

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

**MAY 15, 2019**

**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, May 15, 2019, at 7:00 p.m. in the Village Hall Board Room (40 E. Center Avenue).

The following members were present:

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

Also Present: Ben Schuster, Village Attorney (VA)  
Glen Cole, Assistant to the Village Administrator (AVA)  
John Scopelliti, 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 minutes.

There were no requests to address the PCZBA.

**3. Consideration of the April 17, 2019 PCZBA Regular Meeting Minutes**

Member Miller moved to approve the March 20, 2019 PCZBA Regular Meeting Minutes as amended. Member Murray seconded the motion. The motion passed on a unanimous voice vote.

**4. Chair Peters Administers, the Oath to Those Participating in Public Hearings**

**5. A Public Hearing for 910 Sherwood Drive (Quest Performance LLC)**

AVA Cole said Quest Performance Training LLC (Applicant) applied for a business occupancy certificate to operate in the multi-tenant building located at 910 Sherwood Terrace. Following an inspection by Staff, the applicant was advised that a special use permit (SUP) was required to conduct the business as it is a physical fitness facility over 500 sq. ft. in area. The Village previously authorized physical fitness facilities less than 500 sq. ft. to operate without zoning relief. Since that time the PCZBA has discussed various possible changes to the treatment of physical fitness and decided to treat small facilities (under 500 sq. ft.) as permitted uses while still requiring larger facilities to proceed through the SUP process.

In response to a comment from Member Miller, AVA Cole said there is approximately 1,300 sq. ft. of space available for use.

Chair Peters said for the record the PCZBA will adopt and incorporate by reference the standards for variations and SUP provided by the applicant. There were no objections from the PCZBA.

Chair Peters invited the applicant to the podium and in response to questions from Chair Peters, Marquone Edmonds said he would be the sole operator of the proposed personal training business which would consist of approximately 9 clients per day, appointment only, and operate Monday through Friday (5:00 a.m. to 6:00 p.m.) and Saturday (10:00 a.m. to 1:00 p.m.). Mr. Edmonds briefly elaborated on the type of services that would be provided.

Chair Peters opened the floor to questions from the commissioners.

Member Burns said this is a low impact business which he thinks will not impact parking. In response to questions from Member Burns, Mr. Edmonds said the only way he could have an employee is if he sublease the space and if permitted he would train individuals and groups.

Member Danly had no questions but stated SUPs have been granted to these types of facilities and she thinks the Village needs to provide businesses with a good starting point without incurring additional expenditures.

Member Miller said he considers this request a slam dunk. He questioned if the current regulations are too restrictive and if the SUP/Permitted Use process should be amended to include larger spaces and additional trainers as opposed to requiring small practices to incur cost to come before the PCZBA.

VA Schuster said there is nothing that precludes the PCZBA from discussing a text amendment but final action cannot be taken on the matter this evening. If the PCZBA desires to move forward proper procedures must be followed (notice, agenda, etc.) before the PCZBA can take official action.

Following a comment from Chair Peters, it was the consensus of the PCZBA to further discuss the matter after Agenda Item #8.

Member Murray said several variations have been granted for these type of businesses desired for the Waukegan Road Corridor and it seems the threshold may have been set too low, and the limitation may be nearing an unreasonable burden on new business creation.

Member Russell agreed with Member Murray and had no further comments.

As there were no public comment, Chair Peters closed the public hearing.

Member Burns made a motion to recommend to the Village Board to allow a physical fitness facility greater than 500 square feet to operate in the L-1 Light Industry District. Member Miller seconded the motion. The motion passed on the following roll call vote:

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

Member Russell informed the applicant that he was not required to stay until the end of the meeting.

