

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

**January 20, 2021**

**APPROVED MINUTES**

**1. Call to Order & Roll Call**

Chair Peters called to order the virtual meeting of the Joint Plan Commission and Zoning Board of Appeals (PCZBA) of the Village of Lake Bluff on Wednesday, January 20, 2021, at 7:00 p.m.

The following members were present:

Members:               David Burns  
                              George Russell  
                              Elliot Miller  
                              Jill Danly  
                              Susan Rider  
                              Gary Peters, Chair

Also Present:           Ben Schuster, Village Attorney (VA)  
                              Glen Cole, Assistant to the Village Administrator (AVA)  
                              Samantha Lenoach, Administrative Intern (AI)

**2. Non-Agenda Items and Visitors (Public Comment Time)**

Chair Peters stated the PCZBA allocates 15 minutes during this item for those individuals who would like the opportunity to address the PCZBA on any matter not listed on the agenda. Each person addressing the PCZBA is asked to limit their comments to a maximum of three (3) minutes.

Patricia Havrin addressed the PCZBA about short-term rentals. She said that a sub-committee of the Trustees previously recommended regulations about short-term rental properties. She expressed her belief that no one has participated in the short-term rental pilot program as it is overly restrictive. She believes a fair and equitable compromise can be made among homeowners, neighbors, and the community.

**3. Consideration of the November 18, 2020 PCZBA Regular Meeting Minutes**

Member Russell offered corrections.

Member Miller moved to adopt the November 18, 2020 PCZBA Regular Meeting Minutes as amended. Member Rider seconded the motion. The motion passed on a roll call vote.

**4. Public Hearing - 700 Mountain - Front Yard Variation**

AI Lenoach gave an overview of the agenda item. The Owner, Stacy Sanderson, sought a front yard setback variation in order to build a new stoop and steps in the front of her single-family residence. This addition would encroach a total of 6'1" into the 30' front yard setback.

John Cera with Scott Byron & Co. presented the agenda item and plans with a PowerPoint slideshow. The client requested for the architects to make the front stoop and steps aesthetically pleasing and to get the client safely to ground level from the home. Mr. Cera explained that the new steps and stoop will complement the landscape elements the client had in mind.

In response to a question by Member Russell, Elliot Flaws with Morgante Wilson Architects explained that additional steps are required for the homeowners to safely walk down from their home and it will complement the proposed landscaping. The difference between the front door elevation between what it was and what it is now is that the owner requested a higher ceiling in the basement which required the first floor and front door to raise in elevation as well. Due to the new front door needing to be built at a higher elevation, more steps were needed leading to the front yard.

Mr. Cera discussed the standards for the variation. He said that the front door is not accessible at the newly built height. In order for the homeowner to access the front yard from the front yard, more steps are needed and will require steps to be built beyond the 4' front yard setback.

In response to a question by Chair Peters, Mr. Flaws said the issue of the front stoop and steps needing to be built beyond the front yard setback was presented after the architects rendered different front entrance possibilities.

In response to a question by Member Rider, Mr. Cera explained that to the south of the steps will be a paved porch at ground level.

In response to a question by Member Burns, Mr. Flaws explained that to have a continuation of steps from a front stoop would require a handrail by code. Member Russell explained that this is not a needed feature, rather it is an aesthetic addition.

In response to a question by Member Russell, Mr. Flaws said that the planter boxes will meet the third step in height. Mr. Flaws added that the roof over the front door is not a part of the variation being requested and is permitted by right. He explained that the planters are labelled incorrectly on the submitted plans.

In response to a clarification needed by Member Russell, Marilyn Moss with Scott Byron & Co. said that the plans show a small decorative wall that is approximately 4' high along the front landing. Mr. Flaws added that the applicant is only seeking a variation for the additions beyond the front yard setback.

In response to a question by Chair Peters, Mr. Flaws said the variance area extends 6'1" beyond the front yard setback. Mr. Flaws added that he is not concerned with impermeable areas or creating drainage issues because the property is underneath the impervious surface area.

Member Miller said that the drawing showed a pathway leading from the front yard to the driveway. He said that there is not uniqueness about this request and the PCZBA is not required to grant this variance as it is not necessarily needed. He is worried that this variance may simply be a special privilege.

