

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

JULY 18, 2018

APPROVED MINUTES

1. Call to Order & Roll Call

Chair Peters 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, July 18, 2018, at 7:00 p.m. in the Village Hall Board Room (40 E. Center Avenue).

The following members were present:

Members: Sam Badger
David Burns
Jill Danly
Elliot Miller
James Murray
George Russell
Gary Peters, Chair

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

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 minutes.

There were no requests to address the PCZBA.

3. Approval of the June 26, 2018 PCZBA Special Meeting Minutes

Member Miller moved to approve the June 26, 2018 PCZBA Special Meeting Minutes as amended. Member Badger seconded the motion. The motion passed on a unanimous voice vote.

4. Chair Peters Administered the Oath to Those in the Audience

5. A Public Hearing for 673 Maple Avenue

Chair Peters introduced the agenda item then invited the petitioner to the podium.

Prior to comments from the Petitioner, AVA Cole gave a brief overview of the request and noted the Village designated the subject property as a Landmark at the recommendation of the Historic Preservation Commission (HPC).

Rob Douglass, property owner, showed a picture of the plat of survey noting the top table land around the ravine. The house is located on an outside corner of the intersection of Washington and Maple Avenues and the ravine borders three sides of the house. He showed pictures of the house's current condition which included the 1983 existing addition, interior and elevations.

Mr. Douglass showed a slide with the following specifications:

- site restrictions – zoning R-2, front yard setback 30 ft., regard yard setback from ravine edge 10 ft. and side yard setback is 18 ft. 6 in.,
- building restrictions – lot size 30,274 sq. ft. and maximum floor area 6,627 sq. ft.,
- existing building calculations – first floor 2,216 sq. ft., garage 425 sq. ft., total building bulk 2,641 sq. ft.,
- proposed additions – south wing 117 sq. ft., south wind encroachment 1 ft. 3 in., total proposed building bulk 2,758 sq. ft.,
- screen porch addition 162 sq. ft., total screen porch bulk 325 sq. ft.,
- total building coverage 3,086 sq. ft.; and
- total building height 10 ft.

Mr. Douglass briefly summarized the homes history. He noted the breezeway connection between the main house and garage was built out in the 1980s to create a foyer family area and an addition to the south end of the home. The plan is to bring back the original south elevation. Mr. Douglass showed a figure/ground site plan and commented on the surrounding homes in relation to the property noting the addition will have no negative impact on the surrounding properties. He showed the setback site plan noting there was a 1983 variance granted for the addition. The existing home currently encroaches 19.2 ft. into the front yard setback (64% of the setback) and he is requesting an addition 1 ft. 3 in. setback for a total of 20.47 ft. (68% of the setback). Mr. Douglass showed a site plan of the proposed first floor plan and proposed building elevations. He said the garden wall entrance will be moved out two bays to allow more room for the front door area. He showed the proposed landscape plan and noted the south and north ends of the property will be landscaped to further buffer the home. In conclusion, Mr. Douglass said the plan is to renovation/restore the mid-century modernist building noting 42% of allowed FAR will be used, 65% of the bonus for the screen porch, total lot coverage is 40% of the allowable and the total building height will remain 25% of the allowable.

Following a request from Chair Peters, Mr. Douglass read aloud the statements submitted concerning the standards for variations:

- 1) Practical difficulty or hardship – The property is located on the outside corner of Maple and Washington Avenues, which creates two front yard setbacks. The property is also irregular in shape with a ravine surrounding three sides of the property. During the time period of the second owner, modifications were made to the house which results in the loss of the clarity and rigor of the original 1955 design. As a result many details were lost. These modifications have created a challenge for the restoration of the building. The variations request will allow him to add an additional 8 foot bay to the existing 8 foot building grid system to the south wing. This will absorb the 1983 green house bump-out which is inconsistent with the original design.
- 2) Unique physical condition – The property has an irregular shape with a ravine edge on three sides. The ravine occupies 58% of the lot with the remaining 42% of the property as table land. The property is also located on the outside corner of Maple and Washington Avenues which has two front yard setbacks. This 1955 Mid-Century Modernist style building has been recently granted landmark designation by the Historic Preservation Commission which is supportive of the restoration and renovation of the building as depicted in the drawings.
- 3) Special privilege – This Mid-Century Modernist building design by William Bergman is the last of six designs in this style still standing. With the landmark designation granted by the HPC, this building has become and will be restored as a unique structure in Lake Bluff. The

variance request is to allow for the ability to restore the original character of the 1955 design, particularly the south building elevation. Therefore there is no special privilege, but rather relief to the front yard setback to assist in the restoration of this Mid-Century Modernist building.

