

Zoning Board of Appeals
Proceedings of the August 27, 2018 Meeting

A regular meeting of the Lake Forest Zoning Board of Appeals was held on Monday, August 27, 2018 at 6:30 p.m., in the Council Chambers at City Hall, 220 E. Deerpath, Lake Forest, Illinois.

Zoning Board of Appeals members present: Chairman Mark Pasquesi and Board members Michael Sieman, Richard Plonsker, Nancy Novit, Kevin Lewis and Lisa Nehring

Zoning Board of Appeals members absent: None (one vacant)

Staff present: Michelle Friedrich, Planning Technician and Catherine Czerniak, Director of Community Development

1. Introduction of Board members and staff, overview of meeting procedures.

Chairman Pasquesi reviewed the role of the Zoning Board of Appeals and asked members of the Board and staff to introduce themselves.

2. Consideration of the minutes from the May 29, 2018 and July 23, 2018 meeting.

The minutes of the May 29, 2018 and July 23, 2018 meetings were approved as submitted.

3. Consideration of a request for approval of side and rear yard accessory structure setback variances for a detached garage at 370 Ahwahnee Lane

Owner: Alexandria Skopis

Representative: Thomas Raines, attorney (nephew of property owner)

Chairman Pasquesi introduced the agenda item and asked the Board for any Ex Parte contacts or conflicts of interest. Hearing none, he invited a presentation from the petitioner and swore in all those intending to speak.

Mr. Raines described the property and noted that the property owner recently purchased the house. He noted that the property is improved with a brick and frame home and does not have a garage. He noted the goal in seeking the variance is to build a detached, one car garage in the northwest corner of the property. He noted that it is the first residential lot, on Ahwahnee Lane, south of Deerpath. He noted that the property is adjacent to IDOT property to the north, and to the west, a bike path. He noted the only residential property immediately adjacent to the subject property is to the south, furthest from the proposed detached garage. He noted that the request for the variance is to allow a detached garage 5 feet from the west (rear) property

line and 5 feet from the north (side) property line. He noted that the property is zoned R-4, with a minimum lot size of 60,000 square feet but this lot is only about 7,500 square feet. He noted the hardship in conforming to the setbacks is due to the creation of the lot prior to the current zoning regulations. He noted that the proposed garage will help buffer the house from Route 41.

Ms. Friedrich noted that the subdivision that created this lot was approved in 1924. She noted that the property is bordered to the west by ComEd property which is improved with a bike path, and to the north, property owned by IDOT which is planned for development with a pump station in the future. She noted that the house was constructed in 1958, without a garage. She stated that the property owner recently bought the property and is requesting a modest, single car garage. She noted that this property does not meet the minimum lot width or lot size requirements for the applicable zoning district creating difficulty in finding an appropriate place to construct a detached garage that meets the setback requirements for accessory structures. She noted that it seemed appropriate to locate the detached garage in the northwest corner, closest to the ComEd and IDOT properties. She noted that the proposed location makes use of the existing driveway, with an extension to the rear, to access the new garage.

In response to questions from Board member Plonsker, Mr. Raines noted that there is a fence along the north and west property lines separating the property from the public bike path. He stated that the garage will not be visible from the bike path.

In response to questions from Board member Plonsker, Ms. Czerniak explained that IDOT owns the property to the north, on which part of the bike path is located, and plans to build a pump station in the northwest corner of the property, away from the adjacent residential property. She noted that the pump station will be partially above ground and partially below ground. She confirmed that the pump station is intended to address the flooding that occurs under the viaduct during heavy storms.

In response to questions from Board member Nehring, Ms. Friedrich clarified that a one car garage is proposed with minimal additional storage space. She stated that the garage is intended to be large enough to allow for the car doors to be opened.

In response to questions from Board member Nehring, Mr. Raines stated some minimal tree removal, of insignificant trees, may be necessary during the construction.

Hearing no further questions from the Board, Chairman Pasquesi invited public testimony. Hearing none, he returned the discussion to the Board.

Board member Novit stated support for the variance and commended the plan noting that a five foot variance is warranted in this situation, given there are no residential neighbors adjacent to the proposed garage.

Board member Sieman concurred with Board member Novit and added that application of the zoning setbacks for the R-4 zoning district does not seem reasonable.

