

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

**March 17, 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, March 17, 2021, at 7:00 p.m.

The following members were present:

Members: David Burns  
Deborah Fischer  
George Russell  
Elliot Miller  
Susan Rider  
Gary Peters, Chair

Also Present: Ben Schuster, Village Attorney (VA)  
Glen Cole, Assistant to the Village Administrator (AVA)  
Samantha Lenocho, 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.

There were no requests to address the PCZBA.

**3. Consideration of the February 17, 2021 PCZBA Regular Meeting Minutes**

Member Russell offered corrections to the minutes. Member Burns moved to adopt the February 17, 2021 PCZBA Regular Meeting Minutes as amended. Member Rider seconded the motion. The motion passed on a roll call vote.

**4. Public Hearing – 210 W. Washington Ave. – Residential Variation**

AI Lenocho presented the agenda item. The PCZBA received an application on February 18 for a side yard setback variation needed to build a two-car garage and remodel the interior of the home. The two-car garage will be built where the existing one-car garage is on the southwest side of the house. Currently, 6.5 feet is provided for the side yard setback. Based on the zoning code, existing structures built before February 15, 1994 must have a reduced side yard setback based on the existing side yard. However, the applicant's improvements will exceed 50% of the existing structure, so this exception no longer applies. The applicant is requesting a variation of 9.7% or 0.7 feet so that they can have a 7.2 feet side yard setback to accommodate their addition. Since this addition is less than 25% of the applicable standard, the PCZBA has the authority to grant, grant with special conditions, or deny the variation.

AVA Cole added that Sam Badger, an adjacent neighbor, noted that there is a playground structure in the backyard of 210 W. Washington Avenue and it is not included in the site plan by the Applicant. Mr. Badger said that the plans for the remodel look great and the side yard variation is nominal and seems reasonable

to him. He said that the encroachment of the side yard will not affect his property. He said that there are stormwater concerns, and the addition should stay within the impervious surface capacity.

Ben Grum, the Applicant of this variation, said that he and his wife took in great consideration into the green space surrounding his property. He found that this addition expands the footprint of the house the least. The addition that requires the variance is important in terms of making it wide enough for two cars to comfortably fit. The second-floor plans did create some structural issues that needed to be addressed with a variance.

Chair Peters noted that the Standards for Variations have been submitted.

Member Russell added a point of clarification for the Commissioners that the variation does not only allow the garage wall to be extended forward, but also would raise the height of the second story as the garage will be under a sloping roof. The height will be raised seven tenths of a foot.

Member Danly said that she lives in a one car garage home and that it comes with hardships living in a town with many shared driveways. She applauded Mr. Grum for making a bold attempt to request a variance. She appreciated surrounding neighbors speaking on this matter and for not including any issues besides the stormwater.

Mr. Grum said that he does not know the neighbor who commented on this proposal. He does recognize the water issue that he is talking about and he did some minor drainage work in his backyard to alleviate the stormwater flooding.

AVA Cole said that the neighbor who commented lives on the north of the Plat of Survey, which is to the rear of the Property.

Member Burns thanked Mr. Grum for his presentation. He said that there is a significant amount of impervious surface that could be built (as to the storm water issue) and believes there still is a fair amount of bulk available too. He does not find the seven-inch variance to be a substantial issue and believes the neighbors will appreciate the addition considering the alternatives. He is in favor of this addition.

Mr. Grum added that on the Plat of Survey, there is a retaining wall ten feet to the north of the house in the rear and that parts of his yard have been almost unusable for about two months in the spring. If he were to put a garage there, this addition could be done without a variance, but it would have resulted in creating structural issues.

Member Miller said that this is a fair variance to be given and he does not see a problem with the enlarged garage. He said this is an improvement to the community and does not infringe on the neighbor's space.

Member Rider said she agrees with Member Miller and Member Burns particularly on the point of how the homeowner is making these needed improvements in the least impactful ways. She supports this request and appreciates the homeowners finding a solution to their problem.

Member Fischer said that she is in support of this proposal. She said that the wall is already there on the edge of the property so the addition will continue what is already there. She said the front of the house will look relatively similar of the original garage. She said it is a nice addition to the neighborhood and she is in support.

Member Russell said that he is in support of this. He said that this is rational and has little impact on the overall property.

Chair Peters said that he supports this addition.

There were no additional comments from the public or Mr. Badger.

