

MINUTES OF THE ZONING BOARD OF APPEALS
July 9, 2018

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, Mark Moore, Walter Oakley, Richard Pyter, and Eric Steffe.

Members absent: Matthew Krummick.

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 June 25, 2018, Zoning Board of Appeals minutes.

Motion carried 6 - 0.

OLD BUSINESS:

ZBA 18-04 Mark and Miriam Kosciuch, Applicants
340 Grant Court

Request is for a variation to reduce the minimum required front yard setback from 30 feet to approximately 11.4 feet in order to construct a house addition for property located in an R-7, Single Family Attached Residential District.

ZBA 18-05 Mark and Miriam Kosciuch, Applicants
340 Grant Court

Request is for a variation to increase the maximum permitted lot coverage from 45% to approximately 51.9% in order to construct a house addition and detached garage for property located in an R-7, Single Family Attached Residential District.

Mr. David Smith, Senior Planner, stated the Zoning Board of Appeals may recall that the applicants, Mark and Miriam Kosciuch, were before them at their June 11, 2018 meeting requesting variations to increase the maximum permitted lot coverage and a front yard setback in order to order to construct a house addition for property located in an R-7, Single Family Attached Residential District at 340 Grant Court.

Mr. Smith stated that during the course of the public hearing, testimony was heard which was followed by a motion by the Zoning Board of Appeals to continue the matter to their July 9, 2018 meeting in order to provide an opportunity to the petitioner to make revisions to their plans.

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Mr. Rick Swanson, agent for petitioner, stated they reduced the driveway width and garage size since they last appeared before the Zoning Board of Appeals in June. He stated that the new residence will include an open front porch. He stated that the lot coverage has been reduced to 51.9%. He stated that they will be no closer to the front property line with the new residence than where the current structure is located. Mr. Swanson stated that the existing front home and rear apartment are vacant. He stated that they are ready to ask for a recommendation to the Village Board for their variation requests.

Board Member Oakley stated that it is a nice design.

Board Member Flores stated that she appreciates that the applicants have made their changes since the last meeting.

Board Member Steffe stated that he appreciates the adjustments that the applicants have made to the plans.

Board Member Pyter asked for clarification as to whether or not the proposed brick paver patio was counted towards the proposed lot coverage calculation. Mr. Swanson stated that the brick pavers were included in the lot coverage calculation.

Board Member Moore asked where the HVAC mechanical unit would be located. Mr. Swanson stated that it will be compliant with the Code.

Chairman Schultz stated that this is better plan than last month. He asked the petitioner what they would like for the Zoning Board of Appeals to do tonight. Mr. Swanson stated that they are ready for the Zoning Board of Appeals to make their recommendation.

In the matter of ZBA 18-04, Board Member Flores moved, seconded by Board Member Oakley, to recommend the Village Board of Trustees approve a variation to reduce the minimum required front yard setback from 30 feet to approximately 11.4 feet in order to construct a house addition for property located in an R-7, Single Family Attached Residential District, in accordance with the plans submitted.

Motion carried 6 - 0.

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

In the matter of ZBA 18-05, Board Member Steffe moved, seconded by Board Member Oakley, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted lot coverage from 45% to approximately 51.9% in order to construct a house addition and detached garage for property located in an R-7, Single Family Attached Residential District, in accordance with the plans submitted.

Motion carried 6 - 0.

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

ZBA 18-06 Meyer Homes, Inc., Applicant
500 and 514 Broadway

Request is for variations to: 1) reduce the minimum required front yard setback from 30 feet to approximately 20'8" in order to construct four (4) single family attached dwelling units; 2) reduce the minimum required rear yard setback from 20 feet to approximately 11'5" in order to construct four (4) single family attached dwelling units; 3) reduce the minimum required front yard setback from 30 feet to approximately 24'7" in order to construct a four (4) unit detached garage structure; and 4) reduce the minimum required rear yard setback from 20 feet to approximately 14'10" in order to construct a four (4) unit detached garage structure for property located in an R-8, Multiple Family Residential District.

ZBA 18-07 Meyer Homes, Inc., Applicant
500 and 514 Broadway

Request is for a variation to change the required orientation of a principal structure in order to construct four (4) single family attached dwelling units for property located in an R-8, Multiple Family Residential District.

ZBA 18-08 Meyer Homes, Inc., Applicant
500 and 514 Broadway

Request is for a variations to: 1) increase the maximum permitted height for a fence located in the front yard from four (4) feet to approximately six (6) feet; 2) increase the maximum permitted linear length that a fence may be in the front yard from 49.5 feet to approximately 109 feet; and 3) increase the maximum permitted amount that a fence may be opaque in the front yard from 1/3 opaque to 100% opaque in order to construct a fence for property located in an R-8, Multiple Family Residential District.

