

**VILLAGE OF LAKE BLUFF
JOINT PLAN COMMISSION & ZONING BOARD OF APPEALS
MEETING**

AUGUST 19, 2015

APPROVED MINUTES

1. Call to Order & Roll Call

Chair Kraus called to order the regular meeting of the Joint Plan Commission and Zoning Board of Appeals (PCZBA) of the Village of Lake Bluff on Wednesday, August 19, 2015, at 7:00 p.m. in the Village Hall Board Room (40 E. Center Avenue).

The following members were present:

Members: Sam Badger
Leslie Bishop
Mary Collins
Michael Goldsberry
Elliot Miller
Gary Peters
Steven Kraus, Chair

Also Present: Andrew Fiske, Village Attorney
Michael Croak, Buildings Codes Supervisor (BCS)

2. Approval of the June 17, 2015 Meeting Minutes

Member Goldsberry moved to approve the minutes of the June 17, 2015 meeting with comments from Members Bishop and Goldsberry. Member Miller seconded the motion. The motion passed on a unanimous voice vote.

3. Non-Agenda Items and Visitors

Chair Kraus stated the PCZBA allocates 15 minutes for those individuals who would like the opportunity to address the PCZBA on any matter not listed on the agenda.

There were no requests to address the PCZBA.

4. A Public Hearing to Consider: (i) a Variation from the Maximum Gross Floor Area Requirements of Section 10-5-6 of the Village's Zoning Regulations; and (ii) any Other Relief as Required to Convert the Existing Attic into an Office and Recreation Space for the Property Located at 403 E. Center Avenue

Chair Kraus introduced the agenda item and requested an update from Staff.

BCS Croak reported the Village received a zoning application from Gregory and Barbara Sebolt (Petitioners), property owners of 403 E. Center Avenue, to construct two dormers on the rear elevation, as well as a stairway to the third story, to allow for the conversion of existing attic space to an office and recreation area. BCS Croak stated pursuant to the current zoning code the lack of a staircase, natural light and ventilation meant the existing attic did not meet the criteria to be counted as floor area. The proposed improvements will cause the remodeled attic to meet the criteria as floor area, thereby adding 398.25 square feet to the gross floor area of the house.

Chair Kraus administered the oath to those in attendance and opened the public hearing regarding the matter.

Chair Kraus reviewed the public hearing process and invited the Petitioner to the podium.

Gregory Sebolt thanked the PCZBA and provided background information regarding their relocation to the area and noted they were attracted to the character and walkability of Lake Bluff. Mr. Sebolt stated the plan is to utilize the space within the home as an office and recreation space and noted the proposed option would protect the integrity of the house without causing any impact to the front of the home. Mr. Sebolt expressed his appreciation to the PCZBA for their consideration.

Edward Deegan, architect representing the Petitioners, reviewed the current conditions and proposed improvements and noted the proposed modifications would not be visible from E. Center Avenue. Mr. Deegan stated there are no proposed changes to the site plan or the first floor plan. He revised the proposed changes for the second floor and noted the stairway will be constructed over the existing stairs into the proposed attic space. Currently, in the existing attic space, the only major adjustment in addition to the dormers is the relocation of the mechanical room to the rear. Mr. Deegan showed a photo of the existing condition and a photo illustrating proposed dormers on the rear elevation.

Member Badger asked if there is a basement in the house. BCS Croak confirmed there is a basement and further noted basements do not count toward floor area if it is less than three feet from the grade to the top of the first floor.

Mr. Deegan confirmed the house was constructed with a basement that does not exceed three feet from the ground to the top of the first floor.

Member Peters stated the house was constructed with a floor area that exceeds the maximum floor area allowed and asked if building out the attic would circumvent the Zoning Code and if it would be considered a special privilege. Mr. Deegan stated the request would not be considered a special privilege as the space already exists and the changes do not require any structural changes except the addition of the dormers to allow ventilation and egress in the space.

Member Goldsberry expressed his opinion the design is a good design since the increase in floor area being requested doesn't increase the bulk of the house. He stated the proposal is in keeping with the spirit of the regulations.

Member Miller asked if the basement had been considered as an alternative. Mr. Sebolt stated the basement is used during the winter months as a recreational space for the children.

