

MINUTES OF THE ZONING BOARD OF APPEALS
June 8, 2020

The regular meeting of the Zoning Board of Appeals was conducted virtually due to public health concerns and called to order by Chairman Matthew Krummick at 7:00 p.m.

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

Members absent: None.

A quorum was established.

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

Board Member Moore moved, seconded by Board Member Flores, to approve the May 11, 2020, Zoning Board of Appeals minutes.

Motion carried 7 - 0.

Board Member Moore moved, seconded by Board Member Flores, to approve the May 18, 2020, Zoning Board of Appeals minutes.

Motion carried 7 - 0.

OLD BUSINESS:

**ZBA 20-06 Derick Dermatology, Applicant
950 Technology Way, #150**

Request is for a variation to increase the maximum permitted size of a wall sign from 32 square feet to approximately 135 square feet for property located in a O-2 Office, Manufacturing and Distribution Park District.

Mr. John Spoden, Director of Community Development, stated that the applicant requested that this item be continued to the July 13, 2020, Zoning Board of Appeals meeting.

In the matter of ZBA 20-06, Board Member Pyter moved, seconded by Board Member Steffe, to continue this item to the July 13, 2020, Zoning Board of Appeals meeting.

Motion carried 7 - 0.

Ayes: Krummick, Flores, Moore, Oakley, Pyter, Schultz, Steffe

Nays: None

Absent: None

NEW BUSINESS:

ZBA 20-12 Kurt Wilcox and Anastasia Valassis, Applicants
140 Sunnyside Place

Request is for variations to: 1) reduce the minimum required rear yard setback; and 2) reduce the minimum required side yard setback in order to construct a detached garage in an R-7, Single Family Attached Residential District.

ZBA 20-13 Kurt Wilcox and Anastasia Valassis, Applicants
140 Sunnyside Place

Request is for a variation to increase the maximum permitted building coverage in order to construct a detached garage in an R-7, Single Family Attached Residential District.

ZBA 20-14 Kurt Wilcox and Anastasia Valassis, Applicants
140 Sunnyside Place

Request is for a variation to increase the maximum permitted lot coverage in order to construct a detached garage in an R-7, Single Family Attached Residential District.

Mr. Adam Lyons, architect and agent for the applicant, introduced petitioner Mr. Kurt Wilcox. Mr. Wilcox, 140 Sunnyside Place, introduced Ms. Ana Valassis.

Mr. David Smith, Senior Planner, introduced the requested variations. Mr. Smith stated that the petitioner is requesting four (4) variances to replace their detached garage at 140 Sunnyside Place, located in the R-7, Single Family Attached Residential District. Mr. Smith stated that the existing detached garage is currently located one (1) foot from the property rear property line and just under one and a half (1 ½) feet from the interior side property line. He stated that Staff recommends because both the existing garage and the proposed garage are in such close proximity to the rear and interior side property line that when a motion is made by the Zoning Board of Appeals, the two (2) setback dimensions are identified from each property line, one as measured from the wall of the detached garage structure and the other as measured from the roof eave.

Mr. Lyons stated that they are proposing to replace the existing detached garage with a new one that would expand towards the house and the interior of the property. He stated this would allow enough space to park two (2) cars within the garage. He stated that there will be an increase in the total building coverage to 35.95%. He stated that the petitioner moved into the home twenty (20) years ago and has updated the home. Mr. Lyons stated that the house was built in 1906, before the Zoning Code was written and when compared to the other lots in the R-7 District, is one of the smallest.

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Mr. Adams stated that Mr. Wilcox's lot is an existing non-compliant lot at 6,360 square feet, the R-7 District minimum lot area requirement is 7200 square feet. Mr. Lyons stated that the petitioner faces a hardship through no action of their own. He stated that the bike path behind the lot prohibits access to the garage and is a permanent green space. He stated that by following the strict letter of the Code, the Code-required 'standard' 2-car garage would be largely inaccessible and the garage would be too close to the house. Mr. Lyons stated that this is not merely a special privilege that is being requested. Mr. Wilcox has presented this information to several of his neighbors and received their support. Mr. Lyons presented the elevations of the proposed garage. He stated that per 16-8.7 of the Village of Libertyville Zoning Code, the request meets the Standards for Variations and believes that the setback variances and the building and lot coverage variances should be granted. Mr. Lyons reviewed the Staff comments. He stated that the petitioner is willing to pull the eaves back and modify the driveway to a ribbon driveway in order to reduce the current lot coverage.

Mr. Wilcox thanked Mr. Lyons for his work and reiterated his desire to find a resolution that works for the Village, his neighbors, and his family.

Board Member Oakley stated this is a nice project and it has his support.

Board Member Flores stated that she is concerned with the "not self-created" statement because of the addition added in 2009. Board Member Flores agreed with replacing the garage in the existing location, but wondered if it is possible to build a smaller garage than what is proposed. She asked if the plat that was shown is the most current plat. Mr. Wilcox stated that it was the most current plat available. He stated that when the addition was done in 2009, they thought they left enough room for a larger garage in the future.