Board members Nehring and Plonsker agreed with the comments of the other Board members.

Chairman Pasquesi stated his agreement as well and, hearing no further comments from the Board, invited a motion.

Board member Sieman made a motion to recommend approval of variances from the rear and side yard setbacks for accessory structures to allow a detached garage to be constructed no closer than 5 feet from the side (north) and rear (west) yard property lines, as shown on the site plan presented to the Board. He stated that the motion is based on the findings detailed in the staff report and noted that the Boars' discussion is also incorporated into the findings.

The motion was seconded by Board member Plonsker and was approved by a vote of 6 to 0.

4. Consideration of a request for approval of a front, corner side and rear yard setback variances for a new duplex on southeast corner of Scott Street and McKinley Road

Owner: Weidenhamer Family Trust, Joseph Weidenhamer, trustee

Chairman Pasquesi introduced the agenda item and asked the Board for any Ex Parte contacts or conflicts of interest. Hearing none, he invited a presentation from the petitioner and swore in all those intending to speak.

Ms. Czerniak noted that because of the uniqueness of the project, it has been through a number of public hearings to date. She stated that the Plan Commission preliminarily considered a subdivision of the property to allow each duplex unit to be sold individually. She stated that the Commission approved the tentative plat of subdivision including the siting of the duplex structure and special setbacks as proposed. She noted that the final plat cannot be approved until the duplex is constructed because the shared property line will be the demising wall between the two units. She stated that the project was also before the Building Review Board and received approval. She stated that this petition is before the Zoning Board of Appeals because from a technical perspective, because the plat of subdivision is not approved, zoning variances from the north (front), corner side (west) and south (rear)

property lines are required in order to issue a building permit. She noted that one unit will face Scott Street and the other will face McKinley Road to provide a transition between the higher density McKinley Road streetscape and Scott Street. She noted the rear yard setback is 35 feet and at the closest point the structure is proposed at 16 feet. She noted that the front yard setback is 40 feet, along Scott Street, and the residence is proposed at 25 feet from the property line and the garage is 16 feet from the property line. She noted that the setback for the corner side yard, along McKinley Road, is 12 feet and at the closest point, the southwest corner of the proposed duplex is 10 ½ feet from the property line. She reiterated that the plan has received the support of the Plan Commission and Building Review Board to date. She noted that the proposed redevelopment of the site is consistent with redevelopment patterns occurring along McKinley Road.

In response to questions from Board member Nehring, Ms. Czerniak noted that a condition pertaining to landscaping is proposed directing particular attention to landscaping of the streetscapes.

In response to questions from Board member Novit, Ms. Czerniak confirmed that the building design was approved by the Building Review Board.

In response to questions from Board member Lewis, Ms. Czerniak reviewed the proposed setbacks of the new structure in relation to the required setbacks. She noted that all of the properties along McKinley Road were truncated at some time in the past when McKinley Road was shifted east, away from the railroad tracks. In response to questions from Board member Sieman, Ms. Czerniak noted that this project would have not come before the Zoning Board of Appeals if the plat of subdivision, with special setbacks, could be finalized by the Plan Commission prior to construction of the duplex. She confirmed that the overall development pattern and setbacks along Scott Street were considered by the Plan Commission.

In response to questions from Board member Lewis, Ms. Czerniak confirmed that the Plan Commission considered the pattern of setbacks along Scott Street and along McKinley Road. She noted that the Commission acknowledged that the McKinley Road streetscape is undergoing somewhat of a transition and determined that the proposed development is consistent with that transition.

Hearing no further questions from the Board, Chairman Pasquesi invited public testimony. Hearing none, he returned the discussion to the Board.

Board member Novit noted that the building appears to be large and tall for the site, but acknowledged that the Building Review Board reviewed the design aspects of the building. She stated that the proposed setback along McKinley Road appears reasonable and consistent with the pattern of setbacks along the street. She commented that the proposed setback along Scott Street also appears to be fairly

consistent with the existing homes. She noted the massing of the proposed structure is troubling but acknowledged that is not the Board's purview.

Board member Lewis stated support for the setback variances as requested along the McKinley Road property line and the south property line. He stated however that there is more to consider with respect to the proposed setback along Scott Street. He noted that further to the east, on Scott Street, the homes are setback further which requires this request to be considered carefully.