**6. A Public Hearing for 407 East Prospect Avenue**

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

AVA Cole commented on the materials provided at the dais regarding the petition which included concerns expressed from Stephanie Bjork, who lives near the property, regarding the survey and a letter of support from a neighboring property owner. AVA Cole said the applicants are requesting a zoning variation to construct an unenclosed front porch that would protrude approximately 9 ft. into the front yard setback then he commented on the drawings provided. The property previously received a floor area ratio (FAR) variation in the 1990s to construct a 90 sq. ft. addition behind the garage and noted the survey provided was drawn prior to this addition. As of to date the structure currently exceeds bulk regulations. AVA Cole said the PCZBA may consider to proceed with the front yard setback variation because certain size porches are exempt from FAR regulations. The porch as drawn would extend approximately 1.5 ft. beyond the line of the columns supporting the roof and the Code does not exclude that area from FAR.

Chair Peters announced that Scout Burns is in attendance at tonight's meeting as part of his civic merit badge. AVA Cole announced that Scout Burns has engaged in his Eagle Scout project at the Community Church.

Following a request from Chair Peters, Scott Streightiff, architect for the petitioner, said the primary intent of the petition is to request a zoning variance to the existing front yard setback line to allow for an open porch addition to the existing residence located at 407 East Prospect Avenue. The existing front yard setback line is 20 ft. and the petitioner is requesting relief of 7 ft. to allow for the single-story open porch. The proposed project as it pertains to the porch shall conform to all other zoning/building scale and FAR ordinance set forth by the Village. Mr. Streightiff began his presentation by showing various street scape photographs of the surrounding area.

Mr. Streightiff commented on existing porch configurations for the surrounding homes. In response to a question from Member Murray, Mr. Streightiff said he does not have the specific setback dimensions or know if a variation was required for the surrounding porches. Member Russell stated that 617 East Prospect Avenue was granted a 7 ft. 3 in. variation in 2013 for a covered front porch similar to this request.

Mr. Streightiff said the house was built in 1929 and showed photographs of the existing home. Currently there are areas around the entry where snow and ice accumulates, and faulty downspouts creates safety issues, and the proposed plan will help alleviate some of these concerns. He showed drawings of the proposed porch elevations which will extend approximately 7.5 ft. beyond the façade of the house but just under 7 ft. beyond the front yard setback line.

Mr. Streightiff said the owners have addressed the following standards for variations put forth by the Village of Lake Bluff as followed:

- Practical Difficult or Hardship – In this case, strict application of the zoning code would result in a negative impact to the residents along Prospect. Granting the open porch will soften this elevation, provide more consistency with the neighboring properties and mitigate the appearance of mass with a pedestrian friendly, one story eave line;
- Unique Physical Condition – This is a unique physical condition given that the property lines for homes along this section of Prospect Avenue are positioned in the center of the front yard, rather than more characteristically at the sidewalk. This is due to the fact that the ROW width

dimension along Prospect is significantly wider than other streets in Lake Bluff at 100 ft. There are only a few streets that have this extra wide ROW width including Center Avenue. If the variation were granted, the front porch would still be 33.4 ft. off the pedestrian sidewalk and approximately 53 ft. off the street;

- Special Privilege – This request will not offer the owners a special privilege that other like property owners do not enjoy. There have been several variations granted along Prospect Avenue to allow for this type of open porch. This is an enhancement that is normally looked favorably upon in Lake Bluff as it creates a characteristic that is consistent with the historic fabric of our community. The Owners are not requesting expansion of any internal living space on their home, but rather a space to welcome guests and passersby. The covered roof also provides an element of safety for snow, ice and inclement weather;
- Code Purposes – This request will not adversely impact the surrounding properties. The purpose of the request will enhance the neighborhood character and increase property values; and
- Public Health and Safety – This request will not impair the public health, safety and welfare of the surrounding neighborhood but will provide an element of safety for the property owners. The proposed design will not adversely impact the neighborhood character. The proposed design exemplifies an understated historic character and uses high quality traditional materials and details.

Mr. Streightiff said the owners have reviewed the petition with the surrounding neighbors and have their support for the proposed improvements.

