

MINUTES OF THE ZONING BOARD OF APPEALS
October 14, 2013

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

Members present: Chairman William Cotey, Dan Donahue, Kurt Schultz, and David Semmelman.

Members absent: Scott Adams, Mark Moore, and Walter Oakley.

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 Donahue moved, seconded by Board Member Semmelman, to approve the September 9, 2013, Zoning Board of Appeals meeting minutes.

Motion carried 4 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

ZBA 13-10 Eric and Lorie Waehner, Applicants
322 East Winchester Road

Request is for a variation to reduce the minimum required rear yard setback from 40 feet to approximately 31.1 feet in order to construct a house addition in an R-5, Single Family Residential District.

Mr. David Smith, Senior Planner, introduced the variation request. Mr. Smith stated that the petitioners are requesting a variation to reduce the minimum required rear yard setback in order to construct a house addition to the rear of their single family residence located in an R-5, Single Family Residential District located at 322 East Winchester Road.

Mr. Smith stated that the residence currently includes a rear screened porch attached to the rear of the home. Mr. Smith stated that the petitioners are proposing to remove this porch and replace it with a permanent house addition within the same footprint at a one story height. The current minimum rear yard setback requirement is 40 feet in the R-5 District.

Mr. Eric Waehner, petitioner, stated they have been Libertyville residents for 18 years. He stated that the existing screened-in porch in the rear was already there when they moved in. He stated that the neighbors have expressed support for the proposed improvement. He stated that back in May when they initially approached the Village to learn about the permitting process, they were told by the Village that the proposed house addition would not be a problem. He stated that it

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was only after investing in an architect and plans and submitting for their building permit that there was an issue with the setback requirement.

Board Member Schultz asked for clarification of the lot size. Mr. Smith stated that the lot size is 9,640 square feet in area and that the Zoning Code requires a minimum of 10,000 square feet if platted new today.

Board Member Schultz stated that he is concerned that the petition may not meet all of the Standards for Variation, but stated that there may be a unique physical condition that applies. He stated that the property directly to the north appears to be substantially open and would not be impacted by the proposed house addition.

Mr. Waehner stated that a Civil Engineer did not have concerns with their drainage patterns on their property. He stated that water runs from west to east with no standing water. He stated that the property three lots to his east had drainage issues, but this did not impact his property.

Board Member Schultz asked if the addition will require a new foundation. Mr. Joe Policht, contractor for the petitioners, stated that there will be a 42 inch foundation.

Board Member Donahue asked about the status of the wood deck adjacent to the screened porch shown on the plat of survey. Mr. Waehner stated that they had recently replaced the wood deck with a concrete patio.

Board Member Semmelman asked about newly submitted Engineering exhibit reflecting drainage patterns on the property. Mr. Fred Chung, Senior Project Engineer, stated that Staff has not had a chance to review the exhibit and provide comments at this time.

Chairman Cotey asked if the petitioner has had a chance to review the DRC Staff Report Engineering Division review comments regarding the tree survey and storm water downspout discharge. Mr. Waehner stated that they will comply with all Staff review comments.

Mr. John Spoden, Director of Community Development, stated that the petitioner may show compliance with Engineering Division comments at the time they apply for permit.

Chairman Cotey asked the petitioner what they would like for the Zoning Board of Appeals to do tonight. Mr. Waehner stated that they would like for the Board to give a recommendation for approval to the Village Board.

In the matter of ZBA 13-10, Board Member Semmelman moved, seconded by Board Member Donahue, to recommend the Village Board of Trustees approve a variation to reduce the minimum required rear yard setback from 40 feet to approximately 31.1 feet in order to construct a house addition in an R-5, Single Family Residential District, subject to the following conditions: 1) That the proposed ground elevations and drainage patterns be approved by Village Staff at the time of permit application.

Motion carried 4 - 0.

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Ayes: Cotey, Donahue, Schultz, Semmelman

Nays: None

Absent: Adams, Moore, Oakley

COMMUNICATIONS AND DISCUSSION:

Mr. John Spoden, Director of Community Development, announced that the Village Board will conduct their annual retreat tomorrow night and discuss goals for the following year. He stated that Staff will ask the Village Board to revisit the Affordable Housing Plan for the Village. He stated that Staff has recently received an application from M/I Homes to develop the Trimm property.

Chairman Cotey asked if the Village Board will discuss updating the Comprehensive Plan during their retreat. Mr. Spoden stated the current Comprehensive Plan update will need to be completed with the remaining portions, including the Transportation section, requiring attention. He stated that a new Comprehensive Plan Update is not on the Village Board's retreat agenda for tomorrow.

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

Motion carried 4 - 0.

Meeting adjourned at 7:28 p.m.