

**MINUTES OF THE PLAN COMMISSION**  
**July 8, 2019**

The regular meeting of the Plan Commission was called to order by Chairman Mark Moore at 7:02 p.m. at the Village Hall.

Members present: Chairman Mark Moore, Amy Flores, Matthew Krummick, 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; and Jeff Cooper, Village Engineer.

Commissioner Schultz moved, seconded by Commissioner Pyter, to approve the June 24, 2019, Plan Commission meeting minutes.

Motion carried 7 - 0.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

**PC 19-12     Joseph Cramer, Applicant**  
**204 Garfield Avenue**

**Request is for a Text Amendment to Section 16-8.5 of the Libertyville Zoning Code regarding Village Board Authorized Variations as it relates to the maximum allowed lot coverage located between the front building line of a zoning lot and the front property line of such zoning lot.**

Mr. David Smith, Senior Planner, introduced the petitioner's application. Mr. Smith stated that the applicant, Joseph Cramer, is requesting a Text Amendment to Section 16-8.5 of the Libertyville Zoning Code regarding Village Board Authorized Variations as it relates to the maximum allowed lot coverage located between the front building line of a zoning lot and the front property line of such zoning lot. Mr. Smith stated that in addition, the applicant is requesting a variation to increase the maximum permitted lot coverage to the area between the front building line of a zoning lot and the front property line of such zoning lot for property located in an R-7, Single Family Attached Residential District at 204 Garfield Avenue.

Mr. Smith stated that the subject property was initially built as a commercial use many years ago, but eventually was converted into a two family residential structure. He stated that the subject building and lot is non-conforming, but the Zoning Code allows the maintenance and repair of a non-conforming structure. He stated that as part of the proposed scope of work by the applicant to convert the two family building into a single family residence is that the only exterior change is to add garage doors to the west front facade facing Garfield Avenue.

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Mr. David Pardys, Village Attorney, stated that the Village Board adopted an ordinance for a text amendment to the Zoning Code as it relates to lot coverage for the area between the front building line and the front property line as an extra layer of lot coverage regulation. He stated that the applicant is proposing to amend the text further so that the Village Board has the authority to vary without limitation the lot coverage for the area between the front building line and the front lot line provided that any variation in that area does not result in an increase in the overall lot coverage that exceeds by more than 15% of the maximum allowed lot coverage for the entire lot.

Mr. John Spoden, Director of Community Development, stated that the lot coverage regulating the area between the front building line and the front property line came about to address the situations where homeowners were adding excessive amounts of impervious coverage in front of their homes including the U-shaped drives and how that affected storm water run-off.

Commissioner Pyter asked if they can park a vehicle in front of the garage. Mr. Sean Wepler, agent representing the petitioner, stated that there is not enough area to allow outside parking in front of the garage. He stated that the purpose of the drive is to gain access into the garage.

Commissioner Krummick stated that it seems that this issue is focused on the coverage between the front building line and the front lot line. He questioned the accuracy of the existing and proposed lot coverage. He stated that consideration could be given to expanding the lot further to the east in order to reduce the lot coverage.

Mr. Smith stated that the site plan includes almost 3,500 square feet of land area enabling the overall lot coverage to be approximately 43% after the driveway improvement is complete.

Commissioner Pyter asked for clarification between the front yard setback requirement and the lot coverage requirement for the area in front of the front building line. Mr. Pardys explained the difference.

Mr. Spoden stated that the petitioner did not have a means to ask for a lot coverage variation for the area in front of the front building line without requesting a text amendment to the Zoning Code that would provide the authority to the Village Board to grant such variation.

Mr. Wepler stated that when this building was a commercial use, the front yard area was totally covered with impermeable surface.

Commissioner Pyter asked if the setback of the building should be reviewed as well. He stated that he is concerned that this change to the Zoning Code would decrease the Village's ability to regulate setbacks for new construction.

Mr. Pardys stated the issue at hand is more to do with the impermeable area in front of the building and not so much as the building setback from the front property line. He stated that this proposal is intended to address the 2016 amendment for the lot coverage area in front of the front building line and provide future applicants the ability to request variations for this particular aspect.

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Commissioner Oakley stated that he does not support the proposed text amendment.

Commissioner Flores stated that she is concerned that more of these types of applications will come before the Boards and Commissions.

Chairman Moore stated that he does not anticipate that they will see many of these types of requests.

Ms. Barbara Shafer, 315 Minear, stated that consideration could be given to limiting these types of requests to historical buildings only.

Chairman Moore stated that making an inventory of existing nonconforming structures that might be subject to similar circumstances might be considered.

Mr. Smith stated that Village Staff did receive one phone call from a neighbor that expressed an objection to the request and stated that she is concerned about the safety of pedestrians that will cross in front of the garage along the public sidewalk.

