

**MINUTES OF THE ZONING BOARD OF APPEALS
December 8, 2014**

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, Amy Flores, Mark Moore, Walter Oakley, Kurt Schultz, and David Semmelman.

Members absent: None.

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 Moore, to approve the November 10, 2014, Zoning Board of Appeals meeting minutes.

Motion carried 7 - 0.

Board Member Moore moved, seconded by Board Member Semmelman, to approve the November 24, 2014, Zoning Board of Appeals meeting minutes.

Motion carried 7 - 0.

OLD BUSINESS:

**ZBA 14-17 Nick Lazzaretto, Applicant
 204 Broadway**

Request is for variations to: 1) reduce the minimum required corner side yard setback from 30 feet to approximately 8 feet as measured from the corner side yard property line to the foundation of the house and from 30 feet to approximately 4 feet as measured from the corner side yard property line to the basement window well; and 2) reduce the minimum required front yard setback from 22.7 feet to approximately 18.5 as measured from the front yard property line to the basement window well in order to construct a new single family residence in an R-7, Single Family Attached Residential District.

**ZBA 14-18 Nick Lazzaretto, Applicant
 204 Broadway**

Request is for a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 16 feet in order to construct a new detached garage in an R-7, Single Family Attached Residential District.

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ZBA 14-19 Nick Lazzaretto, Applicant
204 Broadway

Request is for a variation to increase the maximum permitted lot coverage from 40% to approximately 45% in order to construct a new single family residence and new detached garage in an R-7, Single Family Attached Residential District.

Mr. Nick Lazaretto, petitioner, stated that they complied with the Staff and Zoning Board of Appeals comments with their revised plans including adjusting the proposed house 5 feet to the west to provide better separation between them and the neighbor to the east. He stated that they do not plan to remove any trees at this time.

Chairman Cotey asked the petitioner what they would like for the Zoning Board of Appeals to do this evening. Mr. Lazaretto requested that the Zoning Board of Appeals give a positive recommendation to the Village Board.

In the matter of ZBA 14-17.1), Board Member Oakley moved, seconded by Board Member Schultz, to recommend the Village Board of Trustees approve a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 8 feet as measured from the corner side yard property line to the foundation of the house and from 30 feet to approximately 4 feet as measured from the corner side yard property line to the basement window well in order to construct a new single family residence in an R-7, Single Family Attached Residential District, in subject to the following conditions: 1) That tree tagged with number 6060 on the Decker Tree Preservation Plan appears to be straddling the property line separating the subject site and the adjacent property to the east. An agreement reviewed and approved by the Village Attorney shall be required between both property owners in regards to the disposition of this tree.; and 2) All trees on private property shall be subject to the Village's Tree Preservation Ordinance.

Motion carried 7 - 0.

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

In the matter of ZBA 14-17.2), Board Member Schultz moved, seconded by Board Member Donahue, to recommend the Village Board of Trustees approve a variation to reduce the minimum required front yard setback from 22.7 feet to approximately 18.5 as measured from the front yard property line to the basement window well in order to construct a new single family residence in an R-7, Single Family Attached Residential District, in subject to the following conditions: 1) That tree tagged with number 6060 on the Decker Tree Preservation Plan appears to be straddling the property line separating the subject site and the adjacent property to the east. An agreement reviewed and approved by the Village Attorney shall be required between both property owners in regards to the disposition of this tree.; 2) All trees on private property shall be subject to the Village's Tree Preservation Ordinance; and 3) That the setback for the house as measured from the front yard property line to the foundation of the house be not less than 22.9 feet as shown on the petitioner's plans.

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Motion carried 7 - 0.

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

In the matter of ZBA 14-18, Board Member Schultz moved, seconded by Board Member Donahue, to recommend the Village Board of Trustees approve a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 16 feet in order to construct a new detached garage in an R-7, Single Family Attached Residential District, in subject to the following conditions: 1) That tree tagged with number 6060 on the Decker Tree Preservation Plan appears to be straddling the property line separating the subject site and the adjacent property to the east. An agreement reviewed and approved by the Village Attorney shall be required between both property owners in regards to the disposition of this tree.; and 2) All trees on private property shall be subject to the Village's Tree Preservation Ordinance.

Motion carried 7 - 0.