Member Miller made a motion to approve the variation with no additional conditions in the form of the draft approval order. Member Fischer seconded the motion. The motion passed on the following roll call vote:

Ayes: (7) Russell, Burns, Rider, Danly, Miller, Fischer, Chair Peters  
Nays: (0)  
Absent: (0)

**5. Public Hearing – 673 Maple Ave. – Residential Variation**

AI Cole presented the agenda item. The homeowners of 673 Maple Avenue requested a residential variation of this irregular lot. It is a historic landmark within the Village and the Commission considered and recommended to the Village Board a front yard setback relief in 2018 to allow for partial reconstruction to restore historic features. There is a time limit on how long to consummate a variation after it is approved. There is 12 months to pull a permit that can potentially be extended an additional 12 months upon request. If the extension is not started before it expires, the request must start over. The Applicant’s variation from 2018 has lapsed and the Applicant now seeks the same relief as in 2018. This is a historic structure in the Village and in 2018, it received a positive advisory review by the Historic Preservation Commission. The Historic Preservation Commission is aware of this reapplication.

Rob Douglas, the homeowner of 673 Maple Avenue, introduced himself. In June 2018, he received a landmark status from the Historic Preservation Commission and in July 2018, he requested and received a front yard variance. He was unable to start the work planned in 2018. Since variances are good for one year with the option to renew it for one additional year, he would like to renew the variance that was received in 2018.

In response to a question by Chair Peters, AVA Cole said that the Commissioners from 2018 were Sam Badger, David Burns, Jill Danly, Elliott Miller, Jim Murray, George Russell, and Chair Peters. AVA Cole added that Village Staff will begin reminding applicants of the expiration dates of variances.

Member Danly said that is a great idea because Mr. Douglas had an exceptional presentation in 2018 and the Commissioners at the time unanimously approved it and were appreciative of what the Applicant was doing to an old house. She does not believe much time needed to be spent on this agenda item.

Member Burns added that he agrees with Member Danly’s statement.

Member Rider agreed with Member Danly. She was not on the Commission in 2018, but she was happy to see the plans.

Member Fischer said that she is a new Committee member but thinks the plans are marvelous, so she approves of the variance.

Member Russell made a motion to recommend approval of the residential variation with no additional conditions. Member Miller seconded the motion. The motion passed on the following roll call vote:

Ayes: (7) Burns, Russell, Rider, Fischer, Danly, Miller, Chair Peters  
Nays: (0)  
Absent: (0)

**6. Accessory Dwelling Unit Workshop**

AVA Cole introduced the agenda item and said that in July 2020, the Commissioners discussed accessory dwelling units and housing policies in the Village’s comprehensive plan. As stated in the 1997 Comprehensive Plan, the Village aims to introduce alternative housing types that can accommodate different segments of the community. The Village would like to be more responsive to market demands and needs of community members. In August and September, the Commission worked through what regulations may look like. Village Staff worked with an architect in town to put together prototypes of implementation and new housing types. AVA Cole said that the opportunities for implementation in the Village include greenfield development, mixed use and downtown redevelopment, incremental infill, and accessory dwelling units.

AVA Cole shared a comment made by Jacob Trombley. Mr. Tromblay proposed to build his family’s new residence in the eastern part of Block 3 in July and August to fit his family’s needs as his mother moved in with him. AVA Cole offered to speak with him and look for options to accommodate his family’s needs. This is the second example this year of a community member who has an interest in alternative housing options.

In response to a question by Member Russell, AVA Cole said that Mr. Trombley submitted an application that met almost all of the Zoning Regulations but for the prohibition on accessory dwellings. He said that there were minor zoning issues that could be cured.

In response to a question by Member Burns, AVA Cole said that the Village Board had discussed accessory dwelling units in August. He thought there would be some joint discussion between the two boards, which is still an option, but it depends on the speed of decisions made. Member Burns added that he believed feedback was given by the Commissioners and that an outcome was close to being finalized.

AVA Cole responded that some fine tuning should be made regarding height and the daylight plane rule.

Valerie Berstene, a licensed architect and professional urban planner, introduced herself and explained her experience in Washington D.C. and Chicago. She is currently a senior planner with the Village of Orland Park. She has almost 15 years of experience in the private sector in community planning and residential work. She analyzed previous PCZBA conversations and existing regulations in the Village while providing illustrations of new housing choices. The purpose of her study was to find what would have the largest impact to a lot and to the neighbors. She wanted to see if it is possible to have a freestanding ADU on a property and if that is possible, then achieve further regulations, such as the garage or second story to the ADU. In Ms. Berstene’s study, she focused on three zoning groupings in the Village. These districts included the E-1 to E-2 district, the R-2 and R-3 districts, and the R-4 district on its own as it is the most restrictive. Ms. Berstene presented to the PCZBA.

