

The City of Lake Forest
Zoning Board of Appeals
Proceedings of the February 26, 2024 Meeting

A regular meeting of the Lake Forest Zoning Board of Appeals was held on Monday, February 26, 2024 at 6:30 p.m., in Lake Forest, Illinois.

Zoning Board of Appeals members present: Chairman Ari Bass and Board members Art Miller, Laurie Rose, Pete Clemens, James Moorhead, Mike Adams 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 January 22, 2024 meeting.

The minutes of the January 22, 2024 meeting were approved as presented.

**3. Consideration of a request for a recommendation in support of a variance from the side yard setback to allow an existing porch to be enclosed and the addition of an enclosed connection from the residence to the garage at 605 College Road.
Property Owners: Mani and Dana Kumar
Representative: Diana Melichar, architect**

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

Ms. Melichar described the existing conditions on the site noting the open stairway and walk between the house and the detached garage. She noted that because the stairs are open to the weather, they are dangerous at times. She stated that the goal of the project is to provide an enclosed connection between the house and garage and provide space for a mudroom. She noted that the property, as currently configured, was created through a resubdivision in 1978 consistent with the zoning that was applicable to the property at that time. She noted that due to current zoning requirements, the proposed connection encroaches 20 feet into the side yard

setback. She stated that given the existing relationship between the house and garage, the encroachment cannot be avoided if the project goals are to be achieved. She pointed out that the open stairs which currently encroach into the setback will be removed, reducing the extent of encroachment overall. She stated that the hardship necessitating the variance is the result of changes to the Zoning Code after the house was built and after the property was subdivided.

Ms. Friedrich stated that the property is in the East Lake Forest Historic District and confirmed that the home predates the zoning setback requirements that are now applicable to the property. She stated that different zoning regulations also applied at the time the property was subdivided and the subdivision was in compliance with the then applicable requirements. She stated that a modest addition is proposed to accommodate a mudroom and an enclosed connection between the house and detached garage. She stated that as part of the project the open stairs that extend toward the south property line and encroach into the setback, will be removed. She noted that overall, the extend of encroachment into the required setback along the south property line will be reduced. She stated that the required setback is 20 feet and noted that as proposed, the furthest extent of encroachment will be six feet into the 20 foot setback, or 14 feet from the south property line. She noted that the design aspects of the petition and a request for a building scale variance are scheduled to be reviewed by the Historic Preservation Commission at the next meeting.

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

Dr. Kumar stated that he spoke with two of his neighbors including the resident at 499 Washington Road and received support for the project. He added that his in laws are neighbors and also support the project.

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

In response to a question from Board member Rose, Ms. Friedrich confirmed that no correspondence was received.

Board member Adams stated support for the variance acknowledging that the existing stairs appear to be tough to navigate. He stated that the project as proposed will improve access to the home.

Board member Kleeman stated support for the variance.

Board member Rose stated support for the variance and agreed that the project will improve the functionality of the home.

Board member Moorhead agreed with the comments of the other Board members adding that the applicable criteria for a variance appear to be met.

Board member Miller stated support for the variance. He commented that the property is historically significant. He stated that the proposed addition is sensitive and addresses problems for today's family.

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

Board member Adams made a motion to recommend approval of variances from the interior side yard setback to allow construction of a mudroom addition no closer than 14 feet to the south property line and enclosure of the existing open porch extending no closer than 15 feet to the south property line consistent with the site plan presented to the Board. He stated that the recommendation is based on the findings as detailed in the staff report which are adopted by the Board as part of the motion.

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

4. Consideration of a request for a recommendation in support of a setback variances to allow an addition and alterations to the residence to encroach into the side corner yard setbacks and to allow a new garage to encroach into the side and rear yard setbacks at 1062 Valley Road.

Property Owner and Representative: Oana Herghelegiu, architect

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.

