

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

AUGUST 19, 2020

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, August 19, 2020, at 7:00 p.m. in the Virtual Meeting.

The following members were present:

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

Absent: James Murray

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

Chair Peters read aloud a statement determining that in-person meetings of the Joint Plan Commission and Zoning Board of Appeals are not practical nor prudent at this time and until further notice due to the COVID-19 pandemic and pursuant to Public Act 101-0640.

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 July 15, 2020 PCZBA Regular Meeting Minutes

Member Burns moved to adopt the July 15, 2020 PCZBA Regular Meeting Minutes as amended. Member Miller seconded the motion. The motion passed on a unanimous voice vote.

4. A Public Hearing Regarding 541 E. Prospect Ave. and Subterranean Garages

AI Leno introduced the agenda item and presented a PowerPoint of the proposal as the homeowner of 541 E. Prospect Avenue is requesting a special use permit to construct a subterranean garage. While there are few subterranean garages in the village, they have been constructed before the adoption of the Village's rules specific to subterranean garages from January 2005. According to the Village's Municipal Code, subterranean garages are subject to the following restrictions:

- Garage doors cannot be visible from the front or corner side lot line.
- No portion of the driveway entrance can be located within five feet (5') of any side or rear lot line.
- Stormwater shall discharge directly into a public storm sewer system.
- A subterranean garage may be subject to such additional regulations that are deemed necessary.

Based on the Village Engineer's review, Staff recommends that the conditions of any approval require that the Applicant:

- Modify the public sidewalk to be at a no greater than 4% slope adjacent to the subterranean garage driveway.
- Pitch the public sidewalk with a 2% cross slope so that it can drain onto the street.
- Regard the parkway to be in the vicinity of the improvements in order to provide positive drainage from the sidewalk to the street.

While the application does comply with Sections 2 and 3 of the Municipal Code, it does not comply with Section 1. To proceed with this proposal, the applicant would need either a variation for hardship or a text amendment. Village Staff has provided three possible actions:

- **Regulate subterranean garages as a permitted use:** Village Staff has reviewed other North Shore communities' regulations on subterranean garages and found that they do not consider subterranean garages as special uses. Since the special use application presents costs and uncertainties to the homeowner, Commissioners may consider allowing subterranean garages to be permitted uses and subject to certain additional conditions.
- **Modify or eliminate Section 1 on the visibility of the garage door:** As Village Staff has reviewed North Shore communities' procedures on subterranean garages, none of them require garage doors to be unseen from the front or corner lot line. This requirement and setback limitation on driveways may make it difficult to build subterranean garages. The Village's existing rule on accessory restrictions and structures restricts the total width of all vehicular doors along the front of a lot. Commissioners may consider to eliminate this section in its entirety or if subterranean garages remain a special use, modify Section 1 to be a guideline rather than an absolute requirement.
- **Prohibit the construction of subterranean garages entirely:** This, however, does not prevent the PCZBA from granting the present application if their standards are met.

Ronald McCormack presented the application and informed the Commissioners that Jamie Sickles ("Petitioner") is requesting this proposal to gain a bigger house, utilize the garage, and resolve drainage issues she has on the property. Ronald McCormack also introduced Mike Bleck, the engineer on this project responsible for the grading, drainage, and sidewalk slopes.

In response to a question from Member Russell, Mr. McCormack said that railings are planned along the retaining wall, but have not been added to the site plan yet. Mr. McCormack and Mr. Bleck will add that to the rendering and site plan so that it complies with code.

In response to a question from Chair Peters, Mr. McCormack said Ms. Sickles was not able to contact the neighbor to the west on this proposal. The neighbor to the east is in favor of the petition.

Member Danly encouraged the proposal as she appreciated hiding the cars and garage from the entrance of the house, but pointed out that the church to the west may have water runoff.

Mr. Bleck said drainage for this garage is a concern. Sidewalk elevation is raised half a foot so that it will not go into the garage. There is a trench drain in the garage that will need to be managed. He recommended a duplex pump station and a secondary power source in case the generator were to turn off.

In response to a question from Member Russell, Mr. Bleck said the backyard will be drained by gravity.

In response to a question from Chair Peters, Mr. McCormack said that the proposed use will not have an adverse effect on the adjacent property because a good drainage system in the backyard and use of the city storm sewer will be installed. He said from a physical standpoint, he believes it is aesthetically pleasing and will blend into the neighborhood nicely.

