

MINUTES OF THE ZONING BOARD OF APPEALS
February 10, 2020

The regular meeting of the Zoning Board of Appeals was called to order by Chairman Kurt Schultz at 7:00 p.m. at the Village Hall.

Members present: Chairman Kurt Schultz, Amy Flores, Matthew Krummick, Mark Moore, Walter Oakley, and Eric Steffe.

Members absent: Richard Pyter.

A quorum was established.

Village Staff present: John Spoden, Director of Community Development; David Smith, Senior Planner, and Jeff Cooper, Village Engineer.

Board Member Oakley moved, seconded by Board Member Flores, to approve the January 27, 2020, Zoning Board of Appeals minutes.

Motion carried 6 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

ZBA 20-01 Johanna Corbin, Applicant
309 Forest Lane

Request is for a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 15.9 feet in order to construct a swimming pool and pool deck for property located in an R-6, Single Family Residential District.

ZBA 20-02 Johanna Corbin, Applicant
309 Forest Lane

Request is for a variation to increase the maximum permitted lot coverage from 40% to approximately 46% in order to construct a swimming pool and pool deck for property located in an R-6, Single Family Residential District.

ZBA 20-03 Johanna Corbin, Applicant
309 Forest Lane

Request is for a variation to allow a fence to be located in the corner side yard with the fence line located beyond the rear building line of the principal structure in order to construct a fence for property located in an R-6, Single Family Residential District.

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ZBA 20-04 Johanna Corbin, Applicant
309 Forest Lane

Request is for a variation to allow for a fence to be located closer to the street than the front yard established for the abutting lot in order to construct a fence for property located in an R-6, Single Family Residential District.

Mr. Sean Wepler, attorney for the applicant, stated that the applicant wanted to conform as much as possible to the regulations for their pool. He stated that they will offer a storm water management system that will offset the increase in the lot coverage. He stated that they hope to keep the project moving forward. He stated that they are willing to install more permeable material as needed. He stated that the pool itself can catch storm water and allow it to be released into the storm sewer system.

Mr. David Smith, Senior Planner, stated that although permeable pavers could be utilized to help manage storm water, the Zoning Code does not make any distinction between permeable and non-permeable pavers. He stated that both is considered lot coverage by the Zoning Code.

Mr. Jeff Cooper, Village Engineer, stated that the Libertyville Engineering Division does not recognize swimming pools as storm water detention facilities.

Mr. Wepler stated that they could consider allowing the increase in overland flow to disperse into the ground.

Mr. Cooper stated that they will be required to connect to the sewer system.

Mr. Wepler asked if vegetation could be used to help offset the increase in storm water. Mr. Cooper stated that the vegetation would not be enough.

Mr. Wepler stated that they believe that they can design storm water management system to offset the displacement of overland flow.

Mr. Cooper stated that they will be required to collect and route storm water to the sewer system.

Mr. Wepler stated that they will have their Engineer revise the storm water management plan.

Chairman Schultz asked if the applicant is willing to reduce any of the variations. Mr. Wepler stated that fence and pool setback variations will be difficult to change. He stated that they would be willing to study further the lot coverage and storm water management issues if they would be granted a continuance.

Mr. Kyle Ritchie, Barrington Pools, Inc. representing the applicant, stated that the lot location and configuration imposes multiple constraints on the applicant's ability to construct a pool without variations. He stated that the lot has three street frontages. He stated that the denial of the lot coverage variation will stop all other variation requests.

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Mr. John Spoden, Director of Community Development, stated that the subject site does have three street frontages and it is also oversized. He stated that the lot size makes it difficult for Staff to support a lot coverage variation.

Board Member Oakley asked if the development of the residence underwent permitting problems. Mr. Spoden stated that the development of the residence itself is Code compliant.

Board Member Oakley asked the applicant to address the Standard for Variation item relative to not seeking a special privilege. Mr. Wepler stated that the homeowner had purchased the home with the intent of eventually installing a swimming pool.

Board Member Oakley stated that the home was built at a maximum of 40% lot coverage.

Board Member Flores stated that the builder maxed out the lot with the development of the home. She asked which variations is the applicant willing to reduce.

Mr. Wepler stated that there is an existing swimming pool located in the rear yard of a residential property three lots to the north. He stated that the applicant's pool proposal setback would be in line with the existing pool further north.

Board Member Krummick asked for clarification regarding the inability of not letting the pool function as compensatory storm water storage. Mr. Cooper stated that an older ordinance did allow swimming pools to function as detention, but this allowance has been removed.

Board Member Krummick stated that there may be a risk of displacement of chlorinated water.

Mr. Cooper stated that this may have been one of the reasons for removing swimming pools as a regulated function of storm water detention.

Board Member Krummick asked if the residence is currently a non-conforming structure. Mr. Spoden stated that it is not non-conforming.

Board Member Krummick stated that the builder maxed out the lot already. He stated that it is not a unique lot, but it is a unique house.

Board Member Steffe stated that the orientation of the pool should be considered in order to reduce the setback encroachment. He asked the applicant if they would be willing to remove the circular driveway as they have two driveways now. Mr. Wepler stated that the applicant prefers to keep the circular drive as it helps with guest parking.

Mr. Ritchie stated that street parking is very restricted and the second driveway is a necessary component for the homeowners.

Board Member Moore stated that every effort should be made to preserve as many trees as possible. Mr. Wepler stated that they are making every effort to preserve trees.

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Board Member Moore stated that he was under the impression that the ground is exceptionally soft and that consideration should be given to this if an in-ground pool is installed at the subject site. Mr. Cooper stated that they should do soil borings as it is in a flood plain area.

Board Member Moore stated that the builder maxed out the lot coverage when they constructed the residence.

Chairman Schultz stated that he is concerned about the increased demand on the storm sewer system. He asked the applicant what the hardship is that would justify the requested variations.

Mr. Wepler stated that their proposal will make every effort to not impact the surrounding properties. He stated that they would like to have the opportunity to address the concerns brought by the Zoning Board of Appeals and the DRC Staff report. He stated that they would like to further study what the options are to address the storm water management concerns.

Chairman Schultz asked if the applicant would give consideration to reducing the pool size. Mr. Ritchie stated that they will discuss the pool size with the homeowner.

Chairman Schultz stated that it appears that regardless of any revisions to the pool size or lot coverage that the fence and setback variations will be unavoidable. He asked the applicant's representative if they would like to request a continuance. Mr. Wepler stated that they would like to have a continuance.

In the matters of ZBA 20-01, ZBA 20-02, ZBA 20-03, and ZBA 20-04, Board Member Oakley moved, seconded by Board Member Flores, to continue this item to the March 16, 2020, Zoning Board of Appeals meeting.

Motion carried 6 - 0.

Ayes: Schultz, Flores, Krummick, Moore, Oakley, Steffe
Nays: None
Absent: Pyter

STAFF COMMUNICATIONS AND DISCUSSION: None.

Board Member Oakley moved, seconded by Board Member Flores to adjourn the meeting.

Motion carried 6 - 0.

Meeting adjourned at 7:50 p.m.