In response to a question by Member Miller, Mr. Cera explained that this proposal fits the Lake Bluff aesthetic as the variation allows their client to safely reach the front yard without the need of a handrail.

Member Danly said that a clearer view of the steps moving forward would be more helpful. She added that the special privilege standard does not seem to be satisfied. VA Schuster said that the standards of the variation does not explicitly state how much weight each factor is given by the PCZBA.

In response to a question by Chair Peters, AVA Cole said that the additional elements in the site plan now presented do not violate zoning codes. The Village Staff did not have comments on the site plan that was shared with them. He added that variation requests are usually not submitted while the property is under

construction but that this project could alternatively have been an improvement project separate from the other work underway on the property.

In response to a question by Member Russell, AVA Cole said that no members of the public are wishing to comment on this item.

Member Russell said that the applicant should work with Village Staff to clean up the drawings so that the Commission can understand what is requested to be approved.

Member Rider said the hardship or difficulty standard does not seem to be met. She asked how the PCZBA can interpret this project having met all four standards. VA Schuster said that based on the four code requirements, how much weight each standard must be given in rendering a decision is not explained. The burden is on the applicant to meet all four factors.

Member Burns said that, in his view, the standards of variation are not met. He said that these are discretionary, aesthetic choices and not an issue on accessibility. Mr. Cera responded to say that the architects are interested in getting the client safely from the front door to the ground.

AVA Cole said that a motion is currently on the floor and four votes are needed to grant the variance.

In response to a question by Member Rider, VA Schuster said that the PCZBA has the power to request a continuance and ask the applicant to come back to them with more options. Mr. Cera responded that the architects can bring the PCZBA back with more options, however, it may cause more confusion among the Commissioners. He said that he wants the PCZBA to consider the options that the architects ran through and found that the one proposed fits with the Lake Bluff aesthetic the most closely. Mr. Cera said that the architects are trying to conform to a client’s request and to fulfill Lake Bluff’s aesthetics by allowing 2’ 1” more than the allowable 4’ setback.

Member Miller said that the PCZBA must consider the variation’s effect on the entire project. He said that prolonging the hearing will spend more time and money while the PCZBA can make a decision tonight. Member Miller seconded the motion to approve this and correct the errors presented in the drawings.

Member Russell responded that he agrees with Member Miller. He would urge the PCZBA to vote in favor of this.

Member Miller moved to approve the front yard setback variation as long as the architects correct the errors in their plans. Member Russell seconded the motion. The motion passed on the following roll call vote:

Ayes: (5) Miller, Russell, Danly, Rider, Chair Peters  
Nays: (1) Burns  
Absent: (0)

**5. Public Hearing - Subdivision and Variations for 500 Arden Shore Road**

AVA Cole gave an overview of the agenda item. He introduced the applicant and explained that zoning issues will be discussed after the petitioners present their proposal.

### Presentation

Michael Adelman introduced himself, Liam Krehbiel, Nick Patera, and Phillip Leiderbach.

Mr. Adelman explained that the applicant is requesting five variations, which are a variation for access, a variation for well water as there is no public water available, a variation for septic because there is no sanitation within 1000' of the lots, a variation for a 10' high fence among Lot 1 and Lot 2 to provide screening between the home and driving range, and a variation for two modest accessory dwelling units.

Mr. Patera presented visuals of the Arden Shore property. He said that the Arden Shore Road access point will remain and it serves as access for the two homes surrounding Arden Shore. Mr. Patera also presented progress on the property which includes a subdivision plat and a survey of the land. Additionally, Mr. Patera showed the wetlands of Arden Shore as well as a tree survey of the area. In the new site plan, the access point would enter into Lots 1 and 2 while avoiding the homes bordering the lot.

Mr. Krehbiel, the applicant, said that he is excited about an opportunity to own a home in Lake Bluff. He is interested in a home that is modest while respecting the history of the Village. He reiterated that he is not interested in using the accessory dwellings in anything other than personal use. Lot 1, the lot on the east of Arden Shore has the ability to support one primary and two accessory dwelling units. The dwelling units on the new site plan have been reconfigured to comply with the setbacks of the neighboring homes and the bluff. Mr. Krehbiel stated that he is excited about the opportunity to own property in Lake Bluff and it is very fitting with the needs of him and his family.

