

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

AUGUST 16, 2017

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, May 17, 2017, 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
David Burns (arrived at 7:08 p.m.)
Mary Collins
Elliot Miller
Gary Peters
Steven Kraus, Chair

Also Present: Benjamin Schuster, Village Attorney
Glen Cole, Assistant to the Village Administrator (AVA)

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

Chair Kraus 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 minutes.

There were no requests.

3. Approval of the July 19, 2017 PCZBA Regular Meeting Minutes

Member Peters moved to approve the July 19, 2017 PCZBA Regular Meeting Minutes as amended. Member Miller seconded the motion. The motion passed on a voice vote with Chair Kraus abstaining.

4. Pre-Application Workshop With Mr. Edward Deegan Regarding 419 East Prospect Avenue

Chair Kraus introduced the item and requested an updated from Staff.

AVA Cole said pre-application workshops are designed to give applicants an opportunity to present their concept before moving forward with final plans. The proposed concept is for an existing corner lot with a large home and the owner is seeking additional space for his family. The owner has identified two ways to achieve this end: (i) demolish the existing home and build a larger one that will fit their needs; or (ii) subdivide the lot in a manner that is not permitted by the code. The owner would preserve the historic home on one substandard lot, and build a conforming home on the second lot. It would be conforming in every way except one lot would be too small based on the requirements of the district. AVA Cole said approximately 1/3 of the lot in R-4 District are sub-standard but are against the letter of the code.

Chair Kraus inquired of the minimum lot size for R-4 District. AVA Cole said the minimum required lot size for R-4 Residential District is 7,500 sq. ft. and if the current lot was split down the middle there would be two lots approximately 6,250 sq. ft.

Chair Kraus invited Mr. Edward Deegan to the podium. Mr. Deegan said he appreciate the opportunity to review the concept in a workshop session as it provided everyone with an opportunity to dialogue.

In response to a question from Member Miller, AVA Cole said that the minimum width applicable in this zoning district is 50 ft. and the minimum lot size is 7,500 sq. ft.

Member Collins said that is the minimum lot frontage but you will not typically get the required area with a 50 ft. wide lot. She said that more than ½ of the lots in R-4 District are 50 ft. wide.

Mr. Deegan of Edward Deegan Architects introduced his client Mr. Bob Helle, the owner of 41 E. Prospect Avenue.

Mr. Helle explained his family situation, noting they currently reside in Grayslake, IL. He shared his thoughts on why he purchased the lot noting the home is located in a beautiful older part of town. The challenge is this is an older home with an outdated site layout. There is a large front yard that opens up the adjacent street intersection, but no backyard. One solution would be to build a home more in the corner creating more backyard area. The 1870's house has a lot of architectural merit despite a 1970s addition; they would like to renovate and bring back in character with the original design by removing the addition. But if they do this and reduce the existing house in size, they would want to have an additional house that is more medium size to have the flexibility to accommodate their family.

In response to a comment from Member Collins, Mr. Helle said the character for this neighborhood seems to be smaller lots with moderate sized homes. There are some large homes there but you definitely find, especially on Prospect Avenue, smaller lots with medium size homes. The proposals will maintain the character of the neighborhood. He understands this could set a precedent but renovating the existing historic home could avoid an outcome that may be undesirable for the Village.

Mr. Deegan reviewed the existing site plan (A 0.1) noting the house sets far back on the lot. The original plat had four lots positioned on the larger lot. He reviewed the existing context map (A0.2) and noted on the north side of East Prospect Avenue between Gurney Avenue and Moffett Road the limited size lots and the relationship to the homes to each other is fairly tight. He reviewed Scheme A (A 0.3) noting what they're articulating and asking to be reviewed is the division of the lot and renovating the existing 1870s Victoria Home on a 50 ft. lot. Their suggestion access off Moffett Road so as not to distribute the curbing along Prospect Avenue. Also, a two story new construction on the larger lot (70 x 100). The plan is to bring the 1870s home into compliance by removing the bad additions and there would not be anything beyond the fact that lot does not conform to the setback requirements.

