

The City of Lake Forest
Zoning Board of Appeals
Proceedings of the May 22, 2023 Meeting

A regular meeting of the Lake Forest Zoning Board of Appeals was held on Monday, May 22, 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, Art Miller, Mike Adams, Laurie Rose and Henry Kleeman

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 Bass

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

2. Consideration of the minutes from the April 24, 2023 meeting.

The minutes of the April 24, 2023 meeting were approved as presented.

**3. Consideration of a request for a recommendation in support of steep slope setback variances for a screened porch addition, alteration of an existing bay window/door and expansion of a mechanical equipment enclosure at 1291 Elm Tree Road.
Property Owners: Chicago Title Land Trust (David K. Reyes Living Trust, 50% and Pamela Perri Reyes Living Trust, 50%)
Representative: Alexis Ryder, architect**

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

Board member Clemens stated that he met the property owner while visiting the site but did not discuss the petition. He stated that he is able to consider the petition objectively.

Chairman Bass stated that he too met the property owner when he visited the site but did not discuss the petition and is able to consider the petition objectively. Hearing no further declarations from the Board, he invited a presentation from the petitioner.

Ms. Ryder described the existing conditions on the property and pointed out the location of a previously removed structure that was near the pool, in the steep slope

setback. She noted that the property is constrained by the ravine on the south side of the property and the associated steep slope setback requirements, and a Conservation Easement along the west side of the property. She stated that a variance is requested for a screen porch addition at the southeast corner of the house. She stated that the previously removed structure was 370 square feet and the proposed screen porch is 380 square feet. She stated that variances are also requested to allow an existing bay window to be shifted one and a half feet to the south and the existing generator enclosure to be enlarged. She stated that the bay window in the kitchen is proposed to shift one and a half feet to the south of its existing location to create symmetry with other elements of the house. She stated that neither the proposed addition, nor the alterations will be visible from the street.

Mr. Bulak described the existing generator enclosure noting its location at the southeast corner of the property and explained that a larger generator is desired to support the entire house during a power outage. He stated the intent to expand the generator enclosure to the east. He noted that a timber wall was installed in the ravine in 2010 and according to the project engineer, is holding up well. He stated that the foundation of the proposed porch will be tied back to the foundation of the house.

Ms. Friedrich reviewed that a ravine extends along the south half of the property. She noted that a third party engineer review is currently underway however, to minimize delays for the petitioner. She stated that a variance from the steep slope setback is requested for the screen porch, bay window in kitchen, and to allow expansion of the generator enclosure. She stated that the proposed screen porch is at the southeast corner of the house and not be visible from the Elm Tree Road streetscape. She stated that findings in support of the requested variances are detailed in the staff report. She noted that the petitioner will be responsible for all fees incurred by the City for the third party engineering review.

In response to questions from Board member Moorhead, Ms. Ryder confirmed that the gravel area will remain open. She stated that the foundation for the screen porch is proposed as a shallow stepped footing with a slab. She confirmed that the foundation will be tied to the house.

In response to questions from Board member Rose, Ms. Ryder stated that the building across the ravine to the south is a tennis house. She stated that the area between the petitioner's home and the structures across the ravine is quite wooded adding that the addition will likely not be visible from across the ravine.

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 Miller commented that the property has been carefully cared for over the years. He stated that the site is unusual in configuration and the house is modest

given the acreage of the property. He stated that in his opinion, the addition is appropriately scaled and presents a good solution for expanding the home modestly, making the home more livable for the owners.

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

Board member Moorhead made a motion to recommend approval of variances from the steep slope setback to allow a screen porch addition, modifications to a bay window, and enlargement of the enclosure for the generator all as depicted on the plan submitted to the Board. He stated that the recommendation is based on the findings detailed in the staff report and incorporates the Board's deliberations as additional findings. He stated that the recommendation is subject to the following conditions.

1. Issuance of building permits shall be subject to final approval by the City Engineer based on the findings of the third party review.
2. Prior to the issuance of a permit, all fees shall be paid in full including full reimbursement to the City for the third party engineering review.

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

4. Consideration of a request for a recommendation in support of side and rear yard setback variances for a rear addition and a second story addition over an existing single story element at 161 Washington Circle.

Property Owner: James Chiu

Representative: Thomas Grier

Chairman Bass introduced the agenda item and asked for any Ex Parte contacts or conflicts of interest. Hearing no declarations from the Board, he invited a presentation from the petitioner.