- 4) Code purposes – As depicted on the figure/ground site plan of the immediate neighborhood, the distances from the proposed variance to the adjacent houses is significant. The house to the southwest is approximately 140 ft. away, the house to the southeast is approximately 90 ft. away across a ravine. The vertical height of the house is 10 ft. above the finish grade. The zoning allows for a building height of 40 ft. The allowable FAR for the property is 6,625 sq. ft., the proposed FAR is 2,758 sq. ft., 42% of the allowable FAR. The landscape plan will also further buffer the spaces between the adjacent houses; and
- 5) Public health and safety – The variance request will not adversely impact light and air, not affect traffic, will not be a fire hazard, will not endanger public safety and will not diminish property values.

Chair Peters opened the floor for comments from the commissioners.

Member Badger had no questions and said the applicant should be commended on his work for this project.

Member Burns had no questions and said this is a great example of an applicant trying to restore a house to its historical roots while maintaining a modest appearance.

Member Danly said she really appreciates the historic timeline as well as the applicant's integrity in regards to Village regulations.

Member Miller had no objection and congratulated the applicant.

Member Murray said he like the efforts made by the applicant not to encroach but enhance the ravine environment area.

Member Russell said this is an excellent examples on why a variation could be justified. This is a very uniquely positioned lot in the Village and although the front yard variation moves toward the side yard, it is still more than 90 ft. from the neighboring property to the south. Member Russell asked the applicant to consider speaking with the Village Engineer regarding any easement restrictions prior to moving forward with the extensive landscape plan. Mr. Douglass said there is an easement running through the property and noted he located a structure on the east portion of the property which collects stormwater from the north.

Chair Peters had no comments.

Member Burns moved to recommend Village Board approval of the variation as presented. Member Russell seconded the motion. The motion passed on the following roll call vote:

Ayes: (7) Burns, Miller, Danly, Badger, Murray, Russell and Chair Peters
Nays: (0)
Absent: (0)

6. A Public Hearing for 419 East Prospect Avenue

Chair Peters allowed a brief intermission to give the commissioners an opportunity to review the newly submitted information provided at the dais.

Chair Peters introduced the agenda item and stated the subdivision proposes to divide the subject property totaling 12,500 sq. ft. into two buildable lots. The existing structure, 419 East Prospect Avenue, will be within Lot 1 (5,000 sq. ft.) and Lot 2 (7,500 sq. ft.) will be located east of Lot 1.

Chair Peters reviewed the public hearing process and asked that public comments be limited to three (3) minutes. He then he invited the petitioner to the podium.

Robert Helle, property owner, said due to the growth of his family, instead of one large house he is requesting to subdivide and build two medium size homes which he believes will best fit their needs. He said from the Village's standpoint that the subdivision will allow for renovation and maintenance of the old house and the two lots are in character with the existing lots in the neighborhood. In response to comments regarding the open space, Mr. Helle said that an enormous front yard is not appropriate for their use. He provided information on the plans for the property should the request get approved or if denied. He then introduced Ed Deegan, Architect for the project.

Mr. Deegan explained the concept for the subdivision which will consist of two lots. The western lot, identified as Lot 1, has the existing structure which will be renovated into a very nice small home situated within the proposed 50 ft. lot. Unfortunately, the depth of the lot does not allow that to be a conforming lot though there are numerous 50 ft. wide lots in Lake Bluff. Mr. Deegan showed a slide of the subject site and the location for the proposed lots. He said the suggested figure-ground is not out of character for the street or the streetscape. The effort is to maintain the existing structure in a manner appropriate for the character of the street and not overtake the scale. Mr. Deegan showed photos of the homes existing condition. He said an investigation found that brick from the Cloe brickyard was not used for this home as indicated in the historic preservation survey. The home has Victorian elements and the effort is to maintain the original façade.