Member Burns commented that the PCZBA would not see many ADUs in the R-4 district because of the limitations. In the R-2 and R-3 districts, there are more opportunities. He said that in keeping with having the least amount of impact in the E-1 and E-2 districts, they have the most freedom given the lot sized. The R-4 district will be more selective, but it seems to be consistent with homeowners who have a detached garage in the back of their lot. He found this presentation to be reassuring that the results are consistent with what the PCZBA wanted to do in terms of the impact to the community from a bulk and impervious surface perspective.

Member Rider agreed with Member Burns and said the bulk regulations would take burdens off the PCZBA in terms of making distinctions between property uses. She said she would leave it to the homeowner to make the decision of how they would like to trade off floor space for their ADU. She said that the illustrations have been helpful, and she continues to support ADUs.

In response to a question by Member Miller, AVA Cole said that the R-4 lots have a lot of variation between them. Many of the lots in this district are a double lot or a lot and a half with a smaller house. For homeowners in this district who want to do an ADU, the size of the accessory structure is dependent on the lot size in this instance, rather than the zoning district. Member Burns added that even if there is a small property on a larger lot, the ADU can only be 40% of the gross floor area of the principal structure. Member Miller added that this will place a restriction on the size of what can be built.

In response to a question by Member Rider, AVA Cole said that in a typical residential district, there is a maximum square feet or percentage limit so that the accessory structure can be proportionate to the principal structure.

Chair Peters said that he is not opposed to this approach in an E-1 or E-2 district. He would be a proponent of ADUs being a special use in the R-2, R-3, and R-4 districts. Member Miller agreed that ADUs should be a special use in the R-2, R-3, and R-4 districts.

Member Russell said that the set of regulations controls the overall development of different lot sizes. He is unsure what would be achieved if homeowners needed to go through a special use permit process. He asked what the PCZBA would be judging if ADUs were to be special uses in those districts.

Member Burns agreed with that comment.

Member Rider agreed with that comment as well. She said that the ADUs would comply with the other regulations that are in place in those districts. She said that building an ADU within that space is not dependent on which zone they are in and so it should not be considered a special use.

Member Danly agreed with the previous comments. She said that there are already regulations in place in terms of height and setback restrictions. She said that there is enough hardship in the R-4 district and ADUs should be permitted throughout every district. She said that she is worried about the E-1 district where there are not issues with height, but there are issues with trees. She wants to make sure that when this is being fine-tuned, the trees should be regulated to be replaced. Member Miller said this could be a part of the tree ordinance that is already in place. Member Russell said that with any development, protected trees must be replaced with the same kind or an equivalent.

AVA Cole recognized a public comment made by Ms. Mickey Collins. She said that homeowners could create many types of ADUs within our existing bulk limitations. She asked why the Village needs to allow taller coach houses at the rear of backyards. Coach houses are usually used where there are alleys that are separate from the rear neighbors. She added that Evanston and Oak Park are examples.

In response to a question by Chair Peters, AVA Cole said that in terms of neighboring communities' regulations on ADUs, Lake Forest is involved in regulating them. The city does not have a positive outlook on allowing them and their interest in regulation was to get a better handle on their existing inventory. Highland Park is having some discussions on the topic. Wilmette and Winnetka are discussing to allow them. As was mentioned, Evanston and Oak Park allow them. Evanston has more relaxed rules and at the start of 2020, they began to be more permissive. At the end of last year, Chicago passed an ordinance allowing ADUs. He added that there is a lot of interest right now and that there is an increase in housing needs that are not traditional single-family. Due to the pandemic, alternate living situations allows people to live closer to home as well.

In response to Ms. Collins' comment, Member Russell said one factor that he struggled with throughout this discussion of potentially having a two-story building in the backyard that is close to the back property line with a dwelling unit on the second floor that will essentially look down onto the rear yards of the properties on the other side of the rear yard lot line. Since the PCZBA discussions first started on this, draft regulations have tightened up to impose the daylight plane restriction on the rear yard lot line. He has concerns if the numbers are strict enough because if someone wants to put an ADU in their rear yard and built it above a garage, they ought to accept the penalty of that ADU by forcing it away from the rear lot line too and not allow it to get too close to the rear yard line because it will impact the aesthetics and the privacy of the neighbors.

Member Russell asked that due to the requirement that ADUs must have a separate entrance from their exterior, the type of case that the PCZBA is most likely to see is a homeowner who wants to build out a space either in their basement or within their home. The building code will drive the safety access requirements, but he asked that from a zoning perspective if someone wants to put the relatives in a part of their home and wants them to use the same door, why would the PCZBA object to that.