AVA Cole explained his Staff memorandum and the various procedural elements of the requested zoning relief.

### Discussion

Member Russell provided a number of substantive comments regarding the presented Plat and application and how the PCZBA should structure any recommendation, including that:

1. On Lot One the side yard setbacks should be changed to 54 feet on each side, which is 10% of the effective width of the lot (as measured in the body of the lot, which is a flag lot, rather than the narrow pole portion of the lot).
2. The floor area ratio for the principal structure on Lot One should be capped at one-half of the allowable amount.
3. The principal structure setbacks on both lots should also apply to all accessory structures (including the Accessory Dwelling Units).
4. No accessory structures should be permitted in the ~140'x207' pole portion at the northwestern corner of Lot 1.
5. A public utility easement should be provided on a north-south alignment for future public water and sanitary sewer extensions.
6. The Plat should reflect an access easement across the east end of Lot 9 of the Country Clerks Shore Acres subdivision for the benefit of Lot 1, as well as an access easement along Shore Acres Drive for the benefit of Lot 1.
7. The draft Ordinance title should be changed to eliminate any reference to Lot 1 being assigned an Arden Shore Road address, as the lot should not bear such an address.

In response to a question by Member Russell, AVA Cole said that Jack Keller, a neighbor of 500 Arden Shore, is present at the meeting and volunteered to speak on this subdivision. He further said that, as

structured, the PCZBA is recommending waiver of tentative plat approval and directly approving a final plat.

In response to a question by Member Russell, Mr. Krehbiel said that a capacity limit on square footage for the primary residence is doable. Mr. Adelman added that a maximum size of roughly 10,000' for the primary residence will be suitable. Member Russell responded that he is in favor of a maximum allowance of 16,000' which was approximately half of the permissible gross floor area ratio for the lot.

Member Russell also suggested a variation for the height of the homes as the current lot width would, as a side effect, lower the permitted height of the homes. VA Schuster recommended to not include additional variations because the public notice did not include additional variations. The applicant has the right to come back for additional variations, but the initial public notice does not include a height variation, so that would not be appropriate to grant right now.

Member Russell said that the accessory dwelling units should comply with the principal structure setbacks. AVA Cole responded that the applicant stated this in the letter of application and that is why it is not added in a condition of approval. Member Russell proposed that the Ordinance should establish the principal structure setback as applicable for all structures.

Jack Keller, the president of Shoreacres, said that he is comfortable with additional setback requirements. The only structure that he intended to add in the property is a small shed on the practice field for maintenance equipment and this can be worked with reasonable rules. Mr. Keller added that he is comfortable with the size and aesthetic of Mr. Krehbiel's proposition.

In response to a question by Member Russell, Mr. Adelman said that no plans to add accessory buildings in the "pole" section of the residential lot.

In response to a question by Member Russell, AVA Cole said that no new easement is shown as Staff is still investigating an easement already on the property from a previous subdivision plat, which may be suitable for this proposal. Further discussion on this issue is needed. This can be made a condition for Member Russell's recommendation. Mr. Adelman said that their title policy identifies utility easements created in 1998. He said that the Kellers have a municipal utility easement and sees no problem with a continuation of that easement onto the lot. Member Russell added that the easement should be included in the final plat.

Member Russell said that he does not see the issue of impact fees for the two accessory dwelling units on the plat. AVA Cole responded that it would be the Village Board's determination how to assess impact fees, but that he could not locate impact fees for accessory dwelling units in the past and that this would be an important policy decision.

Member Russell said that the approval should prohibit lights on the driving range to respect the space of the neighbors.

Member Miller said that he believes that the various conditions discussed by Member Russell should be incorporated in a separate document for the PCZBA to digest gradually.

Member Burns said that what Member Russell has outlined is important but appears to be more of administrative clean-up rather than a substantive item that the board must approve. Member Russell

responded that he agrees that the Village Staff should enumerate the different recommendations of the PCZBA clearly as part of the approval. Member Danly said that she agrees that the conditions should be presented more cohesively to the PCZBA.

Member Rider said that this plan makes the best use of this particular property. She asked the Commissioners how this discussion on accessory dwelling units will impact future decisions on their pending accessory dwelling unit regulations.