Board member Novit noted that the property was not staked commenting that would have been helpful in visualizing the encroachment in relation to the other homes along the south side of Scott Street.

In response to questions from Board member Novit, Ms. Czerniak reviewed that the unit that will face Scott Street is 25 feet from the property line and the garage is 16 feet from north property line. She noted the variety in setbacks along Scott Street pointing out a home located 22 feet from the front property line and another located 10 feet from the front property line. She noted that the home that was previously located on the property until recently was sited very close to the corner of Scott Street and McKinley Road. She confirmed that the development at Wisconsin Avenue and McKinley Road was reviewed and approved by the Plan Commission.

In response to questions from Board member Novit, Ms. Czerniak agreed that the property to the east, 293-297 Scott Street, will likely be redeveloped in the future and to conform to the pattern of setbacks along the street, a variance may be requested.

In response to questions from Board member Lewis, Ms. Czerniak noted that the proposed garage, at 16 feet from the Scott Street property line, is not the closest structure to the property line, along Scott Street. She reviewed that there is a range of setbacks along Scott Street, with some homes sited closer than the currently proposed duplex.

Chairman Pasquesi noted this is a tough position for the Board given the reviews that have occurred to date.

Board member Nehring stated that in her opinion, flexibility with respect to setbacks is appropriate given the current setback patterns in the neighborhood and the recent redevelopment efforts. She stated that this is a very old neighborhood and the setbacks of the existing homes do not meet today's Code requirements. She commented that the proposed landscape screening will to mitigate the views of the structure over time adding that the proposed development will be an improvement to the neighborhood.

Board member Lewis stated that there is no data presented to document that the requested variance along Scott Street is appropriate. He stated that without clear data, it is difficult to make a decision. He noted that there is no doubt that this project will be an improvement to the neighborhood.

Board member Sieman agreed with Chairman Pasquesi noting that petition would not be before the Zoning Board if not for a nuance in the Code. He stated that he is comfortable deferring to the Plan Commission's evaluation of this project.

Board member Plonsker agreed with Board member Sieman's comments.

Chairman Pasquesi asked for public testimony and swore in those intending to speak.

David Hunt, 305 Scott Street, stated that he is at the meeting as a Caucus representative but is speaking because he lives two houses away from the site under discussion. He stated that anything put on this lot will be an improvement and thanked the Board for their review. He noted however that the siting of the structure could set a precedent for what is built when the property to the east is redeveloped. He stated that his recollection is that there are different setbacks along the north side of Scott Street compared to the south side of the street. He noted that he does not believe that street is in transition, but maybe in the future.

Mr. Weidenhamer pointed out that the proposed duplex is proposed at only 26 feet tall. He noted this is will be a unique home because it will appear as a single family home on both streets.

Chairman Pasquesi asked if there was any further public testimony. Hearing none, he returned the discussion to the Board.

Board member Lewis stated that he is not comfortable with the setback variance requested along Scott Street based on the information available and given the potential for this decision to establish a precedent.

Ms. Czerniak noted that when the final plat is recorded, there will be special setbacks on the plat essentially voiding the setback variances. She stated that unlike other properties along Scott Street, this property has frontage on two streets. She added that each request for a variance is considered on its own merits based on the unique set of factors pertaining to each property.

Chairman Pasquesi acknowledged that staff's comments make it clear that this single decision will not necessarily set a precedent for other variance requests. He stated that he is willing to defer to the consideration given to this proposed project by the Plan Commission.

Board member Plonsker agreed with Board member Lewis' concern about establishing a precedent for the area, especially given the likely redevelopment of the property to the east in the future.

In response to Board members comments, Ms. Czerniak suggested that if desired, the Board could add a finding that further distinguishes the property from others in the area.

In response to questions from Board member Sieman, Ms. Czerniak confirmed that after the duplex is constructed, a final plat of subdivision, aligned with the demising wall, will be presented to the Plan Commission for final approval.

Board member Plonsker stated his understanding that this request for variances is not presented with the intention of establishing a precedent for future development.

In response to questions from Board member Nehring, Ms. Czerniak confirmed that the setbacks of the homes along Scott Street vary but many are not in compliance with the current setback requirement. She stated that the average setback may be about 20 – 25 feet.