Commissioner Flores stated that cars cannot park in front of the garage.

Mr. Wepler stated that the applicant is willing to trim the overgrowth of vegetation located within the bike path right-of-way.

Commissioner Steffe stated that attaching a mirror on the garage should be considered. He stated that he is concerned about pedestrian traffic safety as well.

The Chairman asked the petitioner what they would like for the Plan Commission to do this evening. Mr. Wepler stated that they are ready for the Commission to make a recommendation to the Village Board.

*In the matter of PC 19-12, Commissioner Schultz moved, seconded by Commissioner Steffe, to recommend that the Village Board of Trustees approve a Text Amendment to Section 16-8.5 of the Libertyville Zoning Code regarding Village Board Authorized Variations as it relates to the maximum allowed lot coverage located between the front building line of a zoning lot and the front property line of such zoning lot, as follows:*

Amendment to Section 16-8.5(a)(30): **(Bold and underlined text reflects amendment)**

Add Section **16-8.5(a)(30)**

**To increase, without limitation, the maximum allowable lot coverage with respect to the area located between the front building line of a zoning lot and the front property line of such zoning lot, provided that the total lot coverage for such zoning lot, inclusive of the lot coverage which is part of the variation request, does not exceed the overall maximum lot coverage for the entire zoning lot by more than fifteen percent (15%).**

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*Motion carried 5 - 2.*

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

**PC 19-13 Torrance Ramaker, Applicant**  
**433 E. Sunnyside Avenue**

**Request is for a Text Amendment to Section 16-8.5 of the Libertyville Zoning Code regarding Village Board Authorized Variations as it relates to the maximum allowed lot coverage.**

Mr. Torrance Ramaker, applicant, introduce his variation application. He stated that he had previously applied for a lot coverage variation that included patio improvements. He stated that he received a negative recommendation because the Zoning Board of Appeals gave a split 3 to 3 vote. He stated that he decided to pull his application at that time before it reached the Village Board. He stated that he is now requesting approval for a lot coverage variation that will allow him to keep his driveway as it is currently improved and he will remove the existing patio that was installed without a permit. He stated that the approval that he is seeking now will reflect the condition of his property that it was in when he bought it in 2005.

Mr. Ramaker stated that he made the assumption that his property was compliant in 2005 because the Village had inspected it and approved it for occupancy before he bought it. He stated that he acknowledges that when he installed the patio at that time he did not realize that he needed a permit.

Commissioner Oakley asked if the Village could have made an exception in this case. Mr. John Spoden, Director of Community Development, stated that Staff does not have the authority to issue permits for improvements that exceed the Code limitations.

Commissioner Schultz asked if there is a way to educate the public to have a better understanding of the permit requirements. Mr. Spoden stated that the Village has recently been stepping up public service announcements through their Village newsletter and website.

Chairman Moore asked the petitioner if he is ready for the Plan Commission to make a recommendation. Mr. Ramaker stated that he would like for the Plan Commission to make a positive recommendation to the Village Board.

*In the matter of PC 19-13, Commissioner Flores moved, seconded by Commissioner Schultz, to recommend that the Village Board of Trustees approve a Text Amendment to Section 16-8.5 of the Libertyville Zoning Code regarding Village Board Authorized Variations as it relates to the maximum allowed lot coverage, as follows:*

Amendment to Section 16-8.5(a)(3): (Bold and underlined text reflects amendment)

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**Except as provided by Section 16-8.5(a) (29)**, to increase the maximum allowable building coverage or lot coverage, but by not more than five percent (5%) of the district requirement in the C-2 Downtown Community Commercial District, the C-3 General Commercial District, and the O-1 Professional Services Office District, by not more than fifteen percent (15%) of the district requirement in any Residential District and by not more than 20% of the district requirement in every other district.

Add Section **16-8.5(a)(29)**

**With respect to lots located within any Residential District as to which building coverage or lot coverage existing on July 25, 2018, exceeded, by more than fifteen percent (15%), the maximum building coverage or lot coverage applicable to such lot on such date, to increase by not more than twenty percent (20%) the maximum building coverage or lot coverage requirements of such Residential District. No such variation shall be granted which will result in building coverage or lot coverage which exceeds the percentage of building coverage or lot coverage existing on such lot on July 25, 2018.**

*Motion carried 6 - 0.*

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

*Nays: None*

*Absent: Krummick*

**STAFF COMMUNICATIONS AND DISCUSSION:**

Mr. John Spoden, Director of Community Development, announced that there would be no July 22, 2019 Plan Commission or Zoning Board of Appeals meetings. He announced that there will be a ribbon cutting ceremony for the Metra Station on July 26, 2019.

Commissioner Pyter moved, seconded by Commissioner Steffe, to adjourn the Plan Commission meeting.

Motion carried 6 - 0.

Meeting adjourned at 9:23 p.m.