Mr. Grier stated that the petitioner desires a space for a baby grand piano. He reviewed the existing conditions on the site and the relationship of the home to the neighboring homes. He stated that the house is nonconforming to current setbacks. He stated that the rear yard setback is 35 feet adding that the proposed rear addition is located 28 feet from the rear property line at the closest point. He noted that the rear yard is fenced and landscaped with small shrubs. He stated that a second story addition is proposed over the garage. He noted that the pitch of the garage roof currently does not match the roof pitch on the house and appears awkward. He stated that the proposed second story addition will provide the opportunity to align the over addition, above the garage, with the pitch of the roof on the house. He stated that the second story addition is located in the side yard setback and also requires a variance.

Ms. Friedrich stated noted that the property is the front lot of a lot in depth so, the 40 foot front yard setback also applies to the side (south) property line which is adjacent to the access drive to the rear property. She noted that the house in its existing condition does not comply with current setbacks. She noted that the proposed rear addition is generally located in the footprint of an existing deck which will be removed. She noted that the petitioner stated the intent to plant white pines along the east (rear) property line. She noted that the second story addition is proposed over the mudroom and garage. She acknowledged that the roof pitch of the proposed addition is designed to be more in line with the roof on the house. She stated that existing vegetation on the property in addition to the proposed plantings will help to screen the mass of the additions. She noted the plat of subdivision notes that the property "must comply with the non-conforming provisions in the Code". She stated that there was limited information in the subdivision file to determine the intent of that note and it was determined the petitioner could request a variance if desired. She stated that the staff report details findings in support of the requested variances and recommends a condition requiring submittal of a landscape plan to document the additional plantings proposed and the existing plantings intended to remain.

In response to questions from Board member Miller, Ms. Friedrich confirmed that the letter from the neighbor which raised concerns about drainage will be forwarded to the City Engineer for consideration during the review of the drainage and grading plan.

Chairman Bass noted that while visiting the site, he observed a storm sewer inlet on the driveway to the rear property.

Board member Kleeman agreed that attention should be paid to drainage in an effort to mitigate existing and potential future drainage issues on the property.

In response to questions from Board member Rose, Ms. Czerniak said that the variance process provides a mechanism for a property owner to appear before the Zoning Board of Appeals and request relief. She confirmed that although no documentation was found on why the note was put on the plat, staff wanted to make the Board aware of the note.

In response to questions from Board member Rose, Ms. Friedrich stated the plat of subdivision was approved and recorded in 1972.

In response to questions from Board member Kleeman, Ms. Friedrich confirmed that drainage and grading plans will be subject to review and approval by the City Engineer prior to the issuance of any permits.

In response to questions from Board member Clemens, Mr. Grier confirmed that provisions will be made for proper egress from the basement and second floor

addition as required by Code. He stated that if needed, the overhead utility line will be moved during construction.

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

Ms. Close, 151 Washington Circle, noted that as a front lot of a lot in depth, the property is unusual for the neighborhood. She noted that the property is smaller than most of the surrounding properties. She stated that all of neighbors in the immediate area have water issues. She questioned where any additional water resulting from the proposed addition will go. She stated her hope that the character of the neighborhood will be preserved. She stated that although with the proposed addition the property will be tight, she believes the addition will be nice.

In response to questions from Board member Clemens, Ms. Close stated that the water flows toward her house from the north. She stated that the manhole on her driveway was recently cleaned and directs water to the street.

Chairman Bass observed that the southeast corner of the 161 Washington Circle property appears to be a low spot.

In response to questions from Board member Miller, Ms. Czerniak stated that in general, water in this neighborhood flows to the east. She stated that in some cases, standing water on properties, in areas away from homes, is unavoidable. She stated that the City Code requires that drainage and grading plans provide grades 50 feet beyond the property line so that the review can be done in the context of the surrounding properties.

In response to questions from Board member Moorhead, Mr. Grier stated that the project adds 200 square feet to the home. He confirmed that a small, single story element totaling 90 square feet, will be removed from the back of the house in the area of the proposed addition. He stated that the existing decks will be removed as well. He confirmed that the surface under the decks is permeable.

In response to questions from the Board, Ms. Czerniak confirmed that the petition complies with the 30% building coverage for a zoning lot and the square footage limitations.