Board member Novit noted that if the variances fall away when the final plat is recorded, this property will be in conformance with the setbacks on the plat.

Board member Lewis stated that once it is constructed, this duplex will be looked to when other lots on Scott Street are redeveloped. He agreed that the setbacks as proposed along McKinley Road are appropriate. He stated concern that the garage will be set back just 16 feet from the property line along Scott Street.

Chairman Pasquesi stated that he would like to see the findings further detailed to make it clear that this property was considered based on its unique characteristics which are not, in combination, applicable generally to other properties in the area.

Hearing no further comments from the Board, he invited a motion.

Board member Plonsker made a motion to recommend approval of the petition to the City Council based on the findings presented in the staff report, and as enhanced based on the Board's discussion, to reflect the unique aspects of the property that in combination, justify the variances and to clarify that the unique circumstances of this petition are not intended to establish a precedent for redevelopment of other properties in the general area and specifically along Scott Street.

The motion was seconded by Board member Nehring. She asked if Board member Plonsker would accept an amendment to the motion to add a condition requiring

that the landscape plan provide for significant plantings along the streetscape to soften the impact of the new structure when viewed from the street.

Board member Plonsker accepted the amendment.

The motion was approved by a vote of 5 to 1 with Board member Lewis voting nay for the reasons he previously stated.

5. **Continued consideration of updates to the Elawa Farm Master Plan and Special Use Permit. Elawa Farm is located at 1401 Middlefork Drive.
Owner: The City of Lake Forest
Representatives: City Staff and Elawa Farm Tenants**

Ms. Czerniak reviewed the Board's discussions to date and noted that the draft Master Plan and Special Use Permit conditions now presented to the Board are a first attempt to balance the various perspectives voiced in the discussion to date. She stated that review and comments by all interested parties, and input from the Board, are requested. She stated that the Board is not asked to take any final action at this time and explained that further revisions to the documents are expected. She reviewed that as originally envisioned, Elawa Farm was intended for generally passive use, during day time hours. She stated that the current Master Plan and Special Use Permit acknowledge that there should be opportunities for fundraising events at the site, with some limitations. She stated that since the approval of the current Master Plan and Special Use Permit, the use of Elawa Farm has grown and today, more is known about the types of activities that occur on the site, and in some cases, the off-site impacts that occur as a result of those activities. She reviewed that as envisioned by the current Master Plan, Elawa Farm is intended to be used by the public as a location for exhibits, demonstrations, classes, gardening, as a limited market space and for limited private events. She explained that as a special use, the activities permitted at Elawa Farm are detailed in the approval documents and the limitations placed on activities are spelled out in those documents to provide certainty for all interested parties. She provided an overview of the draft amendments proposed to the Master Plan. She noted that the Master Plan is primarily intended to guide land use and designate where particular activities are permitted to occur on the site. She reviewed the various use areas as proposed pointing out overlays which define areas for the Wildlife Discovery Center, farm animals (if recommended by the Board), new structures and different types of events. She noted that the revised use diagram reflects changes that have occurred on the site since the Master Plan was approved; the expansion of the parking lot and the addition of a green house. She noted that the plan proposes areas for primary, secondary and limited events. She clarified that there are two types of fundraising activities: community events, those held by the tenants at Elawa Farm, the Elawa Foundation and the Wildlife Discover Center; and private events for which Elawa Farm is rented out such as weddings. She described the proposed changes to the events permitted at Elawa. She noted that as proposed, 10 total evening events