Mr. Deegan said this is a conceptual idea which he think has merit because the 1870s house is worth renovating. He reviewed Scheme A context map (A 0.4) noting the streetscape and figure ground is appropriate on the south side of Prospect Avenue, considering what is happening on the

block in context. He does not think the proposal is inappropriate based on the current existing conditions. Mr. Deegan said Scheme B (Sheets A 0.5 and A 0.6) shows if the existing home was demolished and a new conforming home was built on the lot. The owner's preference is to work with the Historic Preservation Commission to restore the renovations of the 1870s house and build a new house on the corner.

In response to a question from the Board, Mr. Helle said the plan is to occupy both homes with an easement connecting the houses to a shared driveway that leads to Moffett Road.

Member Collins asked what would happen if the houses were sold. Mr. Helle said the easement would have to be maintained to ensure the garage is available for use by the smaller home.

Member Collins asked if this was unusual for Lake Bluff which already has so many quirky conditions throughout the Village. AVA Cole said zoning relief is not required for a shared driveway. The Comprehensive Plan as it exists today actually encourage house loading through back alleys so there is some precedent there.

Member Bishop said she is living with this situation right now, the taxes in this case are paid by the larger home. This is written into the easement that as long as the two homes are owned by the last living descendent of a certain family the easement stands then after that it goes away. Otherwise you would have to get a permanent easement for whoever buys the house, then you would share the driveway which is not always the best things. Mr. Helle commented on the proposed driveway configuration noting their main motivation is they did not want to put another driveway or garage front facing onto Prospect Avenue and it seems we are keeping a better façade on Prospect and a better house configuration by doing it this way. A discussion regarding the shared driveway followed.

Village Attorney Ben Schuster said the tax issue will be worked out between the owners but from the easement perspective he would recommend a permanent easement recorded with the property, therefore, they would not be able to get rid of the easement without the Village's permission.

Member Collins said the definition of a flag lot "is one that is only accessed from the long driveway" but this one is different. Often, the concern from the Fire Department is they would be unable to reach the house, but this one has street exposure as well as a driveway. Member Collins said her opinion of the 50 ft. wide lots is they are acceptable within neighborhoods with similar lot sizes. This is an unusual area because there are various lot sizes and a 50 ft. lot adjacent to the property but this is a creative idea for saving the existing house.

Chair Kraus asked if there had been research done on the existing structure. Mr. Helle said he found some photographs at the Lake Bluff History Museum but have not done an extensive search of the structure. Mr. Deegan said they suspect this was a brick structure that was refaced with stucco and their goal is to remove the stucco returning the structure to its original brick state to add some texture. Chair Kraus encouraged the owner to research and understand how the existing home fits into the context of the Village as a beginning point.

In response to a comment from Chair Kraus, Mr. Deegan said the intent would be to research then rebuild the house to the context of the original structure.

Member Burns said the resulting lot size appears to be 50 ft. wide and 100 ft. deep and asked if there were other examples of this lot size in Lake Bluff. AVA Cole said there are smaller lots in the neighborhood.

In response to a question from Mr. Deegan, AVA Cole said the only zoning relief necessary is to create a substandard lot as a result of the subdivision.

Member Collins said she thinks the 50 ft. lots are appropriate in a lot of areas of Lake Bluff, where they are already standard width. She thinks it makes sense to allow 50 ft. lots to fit into the neighborhood rather than to encourage larger home on bigger lots.

Following a request from Chair Kraus, Village Attorney Schuster explained the Village's subdivision code. The PCZBA may consider whether or not it meets the standards and if not what evidence should the applicant provide to show it meets the standards (Unique Physical Condition; Special Privilege/Hardship; Code Purposes and Public Health and Safety). The PCZBA should determine if this is a special privilege and does it meet the hardship standard as well as the code purposes. A discussion followed.