Member Russell said he opposes the proposal because he does not find it aesthetically pleasing. He said the driveway will retain water and he sees it problematic from a drainage standpoint due to pump failures and power outages that Lake Bluff and neighboring communities experience. Member Russell referred to subterranean garages as an “attractive nuisance” as the railing on the retention wall may pose as a safety hazard for young children. He recommended the generator to be moved to the backyard as it is noisy and measures can be taken for sound proofing around it. As the Village Engineer pointed out, the sidewalk will need to be lowered from the west and will require regrading from the sidewalk to the front yard. Member Russell requested a condition that when construction starts, the contractor is required to immediately restore the property after lowering the sidewalk to the west of the property. Member Russell is against eliminating subterranean garages as a special use.

Member Miller said Member Russell makes valid points and thinks it is the homeowner’s responsibility to do whatever they want to their home despite the expenses and potential harm. Member Miller said Member Russell’s conditions should be met and the property owners on the west side should acknowledge that this will be a burden on their property. Member Miller said he will vote to approve, but he is not in favor of changing this from a special use.

Member Danly said she is cautious about the water issue that is already present in the community.

Member Burns said this proposal is a zoning issue in regards to the look, feel, and bulk element and engineering and building code issues. If subterranean garages were a permitted use, he hopes that a level of rigor of engineering and code review will take place. The water issues should also be adequately addressed. If done correctly, this proposal should pose no harm to the neighbors. He pointed out that the minutes from January 2005 did not mention additional zoning and engineering considerations that should be made. He believes it should be a permitted use given that this is not something that residents will frequently request.

Member Rider said she is concerned about not hearing from other neighbors. Given that there is an alternative to build in the backyard, she is inclined to vote against it.

Member Miller asked what the hardship is from the homeowner’s point of view on why this should be approved as it is a criteria for zoning change.

Mr. McCormack said the Petitioner does not have the floor area ratio to build on the backyard and it will require a variance. The solution is to add the space that she wanted inside.

VA Schuster said a special use cannot be granted as it is not code compliant because of Section 1 which requires the garage door to be unseen from the front and corner side lot line. The PCZBA can amend this Village code.

AVA Cole said that with a text amendment, the petitioner will have the right to build the subterranean garage as the language is changed. He also clarified that the petitioner is not asserting a hardship here and would not need to as the relief has been presented, but would need to if a FAR variation was sought.

Chair Peters’ concerns are the aesthetics and drainage and is against voting for this structure.

AVA Cole acknowledged a public comment from Elizabeth Jensen, a homeowner living within 300 feet of the proposed use. Ms. Jensen would like subterranean garage to be a prohibited use. She shared the same concerns with drainage.

Member Burns said he cannot envision any hardship to expand the house into the backyard as an alternative to the present application for a special use permit. Since the house has a certain FAR, he would not be in favor to approve an addition on the backyard as well.

AVA Cole restated the options for the PCZBA which are to deny the special use permit or approve the special use permit with additional conditions.

VA Schuster said that a text amendment could also be a part of a motion.

Member Miller made a motion to recommend the Village Board grant a special use permit for the subterranean garage as a special use with conditions recommended by Staff as well as those suggested by Member Russell, specifically that the generator be moved to the backyard and that there be a time limit on construction restoration following the regrading of sidewalk. Member Burns seconded Member Millers’ motion. The motion failed on the following roll call vote:

Ayes: (3) Danly, Miller, Burns
Nays: (3) Russell, Rider, Peters

Member Russell made a motion to not recommend the denial of subterranean garages as a special use. Chair Peters seconded the motion. The motion failed on the following roll call vote:

Ayes: (2) Russell, Peters
Nays: (4) Rider, Burns, Danly, Miller

Member Rider said she changed her vote because there is not sufficient information as they have not heard from the neighbors. She said subterranean garages should remain a special use. She

would like further information on how adjacent neighbors will be affected by the flooding on Prospect Avenue.

Member Danly said she is a neighbor and said Commissioners need to manage these problems.

Member Russell said that this project does not impact neighborhood drainage; will not change the problem of exiting flooding. The only potential flood hazard is to the homeowner themselves.

Member Rider said the issues are now aesthetic ones, which do not concern her as much as water issues do.

Member Rider made a motion identical to the first motion made to recommend the Village Board approve the special use permit subject to certain conditions. The motion passed on the following roll call vote:

Ayes: (4) Danly, Burns, Miller, Rider
Nays: (2) Russell, Peters

AVA Cole said Staff will bring these recommendations to the Village Board on Monday, August 24, as an ordinance.

In response to a question from VA Schuster, AVA Cole stated that a text amendment is still needed and, based on the PCZBA's conversation, he suggests the motion be to change the text of the code such that the doors of a subterranean garage "should" not be visible from the front and corner side yard lot, which would be more permissive than the current "shall" requirement.

Member Miller stated he would like to remove Section 1 from the special use permit requirement entirely. Member Burns and Member Russell concurred with Member Miller.