with attendance of over 125 people would be permitted with two of the 10 reserved for tenants and eight available for private rentals. She stated that as proposed, an additional 15 evening events with attendance of less than 125 people would be permitted each calendar year. She noted that daytime rentals are encouraged. She stated that 10:30 p.m. is proposed as the ending time for events on Fridays and Saturdays. She described the location of the primary, secondary and limited event areas as proposed in the draft plan. She noted that as proposed in the current draft, events with attendance over 85 people will be required to have off-site parking, and provide a shuttle to minimize traffic in the neighborhood and parking issues. She added that the shuttles are permitted to operate only until 11:15pm and must operate without the use of flashing lights or significant noise. She reviewed that as proposed, amplified sound must end by 10:30 p.m. and events with amplified sound which are limited to 10 events per year, no more than two events with amplified sound are permitted within 30 days, or on consecutive days. She described the areas where tents and canopies are permitted under the current draft. She reviewed the proposed updates to the Garden and Market areas. She noted that the intent is that views into and across the Garden are intended to be preserved. She pointed out the proposed overlay area on the south side of the Garden within which sheds and farm animals could be permitted if desired by the Board in response to the Foundation's request for these items. She reviews that as originally intended and approved, the Market remains primarily for sales of produce from the garden area and limited items prepared using the produce from the Garden. She noted that in the draft, the Market hours are expanded to permit operation between the hours of 8 a.m. and 6 p.m. to provide flexibility. She clarified that it is not expected that the Market would be open during the entire time allowed adding that depending on the season, the Garden may operate at different times of day or for longer hours seasonally. She stated that in the discussions to date, the Board seemed to indicate general support for farm animals on the site with some limitations. She offered the following for the Board's consideration; farm animals are allowed on the site for no more than 10 days a year, and farm animals would not be permitted to remain at Elawa Farm overnight. She reviewed the proposed overlay identifying the area to be used by the Wildlife Discovery Center in part to provide for a more significant separation between the rental event space and this program. She noted that Caretaker's Cottage is identified as part of the farm buildings complex, but is operationally part of the Wildlife Discovery Center. She noted that the opportunity for a new structure is identified if the City Council decides in the future that an additional structure is needed to replace the square footage the Wildlife Discovery Center currently uses for displays, classes and offices in the farm buildings. She noted that based on the permitted occupancy of the buildings on the site, the drafts clarify that cumulatively, the maximum capacity of the site is 200 people. She suggested that the Board consider recommendations including prohibiting overnight use, except for the Caretaker's Cottage, and suggested that an annual report on operations at the site be provided to the City Manager including in particular, details on events held at the site. She reiterated that the draft documents are provided for review and input from the Board and all other interested parties.

In response to questions from Board member Sieman, Ms. Czerniak explained that the proposal to limit the number of attendees at events on the site to 125 was a middle ground between the input received from various parties.

In response to questions from Board member Lewis, Ms. Czerniak noted that the spreadsheet that was included in the packet was submitted by the Elawa Farm Foundation and was not prepared by staff.

Chairman Pasquesi invited public testimony having already sworn in all those intending to speak.

Bill Bunn, 1062 Aynsley Avenue, commented that Lambs Farm, which has farm animals, is located just three miles to the north of Elawa Farm, away from residential neighborhoods. He questioned why farm animals are also needed at Elawa Farm. He stated that he grew up in southern Illinois, near livestock farms and knows that farm animals produce odors especially when the wind is blowing in the right direction.

In response to questions from Board member Plonsker, Mr. Bunn confirmed that he is impacted by some of the amplified events. He stated however that cars do not often park on Aynsley Avenue but stated that he finds trash from people attending the events on his street.

Diane Fitzsimmons, President of the Elawa Farm Foundation, acknowledged that a great deal of time has been put into this review to date. She explained that the Foundation desires to have farm animals only on a very limited basis and emphasized that farm animals would not be kept at Elawa Farm overnight, except for chickens. She stated that the intent is to bring animals to the farm for occasional educational programs. She stated that the Foundation would like to have four to five chickens at Elawa Farm during the summer months. She stated that the Foundation has been charged by the City to pay for the cost of maintaining Elawa Farm. She stated that the primary source of funds for the Foundation is derived from renting the facility for weddings. She stated that requiring rental events to end by 10 p.m. would create an economic hardship for the Foundation. She stated that the Foundation would like to rent space at Elawa Farm more often for day time events however, she noted that there is not adequate space for additional daytime activities. She stated that the caretaker's cottage is part of the historic farm building complex and should be identified as such. She clarified that the Wildlife Discovery Center pays the Foundation to lease the cottage. She noted concern about language that states that the Elawa Farm facilities, including the restrooms, are open from dawn to dusk. She stated that is not accurate because staff is not on site from dawn until dusk. She stated that the Foundation manages events and rentals with about 150 attendees. She asked that the annual Foundation Harvest Dinner be acknowledged in the documents.