XXXX

Ms. Herghelegiu described the overall project and explained that a second floor addition for expanded living space is proposed over the existing single car garage which is non-conforming to the setback. She stated that the existing garage will be converted to living space. She stated that an enclosed breezeway is also proposed between the house and the proposed detached garage. She stated that the new garage will face Marion Avenue adding that a new driveway is planned from Marion Avenue to access the new garage. She noted the limited buildable area on the lot because it is located on the corner. She noted that the detached garage, without the connection to the house is considered an accessory structure and complies with the accessory structure setbacks. She noted that with the connection to the house, large setbacks are applied and results in the need for a variance.

Ms. Friedrich stated the current property owners purchased the home from the family that originally design and built the home. She noted that the petitioners have worked with the Building Review Board on various design concepts. She confirmed that corner lots are more restricted with respect to setbacks than other lots adding that as

originally built, the home is nonconforming to zoning setbacks that were adopted after the home was constructed. She noted that the residence encroaches into the corner side yard setback along Marion Avenue and encroaches into the interior side yard setback along the north property line. She stated that the variances requested include a corner side yard variance to accommodate modifications to the roof, front porch, and replacement of a heat pump. She noted that the planned alterations to the interior of the home require raising the roof eight inches to comply with the Energy Code. She noted that the petitioners plan to reduce the eave overhang from two feet to one foot reducing the extent of the current encroachment. She stated that as proposed, the residence will be no closer than 19 feet 8 inches to the south property line (corner side yard) and the heat pump to be replaced in the same location. She stated that a variance from the side yard (north) property line to accommodate modifications to the existing garage and the eave of the roof of the second story addition that is proposed over the existing garage which is sited just over 10 feet from the north property line. She stated that the existing eave on the garage will be removed to accommodate the second floor addition, reducing the extent of the existing overhang. She stated the proposed second story addition will comply with the required setback except for the eave which will extend one foot into the setback. She stated that as proposed, the first floor of the existing garage will be no closer than 10 feet 2 inches to the north property line and the wall of the second floor addition, no closer than 11 feet to the north property line. She stated that findings are included in the staff report in support of the variances to accommodate the changes proposed on the south and north sides of the house. She noted that as proposed, the new garage requires two variances, one for the eave overhang into the side (north) yard setback and a variance to allow a portion of the garage to be located in the rear yard setback (west). She stated that with some minor modifications to the plan, it appears that the setbacks could be met. She stated that the variance criteria for the new garage do not appear to be met.

In response to questions from Board member Miller, Ms. Friedrich stated that the petitioners have indicated that the driveway is configured with the hope of protecting some of the significant trees on the site but acknowledged that because of the proximity of the improvements to the trees, additional trees will likely be lost.

In response to questions from Board member Kleeman, Ms. Friedrich explained that if the garage was completed detached from the residence, accessory structure setbacks would be applied instead of the greater setbacks required for a residence. She suggested that in order to meet the applicable setbacks with the connection to the house, the eave overhang could be reduced, the size of the garage could be reduced slightly, or the siting of the garage could be adjusted slightly.

In response to a question from Board member Miller, Ms. Friedrich stated that an accessory structure must be separated from the principal structure by at least 10 feet.

In response to questions from Board member Miller, Ms. Czerniak stated that the intent of the Code provisions that establish different setback requirements for principal and accessory structures is to minimize the appearance and impact of the mass of structures as they approach the property lines.

In response to questions from Board member Kleeman, Ms. Czerniak stated that the City Arborist acknowledged that many of the trees on the site may be lost due to construction impacts and changes to the hydrology on the site.

In response to questions from Board member Adams, Ms. Friedrich confirmed that if the garage is detached from the house and at least ten feet from the house, or if the garage is shifted slightly, the setback requirements can be met.

In response to questions from Board member Kleeman, Ms. Friedrich confirmed that the garage must be at least ten feet from the house to be considered an accessory structure.

In response to questions from Board member Rose, Ms. Herghelegiu stated that the garage is sited in an effort to preserve five important trees. She reviewed the options considered for the garage and driveway. She stated that a maintenance plan will be developed to try to protect the trees during construction. She stated that the trees and landscaping on the property is what attracted her to the property. She stated that it is not her intent to remove trees from the property.