Member Miller made motion to recommend to remove Section 1 from the applicable section of the Zoning Regulations. Member Burns seconded the motion. The motion passed on the following roll call vote:

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

5. Workshop Regarding Accessory Dwelling Units

AVA Cole introduced the agenda item and stated that it is a continuation from discussion during the July PCZBA meeting on accessory dwelling units ("ADUs"). He said ADUs can introduce alternative housing units which will address the Village's goal to include alternative housing choices from the 1997 Comprehensive Plan. ADUs will allow for creative policies that will meet the needs of more housing options on single-family lots. This workshop is intended to provide planning and policy perspectives on supporting existing homes, neighborhoods, and family members due to economic situations. AVA Cole explained the criteria of ADUs.

Member Russell asked that rather than going through the regulations, the PCZBA could instead reach a consensus on working through each regulation.

AVA Cole introduced the “Purpose” section of the Provisions to which the Commissioners had no additional comments.

Member Burns said that he likes how there are only two bedrooms included in the definition of an ADU.

Member Russell said he is in favor of the “Number” section of the Provisions. Chair Peters added that this is assuming that the FAR is not exceeded.

Member Burns said the “Establishment Without Principal Use” Provision creates a lot of complexity. He said that this could be amended to not exist without a permitted use.

Member Russell said he is not in favor of allowing ADUs in absence of principal building.

Member Miller asked about a case scenario if a variance or special use permit is required on a lot with an ADU and if the owner is committed to building a principal use. AVA Cole suggested that as an alternative, “Establishment Without Principal Use” can be struck and the principal structure can be demolished and the owner has 12 months to build the next principal structure.

Member Burns asked if an owner can use an ADU without a principal structure on the lot for up to 12 months.

VA Schuster said if a principal structure is torn down, the ADU will then become the principal structure.

Member Russell asked if the language can clarify that the accessory structure will still be considered the accessory structure when the principal structure is demolished. VA Schuster said that the ADU can be designated as an accessory structure as long as a principal structure is built within 12 months.

AVA Cole said the minimum size requirement is 220 square feet. The maximum size requirement could be either 40% to 50% of the gross floor area of the principal residence, which would limit houses that are 2,500 square feet. A maximum size requirement may be 1,000 square feet. The garage area does not count for the ADU and special calculation such as high ceiling or basements will not contribute to the maximum gross floor area.

In response to a question from Member Miller, AVA Cole said the ADU will contribute to the FAR on a lot size with two exceptions. The Village’s FAR code allows for exemptions on the rear of lots and an ADU can include a basement space without contributing to the livable area.

Member Russell said a larger size should be included for ADUs in the C-E, E-1, and E-2 districts. Chair Peters suggested a maximum of 1,500 square feet ADUs in the C-E, E-1, and E-2 districts for the purpose of the draft.

Chair Peters asked the PCZBA if they think there will be a considerable number of ADUs being added to the Village. A discussion followed.

Member Russell said he opposes the use of the term “mean height” as it would have a large impact on a neighbor’s yard. He believes the height requirement should be a concrete number of 23 or 24. Member Rider suggested having a mean height of 20 square feet and the ridge being no higher than 24 square feet. AVA Cole responded that a set height requirement will be looked into.

Member Burns said if the PCZBA were to allow someone to rent an ADU, the PCZBA should consider allowing property owners to rent to individuals outside of the family and for a rental period to be six month to a year. Member Russell and Member Miller agreed with Member Burns. Chair Peters said he would prefer rentals to be towards family members only. Member Rider is not in favor of expanding the definition of what a renter can be from 30 days to minimum of 6 months. VA Schuster responded that if there is change from 30 days to 6 months, the ordinance should distinguish the type of renter.

Chair Peters said he is reluctant for ADUs to be a permitted use in a higher density district. Comfortable with them in the estate district. Member Russell said ADUs should be a permitted use. Member Rider supported a permitted use and thinks it is important that ADUs to be vigilant on impervious surfaces. Member Burns said ADUs should be a permitted use because it is a high priority for the Village. Member Danly is in favor of making it a permitted use because of the cost and hurdles of special uses. It will also help move to the Village’s long term plan.

Member Russell said parking should be provided and that it should be clear that the Village will not entertain variations to provide parking.

AVA Cole said that a revised ordinance will be presented at the next ADU workshop.

6. Staff Report

There was no staff report.

7. Commissioner’s Report

There was no commissioner’s report.

8. Adjournment

As there was no further business to come before the PCZBA, Member Miller moved to adjourn the meeting. Member Rider seconded the motion. The meeting adjourned at 9:53 p.m.

Respectfully submitted,

Glen Cole
Assistant to the Village Administrator