

**MINUTES OF THE ZONING BOARD OF APPEALS**  
**March 13, 2017**

The regular meeting of the Zoning Board of Appeals was called to order by Vice Chairman Mark Moore at 7:00 p.m. at the Libertyville Civic Center, 135 W. Church Street.

Members present: Vice Chairman Mark Moore, Amy Flores, Walter Oakley, and David Semmelman.

Members absent: Chairman William Cotey, Matthew Krummick, and Kurt Schultz.

A quorum was established.

Village Staff present: John Spoden, Director of Community Development; David Smith, Senior Planner; and Fred Chung, Senior Project Engineer.

Board Member Oakley moved, seconded by Board Member Flores, to approve the January 30, 2017, Zoning Board of Appeals meeting minutes.

Motion carried 4 - 0.

Board Member Oakley moved, seconded by Board Member Flores, to approve the February 13, 2017, Zoning Board of Appeals meeting minutes.

Motion carried 4 - 0.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

**ZBA 17-09 Steven Spinell and Haley Spinell, Applicants**  
**515 Kenwood Avenue (previously addressed as 817 E. Rockland Road)**

**Request is for variations to: 1) reduce the minimum required corner side yard setback from 30 feet to approximately 10.25 feet in order to construct a new single family detached residence; and 2) reduce the minimum required corner side yard setback from 30 feet to approximately 16.5 feet in order to construct a new detached garage in an R-6, Single Family Residential District.**

Mr. David Smith, Senior Planner, introduced the variation requests. He stated that the petitioners were before the Zoning Board of Appeals at their December 12, 2016, meeting requesting variations to reduce the minimum required corner side yard setback in order to construct a house addition and the minimum required corner side yard setback in order to construct an addition to a detached garage in an R-6, Single Family Residential District at 515 Kenwood Avenue, previously addressed as 817 E. Rockland Road. He stated that the Zoning Board of Appeals

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recommended approval and the Village Board granted approval at their January 24, 2017 meeting. He stated that after the Village Board approval for the variations for the house and garage additions, the petitioner then decided to incorporate a basement in their plans which then triggered the need for a complete demo of the existing home and the construction of a new residence. He stated that Staff advised the petitioner that the new plans not previously seen by the Zoning Board of Appeals and the Village Board shall require a new application for the previously approved variations. Mr. Smith stated that the new home footprint will be in the same approximate location and trigger similar setback variations for the proposal.

Ms. Haley Spinell, petitioner, stated that the need for the basement caused them to reconsider the change from a house addition to a new single family residential structure. She stated that they listened to the Board Members of the Zoning Board of Appeals last time and in response, have reduced the size of the porch and shifted the foundation of the house itself to the east almost two feet.

Board Member Oakley asked if this property is in the Flood Hazard area and what precautions are being taken. Mr. Fred Chung, Senior Project Engineer, stated that Staff will look for this to be addressed when the applicant applies for permit.

Ms. Spinell stated that they are aware of the Engineering Division review comments and will address all of them when submitting for the building permit for construction. She stated that she understands that the topographical elevations for their property are lower than the adjacent property and that they will take every precaution to not force additional storm water onto her neighbor's property. She stated that the construction of their basement will also include sealcoating and waterproofing it and that the sump pump will be properly installed and adjusted so that it discharges into the Village's storm water sewer system in accordance to the regulations.

Board Member Oakley stated that he is concerned about the storm water run-off that the new construction will impact.

Mr. Chung stated that they will review the construction documents carefully in order to determine that they will be in compliance.

Chairman Moore stated that he appreciates the adjustments that the petitioner has made to the plans since their last appearance in front of the Zoning Board of Appeals. He asked the petitioner what they would like for the Zoning Board of Appeals to do this evening. Ms. Spinell stated that she would like for the Zoning Board of Appeals to render a positive recommendation to the Village Board for their variation requests.

*In the matter of ZBA 17-09.1), Board Member Oakley moved, seconded by Board Member Flores, to recommend the Village Board of Trustees approve a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 10.25 feet in order to construct a new single family detached residence in an R-6, Single Family Residential District, in accordance with the plans submitted.*

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*Motion carried 4 - 0.*

*Ayes: Moore, Flores, Oakley, Semmelman*  
*Nays: None*  
*Absent: Cotey, Krummick, Schultz*

*In the matter of ZBA 17-09.2), Board Member Semmelman moved, seconded by Board Member Flores, to recommend the Village Board of Trustees approve a variation reduce the minimum required corner side yard setback from 30 feet to approximately 16.5 feet in order to construct a new detached garage in an R-6, Single Family Residential District, in accordance with the plans submitted.*

*Motion carried 4 - 0.*

*Ayes: Moore, Flores, Oakley, Semmelman*  
*Nays: None*  
*Absent: Cotey, Krummick, Schultz*

**COMMUNICATIONS AND DISCUSSION:** None.

Board Member Oakley moved, seconded by Board Member Semmelman, to adjourn the Zoning Board of Appeals meeting.

Motion carried 4 - 0.

Meeting adjourned at 7:11 p.m.