In response to questions from Board member Rose, Mr. Grier stated that no grading is proposed on the site. He acknowledged that there is an existing low area to the east of the house where water pools.

Mr. Grier stated that a rain garden can be considered for the low area if that would be helpful to the neighbors. He stated the intent to comply with any direction offered by the City Engineer.

In response to a suggestion from staff, Board member Rose stated support for the addition of a condition emphasizing the need for a grading and drainage plan that provides elevations extending at least 50 feet beyond the property lines which will be subject to review and approval by the City Engineer.

Board member Moorhead stated that the criteria for a variance from the required setbacks appear to be met. He noted that there is little change in the footprint of the house especially when considering that the existing deck will be removed. He noted that the square footage limitations are met and commented that the home, with the addition, appears generally consistent with the removal of the deck. He stated agreement with the comments of the other Board members.

Chairman Bass agreed with Board member Moorhead and noted that the drainage issues are existing and best handled by the City Engineer. Hearing no further comments from the Board, he invited a motion.

Board member Moorhead made a motion to recommend approval of a variance to allow a single story addition to encroach no closer than 28 feet to the rear property line and a variance to allow a second story addition over the existing mudroom and garage to extend no closer than 11 feet to the south property line all as depicted on the plan submitted to the Board. He stated that the recommendation is based on the findings detailed in the staff report and incorporates the Board's deliberations as additional findings. He stated that the recommendation is subject to the following conditions:

1. Prior to the issuance of a building permit:
 - a. a detailed landscape plan shall be submitted and will be subject to review and approval by the City's Certified Arborist. The plan shall provide screening of the proposed rear addition from the neighboring property to the east. The plan must include quantity, species and size at the time of planting for all new landscaping.
 - b. A drainage and grading plan shall be submitted and will be subject to review and approval by the City Engineer. As required by the Code, the plan shall reflect grades extending out 50 beyond the property lines.

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 a side yard setback variance for a replacement residence to be constructed on an existing foundation and a variance for a reconfigured driveway at 866 Oak Knoll Drive.

Property Owner: Alex Carterson

Representative: Thom Budzik, architect

Chairman Bass introduced the agenda item and asked for any Ex Parte contacts or conflicts of interest. Hearing no declarations from the Board, Chairman Bass invited a presentation from the petitioner.

Ms. Fitzgerald stated that the Cartersons are seeking two variances to support construction of a new residence on the foundation of the home proposed for demolition. She stated that there is a significant overhang on the existing house which encroaches into the setback and noted that the new residence will encroach to a lesser extent. She stated that the fireplace as proposed will encroach no closer than 17.5 feet to the property line and represents the furthest extent of the house on the south side. She stated that the existing driveway is nonconforming to the required setbacks along the north property line and will be modified to reduce the amount of the encroachment by removing seven feet of the driveway along the north side and expanding it to the south, outside of the setback. She stated that based on her evaluation, the project meets the criteria for a variance.

Ms. Friedrich reviewed that the petition includes demolition of the above grade portions of a single family home and construction of a replacement structure. She stated that the petitioner proposes to construct a new residence partially on the existing foundation. She noted that the existing house encroaches into the 20 foot side yard setback along the south property line with the furthest extent of the house, the eave, located 16 feet from the property line. She stated that as proposed, the wall of the new residence will be 19 feet from the property line and the narrower eave and fireplace will extend no closer than 17.5 to the south property line. She summarized that the encroachment of the new residence will be less than the encroachment of the existing residence. She stated that the driveway in its present configuration is nonconforming to the current zoning requirements because it extends into the side yard setback within the front yard setback. She stated that the proposed driveway remains generally in the same location as the existing driveway but is pulled away from the north property line to the extent possible while keeping the curb cut where it is due to the nearby intersection of Lakewood Drive and Oak Knoll Drive. She stated that at the closest point, the driveway is nine feet from the north property line, within the front yard setback, rather than 20 feet as required by the Code. She stated that landscaping is proposed along both the north and south property lines to provide a buffer for the neighboring properties. She stated that the Building Review Board recently reviewed the petition and recommended approval. She stated that the staff report included findings in support of the variances as requested and provides recommendations for conditions of approval.

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

Board member Moorhead stated that the petitioner appears to meet the standards for a variance.

Board members Kleeman and Rose agreed with Board member Moorhead's comments.