Michael Calogero, 1029 Jensen Drive, stated that he has been in contact with representatives of the Foundation and has learned that everyone needs to work together to arrive at a workable solution. He stated that he is encouraged by recent discussions. He stated that he would like to see both the Wildlife Discovery Center and the Elawa Foundation thrive, and compromise. He stated that there are 60 homes in the immediate neighborhood and stated that the neighborhood is primarily interested in safety and reduced noise. He reviewed information he had about the number of visitors to the Wildlife Discovery Center noting that it is not just activities held by the Foundation that contribute to the impacts on the neighborhood. He noted for instance that Lake Forest Open Lands Association will soon have their annual Bagpipes and Bonfires event in the area just east of Elawa Farm bringing many people and much activity into the neighborhood. He noted that the Middlefork Farm Homeowners' Association recently conducted a survey of the residents in the immediate area and received a 96 percent response rate. He stated that it is clear from the survey results that shuttle service for events at Elawa Farm is an issue. He noted that the size of some of the events is an important issue to the residents in Middlefork Farm.

Chairman Pasquesi invited the homeowners to submit the survey results to the Board for information.

Rob Carmichael, Wildlife Discovery Center, explained that significant donor dollars are tied to the ability for the Wildlife Discovery Center to use the Caretaker's Cottage to assure round the clock monitoring and care for the animals is provided. He acknowledged that the cottage is part of the farm building complex but stated that the cottage has been a part of the Wildlife Discovery Center for many years and is critical to the program. He stated that many people drop in to the Wildlife Discovery Center when they are there for other activities; to walk the Forest Preserves District's trails, to play at the park or to shop at the market. He stated that the Wildlife Discovery Center hosts only one large fundraising event at Elawa Farm on an annual basis, Croctoberfest. He stated that people drop in throughout the daytime event and stated that shuttles are provided from off-site parking that is made available. He stated that the other large fundraising event held by the Wildlife Discovery Center, Reptile Rampage, is held off-site, at another location, in recognition of the limited capacity of Elawa Farm.

Patty Moore, 1091 Olmsted Drive, stated that she was one of the first to buy a home in the Middlefork Subdivision. She acknowledged that her house is at the east end of the subdivision, away from Elawa Farm, but said that she often walks and rides her bike through the neighborhood and Forest Preserve trails and shops at the Garden Market. She stated that in her opinion, the expanded parking lot resulted in a significant improvement. She stated that shuttle service has improved over time and the overall process seems to be moving in a positive direction. She stated support for keeping

Elawa Farm the way it is but acknowledged that there is always room for improvement.

Marilyn Rozeypal, 1027 Aynsley Avenue, has been a resident in Middlefork Farm for 12 years. She noted there are safety concerns for the children riding their bikes to the park. She stated that she walks her dogs four times a day and witnesses cars going too fast on Middlefork Drive. She stated that the number of events and number of cars that are associated with the events are too much in a neighborhood. She believes that her property value has gone down over the years. She stated that traffic associated with weddings is a problem. She stated that there needs to be limits on the number of events.

Hearing no further public comments, Chairman Pasquesi invited final comments from staff.

Ms. Czerniak requested that comments on the draft documents be submitted to the City by September 14th. She stated that the next meeting of the Zoning Board of Appeals will be on Monday, September 24th.

Chairman Pasquesi invited final comments from the Board and a motion.

Board member Plonsker stated this is the fourth meeting at which Elawa Farm has been discussed and commented that in his opinion, the current operations at Elawa Farm are negatively impacting the neighborhood. He stated that the level of activity appears to be driven by the fact that the Foundation must raise enough money to maintain the site on a continuing basis. He stated that he is opposed to continuing to allow evening events to be held at Elawa Farm.

Board member Nehring commented that the financial feasibility of Elawa Farm is not under the Board's purview. She stated that it is her understanding that the Board is charged with determining how the site should be used and from there, the City Council will need to address the financial responsibilities. She made a motion to continue the petition to allow time for all parties to review the draft documents, provide comments to staff, and to allow time for staff to respond to the comments received through further edits to the documents.

The motion was seconded by Board member Novit and approved by a vote of 6 to 0.

5. Public testimony on non-agenda items.

No public testimony was presented to the Board on non-agenda items.

6. Additional information from staff.

Ms. Friedrich noted that the next meeting is scheduled for Monday, September 24th.

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Michelle E. Friedrich
Planning Technician