Member Badger said this is a unique subdivision to preserve an historic structure that needs to fit within the Village's Subdivision Regulations. The request is not to increase impervious surface or daylight plane, the request is appropriate except for the lot size. There are multiple lots in the neighborhood that are more non-compliant than this request. He said conceptually he would be in favor of the concept given their trying to preserve the historic structure.

Member Bishop commended them for taking the property back to its original state but once again the PCZBA is considering a large family that bought a house that was too small and now wants to create more infill on the east side of Lake Bluff. She is on the fence as to whether it is the best thing for the Village to continually cover up the east side with more buildings. She likes what is being proposed but does not like that it comes at the expense of covering up more property on the east side.

Mr. Helle said he understands that the amount of buildable square footage is 5,000 sq. ft. on the subdivided lot. They can either build a 5,000 sq. ft. house or as proposed a 3,000 sq. ft. and 2,000 sq. ft. houses, so the bulk coverage is the same for either proposal. Member Bishop said she is struggling with the concept because this is the second time a large family have bought a smaller house then requested to build a larger house.

AVA Cole said there are some small differences in bulk if the subdivision was to get approved. Generally, we are more generous toward smaller lots and each additional square foot gets you a little less as you get bigger in lot size. He does not think there is a major difference between the two, but you would gain some allowable square footage from both of those categories if you were to subdivide the lot.

Chair Kraus said if you were to subdivide the physical footprint for the two lots is likely to be a tad bigger than the footprint for one lot.

Member Burns said he is in favor of the concept because it is a good use of the property. For him the hardship is an economic hardship associated with historic homes. As homes get older and are

preserved there is an economic impact because it takes more money to preserve the home. He think their manner of handling the economic hardship he favors because it helps to maintain a historic home and breakup the bulk on the lot and is more in keeping with the neighborhood.

Member Collins said she is in favor of the conceptual plan.

Member Miller asked how the permanent easement would come about for the shared driveway. Village Attorney Schuster said on approval there would be a condition that would obligate the owner to record an easement against the corner lot of the property for the shared driveway and future buyers would not be able to terminate the easement with permission from the Village.

Chair Kraus inquired of the flag lot provision in the Village Code or an existing policy that discouraged flag lots and encourage full frontage based on minimum size and requiring variance regarding this type of situation.

Member Miller expressed his agreement with Member Bishop but he agrees that two houses, one being historic is better than one large home.

Member Peters asked if there have been any discussion with the neighbors. Mr. Helle said not at this time.

Member Peters asked how it economically plays out having one large home versus the two proposed homes. Mr. Deegan said conceptually, building a new one is easier to control cost because there are no unknown surprises as opposed to entering into a renovation project. Mr. Helle expressed his opinion that true renovation will cost as much as a new construction.

Member Peters asked if the architectural features for the new home fit into the neighborhood. Mr. Deegan said we have not gone down the design road but in concept the design will be appropriate for the area. The concept of having two homes on the lot is appropriate for that lot as opposed to one large home.

Member Peters asked which would be the primary home. Mr. Helle said initially it would be the historic structure.

Village Attorney Schuster said there are no prohibitions on flag lots but there is a provision that states “that the pole portion of any flag lot shall not be included in the lot size calculations”.

Chair Kraus said it would be beneficial for the owner to understand the history associated with the structure as well as historic preservation within the Village. He expressed his preference to see another option because by splitting the lot, you loss what makes that particular house special which is the large front yard. He would like to see an option that does something within the context of the existing historic structure, maybe an addition to the structure to maintain its integrity from all sides, rather than a subdivision. He understands the economics and he is torn with an offer of preserving an historic livable structure. He is concerned with the concept of finding a lot within the Village where you can shoehorn another structure onto an existing lot, not by a matter of right but by asking for special privilege, in this case a subdivision. He is sensitive to the concept of saving historic structures within the Village. He is not in favor of the concept as presented.