An additional question Member Russell had was based on the first page of the regulation sheet, the way that it is written seems that the bonus provision or detached structure in the rear yard seems to be waived away. He made a comment that after seeing the Arden Shore subdivision proposal, he said that a third size category should allow another bump of 500 square feet on these country estate districts.

In response to a question by Member Burns, Member Russell asked why the PCZBA would require a separate entrance from a zoning perspective. Member Burns agreed with Member Russell on the third category suggestion for country estates. Member Burns said that the estate districts have so much space and having an ADU of 2000 square feet would be in keeping with houses that are on that lot.

In response to Member Russell's question of why the PCZBA would care if the ADU would require a separate entrance, VA Schuster said that the reason for why it is structured that way is it is not a value statement on one thing being better than the other separated is better than joined. This is a definitional issue in the Village Code which is if somebody is living under the same roof in the same house with an entrance, then that is not an accessory unit. It is part of the same house and there are different regulations that govern it. The Village code gives an example of a single-family house that is limited to the family definition. By

separating different buildings with different entrances, the homeowner is not as restricted by the same family definition and may be governed more by ADUs.

Member Russell said that if the PCZBA adopts these regulations as drafted, a family who would want to build a separate kitchen unit in their basement would need to set up a separate living space with a separate kitchen and would require a variation. In response to this question, VA Schuster said that it depends on the physical layout and whether it is a multiple family unit.

Member Danly said that she appreciated Member Russell bringing up this issue. She found it odd that if a residence did not have a separate entrance, but did have a bathing, cooking, and sleeping area within their home, whether that would technically be a violation of the code.

AVA Cole said that currently, the code is not intended to allow ADUs. The code is interpreted broadly to prohibit buildings that look like ADUs. In terms of the draft regulations, the code is patterned on similar codes. The code is required to allow a separate entrance. The significance of this is that it will create privacy for the occupants of that unit as well as not creating dis-amenities in the interest of property values.

Ms. Berstene said that architecturally speaking, if there are two separate dwelling units within the same building, a fire exit would be needed among both occupancies. This may be a building code requirement as well.

Member Fischer said that Lake Forest approved granny flat standards in 2014 or 2015, but she is unsure of the regulations regarding it. She also said that on larger lots with a ravine, the ravine codes would fall into play and the homeowner could not build an accessory structure closer to that. She said that she would be in favor for the bump up in square footage for the country estates.

Chair Peters said that his concern, especially in the R-2 through R-4 districts, is the reduction in green space and the impact on neighbors. He urged that the Commission look more critically at the R-2 through R-4 districts.

AVA Cole said that going forward, there could be more fine-tuning of the draft regulations in terms of height regulations and the separate entrance provision. Village Staff can also look at other North Shore communities and their conversations on ADUs. He also said that if the PCZBA believes the draft regulation is close to being finished, then these materials can be presented at the April Architectural Board of Review meeting and receive their feedback. A draft ordinance can be completed for the April PCZBA meeting.

Member Miller said that he would like to reiterate what Member Russell said on keeping two-story buildings away from the lot line on the smaller lots. He said that it is intrusive to put a second story on the garage.

In response to a question from AVA Cole, Chair Peters said that his concerns are primarily of secondary structures on an R-4 lot rather than an accessory unit being in a basement of the principal structure. AVA Cole added that Lake Bluff does have special use permits in residential districts, however there are additional costs involved.

Chair Peters said that he is concerned of potentially irreversible impact that these structures can have on neighbors.

**7. Public Hearing – Irregular Lot Fronts and Widths**

AVA Cole presented and briefly explained the agenda item. He would recommend that the Commissioners move this discussion to the next public meeting.

As there was no further discussion, Member Danly made a motion to continue the conversation on irregular lot fronts and widths until the April 21<sup>st</sup> PCZBA meeting. Member Burns seconded the motion. The motion passed on the following roll call vote:

Ayes: (7) Burns, Russell, Rider, Fischer, Danly, Miller, Chair Peters  
Nays: (0)  
Absent: (0)

**8. Staff Report**

AVA Cole said that the Village Board chose to indefinitely extend the Village’s short-term rental regulations. They struck the expiration date applicable to those at its last meeting. The Village Board also approved the Arden Shore plat subdivision and the text amendment that went along with that.

The Historic Preservation Commission did make a new set of recommendations to the Village Board.

VA Schuster clarified that in motion making, it is important to be precise with motions including conditions needing to be approved as well.

**9. Commissioner’s Report**

There was no commissioner’s report.

**10. Adjournment**

As there was no further business to come before the PCZBA, Member Miller moved to adjourn the meeting. Member Fischer seconded the motion. The meeting adjourned at 9:10 p.m.

Respectfully submitted,

Glen Cole  
Assistant to the Village Administrator