Member Miller asked if the neighbors located to the south have been contacted. Mr. Sebolt stated they have not contacted the neighbors to the south. He stated trees are located at the rear of the property and the neighbors only see the rear of the house during the winter season.

Member Badger stated the request does not require any additional impervious surface or the removal of trees. He noted the Petitioners are utilizing the existing space and further noted he does not have any concern with the concept.

Member Bishop stated the Petitioners have done their best to ensure the addition is not visible from the street. She inquired if the PCZBA would be doing the wrong thing by approving a house that will be over the limits of the bulk ordinance.

Chair Kraus expressed his agreement with Member Bishop and stated the attic should have been included in the existing Village regulations. He stated the plan presented tonight is reasonable and will accommodate a growing family. He stated the PCZBA needs to discuss what bulk means for the Village.

Member Collins stated the tradition in Lake Bluff has been that any new construction after the adoption of the bulk ordinance is expected to stay within the limits of the bulk ordinance. We have had a lot of petitioners with older homes come to the PCZBA, she stated. We have looked at them and if it is an older home it usually does not have a basement. If this was an older home, we would not struggle with the request because we usually try to help people preserve older homes and not get demolished. She stated the struggle is not so much the concept it is just this is a very large house and that a 10.9% variation is a large request. The materials presented in the packet were well done and easy to understand. She expressed her belief the dormers are a bit overpowering and expressed a desire that they were not so bulky and massive in appearance. Member Collins commented on her personal experience and stated the Village needs more consistency on how it addresses these requests and establish one rule for everyone.

Mr. Deegan stated he and his clients reviewed a number of dormer styles and he noted the proposed improvement is important to his clients, although they would be happy to make adjustments and be open to any comments.

Member Collins expressed her preference to see a revised plan with smaller dormers.

Chair Kraus stated the PCZBA has three courses of action: (i) defer the matter for another month to look at alternatives and have the Petitioners reach out to the property owner to the south, (ii) approve as presented; or (iii) deny the request.

Member Miller expressed his agreement with the group and stated the Petitioners are not at fault for wanting to improve the useable space in their house. He expressed his agreement with Member Collins regarding the size of the proposed dormers. He expressed his concern for not having input from the neighbors to the south and further expressed his preference for the Petitioners to seek feedback on the proposal.

Member Goldsberry expressed his opinion the Petitioners are presenting a fair solution to provide additional space in their house. The proposed dormers on the rear of the house are not impacting the streetscape. Also, Member Goldsberry stated he appreciates when neighbors show support for projects and noted none of the neighbors are present. He noted neighbors tend to come and go and what is important to one neighbor may not be important to the other. He further expressed his belief the request is within the spirit of the Code and stated that 10.5% is a large variation, however, the additional floor area is not noticeable from the outside.

Member Badger expressed his understanding of the issues being raised by the PCZBA as: (i) counting attic space as usable space; and (ii) having dormers that are acceptable. He stated the

PCZBA should avoid architectural design matters and address if building out the existing attic space is acceptable. He expressed his support for the project if the improvements are made to the rear of the house and don't affect a majority of the neighbors.

Member Collins stated additional floor area is created with the installation of the dormers. Mr. Deegan stated the floor area of the attic currently exists; however, the interior space of the dormers will be less than six feet in height and does not qualify as floor area. In addition, Mr. Deegan noted the dormers satisfy another means of egress from the third story.

Member Miller expressed his support for the improvements if the neighbors support the proposal. He noted his preference to change the dormers doesn't matter if the neighbors are in support of the project.

Chair Kraus suggested the Petitioners provide the PCZBA with letters of support from surrounding neighbors as well as seek to mitigate the visual impact of the proposed dormers. Chair Kraus also suggested the PCZBA revise the Village's bulk standards to avoid this type of situation where useable space, such as a third story attic, is not counted toward floor area during the time of construction.

Member Collins stated the dormer height is being kept at less than six feet so it does not count toward the total gross floor area. There is plenty of volume with the dormers to achieve a higher ceiling height, but the dormers have an artificially low ceiling height which decreases the floor area calculation. Member Collins noted, as this is the case, the actual increase is more than 10.5%. She noted a technicality in the Code has been used to create a more favorable floor area calculation. A discussion ensued regarding the proposed dormers.

Member Bishop stated she would like more information on why this isn't a special privilege. She further questioned how many more houses are built like this where the PCZBA would be asked for variations based on special privilege.