As there were no further comments, Chair Kraus thanked the applicant for the workshop and the opportunity to maybe reconsider other alternatives at a future meeting.

5. Pre-Application Workshop with Mr. Brad Andersen Regarding 511 East Prospect Avenue

Chair Hunter introduced the item and requested an updated from Staff.

AVA Cole said Mr. Andersen's property is adjacent to the Union Church. The desire is to build a small non-conforming addition to his home that would, among other things, provide privacy for the master bedroom from the Union Church lot.

Mr. Andersen said he purchased the house in 1993 then provided background information on the house. He showed the survey for the home noting the home was built approximately 7 ft. from the west lot line and 21 ft. setback on the east side. The plans were to add on the first floor area where the master bedroom is located. When the home was built the only variance required was to place a roof over the front porch. The survey shows the City alley on the east side of the property which is a public right-of-way for ingress/egress through to Ravine Avenue but primarily used to gain access to Union Church.

Mr. Andersen showed an overhead view of the right-of-way and reviewed the current landscaping noting how it impacts his property. He showed the site plan for the existing footprint of the home noting it is a two car garage facing the street but he wanted to minimize the impact of its appearance so the apron was narrowed to be more consistent with a single car garage. He showed a drawing of the approximate footprint of the requested addition; a floor plan showing approximate location and dimensions of addition. The proposal will correct the design flaw, the windows on the east elevation that face outward toward the public right of way. As the first level of Union Church is well above grade, there is a site line directly into his home. He showed a picture of his home from the street and explained how the fence and vegetation will screen the new addition. He showed a picture of the existing front elevation noting the uniqueness of the lot line which is 25 ft. beyond the sidewalk. He showed pictures of the rear yard how the vegetation screen the home from Union Church. He showed a slide view of the house from the church noting the construction of a new closet will be able to re-align the windows to create more privacy as well as additional space for storage.

As requested by Chair Kraus, AVA Cole said a side yard variance and floor area ration variance (130.60 sq. ft.) would probably be needed for the requested improvements. A discussion followed.

Chair Kraus said the existing house is already over bulk by 130.6 sq. ft. and we are looking to add approximately 240 sq. ft. as a result of the proposed addition.

Member Collins said that desire for additional space, not privacy, is the hardship driving the request. The applicant proposes to take away the windows, so a solution would be to eliminate the windows and this would give you what is proposed with the closet. She said frosted glass could be used to address the privacy issue. The master bedroom configuration remains the same and she is thinking they really desire a closet space for storage. Mr. Andersen said it would solve the privacy issue because the plan is to eliminate the two windows facing east on the right.

Member Collins said the windows could be removed without a zoning variation. She believe what is driving the request is for additional square footage on the house to construct the ideal master

bedroom suite. She said there is a cheaper way to maximize the closet space without the addition. She questioned how they would be able to do a sloping roof without hitting the second story bedroom windows. Mr. Andersen said the windows are about 3 ft. above the 24 in. plate and there is plenty of room to do the roof.

Member Bishop said she was walking in the alley by Union Church and she noticed here was a lot of water coming from his home being pumped into the rear alley from a hose and asked if he had experienced any flooding. Mr. Andersen said several years ago the Village lowered the level of the sidewalk across the alley and when they repaved the alley they removed the sidewalk along Prospect Avenue and lowered it because he believe Union Church was having flooding issues in the basement. By doing this they undercut that side of the elevation and his sump pump discharge on that side. Now instead of the water stopping at the fence line it goes through and down the alley to the street. He is willing to correct that on his property with the proposed renovations.