Mr. Deegan showed the existing site plan noting the house currently is an existing non-conforming structure to the south and west. He showed the areas being proposed for removal. He showed an illustration of the proposed line of subdivision with the 50 ft. lot to the west and the 75 ft. conforming lot to the east. The proposal is to have a small addition to the east and a porte-cochere addition to the west. There will be lesser mass in the lower levels which will allow a curb cut to Prospect Avenue and access to a detached garage to the south. He commented on the proposed site plan dimensions which includes two 5 ft. setbacks to the east and west, a 15 ft. setback to the south and the standard 20 ft. setback on the front. He said the proposed renovation conforms to the setbacks prescribed on the 50 ft. lot included the proposed garage.

Mr. Deegan showed an illustration of a conceptual first floor plan which consists of all public space and noted there will be a new covered porch off the front of the house. The addition to the west illustrates the porte-cochere vertical circulation and entry element. Then to the east a dining, kitchen and living area; and a detached garage to the south. The second floor proposed plan is a conceptual three bedroom and two bathroom plan. He showed an illustration of superimposed existing/proposed north, east, south and west site elevations and noted the existing trees will not

be impacted by this proposed scheme. He showed various view of the house and explained the isometric view of the property.

In response to a comment from the audience, Mr. Deegan said vehicles would drive through the porte-cochere and be parked in the back of the home. Also, he said the structure as designed stands within the required 20 ft. setback and the proposed setback.

Chair Peters advised that the Petitioner will be given the opportunity to complete the presentation and the audience may ask questions during the public comment period.

Mr. Deegan said one of the iterations presented during a prior discussion with the Village was a flag lot to provide the driveway necessary to access the interior parcel, but the applicant sought a different design because they did not want any unusual easement or anything out of the ordinary.

Prior to the public comments, Chair Peters had, AVA Cole read out loud for the records the listings of letters and emails received regarding the petition (Barthold, Bjork, Cowbell, Russell, Ashlee, Francoeur and Boyle).

Member Russell said for the record the Russell letter was submitted by his spouse and not by the Russell family as indicated by AVA Cole.

Chair Peters opened the floor for public comments.

A member of the audience (Mr. Art) said he had not received any information on what will be built on the conforming lot. It is difficult for him to conceptualize or take a stance without seeing a plan. He is not in support of producing lots that does not meet existing zoning requirements nor does he favor overly bulk presentation on small lots. He said the Village spends a lot of time dealing with stormwater runoff and impermeable surfaces and drainage issues and this is a large permeable area. He said a lot of money has been spent to rebuild the ravines and this seems likely to increase drainage issues in that part of town.

The public comment portion was briefly interrupted to allow AVA Cole an opportunity to address the common issue associated with subdivision such as stormwater, public service demand, etc. An applicant has the option, but it is not required, to present what will be built on conforming lots. As long as houses are built within the Village standards dealing with matters such as stormwater, how big they can be, where they sit on the lot – the design is not subject to architectural review. Staff provides an overview of that in the memorandum noting the zoning code treats smaller lots more generously to keep them buildable – the smaller lots gain slightly in FAR and impervious surface – but other categories remain the same.

Chair Peters resumed the public comments.

David Kissel (resident) said his property borders the south end of the subject property. He asked where the new driveway would be located. Mr. Helle said it will be similar to where it is right now.

Village Attorney Schuster explained the question/answer technique associated with a public hearing and noted that all questions and answers should be spoken into the microphone for the record.

Mr. Kissel said the existing property is an eyesore in relations to the proposed renovations and he appreciates property owners that invest in their property. He said it would be helpful to see plans for the new structure showing where it would be situated and location of the driveway. Mr. Helle thanked Mr. Kissel for his comments. He said the plans for the new house have not been designed but would have to follow Village requirements as this is a conforming lot. He conceptualize the logical place for the driveway would be at the south end of the Moffett side of the lot.

Stephanie Bjork (resident) said she lives at 415 East Prospect Avenue located west of the subject property. Her concern is regarding transparency associated with the project. She recently realized there have been a lot of conversations at various board levels but nothing that as a neighbor she was ever aware of. She commented on the recent problems associated with her property and said it is difficult for her to speak in objection to a neighbor, but this is a very special streetscape and the proposed porch will protrude beyond what has been allowed. She previously asked if the Village was considering vacating the considerable easement on both sides and she was told that was not being considered. She commented on her Freedom of Information Act request for information regarding the vacated document number. Ms. Bjork said she was told there will be one proposal but to her this has evolved and become a moving target. She provided background information on 414 and 415 Prospect Avenue and said the drainage issues needs to be addressed prior to any new construction.