Mr. David Smith, Senior Planner, stated that the applicant, Meyer Homes, Inc., was before them at their June 11, 2018 meeting requesting variations to reduce the minimum required front yard setback, rear yard setback, to change the required orientation of a principal structure and a fence variation in order to construct four (4) single family attached dwelling units for property located in an R-8 Multiple Family Residential District at 500 and 514 Broadway. He stated that the meeting was continued to July 9, 2018 in order to give the petitioner an opportunity to make certain revisions to the plans.

Mr. Smith stated that setbacks shall be measured from the outer edge of the proposed window wells on both the west end of the proposed townhome structure which is approximately 20 feet and 8 inches from the front property line. He stated that the east end of the proposed townhome

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structure is setback approximately 11 feet and 5 inches. He stated that the rear setback for the detached garage structure is proposed to be 14 feet and 10 inches.

Mr. Brad Meyer, applicant, stated that the subject site is located in an R-8, Multiple Family Residential District. He stated that he could build a 12 unit apartment building by right and not need variations. He stated that if he were to build three single family homes then the corner lot home would require a corner side yard setback variation. He stated that he studied the residential area and found that the average corner side yard setback for 32 different homes was approximately 13 feet.

Mr. Meyer stated that in his proposal he is offering fence gates for the fences separating each townhome rear yard in response to Board Member Flores' concern about occupant's ability to safely escape if in rear yard. He stated that he has an Option B plan showing a space between the two center garage spaces, but he prefers to develop the garage structure with all units attached.

Mr. Meyer stated that the larger end townhome units are wider to allow for first floor master bedrooms. He stated that these lots will be redeveloped and that he is proposing best viable option for that development. He stated that both the market and the Village have wanted first floor master bedroom units. He stated that the townhome units at School Street and Newberry received the same variations as he is asking for plus a variation in height. He stated that the subject site could accommodate a multi-family apartment building without variations and produce more lot coverage. He stated that the design of his townhome proposal gives both the look and feel of single family homes.

Ms. Barbara Shafer, 315 Minear Drive, stated that three (3) dwelling units would be better than four (4) for this site. She stated that the building could be shortened and shifted in such a way as to meet the minimum setback requirements. She stated that the School Street development has had an impact on the area's storm water management.

Mr. Meyer stated that three (3) dwelling units for this site is not an option.

Ms. Joanie Bleck, 511 Broadway, stated that she is glad for the improvement. She stated that she is concerned about what impact that this proposal may have on the sanitary sewer. She stated that consideration should be given to doing the area's sanitary sewer improvements in conjunction with the development of Mr. Meyer's proposal. She stated that she is concerned about the impact upon the local traffic and parking. She stated that she would prefer to see no more than three (3) dwelling units on the subject site.

Mr. Meyer stated that his proposal will not adversely impact the sanitary sewer system.

Ms. Caitlin Laystrom, 240 Third Street, stated that she likes the proposed design. She stated that she does not want to see apartment buildings. She stated that she would prefer not to see a white house on the subject site as her house is white.

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Mr. Matt Flint, 219 Second Street, stated that the Village should consider implementing a moratorium on all new residential development until after the completion of the Comprehensive Plan update.

Ms. Eileen Campbell, 418 Broadway, stated that she lives in an older home. She stated that she has had problems with the sewer backing up into her home. She stated that the proposed development is only three houses away from hers. She stated that she is concerned about new development driving out people like herself. She stated that she does not see a hardship that justifies the requested variations. She stated that Mr. Meyer knew the rules before he bought the property. She requested that the Zoning Board of Appeals recommend denial for the requested variations.

Board Member Oakley asked for clarification of the zoning. Mr. Meyer stated that his proposal is in keeping with the Zoning District designation.

Board Member Flores asked for clarification as to the yard designations. Mr. Meyer identified the yards on the site.

Mr. Rick Swanson, architect for petitioner, stated that they will be in full compliance with the storm water and sanitary management regulations. He stated that the proposed density is less than what could be permitted with the development of a twelve (12) unit apartment building. He stated that drainage on the east side of the building is still being more than adequately managed even after the two foot shift of the building to the east in the revised plans. He stated that the site's drainage will improve with the new development.

Board Member Flores stated that it seems to be too big of a development for the space provided.

Board Member Steffe stated that he likes the design very much, but is still struggling with the proposed size of the development. He stated that he is caught between a rock and a hard place.

Board Member Pyter asked Mr. Meyer what his vision was as he acquired the properties and whether or not he understood the Zoning Code requirements. Mr. Meyer stated that he acquired the property in two separate phases. He stated that he purchased the double lot first and had considered larger single family home on that property, but then was able to acquire the second parcel afterwards which then altered his plan.

Board Member Pyter stated that he questions whether or not three car garages are a valid request. He stated that he understands the pursuit of the townhome plans with first floor master bedrooms.