In response to questions from Board member Clemens, Ms. Friedrich stated that the trees that may be impacted by the garage and driveway are Oak and Maple trees.

In response to questions from Board member Moorhead, Ms. Herghelegiu stated the intent of the connection between the house and garage is to improve the functionality. She confirmed that the doors on the east side of the garage open to a paved surface. She acknowledged that the covering proposed over the connecting walkway will not fully protect anyone from the weather.

In response to questions from Board member Moorhead, Ms. Friedrich confirmed the covered walkway and pergola both trigger the same setback issue.

In response to questions from Board member Rose, Ms. Friedrich stated that she is not aware of a situation where the accessory structure provisions in the Code were interpreted or applied differently.

In response to questions from Chairman Bass, Ms. Herghelegiu stated that if not for the trees, the location of the garage could be shifted.

In response to questions from Chairman Bass, Ms. Czerniak stated based on the City's Arborist's observation and experience, it is likely that the Oak trees will be negatively impacted by the construction and the change in hydrology on the site.

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

Mr. Kelly, 1044 Valley Road, stated that he has been a part of the Building Review Board process. He asked for clarification on how close the wall of the addition over the garage will be to the north property line. He stated no objection to the connection between the house and garage. He stated that he has talked with the petitioners about the vegetation and fencing along the north property line.

Hearing no further request to speak from the public, Chairman Bass offered Ms. Herghelegiu an opportunity to respond to the public comment.

Ms. Herghelegiu confirmed that the wall of the second floor addition will comply with the required 12 foot setback, but the eave will encroach into the setback one foot. She acknowledged that what is proposed will result is a significant change on the property but noted her intent to preserve the landscaping to the extent possible.

In response to questions from Board member Clemens, Ms. Herghelegiu stated that only one tree is proposed for removal. She stated that other trees that will be removed are dead.

Chairman Bass acknowledged that given the extent of work proposed on the site, some of the trees planned for preservation will likely not survive. He invited final questions and comments from the Board.

Board member Miller stated it is very expensive to take care of the trees and sympathized with the petitioner for the cost and care involved. He suggested removing key trees in advance of the construction to allow the garage to be shifted to comply with the required setbacks.

Board member Kleeman agreed that some of the trees will likely not survive the construction proposed.

Board member Rose stated that it is important to properly handle the water issues on the site. She stated that the plan for the garage should be revised to provide for proper drainage and to comply with the setback requirements.

Board member Miller stated that the driveway should be designed to accommodate the necessary turning movements and to do so, trees that will be impacted should be removed.

Board member Kleeman reviewed that if the covering over the connecting walkway was detached from the house and separated by 10 feet, and if the eave overhang on the north side of the garage removed was removed, the garage would comply with the required setbacks. He stated that the preservation or the removal of trees and assuring proper drainage should be considered separately from the variance request.

Board member Moorhead stated that the variances related to the house appear to satisfy the applicable criteria. He stated that he does not believe the variances related to the proposed garage meet the criteria because the petitioner is creating the need for variances based on the plan presented.

Board member Rose and Chairman Bass agreed with Board member Moorhead's comments.

In response to questions from Ms. Herghelegiu, Ms. Czerniak confirmed that if the variances related to the house are approved, that project could move forward separately from the garage.

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 to allow the eave of the second floor addition over the existing garage to encroach no closer than 11 feet to the north property line and to allow modifications to the residence to encroach no closer than 19 feet 8 inches to the south property line (corner side yard setback) and the heat pump to be replaced in the same location as the existing heat pump, within the corner side yard setback. He stated that the variances are recommended based on the site plan presented to the Board and the findings as detailed in the staff report and adopted by the Board as part of the motion.

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

Board member Moorhead made a motion to continue consideration of the variance related to the proposed detached garage and connecting element to allow the petitioner to consider the comments offered by the Board.

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.

Ms. Friedrich stated that the next meeting of the Board is scheduled for Thursday, March 21.

The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Michelle Friedrich
Planning Technician