Mr. Sebolt stated a lot of thought has been given to the design of the dormers to get to this point. He requested the PCZBA to make a decision during tonight's meeting and not delay the process.

Member Peters asked how far away is the neighbor to the south. Mr. Deegan expressed his uncertainty regarding the actual distance between the houses.

Village Attorney Andrew Fiske noted this is an application the PCZBA has the authority to approve. He noted a vote by the PCZBA tonight would be a final decision regarding the matter.

Member Collins stated the PCZBA is very interested in what the neighbors think because it's always good if they are in support; however, at times PCZBA Members must use professional judgment.

As there were no further comments, Chair Kraus closed the public hearing.

Member Miller moved to approve the petition with the condition that support is received from the neighbor to the south. Village Attorney Fiske stated that is an acceptable condition; however, the

PCZBA cannot compel a neighbor to provide any information. There was no second on the motion and the motion failed.

Member Collins moved to defer the matter to allow time to receive feedback from the neighbors and allow the Petitioners additional time to review other alternatives. Member Bishop seconded the motion. The motion failed on the following roll call vote:

Ayes: (3) Peters, Bishop and Collins
Nays: (4) Miller, Goldsberry, Badger and Chair Kraus
Absent: (0)

Member Badger moved to approve the petition as submitted. Member Bishop seconded the motion. The motion failed on the following roll call vote:

Ayes: (3) Goldsberry, Badger and Chair Kraus
Nays: (4) Peters, Bishop, Miller and Collins
Absent: (0)

Village Attorney Fiske stated that there was a 4 to 3 vote not to approve and he recommended a resolution of denial. If the Board wished to continue the consideration of the request, the PCZBA would need to make a motion to reconsider.

A discussion regarding feedback from the neighbors ensued.

Member Miller moved to reconsider the vote to deny approval. Member Badger seconded the motion. The motion passed on the following roll call vote:

Ayes: (5) Badger, Bishop, Miller, Goldsberry and Chair Kraus
Nays: (2) Collins and Peters
Absent: (0)

Following additional discussion, Member Collins moved to continue the public hearing to its next meeting. Member Peters seconded the motion. The motion passed on the following roll call vote:

Ayes: (7) Badger, Bishop, Collins, Peters, Miller, Goldsberry and Chair Kraus
Nays: (0)
Absent: (0)

5. A Continued Discussion Regarding the Review of Regulations Concerning the Subdivision of Lots and the Village's Bulk Requirements

Chair Kraus introduced the item and stated the Village Board expressed a desire for the PCZBA to evaluate if the Village's historic preservation regulations are truly achieving the purpose of promoting historic and architectural preservation in the Village. He stated the Historic Preservation Commission (HPC) has suggested extending the demolition delay to 365 days. Chair Kraus stated the PCZBA has been asked to review bulk and massing regulations and the Village's subdivision regulations. He stated the ABR is reviewing whether to implement architectural review requirements for new single-family homes.

Chair Kraus stated the purpose of tonight's discussion is to generate ideas to submit to the Village Board for consideration.

Chair Kraus stated it is the inherent right of a property owner to subdivide his or her land in the event it satisfies the Village's standards for subdivision. Currently the Village does not require a public hearing with the PCZBA if the subdivision does not create more than one additional buildable lot. He suggested that the streamlined process of not requiring PCZBA review of subdivisions that do not create more than one additional lot be eliminated.

Chair Kraus also suggested the Village may consider limiting the amount of floor area a new house that replaces a teardown within a certain percentage of the floor area of the house that was replaced.

Member Goldsberry expressed interest in Chair Kraus' suggestions and asked what tools the PCZBA has to help accomplish its objective of preserving Lake Bluff's character, which is a goal of the Comprehensive Plan.

Chair Kraus inquired if the Village can require properties be publicly marketed before demolition.

Member Badger expressed his support for listing properties on the open market to solicit the highest price; however, he expressed doubt if the Village would be able to require owners to publically market their homes. He noted the east side of Lake Bluff is different and has a diverse set of styles and lot sizes, which may make it difficult to achieve the right look and feel. He expressed his support for a review process for teardowns and noted this may deter some people from preserving homes.