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

In the matter of ZBA 14-19, Board Member Donahue moved, seconded by Board Member Schultz, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted lot coverage from 40% to approximately 45% in order to construct a new single family residence and new detached garage in an R-7, Single Family Attached Residential District, in subject to the following conditions: 1) That tree tagged with number 6060 on the Decker Tree Preservation Plan appears to be straddling the property line separating the subject site and the adjacent property to the east. An agreement reviewed and approved by the Village Attorney shall be required between both property owners in regards to the disposition of this tree.; and 2) All trees on private property shall be subject to the Village's Tree Preservation Ordinance.

Motion carried 7 - 0.

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

NEW BUSINESS:

ZBA 14-20 Libertyville Civic Center, Applicant
135 W. Church Street

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Request is for a variation to increase the maximum permitted number of wall signs from one (1) to two (2) for property located in an IB, Institutional Buildings District.

Board Member Oakley recused himself.

Mr. David Smith, Senior Planner, stated that the petitioner is seeking approval for a variation to allow the installation of a second wall sign on the Libertyville Civic Center which is located in an IB, Institutional Buildings District at 135 W. Church Street. Mr. Smith stated that the Civic Center fronts both Church Street and Brainerd Avenue and the petitioner is proposing to locate one wall sign on the west wall facing Brainerd Avenue, and the second sign on the existing wall facing north towards Church Street. He stated that the petitioner is seeking a variation to increase the maximum permitted number of wall signs from one (1) to two (2).

Mr. Art Kopp, agent for the Civic Center, stated that the intent is for better eye-level visibility.

Chairman Cotey asked for clarification of what the sign letter materials and lighting are. Mr. Kopp stated that the letters are a white aluminum and are back lit.

Chairman Cotey asked the petitioner what he would like for the Zoning Board of Appeals to do this evening. Mr. Kopp stated that he would like for the Zoning Board of Appeals to render a positive recommendation to the Village Board for their variation request.

In the matter of ZBA 14-20, Board Member Schultz moved, seconded by Board Member Donahue, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted number of wall signs from one (1) to two (2) for property located in an IB, Institutional Buildings District, subject to the following conditions: 1) That a license agreement to allow the handicap ramp to encroach into the right-of-way be approved by the Village Board.

Motion carried 7 - 0.

Ayes: Cotey, Donahue, Flores, Moore, Oakley, Schultz, Semmelman

Nays: None

Absent: None

ZBA 14-21 Scott and Gayla Clawson, Applicants
930-934 Sherborne Court

Request is for a variation to reduce the minimum required rear yard setback from 50 feet to approximately 20.4 feet in order to construct an addition to a single family residence in an R-3, Single Family Residential District.

Mr. James Babowice, agent for the petitioner, stated that their petition included a request for a Zoning Code interpretation of how yards are defined therein. He stated that if they were not able to obtain the desired interpretation, then they would seek approval for the variation.

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Mr. David Smith, Senior Planner, explained how the Zoning Code defines front, corner side, interior side, and rear property lines and yards. He stated that the petitioner's house is currently located on Lot 10 of the Sherborne Court subdivision and is considered an interior lot with the front yard abutting the west property line, but in order to construct their proposed swimming pool and house addition, which would encroach into the vacant Lot 9 to the south, their front yard would be re-oriented to the south causing the existing house to encroach into the rear yard to the north end.

Mr. David Pardys, Village Attorney, stated that the request for the Zoning Code interpretation was not properly noticed and therefore, could not be discussed in tonight's public hearing.

Board Member Moore requested clarification as to who makes the interpretation of the Zoning Code. Mr. Babowice stated that Staff had already explained their interpretation of the Zoning Code definitions for front and corner side property lines and yards during a meeting with them on October 13, 2014.

Mr. John Spoden, Community Development Director, stated that the variation should be heard separately from an appeal of the Zoning Code interpretation.

Mr. Babowice requested to have his appeal to the interpretation of the Zoning Code heard at the January 12, 2015, Zoning Board of Appeals meeting and for the variation for the rear yard setback to be continued to the February 9, 2015, Zoning Board of Appeals meeting.

In the matter of ZBA 14-21, Board Member Schultz moved, seconded by Board Member Donahue, to continue this item to the February 9, 2015, Zoning Board of Appeals meeting.

Motion carried 7 - 0.

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

COMMUNICATIONS AND DISCUSSION: None.

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

Motion carried 7 - 0.

Meeting adjourned at 8:45 p.m.