Chair Peters opened the floor for public comments, as there were no comments, he asked for comments from the commissioners.

Member Russell had no questions. He said the original 1928 vacation document and ordinance vacating this property actually had an extra clarifying sentence which stated “the intent of this ordinance being to have the said 20 ft. strip of land become a part of the adjoining lots and the block described in Section 1 hereof.” To him there is no question that the 20 ft. strip along Prospect Avenue has been considered as part of the Lots since the time of vacation in 1928 and for that reason he intends to vote in favor of the request.

In response to a question from Member Miller, Member Russell said a neighbor had conjectured that there was some restriction on the 20 ft. strip and the variance should not be allowed. Apparently the neighbor did not realize their covered front porch is located within the same 20 ft. strip. He provided additional information regarding the previous variation for 617 East Prospect Avenue. Member Russell commented on the configuration for this particular block noting that, except for the Applicant, that all of the homes extend into the 20 ft. strip. He commented on the lot configuration noting it is located on one of the only 100 ft. right of ways in the Village and it is for these reasons he intends to vote in favor of the request.

Member Murray said it seems there is plenty of precedent for granting this exception and he thinks the most overwhelming is that every other interior home on the block already protrudes into the 20 ft. setback. The variation would provide the applicant the same opportunity to improve the edifice of the home, which have been granted overtime to surrounding property owners. The request seems consistent with purpose and is keeping with precedent; therefore, he does not see a reason to object, provided there is additional conversation regarding potential conditions, by which he reserve the right to comment on.

Following a request from Chair Peters, AVA Cole commented on the technical conditions associated with the request. The structure exceeds FAR but this was not noticed at the time of the application and cannot be granted this evening. The porch amount is the maximum that can be excluded and the extra 18 inches can be excluded entirely, or narrowed to a step which would not count toward FAR.

Following the explanation, Member Murray said he would be inclined to support the request with the recommendation of a 5.5 ft. step.

Member Miller agreed with the commissioners and had no further questions.

Member Danly commented on the type of conversations needed regarding how to incorporate the desired aspects of charm, character and porches into the community. She currently resides on Prospect Avenue and her home is surrounded by two homes, shown in the presentation, and she has no hardship looking out and seeing gathering on an open porch. Member Danly said she thinks the bridle path creates a hardship for those living on Prospect Avenue by not allowing desired amenities which will add character to the community. She said there needs to be further discussion regarding front porches because we want to encourage homes to take this type of action, especially older homes, as character and charm are desired attributes.

Member Burns agreed with the commissioners. He said he thinks the request meets the standards of variation particularly in the right of way and will be a nice addition. The PCZBA should consider how to make it easier for individuals to make positive improvements to their homes/neighborhood, especially in cases such as this which seems to create a hardship for the entire neighborhood.

In response to comments from Chair Peters, Mr. Streightiff said the porch design consists of a simple square column, a square tabature with a standing seam roof, and approximately 8x8 square columns extending downward into a composite deck. In addition, he said that he does not have a problem limiting the step to 5.5 ft.

In response to a question from Chair Peters, an individual in the audience said there are no plans to build out the porch for personal use it will remain open.

Member Burns made a motion to recommend to the Village Board to approve a variance to construct an unenclosed front porch within the front yard setback with the condition that the step be 5.5 ft. Member Danly seconded the motion. The motion passed on the following roll call vote:

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

**7. A Public Hearing for 224 East Center Avenue**

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

AVA Cole said currently the house has two decks along the eastern and south edges. The applicant desires to remove and replace the existing decks with blue stone patio pavers, construct an addition, and relocate an air conditioner condenser. He said the blue stone pavers can be done as of right but the addition requires a FAR variation and the air conditioner condenser requires a side yard setback variation.

