

**MINUTES OF THE ZONING BOARD OF APPEALS**  
**May 18, 2015**

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 Donahue moved, seconded by Board Member Schultz, to approve the April 27, 2015, Zoning Board of Appeals meeting minutes.

Motion carried 7 - 0.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

**ZBA 15-10 Libertyville Community High School District 128, Applicant  
416 West Park Avenue**

**Request is for variations to: 1) reduce the minimum required Perimeter Landscaped Open Space from 50 feet to approximately 35 feet along the north property line, which abuts the Jackson Avenue right-of-way, in order to allow the construction of a storage building; 2) reduce the minimum required Perimeter Landscaped Open Space from 50 feet to approximately 17 feet along the north property line, which abuts the Jackson Avenue right-of-way, in order to allow the construction of a parking lot; 3) reduce the minimum required Perimeter Landscaped Open Space from 50 feet to approximately 25 feet along the east property line, which abuts the Douglas Avenue right-of-way, in order to allow the construction of a parking lot; and 4) reduce the minimum required Perimeter Landscaped Open Space from 50 feet to approximately 24 feet along the south property line, which abuts the Park Avenue right-of-way, in order to allow the construction of a parking lot for property located in an IB, Institutional Buildings District.**

**ZBA 15-11 Libertyville Community High School District 128, Applicant  
416 West Park Avenue**

**Request is for a variation to allow a fence to extend beyond the front building line of the principal structure for property located in an IB, Institutional Buildings District.**

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**ZBA 15-12 Libertyville Community High School District 128, Applicant**  
**416 West Park Avenue**

**Request is for variations to: 1) allow two quasi-public wall signs on the principal structure; and 2) allow an increase in the maximum permitted gross sign area from 48 square feet to approximately 123.8 square feet in order to install two quasi-public wall signs on the principal structure for property located in an IB, Institutional Buildings District.**

Mr. Tim Anderson, 821 Bartlett Terrace, stated that he wanted to make a point of order. He stated that the public hearing should be postponed as there was an improper public notice due to the fact that the public notice sign was missing from the subject site during the required posting period.

Mr. John Spoden, Director of Community Development, stated that there are three methods of implementing public notice. He stated that one way is for the petitioner to send out public notice letters by certified mail to property owners within 250 surrounding the subject property, second is for the Village to put a public notice into the newspaper which was completed, and third is to post a public notice sign on the subject property. He stated that what had apparently happened was the after the public notice sign was posted on the property, it disappeared. He stated that when the Village was notified that the sign was down, Staff went back out and replaced the sign.

Mr. Anderson stated that he has been watching the subject property for a long time. He stated that he took time lapse pictures on Saturday and determined that the public notice sign was not posted. He stated that he returned to the site and saw that the public notice sign had still not been posted. He stated that when he called David (Smith, Village Staff) on Tuesday, the public notice sign had still not been posted. He stated that David then posted the sign on Wednesday. He stated that the ordinance states that the public notice sign 'shall remain'. He stated that it does not say that they can be taken down and put back up again. He stated that there was a period of four days in which the sign was not posted. He stated that it is the applicant who should be the one to post to the public notice sign, not David. He stated that given that the public notice sign was not posted according to the ordinance, he suggested that this part of the public hearing be postponed for one month so that the ordinance can be met. He stated that the Village has enough issues to deal with such as Bridge Development, the Menards at Gregg's Landing, etc. the Brainerd site proposal should be a simple matter to deal with. He stated that there is not a hardship by postponing today's hearing, set the date for the next one, and the site properly posted that meets the ordinance. He stated that when the Village Attorney made his decision, he did not have all of the facts. He stated that David posted the sign not the school district who is the applicant.

Mr. David Pardys, Village Attorney, asked David Smith if he had signed an affidavit indicating that he had posted the public notice sign. Mr. David Smith, Senior Planner, stated that he had signed the affidavit that indicates that he had posted the sign on May 1<sup>st</sup>.