Renee Boyle (resident) said this is a difficult discussion because she lives on one of the remaining subdivisible lots in Lake Bluff. She commented on her experience when new homes were being built near her property. She believes the work is excellent as she understand it is difficult to find a beautiful house in east Lake Bluff. Currently, her house is worth more if demolished and two smaller houses are built on the lot. Should this project get approved, she would expect more of the same results if this type of action continues. She thinks it would be shameful to allow two homes especially considering that the water situation has changed over the years. Ms. Boyle said she would appreciate the Village's genuine consideration regarding the preservation of Lake Bluff.

As there were no further public comments, Chair Peters invited the petitioner back to the podium. He the applicant to provide the PCZBA with any additional guidance on what is being contemplated for the proposed Lot 2. Mr. Helle said the information presented is the best he can do at this time and noted that the existing trees are located within the setback. Chair Peters said that is significant because the Village has a rather aggressive tree ordinance.

Chair Peters asked for commissioner comments, starting with Member Russell.

Member Russell said he intend to vote against the variation then expressed his concern regarding the requested 33% variation on a minimum lot size and noted this type of variation has not been allowed in at least 30 years in the R4 zoning district. He commented on various properties throughout the Village could also seek this type of variation. This action in the long term could change the character of the Village to start allowing lot size variations and he is totally opposed. Member Russell said he does not find the statements for uniqueness to be at all unique. This a rectangular property and there is nothing special about the topography. He does not think the

proposal to reconstruct the existing home preserves it in any way then explained why he feels the renovation would not preserve the home. Staff report indicates that with the two properties and the subdivision that there would be an approximate 700 sq. ft. increase in FAR, but in reality there would be 1,580 sq. ft. potential increase in FAR between the two structures, as there can be two garages of 440 sq. ft. bonuses on each property and this was not included in the calculation. The Village Code also provides for other miscellaneous bonuses which could amount to an additional 1,700 sq. ft. when the two lots are ultimately developed. There is nothing in the proposal that would require the property owner to have the new driveway come off of Moffett Avenue. There are no controls nor guarantees as to what will go onto the second property. He said when you have all that construction on those two homes on those two Lots with essentially what amounts to two new homes there will be tree loss because of disturbance to the utility lines. The stormwater situation is definitely a concern because there will definitely be more footprint possibly on both properties and will increase the stormwater runoff. The neighborhood opposition appears to be overwhelming in opposition. He said that, given all the reasons mentioned, he intends to vote no.

Member Murray said the absence of a comprehensive plan to develop the two lots makes this a very complicated issue to deal with. While he agree with all the points made by Member Russell, it would be easier for the PCZBA to try to weigh the plus/minus of the proposal as a whole if there was a comprehensive plan that laid out the exact plan in detail. Should the applicant decide to move forward consideration should be given to provide a more holistic plan. He actually think the comments made by Member Russell about lack of restrictions around the new lot are correct. There is absolutely nothing that prevents the driveway from being put in a different location and worse case assumptions regarding stormwater, impact, etc. has to be made about the lot without a definitive plan. Member Murray said he understands entirely their desire within their rights to create structures which maximize the property value, but the request is for a significant exception to precedent in the creation of a 5,000 sq. ft. lot. This could raise significant concerns because it could create denser population in that neighborhood going forward. He thinks the proposal as currently structured raises a number of real concerns.

Member Miller commented on the dilemma regarding the circular driveway which the PCZBA ultimately approved at the previous meeting. He does not think the worst case scenario applies to this proposal because building a larger conforming house would be a better option than subdividing the lot. He is concerned a precedent would be set for 5,000 sq. ft. lots and this could open a can of worms for the Village.

Member Murray clarified that his previous confusion arose from the plat which shows a switch from a side yard to a front yard setback. His concern with the plan presented was it could result in the new structure on Lot 2 being closer to Moffett Avenue by 5 ft. in terms of moving from a 20 ft. setback to a 15 ft. setback. He said having a house closer to Moffett Avenue raise concerns about taking a great open property and replacing it with an imposing structure over the Moffett Avenue streetscape.