In response to a previously submitted question from Member Miller regarding stormwater, AVA Cole said there were no stormwater issues included in the initial Staff review. Also, the Village is currently in the final steps of a stormwater study that is looking at possible stormwater improvements throughout the entire Village. Essentially there is some concern about the bluestone paver patio impeding overland flow but Staff thinks this could be addressed through the normal construction process. There is no concern that the addition would necessarily impede any drainage or cause any further drainage issues. AVA Cole said the architect submitted a plot plan that Staff believes show the building as it exists today. The survey was dated back in the 1990s and the decks were put on since that time, they're proposed for removal as part of this work, and Staff thinks the plot plan is a relatively accurate depiction.

In response to a question from Member Miller, AVA Cole said an underground retention tank is not required as this is not a major renovation.

Chair Peters invited the petitioner to the podium.

Harry Nicol, property owner, introduced his wife (Lois) and architect working on the project. Mr. Nicol said since moving into the home in 2013 they have become aware of a few concerns regarding the kitchen design and storage. He reviewed the current kitchen configuration and said the proposed improvements will enlarge the kitchen area to make it more functional. He reviewed the storage issues and said the plan is to demolish the existing shed and build a storage area between the new addition and the existing garage area. He commented on the variations needed for the addition and relocation of the air conditioner condenser which will be relocated to the other side of the home behind a fence separating the front and rear yards. He also noted the neighboring property has a high fence and the air conditioning unit would not be visible.

Following a request from Chair Peters, Mr. Nicol addressed the following standards for variations put forth by the Village of Lake Bluff as followed:

- Practical Difficult or Hardship – The kitchen gets very congested and difficult to traverse when there are numerous people in the home;
- Special Privilege – Because of the current structure of our home the flow of traffic through our home from one area to another is greatly impeded and sometimes completely blocked due to the size and layout of the kitchen;
- Code Purpose – Since we are tucking the kitchen and storage shed addition behind the current garage, it will not be visible from the street. The air conditioning unit will be approximately 4 ft. from the property line rather than 5 ft. and behind a solid fence not visible to the street; and
- Public Health and Safety – He does not believe this very modest one story addition will impact the supply of light and air to adjacent properties, nor will it affect any of the other concerns raised.

Mr. Nicol said the neighbor to the west submitted a letter stating they did not have any problems with the proposal.

Chair Peters opened the floor for comments from the commissioners.

In response to questions from Member Russell, Mr. Nicol said the neighbor to the east was not available for discussion and that the plan is to remove the existing shed.

Member Russell inquired of the size of the patio in comparison to the footprint of the existing deck. Mrs. Nicol said the patio will be smaller than the combined footprint of the existing shed and deck area.

Member Russell out of curiosity, questioned the overall intention of the final plan. Mrs. Nicol said their not looking to pave the entire backyard because they like green space.

Member Russell said he was pondering placement of the air conditioner closer to the property line than what is allowed, because that is the only open side yard area for the neighbors. He asked if they would be willing to commit to adding some vegetation along that portion of the property line, near the air conditioner, to lower the decibel level.

Member Murray said he thinks it is great and that there have been conversation with the neighbors regarding relocation of the air conditioner and noise abatement. He expressed his understanding that the PCZBA is not approving or recommending approval for the actual patio and expressed his concern regarding stormwater abatement. AVA Cole commented on the Consultants review regard the overland flow path amongst this block of properties and said he thinks that removing the shed from that path could help.

Mrs. Nicol said she recently learned of the stormwater flow path. A discussion followed.

Member Miller commended the applicant on their plans and as flooding does not appear to be an issue, he had no further comments.

Member Danly asked if another location was considered for the air conditioner. She thinks this is a great addition, and that the letter from the neighbor is reassuring as well as the proposed vegetation to buffer the noise.

Member Burns said he agrees with the commissioner's comments. He is slightly challenged with meeting the standards for variation, particularly the practical difficult or hardship, or unique physical condition. The request could be considered a special privilege and provide an opportunity for other applicants inconvenienced with the design of their home to apply for a variation. He commented on how the age of the house could be used to rationalize the request. Member Burns said he thinks the PCZBA should discuss how the historical significance of a house could potentially play into the definition of the standards to the extent legally possible. In this particular case he sees this as a hardship and the addition will improve the house without creating excessive bulk. He thinks this is a good addition but he is not necessarily satisfied with the text, but he can rationalize how the request meets the standards of variation.