Mr. Pardys stated that this affidavit in question should be accepted as part of the record. He stated that one of the notice requirements in the Zoning Code is the posting a sign on the subject

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property. The sign shall be issued by the Village Administrator to the applicant for posting by the applicant and shall be posted on the property facing the street. He stated that the State Statute does not require the posting of a public notice sign in connection with variations and the Zoning Code does not require it to be posted for a particular period of time, but does merely require that it be posted. He stated that as a matter of policy, Staff has posted the public notice signs. He stated that it is his understanding that the applicant had no objection to Staff posting the public notice sign. He stated that the Code does not require any particular period of time for the posting of the public notice sign. He stated that the Code does require that public notice letters be mailed by certified mail to the surrounding property owners which is consistent with State Statute. He stated that there is also the newspaper notice to be published which is consistent with the Zoning Code.

Mr. Pardys stated that the problem with making the posting of the public notice sign on the subject property the linchpin for which to decide if an improper public notice has taken place or not, theoretically anyone can pull the sign down for one hour or two hours or three hours thereby causing the public hearing to be improperly noticed. He stated that David indicated that he posted the sign at the proper time. He stated that Staff re-posted the sign after they were notified that it was down. He stated that if this board is concerned about the public notice requirements being properly met they can postponed this hearing if they choose to do so, however, the Code does not mandate that it be posted continuously for a certain period of time.

Mr. Pardys stated that as David Smith is unable to produce the signed affidavit for this public hearing, he should then testify in front of the Zoning Board of Appeals under oath that he did in fact sign the affidavit indicating that he did post the public notice sign.

Chairman Cotey swore-in Village Staff David Smith.

Mr. Pardys asked Mr. Smith if he did post the public notice sign on the subject property. Mr. Smith stated that he did post the public notice sign on the subject property.

Mr. Pardys asked Mr. Smith when he posted the public notice sign. Mr. Smith stated that he posted the public notice sign on May 1<sup>st</sup>.

Mr. Pardys asked if the public notice sign was visible from the street. Mr. Smith stated that it was visible from Park Avenue.

Mr. Pardys asked if Mr. Smith had received a phone call from Mr. Anderson after he had posted the public notice sign. Mr. Smith stated that Mr. Anderson informed him that the public sign was not posted for a period of four to five days. He stated that he had no reason to disbelieve him.

Mr. Pardys asked when Mr. Smith received the phone call from Mr. Anderson. Mr. Smith stated that it was on Tuesday of last week.

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Mr. Pardys asked what Mr. Smith did in response to the phone call from Mr. Anderson. Mr. Smith stated that he went out the next day and posted two additional public notice signs. He stated that he had done that last Wednesday.

Board Member Donahue asked how many days the public notice sign was missing. Mr. Smith stated that according to Mr. Anderson, the sign was missing between four (4) to five (5) days.

Board Member Donahue asked how long the public notice signs are typically posted. Mr. Smith stated that it was posted on May 1<sup>st</sup> and he received the phone call from Mr. Anderson on May 12<sup>th</sup> by which he was informed that the sign had been down four or five days, he then reposted on May 13<sup>th</sup> and today is the 18<sup>th</sup>.

Board Member Donahue stated that in theory then, the sign was missing four or five days out of 18.

Mr. Pardys stated that if the Zoning Board of Appeals is satisfied that proper public notice has been given then they can proceed with the hearing.

Chairman Cotey stated that he understands that an act of vandalism or inclement weather could remove the sign and that could be beyond the petitioner's or the Village Staff's control. He stated that he is concerned that the ordinance does read to require that the applicant be the one to post the public notice sign and he wondered how stringent the Village should be on this particular section of the ordinance.

Mr. Pardys stated that there are enough procedures incorporated into the ordinance to ensure that proper public notice is given. He stated that the Zoning Board of Appeals should determine if adequate public notice was given in this case. He stated that if the applicant hasn't objected to allowing Village Staff to enter upon the property to place the public notice sign, as a matter of efficiency, should suffice in meeting the intent of the Code. He stated that he does not believe that there has been a failure of providing adequate public notice.

Board Member Moore asked for clarification as to whether or not the Code requires the posting of the sign or not. Mr. Pardys stated that State Statute does not require the posting of the sign, but the Zoning Code does require the posting of the public notice sign.