Member Peters asked what you contemplate as far as the dimensions. Mr. Andersen said it would be about 7 ft. by 16 ft. Chair Kraus said the dimensions would be 6.11 ft. and 15.6 ft. long. Mr. Andersen said what inspires him to make it about 4 ft. wider than what is being proposed is during his conversation with the architect was she want to design these to emulate a garden shed and he thought he could kill two birds with one stone by extending it about 4 ft. to the north and still shy of the last window on that elevation. Then with the additional 4 ft. put a door on the south elevation to create the garden shed appearance.

Member Peters said we would be going from about 130 sq. ft. to approximately 235 sq. ft. Mr. Andersen said the existing 6 ft. fence would screen the proposed new addition from the street. He also explained the property line in relations to the rear alley.

Member Peters said he is usually not a proponent for giving additional bulk but in the situation he is not necessarily opposed to the proposition either.

Member Miller expressed his agreement with Member Peters and the manner in which it is being proposed in his mind would be okay and does not necessarily adversely affect the Village, so he would approve the concept.

Member Collins said she is torn, the house being 1.5 stories really minimizes the bulk appearance and she agrees this is not a big impact. She is concerned that the hardship is the desire to create a better master bedroom not privacy. This is a concern for her because there are other ways to solve the issue other than an addition. Member Collins said she is not totally opposed and would like to see how it works out and maybe examine other ways to minimize the request. Mr. Andersen said he is requesting the addition because he wants to stay in Lake Bluff.

Member Burns said he is having a hard time trying to understand the hardship because this could be addressed in other ways. How you handled the bulk in the way you designed the house and in keeping in the spirit of the bulk is better than what the numbers show. He likes the approach but he has to try to get his arms around the hardship because there are other solutions that can rectify the privacy issue without increasing the bulk. Member Burns said he is not opposed to it but he would like to see some more substance on why this is the way to address the privacy matter as opposed to other alternatives. However, given the Church and other circumstances he does agree that having to deal with the privacy is something special you have to handle but he would like to

see more on why this is the right approach as opposed to other alternatives. Mr. Andersen said privacy is an issue because the recently approved Union Church subdivision could increase activities and traffic flow through the alley

Member Bishop had no further comments.

Member Badger said it seems like he really wants the closet space and privacy and the addition would only be noticed by Union Church. He would love to see it tied together with Member Bishop's idea regarding the water solution.

Chair Kraus expressed his agreement with the commissioners, the proposed concept is fine.

6. Conceptual Workshop Regarding Recreational, Institutional, and Open Space (RIO) Zoning

AVA Cole provided background information regarding the conceptual new zoning district suited for institutional uses within the Village. He explained the purpose, bulk and use regulations, land use inclusion and exclusion from RIO; process and next steps; development site plan review; and significant changes.

Member Burns asked if the significant changes would be cumulative amounts from prior site plan reviews. He was confused with the permitted use/special use adjustment table because all the uses appear to be permitted use by right. He expressed his understanding that each will be put in the same bucket until they want to change the use that would require a review. AVA Cole said the PCZBA review would be based on massing and not use. Member Burns said he thought the Institutional Zoning would give the Village a little bit of control. A discussion followed.

Chair Kraus said his recollection of the conversations was for an extra set of eyes on significant land uses within the Village, streamline the process and review process for change of use.

Member Miller said if the School District wants to sell the current property east of the Middle School would it have to go through the zoning process and asked how this differ from the present regulations. Village Attorney Schuster said they would have to comply with the Code and it depends on what the lot is zoned. The difference is under this process if it is zoned in the RIO District and the purchaser wanted to use it for any use that is not permitted on the use table they would have to do come in have the property re-zoned. The other legal option would be to seek a text amendment to add a new use to the RIO District.

Chair Kraus said if the School District decided to sell their property to a developer, the developer could build and would have to follow the existing underline residential zoning. He said under this proposal there is no residential underlying zoning so the developer would have to present to the Village a concept of what would be developed on that particular parcel. It would not be a matter of right to build, it would be a discussion with the Village what the appropriate use of the property would be. A discussion followed.