In response to a question from Chair Peters, VA Schuster said the PCZBA may discuss amending the standards at a later date. In terms of this particular application, he thinks the code purpose and some of the other provisions contemplates some of these factors. The PCZBA may be able to work it in then and Staff will present a more comprehensive analysis to pursue a greater conversation moving forward.

In response to a comment from Chair Peters, Mrs. Nicol confirmed that the enclosed storage area will not be winterized and only accessible from an exterior door located on the east side of the storage room. She also stated there are no plans to build a livable year round storage space.

Chair Peters commented on how he normally approaches this type of request. He thinks from a positive perspective that it is good the applicant does not contemplate ever using the storage area as traditional living space, the deck will be removed, and the proposed addition will be tucked behind the garage. Chair Peters questioned if this is a special privilege but he is not sure if it warrants any further discussion. He expressed his concern because theoretically, if the petition is granted, the structure will exceed the maximum allowable bulk.

Member Miller said prior to approval he would prefer the applicant have a discussion with the neighbor to the east. A discussion followed.

VA Schuster said an objection from a neighboring property owners would not be a reason to deny the request. He said the PCZBA as a recommendation body, can recommend, “that all efforts be made to seek input from the neighbor prior to the Village Board meeting” this will allow the request to proceed and give the Village Board any opportunity to consider any feedback received.

Chair Peters reviewed the condition suggested by the commissioners which included planting foliage/vegetation to buffer the neighbor to the west and that the storage space be prevented from being winterized or used as habitable living space.

Member Miller made a motion to recommend the Village Board approve the expansion of the kitchen area subject to the following conditions: (i) access to the storage facility will only be from the outside and the space will not be habitable, and (ii) prior to consideration by the Village Board that reasonable effort should be made to contact the neighbors to the east. Member Murray seconded the motion. Following a brief discussion the motion passed on the following roll call vote:

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

Member Murray made a motion to recommend the Village Board approve the variation for the air conditioning unit subject to the use of foliage to provide further noise abatement to the neighbor to the east. Member Danly seconded the motion. The motion passed on the following roll call vote:

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

Following a question from Mr. Nicol, VA Schuster explained the manner in which neighboring comments could be submitted.

**8. A Public Hearing for 101 Waukegan Road**

Following a request from Chair Peters, AVA Cole said the owner of 101 Waukegan Road filed a petition seeking zoning relief for variations to: (i) construct new parking stalls closer than permitted to the front lot line, and (ii) relocate a smoking shelter both within the side yard and within the yard provided along a public highway. Following their appearance before the Architectural Board of Review, which requested some substantial amendments, the applicant has opted to make additional plan revisions to meet their request. To avoid re-noticing the public hearing Staff is requesting that the public hearing be continued to the PCZBA next regular meeting on June 19, 2019.

Member Murray made a motion to continue the public hearing to the June 19, 2019 PCZBA meeting. Member Burns seconded the motion. The motion passed on a unanimous voice vote.

**9. Staff Report**

AVA Cole reported on the ongoing process regarding the Sustainability Plan and noted it will be provided at a later date.

Chair Peters recommended discussing the criteria for fitness facilities in the L-1 District. Following an extensive discussion, it was the consensus of the PCZBA to direct Staff to provide information regarding density, use, etc. for consideration at a future meeting.

**10. Commissioner's Report**

AVA Cole said there are no updates on the Stonebridge or Block Three developments.

**11. Adjournment**

As there was no further business to come before the PCZBA, Member Miller moved to adjourn the meeting. Member Murray seconded the motion. The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Glen Cole  
Assistant to the Village Administrator