Board Member Moore stated that the ordinance requires the posting of the public notice sign, but it does not require or dictate what the required amount of time that the public notice sign should be posted for.

Mr. Pardys stated that an older version of the Code stated that the public notice sign should remain posted on the property until the end of the process but it does not state that in the current Code.

Chairman Cotey stated that based on the testimony regarding the posting of the public notice sign, the public hearing in this matter shall continue tonight. He stated that he thanks Mr.

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Anderson for notifying the Village of the public notice sign absence from the subject property during those four or five days.

Mr. Smith stated that the petitioner is proposing to redevelop the former Brainerd School and Gymnasium buildings site with an athletic facility to include an athletic field, storage building and ancillary parking lot. He stated that the site is approximately 4.8 acres in area and is bounded by Park Avenue to the south, Douglas Avenue to the east, Jackson Avenue to the north and Brainerd Avenue to the west. Mr. Smith stated that the athletic field is proposed to be a multi-purpose turf to be utilized by various high school athletic programs. He stated that a 96 stall parking lot is proposed adjacent to the storage building on the east end of the site.

Mr. Smith stated that variations to reduce the minimum required Perimeter Landscaped Open Space is required, a fence variation to allow a fence to extend beyond the front building line of the principal structure is required, and a variation for signage to allow two wall signs on the Storage building is required.

Ms. Sandra Moon, architect for the petitioner, presented proposed improvements to the site. She stated that the proposed storage shed will be a masonry structure. She stated that the athletic field will include a permeable turf. She stated that the primary field will have an east-west orientation and that there will be two smaller fields overlapping the primary field and will have a north-south orientation. She stated that the athletic fields will be surrounded by an eight (8) foot high decorative steel fence. She stated that a 96 stall parking lot is proposed for the east end of the site and will be accessed from Jackson Avenue. She stated that the detention area located at the southwest corner of the property previously shown in earlier versions of the plan is no longer needed and not shown in the current proposal. She stated that the site will not be used in the winter. She stated that there is planned a 60 foot wide and 20 foot high safety netting on both the east and west ends of the athletic field.

Chairman Cotey requested that the petitioner's Civil Engineer present information regarding the drainage of the site.

Mr. Louis Wehrspann, Roake and Associates Inc. and Civil Engineer for the petitioner, stated that the proposed improvements will create a decrease in impervious area and an approximate 10% reduction in runoff. He stated that the parking lot will drain towards Douglas Avenue.

Ms. Lisa Smith, 126 Douglas Avenue, stated Douglas and Jackson Avenues flood and she is concerned about how the proposed change to the site will impact flooding in those streets. She stated that she is concerned about the potential nuisance impact that the proposed improvements will cause due to new lighting.

Mr. Jess Porres, School District 128, stated that the parking lot lights will be on only during athletic events.

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Mr. Wehrspann stated that there will be a reduction in storm water runoff and that there will be an installation of ground water quality control improvements. He stated that the entire infrastructure will be designed to retain water and release slowly over time.

Mr. Fred Chung, Village Engineer, stated that he has reviewed the petitioner's Civil Engineering Plans and concurs that there will be a reduction in storm water runoff.

Ms. Melanie Marcheschi, 338 Jackson Avenue, stated that she is concerned about the lighting on the site.

Mr. Porres stated that the parking lot lights will be set on a timer to shut off for evening hours and that there will be no field lights for night games.

Chairman Cotey asked for clarification of the lighting plan and the proposed illumination. Ms. Moon stated that the photometric plan indicates that the foot-candle illuminations zero out by the time the light spillage reaches the adjacent streets.

Ms. Moon stated that the parking lot lighting will incorporate LED elements in the fixtures.

Mr. Bill Rossen, 1232 Oak Trail Drive, stated that he supports the petitioner's request for variations. He stated that he is a member of First Presbyterian Church, and that they have had a partnership with School District 128 and they are very appreciative of what they have done.