Member Collins commented on possible changes of use within the RIO and asked if the PCZBA could consider sub-districts or sub-uses within this district. Village Attorney Schuster said you can create separate RIO Districts.

Chair Kraus said he think Members Burns and Collins comments are in synch with previous discussions that if there is a change in use or change in type of institutional use that should trigger this review.

In response to a question from Member Bishop, Chair Kraus said Crabtree Farm is Country Estate Zoning and the significant portion is in a permanent easement. A discussion followed.

Member Collins said in section one where there are setbacks, R-4 District was the basis, that is the smallest setback and she would start with the biggest setback requirements. She expressed concern that R-4 District setbacks are quite tight and not appropriate for residents living next to schools. Also impervious surface should be included as a standard. AVA Cole said parking requirements makes it difficult to meet any impervious surface requirements.

Chair Kraus advised of his original concept regarding RIO zoning classification. Currently, there are no requirement for anyone to come in and ask for permission for anything that is already in existence so the proposed standards would only apply to changes. The concept is to make this as simple as possible for minor and significant changes and questioned if the proposal would achieve this goal.

Member Bishop expressed her agreement that R-4 District setbacks are too small. Also the height limit and coverage is different and asked if there was reasonable in comparison with the L-1 District that has buildings taller than 30 ft.

Member Collins said she think the idea is what you give them as of right versus what do you have them come to the PCZBA for deviation, it is not that they cannot do it but it will trigger the review.

Chair Kraus said these should be relatively restrictive so that as a matter of right an entity can make significant changes to a structure only within a building envelope which the PCZBA is comfortable with. A discussion followed.

Member Miller asked if it would be appropriate to specify that a part of RIO adjacent to R-4 Zoning must use R-4 Zoning requirements, such as the school and green space to the east. The L-1 District guidelines may be appropriate for the golf course. He asked if the guidelines would be site specific. Village Attorney Schuster said it is not uncommon for zoning code to have setbacks based on neighboring properties. A discussion followed.

Chair Kraus said we must cover change of use from a vacancy or green space to something else and that a review would be required for the provisions of setback. Then we would be dealing with change in the configuration of a structure without changing its use or change in use from one type of permitted use to another and if this should apply.

Village Attorney Schuster said there are large parcels with small buildings and a lot of open green space and questioned if they want to address going from a vacant parcel to a parcel with an improvement. Chair Kraus said he wants to make sure all the appropriate controls are in place for when there is a vacant or parcel with a small building on it that is being used primarily as open space and there is a request for developing the land. He wants to make sure there is a mechanism in place that requires appropriate review.

In response to a comment from Member Collins regarding the development site plan review, AVA Cole said it looks like the lot size that requires a development plan is large, but not really, only maybe a park with minor improvement would slip in under the proposed boundaries. Member Collins said the 10% threshold for a non-significant change would be inappropriate and should be reduced to 5%.

Chair Kraus summarized the agreement with concept of creating the RIO (overlay) District, the categories that will be include in RIO Zoning will be separately identified; what significant changes mean, in theory what we are trying to do is allow an entity that has property within this district to make minor modifications without going through a lot of administrative actions, but go through a site process review process if there are significant changes that would apply.

A discussion ensued regarding the development site plan review.

Member Badger said the major concern is to protect the Village from a major change in use noting this is not a major priority for institutions.

Chair Kraus suggested that Staff have the appropriate conversations with the respective entities and present their feedback to the PCZBA.

7. Staff Report

There was no report.

8. Commissioner's Report

Chair Kraus said the next regular PCZBA meeting will be September 20th and a Workshop Session on September 26th.

AVA Cole provided information on litigation regarding the Roanoke Group.

9. Adjournment

As there was no further business to come before the PCZBA, Member Collins moved to adjourn the meeting. Member Burns seconded the motion. The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Glen Cole
Assistant to the Village Administrator