AVA Cole briefly explained the subdivision lot line requirement.

Member Danly said she feel the Village is losing open spaces at an alarming rate. She feels that if the PCZBA was to grant a subdivision of this nature, of this extreme request, it will open up many other issues. Member Danly said she resides on Prospect Avenue and commented on how

stormwater accumulates on her property. She would not feel confident moving forward because only words have been expressed; there have been no visual aides presented at this time.

Member Burns said subdivisions are kind of tricky to begin with even though the property owner has a right to do so if creating conforming lots. In this case, he is inherently against subdividing a property below Village standards. He said making a variation of this magnitude must have pretty significant reasons for doing so. Also, the runoff and other issues that would result in utilizing the property to a greater extent. Member Burns said he does not agree with the hardship from a zoning perspective but he thinks it is a nice lot. Member Burns said there is no permanence to the request because the requested consideration is not for preserving the house but subdividing the lot. Therefore, he is not in favor of the request.

Member Badger thanked the applicant, noting they have spent a lot of time and effort trying to figure out the best way to proceed. He said reducing the lot size by a third is very substantial and will open up a can of worms. He expressed his concern regarding the effect on the infrastructure and noted creating two homes on the lot would essentially double the drainage efforts on the Village's infrastructure. Member Badger said there are flooding and infrastructure issues on the east side of Lake Bluff and certainly allowing a non-conforming lot size to double the strain on the Village infrastructure does not make sense to him.

Chair Peters said the commissioners have been very articulate in expressing their opinions on this particular issue. Personally, he has always been a proponent of one larger house as opposed to two smaller house. The overall bulk is reduced when you have one large house. There can be a perception of the magnitude obviously but there are constraints and regulations in place to limit size, height, etc. Chair Peters said you can tell from the tenor of the discussion that if a vote were to go forward tonight he suspect it would be to recommend against the subdivision. He said another alternative would be to take the commissioner statements into consideration, especially to present what is contemplated for proposed Lot 2. He stated that the petitioner has the opportunity to request the PCZBA continue the petition to a future date, to see whether or not there are any reasonable alternatives; or he could alternatively request a motion.

Mr. Helle thanked everyone for their comments and for the tenor of the conversation. He does not feel it makes sense for them to continue. He said he does understand the comments about the preference to have the second house designed; however, what he is hearing is that they could design the Taj Mahal at 100 sq. ft. but the precedent of creating a 5,000 sq. ft. lot is probably an overwhelming issue. At this point, he prefers the PCZBA vote on the proposal submitted. If denied, his plan is to tear down the existing house and work with the single lot. Chair Peters said he believe the commissioners understands that will probably be the alternative.

Mr. Helle again thanked the PCZBA for their time and consideration.

Chair Peters closed the public hearing

As there was no further discussion, Member Murray moved to recommend denial of the application. Member Danly seconded the motion. The motion passed on the following roll call vote:

Ayes: (7) Badger, Burns, Russell, Murray, Danly, Miller and Chair Peters
Nays: (0)
Absent: (0)

Mr. Helle thanked Staff for working with him on the proposal.

Staff Report

AVA Cole said a copy of the Village’s Strategic Plan was provided at the dais and commented on the documents. He also reported that information regarding a new institutional zoning ordinance was placed at the dais and asked the commissioners to review the documents and provide feedback.

Village Attorney Schuster commented on the major conceptual change to the RIO draft ordinance and commented on the two major changes regarding public engagement and parking regulations. A discussion followed and it was the consensus of the PCZBA to discuss the RIO ordinance draft in August.

AVA Cole reported on possible upcoming petitions for the August meeting.

7. Commissioner’s Report

Member Russell expressed his understanding that a tree survey is required for a subdivision but was not in the packet. AVA Cole thanked Member Russell, stating that there have been discussions regarding the need for more guidance to applicants for subdivision requirements.

8. Adjournment

As there was no further business to come before the PCZBA, Member Burns moved to adjourn the meeting. Member Miller seconded the motion. The meeting adjourned at 9:12 p.m.

Respectfully submitted,

Glen Cole
Assistant to the Village Administrator