Hearing not further comments, Chairman Bass invited a motion.

Board member Moorhead made a motion to recommend approval of variances to allow the replacement residence to be no closer than 17.5 feet to the south property line and the driveway to be located no closer than 9 feet to the north property line both as depicted on the plan submitted to the Board. He stated that the recommendation is based on the findings detailed in the staff report and incorporates the Board's deliberations as additional findings. He stated that the recommendation is subject to the following condition.

1. Prior to the issuance of a building permit, a detailed landscape plan shall be submitted and will be subject to review and approval by the City's Certified Arborist. The plan shall provide reasonable screening of the proposed residence and driveway from the neighboring properties to the north and south. The plan must include quantity, species and size at the time of planting for all proposed landscaping.

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

6. Consideration of a request for a recommendation in support of a variance for a driveway for a replacement residence at 890 Oak Knoll Drive.

Property Owners: Toby J. McDonough and Janeth I. McDonough Revocable Living Trust (Toby and Janeth McDonough, trustees)

Representatives: Ewa Polanski, architect and Nancy Hannick, landscape architect

Chairman Bass introduced the agenda item and asked for any Ex Parte contacts or conflicts of interest. Hearing no declarations from the Board, Chairman Bass invited a presentation from the petitioner.

Ms. Hannick stated that a zoning variance is requested to allow the existing, non-conforming driveway to remain to serve a new residence proposed for the site. She noted that there are several large Bur Oak trees on the property adding that this species can live 100-200 years. She noted that the root systems of the trees are three times the spread of the above ground canopy. She stated that the trees on the property are estimated to be over 100 years old. She reviewed the alternatives that were studied for the driveway noting that Alternate A retains the driveway in its current location, in the side yard setback, in an effort to preserve key trees. She stated that Alternate B locates the driveway in conformance with the side yard setback but impacts key trees and in her opinion, the loss of the trees will have a dramatic impact on the neighborhood. She reviewed Alternate C noting that the curb cut is relocated at the center of the property presenting a more formal approach to the residence.

She stated that Alternative C will require cutting the roots of the Oak trees. She reviewed the tree maintenance and protection measures that are proposed on the site in an effort to preserve key trees.

Ms. Friedrich reviewed that the project includes demolition of the existing residence, including the foundation, and construction of a new residence. She stated that the proposed house complies with the setbacks, but the proposed driveway does not. She noted that the proposed driveway encroaches into the side yard setback within the front yard setback. She stated that the driveway configuration preferred by the petitioner, Alternate A, retains the driveway in generally the footprint of the existing driveway with the hope of preserving some of the Bur Oak trees in the front yard. She reviewed the ratings of the various trees in the front yard noting that tree #63, a 44" Bur Oak in good condition, is located near the driveway. She noted that the City Arborist emphasized that Bur Oaks are very sensitive to construction activity and may not survive even with proposed protection measures. She noted that the City Arborist visited the site and noted that tree #65 is not thriving and may not be worth designing around. She noted that driveway Alternate B impacts tree #63 which is worth trying to save. She stated that Alternate C locates the driveway in conformance with the zoning setbacks and away from tree #63 but requires the removal of tree #64. She noted that various trees on the site are proposed for removal to accommodate construction of the new residence and future pool and backyard improvements. She confirmed that replacement inches will be required for healthy trees that are removed or negatively impacted by the construction activity. She stated that based on input from the City's Certified Arborist, driveway Alternate C appears to be viable, it could preserve key trees and conforms to the zoning setbacks. She stated that given the likely impact on the trees proposed for protection and preservation, an escrow deposit is recommended to provide for replanting trees on the site if existing trees on the site die or fail to thrive within three years after construction is completed. She noted that the Oak canopy is a character defining element of the Oak Knoll Drive streetscape.

In response to a question from Board member Rose, Ms. Hannick noted that the property is not in a flood plain.

In response to questions from Board member Moorhead, Ms. Friedrich stated that an escrow deposit is held by the City on occasion to assure that if after construction, further work is needed, in this case replacing trees that might be impacted by construction in the years immediately following construction, there is a mechanism to assure that work is completed.

In response to questions from Board member Kleeman, Ms. Czerniak confirmed that the City's certified Arborist has visited the site a number of times to inspect the trees. She stated that in his opinion, driveway Alternate C may offer the best option for preserving the most significant and healthy trees in the front yard. She noted that other properties on the street have lost Oaks that were intended to be preserved

during construction but were fatally impacted. She reviewed that one of the criteria for zoning variances is a demonstration of hardship unique to the property.