Board Member Schultz stated he thinks it's a nice looking project and has no issue with the rear and side setbacks variance requests. Board Member Schultz agrees with Board Member Flores that a 20 x 20 garage would be able to accommodate the Wilcox's needs and fit on the lot without a variance.

Board Member Moore stated he agrees with Board Member Flores, Board Member Schultz, and the Staff recommendations.

Board Member Steffe stated that it is a nice looking project and agrees with the setback variances. He stated he agrees with the previous statements about the size of the garage and staying under the current lot coverage.

Board Member Pyter asked for clarification on the material just west of the house. Mr. Wilcox stated it is concrete.

Board Member Pyter asked if it was possible to restore that to green space. Mr. Wilcox stated they are willing to re-work the driveway however it is needed.

Board Member Pyter asked for clarification of the distance from the house to the garage. Mr. Lyons provided clarification.

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Board Member Pyter asked for clarification on the size of the setback on the west side. Mr. Lyons provided clarification and added that the adjacent neighbors support the setback variance request.

Board Member Pyter asked about the roofline. Mr. Lyons stated they would work with Staff to reduce the size of the eaves.

Board Member Pyter asked if there is a fence on west side of the lot and if the rainwater flows from Mr. Wilcox's current garage on to the neighbor's property. Mr. Wilcox answered no to both questions.

Board Member Pyter agrees with the statements previously made concerning the lot coverage.

Chairman Krummick states that there is an understanding of some of the constraints facing the applicant and he complimented the property. He stated he does not feel comfortable going through with the vote at this meeting as there are some things that need to be adjusted on the proposed plan, and would support the continuance of this discussion to the July 13, 2020 meeting.

Mr. Lyons asked if the Board would consider separating the variances so they could vote on the setback variance request at this meeting, as it seemed that most Board Members were in favor of it. He stated that Staff may decide that 0.95% or 60 square feet is too much and asked if 30 square feet were the requested additional lot coverage would Staff and the Board support it.

Chairman Krummick stated that he is not sure they have accurate horizontal projections from the proposed detached garage and advised that they not go forward with a vote tonight.

Mr. Wilcox stated that if there is consensus on the variances for the setbacks, he would like to go through with the vote tonight. He also stated he is willing to reduce the proposed size of the garage to 20 x 20 if he can move forward with the project.

Board Member Flores asked if the petitioner would still be grandfathered in to the 50% lot coverage if he did not increase the size of the garage. Mr. Smith replied that the petitioner would not be grandfathered in to the 50% lot coverage and would have to be at or under 45% lot coverage.

Mr. Lyons asked for clarification. Mr. Smith stated that since the proposed garage would be new construction it would have to abide by the current Code which states maximum lot coverage is 45% so a new garage would need a variance anyway.

Chairman Krummick reiterated Board Member Flores' previous comments concerning underlying issues that need to be resolved before going to a vote. He stated that the next available date for this discussion is July 13, 2020.

Mr. Lyons asked if the Board would allow a vote on the variances for the setbacks as they have no impact on the lot coverage.

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Mr. Wilcox stated he may need to modify the driveway in order to meet the 45% lot coverage if he wanted to build a garage that was 20 x 20 and did not want to ask for another variance. This would allow him to continue on with the project.

Chairman Krummick stated he would feel more comfortable making a recommendation at a later date with more documentation. He stated he would be fine with splitting up the variances. He asked Mr. Smith a clarification question on the wording on the variance.

Mr. Lyons stated the plat measures buildings from the edge of the foundation.

Mr. John Spoden, Director of Community Development, stated that if the Board approves a variation, they approve the exhibit associated with it so the final plan of the garage is needed before the Zoning Board of Appeals makes a recommendation.

Mr. David Pardys, Village Attorney, stated he does not recall the last time that multiple variations were broken up and approved in multiple meetings. He stated there is nothing in the Code prohibiting that but it would be highly unusual.

Chairman Krummick stated that a continuation for all of the variations is best advised at this point.

Mr. Wilcox asked for clarification on his next steps. Mr. Spoden and Mr. Smith provided clarification. Mr. Wilcox thanked the Board for the feedback and stated that he was surprised by some of the concerns.

Chairman Krummick requested a motion for the continuation.

In the matters of ZBA 20-12, ZBA 20-13, and ZBA 20-14, Board Member Oakley moved, seconded by Board Member Pyter, to continue these items to the July 13, 2020, Zoning Board of Appeals meeting.

Motion carried 7 - 0.

Ayes: Krummick, Flores, Moore, Oakley, Pyter, Schultz, Steffe

Nays: None

Absent: None

STAFF COMMUNICATIONS AND DISCUSSION: None.

Board Member Pyter moved, seconded by Board Member Steffe to adjourn the meeting.

Motion carried 7 - 0.

Meeting adjourned at 8:15 p.m.