In response to a question by Member Rider, VA Schuster said that the PCZBA may address policy discussions surrounding accessory dwelling units prior to approving this proposal, however, the PCZBA has the right to approve the plat prior to having the accessory dwelling unit regulations.

Member Miller asked for language to be added so that the accessory dwelling units can be distinguished as not being short-term rental properties. VA Schuster answered that based on the conditions of this proposal, the ownership of the property cannot be split and that the two accessory dwelling units are subordinate to the primary residence. With this condition, the PCZBA can add in a condition that the accessory dwelling units cannot be rented out. Member Miller said that the PCZBA should not make the decision now on whether or not the two accessory dwelling units can allow short-term rental.

George Covington, the neighbor to the north of 500 Arden Shore, said that he is in favor of this plan. He believes that it is consistent with the C-E district. He asks that everything feasible could be done to preserve the trees on both lots. He also hopes that a covenant would be made for the wetlands.

In response to a question by Chair Peters, AVA Cole said that the PCZBA can approve on the tentative plat presented before them; he listed various conditions of the approval suggested by Member Russell and taken from the PCZBA's discussion.

In response to prior comments made by Member Russell, Mr. Adelman said that a 7% FAR limit on the accessory dwelling units as well as a FAR limit on the primary residence is suitable. The applicant did not foresee the height to be an issue, but it may be considered once additional application are needed for the home. Mr. Adelman said that the plat does not display the access easements to Lot 1 because they are still under negotiation. Mr. Adelman said that in terms of impact fees, his experience is that impact fees are charged based on additional lots, so the accessory dwelling units on Lot 2 would not trigger these fees. Also, the light issues will be discussed among Mr. Krehbiel and his neighbors. He added that accessory dwelling units are a policy issue and he is sure these dwelling units will be subject to any regulations Lake Bluff creates on this topic.

Chair Peters said that the PCZBA is the recommended body on this topic to the Village Board. He added that he is a proponent to move a recommendation forward if possible.

Member Russell moved to recommend the Village Board to approve a final subdivision plat, waive a tentative plat of subdivision, and approve the accompanying ordinance as drafted provided that the various administrative changes discussed are incorporated in the document. Member Burns seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Burns, Miller, Rider, Russell, Danly, Chair Peters  
Nays: (0)  
Absent: (0)

**6. Public Hearing - Clarify “County Club Golf Courses” In The C-E Zoning District**

AVA Cole gave an overview of the agenda item. Currently, zoning codes uses the word “tract” that is undefined in the zoning code and that it would be appropriate to clarify how this provision should function. VA Schuster said that in the Village Code, the golf course is allowed, but it needs to be on a 120 acre tract. The code does not specify what happens if a piece of that “tract” is unincorporated. It is assumed that the meaning of the Code would be to consider the tract that is 120 acres regardless of how much is inside and outside of the Village. This is a clarity issue to make sure that there is no ambiguity that there can be a golf course even if it is not entirely within the Village boundary.

In response to a request by Chair Peters, AVA Cole said that there were no public comment regarding the text amendment.

Member Burns moved to recommend for the Village Board to make the text amendment. Member Miller seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Burns, Miller, Danly, Rider, Russell, Chair Peters  
Nays: (0)  
Absent: (0)

**7. Staff Report**

AVA Cole reported that:

- The Village has retained a local architect and planner to perform a program regarding reviewing examples of accessory dwelling units in the R-4 District, the Terrace, and the Estate District. A policy discussion should be expected regarding this issue in March.
- The Committee of the Whole directed Village Staff to eliminate the sunset date for the Village’s bee keeping, chicken keeping, and short-term rental pilot programs.
- The Village Board directed Village Staff to begin the process of reviewing the Village’s planned residential development regulations.
- The PCZBA recommended changes on subterranean garages were adopted with the added conditions that an engineer must provide a certification regarding flooding and that a waiver of liability must be executed by the owner for the benefit of the Village.

**8. Commissioner’s Report**

There was no commissioner’s report.

**9. Adjournment**

As there was no further business to come before the PCZBA, Member Miller moved to adjourn the meeting. Member Rider seconded the motion. The meeting adjourned at 10:11 p.m.

Respectfully submitted,

Glen Cole  
Assistant to the Village Administrator