In response to questions from Board member Miller, Ms. Hannick stated that Alternate C would require disturbing the root systems of trees across the front yard.

In response to questions from Chairman Bass, Ms. Czerniak stated that the amount of the escrow deposit would be reasonable and would be determined in consultation with the City Arborist. She offered that in other cases, driveways have been constructed in a manner that requires minimal excavation. She agreed that there is no question that some trees on the site will be lost and noted that the City Arborist's role is to evaluate, to the extent possible, which trees are most worthy of preservation and which trees will likely not survive the construction regardless of the steps taken.

In response to questions from Board member Clemens, Ms. Hannick stated the previous owner did not do any maintenance on the trees and as a result, there is deadwood in the canopies. She noted that adding soil to the front yard to build the driveway will create compaction and harm the trees.

In response to questions from Board member Moorhead, Ms. Czerniak stated that although it is desirable, there is no requirement that driveways be staggered along the street. She confirmed that driveways can be located across from each other.

In response to questions from Board member Rose, Ms. Czerniak confirmed that replacement inches are required if healthy trees that could otherwise be expected to have longevity are impacted. She confirmed that if it is likely that trees identified for preservation are likely to be negatively impacted by construction, the City requires an escrow deposit to assure future replanting in subsequent years if the trees die.

In response to questions from Board member Miller, Ms. Friedrich confirmed that the property does not have access from Tall Grass Lane to the west.

In response to questions from Board member Moorhead, Ms. Hannick confirmed that various alternative driveway configurations were discussed with the petitioners, and it was determined that driveway Alternate A is the preferred option.

In response to questions from Board member Miller, Ms. Hannick stated that staging and parking for construction will likely be in the rear yard. She noted that mulch and plywood will be used on the site to protect the root systems of the trees.

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 Clemens stated that he understands the logic of using the existing driveway.

In response to questions from Board member Clemens, Ms. Czerniak noted that if there is Board support for driveway Alternate A, staff will prepare findings and incorporate the petitioner's representative's statement that no expansion beyond the existing footprint of the driveway is planned.

In response to a question from Board member Clemens, Ms. Hannick agreed that no expansion beyond the existing footprint of the driveway is planned.

Board member Kleeman stated support for the variance noting that the criteria appear to be satisfied. He noted that there may be differences of opinion between the petitioner's tree company and the City Arborist.

Chairman Bass stated that there is no guarantee that the trees will survive construction on the site regardless of the driveway configuration selected. He noted that the driveway configuration in Alternate C changes the feel of the house.

In response to questions from Board member Moorhead, Ms. Hannick confirmed that no other variances are requested for the project.

In response to questions from Chairman Bass, Ms. Hannick confirmed that the existing driveway is within the 20 foot side yard setback.

In response to Board member Kleeman, Czerniak stated that the escrow is intended to provide some assurance that if needed within a limited time period after construction is completed, replanting will occur on the site for trees that are lost after the fact. She confirmed that if no replanting is required, the escrow is fully refunded.

Board member Moorhead stated support for driveway Alternate A an escrow deposit.

In response to questions from Chairman Bass, Ms. Czerniak confirmed that escrow deposits have been required for other projects.

Board member Kleeman stated support for driveway Alternate A with an escrow of a reasonable amount.

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

Board member Moorhead made a motion to recommend approval of a variance from the side yard setback to allow the existing driveway, which is located within the side yard setback to be retained with no expansion or change to the existing footprint. He stated that the recommendation is based on the findings as articulated by the Board during its deliberation. He stated that the motion includes the following condition.

1. An escrow deposit in an amount not to exceed \$5000 is required prior to the issuance of a Certificate of Occupancy to provide for replacement plantings if, within three years of the completion of construction, trees intended for preservation die or are failing to thrive. The City is directed to conduct twice a year inspection of the trees, spring and fall, for three years following the completion of construction.
2. A pre and post tree treatment and maintenance plan shall be submitted at the time of submittal for a building permit and will be subject to review and approval by the City's Certified Arborist.

The motion was seconded by Board member Kleeman 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 meeting was adjourned at 8:36 p.m.

Respectfully submitted,

Catherine J. Czerniak
Director of Community Development