were noisy. He stated that parking is always going to be an issue during community events. He stated that it is important to support Gorton while at the same time balancing the interests of the neighbors. He agreed that more information would be helpful.

Board member Adams thanked Board member Moorhead for summarizing the Special Use Permit criteria. He agreed that more clarification and detail about events at the Gorton Center is needed. He suggested that the Gorton Center could hold events and fundraisers at other locations such as in the parking lot behind City Hall.

In response to questions from Chairman Bass, Ms. Czerniak confirmed that City staff worked closely with Elawa Farm staff to develop operating parameters. She pointed out that not all of the 24 outdoor events have amplified music or sound. She confirmed that the Zoning Board of Appeals is charged with using the criteria in the Code to evaluate special uses adding that economic viability of a particular venue or institution is not a criterion for Board consideration. She stated that parking for events at the Gorton Center can easily be accommodated in the public parking lots nearby, on the west side of McKinley Road.

Board member Rose agreed with the comments of the other Board members specifically placing some limits around the hours and number of events that impact the neighbors. She stated that as with all these types of uses, there needs to be a balance between activities and limiting the impacts on the neighbors.

Chairman Bass pointed out that the Woodlands Academy tennis courts back up to multiple homes and the Stuart Room only backs up to a couple of homes.

In response to questions from Chairman Bass, Ms. Czerniak stated that a project to mitigate sound through modifications to the windows in the Stuart Room or other means is not currently planned. She stated that City staff can work with Gorton Center staff to explore opportunities for sound mitigation. She stated that those renting the Stuart Room could be encouraged to use the existing sound system in the space which can be controlled more effectively than speakers and equipment brought into the space by private parties.

Board member Miller stated that the windows in the Stuart Room are not original or historic and could therefore be modified to provide enhanced sound mitigation.

Board member Kleeman commented that in his opinion, all of the issues raised are solvable.

Hearing no further questions or comments from the Board, Chairman Bass invited a motion.

Board member Moorhead made a motion to continue consideration of amendments to the Gorton Center Special Use Permit to the January 22, 2024, meeting.

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

5. Public testimony on non-agenda items.

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

6. Additional information from staff.

The Board voted 7 to 0 to approve the 2024 Zoning Board of Appeals meeting calendar.

The meeting was adjourned at 8:17p.m.

Respectfully submitted,

Michelle Friedrich
Planning Technician