Board Member Moore asked for additional background information on the area's sanitary sewer system. Mr. Jeff Cooper, Village Engineer, reviewed the sanitary sewer system for the area.

Board Member Moore asked the petitioner if they considered alternative plans in order to meet the Zoning Code. Mr. Meyer stated that they had gone through previous site plan iterations, but none of them worked for him.

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Mr. Swanson stated that the plans as presented are the best option. He stated that they are also responding to what the market is wanting. He stated that they are presenting a plan that is aesthetically pleasing and respectful of the neighborhood.

Board Member Moore stated that the plan is very nice looking, but it is too much development for the size of the land.

Mr. Swanson stated that they did explore other options for the site and decided that they either will build the four (4) unit townhome development as proposed or they can build a 12 unit apartment building.

Chairman Schultz stated that he appreciates the exercise that the applicant has gone through. He asked for additional background information on the area's sanitary sewer system. Mr. Cooper stated that he doesn't have a concern that this development will negatively impact the sewer system. He stated that the storm water management design much comply with the Watershed Development Ordinance and the Village's Appendix P regulations.

Chairman Schultz asked if the proposed development will exasperate the storm sewer system. Mr. Cooper stated that it will not increase the existing storm water issues that the neighbors are currently experiencing.

In the matter of ZBA 18-06.1), Board Member Oakley moved, seconded by Board Member Pyter, to recommend the Village Board of Trustees approve a variation to reduce the minimum required front yard setback from 30 feet to approximately 20'8" in order to construct four (4) single family attached dwelling units for property located in an R-8, Multiple Family Residential District, in accordance with the plans submitted.

Motion failed 2 - 4.

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

In the matter of ZBA 18-06.2), Board Member Steffe moved, seconded by Board Member Flores, to recommend the Village Board of Trustees approve a variation to reduce the minimum required rear yard setback from 20 feet to approximately 11'5" in order to construct four (4) single family attached dwelling units for property located in an R-8, Multiple Family Residential District, in accordance with the plans submitted.

Motion failed 2 - 4.

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

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In the matter of ZBA 18-06.3), Board Member Oakley moved, seconded by Board Member Steffe, to recommend the Village Board of Trustees approve a variation to reduce the minimum required front yard setback from 30 feet to approximately 24'7" in order to construct a four (4) unit detached garage structure for property located in an R-8, Multiple Family Residential District, in accordance with the plans submitted.

Motion failed 2 - 4.

*Ayes: Schultz, Oakley
Nays: Flores, Moore, Pyter, Steffe
Absent: Krummick*

In the matter of ZBA 18-06.4), Board Member Oakley moved, seconded by Board Member Pyter, to recommend the Village Board of Trustees approve a variation to reduce the minimum required rear yard setback from 20 feet to approximately 14'10" in order to construct a four (4) unit detached garage structure for property located in an R-8, Multiple Family Residential District, in accordance with the plans submitted.

Motion failed 2 - 4.

*Ayes: Schultz, Oakley
Nays: Flores, Moore, Pyter, Steffe
Absent: Krummick*

In the matter of ZBA 18-07, Board Member Steffe moved, seconded by Board Member Flores, to recommend the Village Board of Trustees approve a variation to change the required orientation of a principal structure in order to construct four (4) single family attached dwelling units for property located in an R-8, Multiple Family Residential District, in accordance with the plans submitted.

Motion carried 6 - 0.

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

In the matter of ZBA 18-08.1), Board Member Moore moved, seconded by Board Member Steffe, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted height for a fence located in the front yard from four (4) feet to approximately six (6) feet in order to construct a fence for property located in an R-8, Multiple Family Residential District, in accordance with the plans submitted.

Motion carried 6 - 0.

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

In the matter of ZBA 18-08.2), Board Member Oakley moved, seconded by Board Member Steffe, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted linear length that a fence may be in the front yard from 49.5 feet to approximately 109 feet in order to construct a fence for property located in an R-8, Multiple Family Residential District, in accordance with the plans submitted.

Motion carried 6 - 0.

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

In the matter of ZBA 18-08.3), Board Member Pyter moved, seconded by Board Member Steffe, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted amount that a fence may be opaque in the front yard from 1/3 opaque to 100% opaque in order to construct a fence for property located in an R-8, Multiple Family Residential District, in accordance with the plans submitted.

Motion carried 6 - 0.

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

NEW BUSINESS: None.

STAFF COMMUNICATIONS AND DISCUSSION:

Mr. John Spoden, Director of Community Development, announced that there will be an open house on July 18, 2018 for the Comprehensive Plan to be held at the Village of Libertyville Civic Center at 6:00 p.m.

Board Member Steffe moved, seconded by Board Member Flores, to adjourn the Zoning Board of Appeals meeting.

Motion carried 6 - 0.

Meeting adjourned at 8:25 p.m.