Member Goldsberry stated the Village's Comprehensive Plan encourages rehabilitation and the ability to control development in an orderly manner compatible with neighboring properties. He expressed his feeling this is not happening. He further stated preservation is an important element and thinks it important to identify tools needed to encourage preservation. He also stated prospective buyers should know upfront what type of property they are purchasing in the historic areas of the Village.

Chair Kraus suggested the Village consider a zoning overlay district in certain areas that would increase the minimum lot size required in order to deter subdividing lots.

Member Miller suggested the PCZBA start with considering changes to garage size regulations.

A discussion followed.

Chair Kraus stated the same could apply to porches as they were not part of the original Lake Bluff streetscape. He stated the proposal in 2000 was to provide an incentive to encourage additions versus teardowns.

Member Bishop expressed concern for what is really meant by preserving Lake Bluff. She stated the Village is really the people and we should consider what the community wants.

Member Collins stated the other matter to consider is property values and eliminating smaller lot sizes will not be popular in the Village as this would decrease property value. Member Collins stated there should be a balance between Village character and property value.

A discussion ensued.

Member Bishop noted her previous comments are more about tearing down older homes and encouraging preservation than changing subdivision regulations.

Member Badger asked if there were any proactive tools available to the Village. BCS Croak stated Highland Park adopted the lakefront overlay zone and ordinance in 2000, which doubled the required lot area for subdivisions that create new buildable lots.

Member Bishop inquired of amending the zoning regulations regarding setback restrictions for teardown and new homes.

Chair Kraus stated there have been a couple of tools discussed, such as changing side yard setbacks, creating overlay zoning districts, and the concept of tearing a house down and the bulk of the new house cannot exceed a certain percentage of what existed before.

Chair Kraus inquired of the Board how comfortable it is in reviewing subdivisions, determining appropriate bulk and mass and to slow down the building process to ensure the Village has appropriate control and sense of what the redevelopment of a particular parcel should look like. He expressed his preference to see some modern style houses pop up and some sense of a street wall and how to maintain the continuity of character with new construction.

Member Bishop asked how long it would take to change the regulations. Chair Kraus explained the process.

Member Collins stated that the question of teardowns is a struggle everywhere and inquired if there were any existing ideas to solve the problem. She suggested the PCZBA identify regulations in the Zoning Code that may allow inappropriately sized homes to be built in specific areas.

Chair Kraus stated the review process should be completed as soon as possible and suggested each Commissioner provide Staff with their ideas before the September PCZBA meeting. The concepts will then be shared with the Village Board.

Member Bishop stated we have been looking at the older historic area of Lake Bluff and asked if the PCZBA should also review the Terrace areas. She recommended the PCZBA consider the entire Village. A discussion regarding subdivisions followed.

Member Peters inquired of any issues if the Village were to change the subdivision or zoning regulations that would prevent the further subdivision of a lot that can currently be subdivided.

Village Attorney Fiske stated if an application to legally subdivide a lot was submitted prior to any changes, the subdivision would proceed under existing regulations. Once any changes to the subdivision become effective the new regulations would apply.

In response to a comment from Member Collins, Village Attorney Fiske stated tax parcels and zoning lots are different. There can be a property located on multiple tax parcels, but it is a single zoning lot. In order to build two homes a property owner would have to subdivide it into two lots.

A discussion ensued regarding multiple buildable lots.

Chair Kraus expressed interest in the Village reviewing houses that replace teardowns to ensure it is consistent with the streetscape.

Chair Kraus stated that property owned by the Village, Park District or School District has underlying zoning of residential districts (as shown on the zoning map) which means if one of those entities should sell property it would revert to the underlying zoning without going through a rezoning process. Chair Kraus recommended the creation of a public use or institutional zoning district and process to allow the community an opportunity to comment on any potential land use changes resulting from an institutional use.

6. An Update and Continued Discussion Regarding Updates to the Village’s Comprehensive Plan

It was the consensus of the PCZBA to continue this matter to the next meeting.

7. Commissioner’s Report

Chair Kraus stated the next regular PCZBA meeting will be September 16, 2015.

8. Staff’s Report

There was no Staff report.

9. Adjournment

As there was no further business to come before the PCZBA, Member Goldsberry moved to adjourn the meeting. Member Collins seconded the motion. The motion was approved on a unanimous voice vote. The meeting adjourned at 9:29 p.m.

Respectfully submitted,

Mike Croak
Building Codes Supervisor

Brandon J. Stanick
Asst. to the Village Administrator