Mr. Mike Kollman, 329 West Park Avenue, stated that he questions the comprehensive planning of this proposal and suggests that it is insensitive to the community. He stated that there is not public open space being proposed. He stated that once the fence is up that it will look like a prison yard. He stated that this location was the original gateway into the Village. He stated that the original plan showing the deep depression for the detention at the southwest corner of the site has been removed which is good, but that now he is concerned about where the storm water will be stored and released. He stated that consideration should be given to providing a public garden park at the southwest corner of the site. He stated that consideration should be give to lowering the proposed fence to five (5') feet. He stated that consideration should be given to increasing the landscaping along the north and south property lines. He stated that consideration should be given to enabling the proposed parking lot to allow shared parking. He stated that the School District 128 should do everything they can to be good neighbors.

Mr. Briant Kelly, Athletic Director for High School District 128, stated that they made an effort to keep the parking lot closer to the church in order to promote shared parking. He stated that by putting the turf field close to campus it will enable the athletes to walk to practice from the school building. He stated in order to address the potential for vandalism they determined that there is a need for the fence to surround the athletic field for security and safety.

Mr. Wehrspann stated that they analyzed the potential effects of 2 year, 5 year, 10 year, 50 year, and 100 year storm events. He stated that their analysis incorporated the worst case scenarios.

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Mr. Kollman asked if the downstream capacity for the 100 year events, if the system could handle that or not. Mr. Wehrspann stated that they have not verified the capacity for 100 year events.

Mr. Chung stated that that the storm sewer capacity has been designed for 10 year events and that is consistent with what the Code requires. He stated that it would be impractical to design the infrastructure for something more than that.

Ms. Moon stated that they are showing the required number of plantings on the landscape plan on either side of the athletic field.

Ms. Melanie Marcheschi inquired about the proposed fence height and if it would be locked when the fields are not in use. She inquired about the fence setback from the Jackson Avenue right-of-way.

Ms. Moon stated that the fence will be setback from the Jackson Avenue right-of-way approximately five (5) feet.

Ms. Marcheschi stated that she is concerned about the lack of green space that these improvements would take away. She stated that she is concerned about the potential for parking on the street because the new parking lot will accommodate less parking than what was provided for before.

Mr. Chung stated that there is parking restriction on Jackson Avenue during the school day.

Ms. Marcheschi stated that the proposed netting will not prevent sports balls from landing on her property. She stated that she is concerned about the parking lot lighting glaring on her house from the proposed storage building. She stated that she is concerned about the garbage left behind after sporting events and that it will blow onto her property and everywhere else. She stated that she is concerned about the honking of horns during certain athletic events.

Mr. Porres stated that the refuse will be handled by the School District Staff. He stated that it would be difficult for the School District to control honking of car horns.

Chairman Cotey asked for clarification that there would be no wind screens along Park Avenue or Jackson Avenue. Mr. Porres stated that the wind screens along Jackson Avenue and Rt. 176 are not planned at this time.

Mr. Tim Anderson stated that there does not appear to be a hardship to support the requested variations. He stated that the referendum failed to save the Brainerd buildings. He stated that the cost for the proposed athletic field improvements is \$4 million dollars. He stated that the citizens said that they did not want to support the cost of \$11 million dollars to save the Brainerd school building. He stated that the citizens are not being asked if they would support \$4 million dollars that would be paid for the athletic fields that would not benefit the community. He stated that the proposed 8 foot high fence would not stop a Lacrosse ball from going through or over it. He stated that they reason that the petitioner wants to install an athletic field from north property

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line to south property line is so that they can practice on two fields that are oriented in a north-south orientation. He stated that he is concerned that the practice balls will land out on Rt. 176 and cause auto accidents. He stated that the students will compete to cause an auto accident by sending the balls out onto the street. He stated that the fields should not be oriented in a north-south layout. He stated that since a soccer goal is 8 feet, any kick to score a goal that misses the goal will clear the fence.

Mr. Anderson stated that over time the School District will realize that they will need to come back and request another variation in order to install screening behind the 8 foot high fence and then if that happens, it will create an opaque screen. He stated that the School District will also realize that they will eventually need to install the 20 foot high screen along the north and south as well.

Mr. Anderson stated this parcel was part of the community and a historical site. He stated that the community was not given the opportunity to say that they want to spend \$4.5 million dollars to lose it forever. He stated that they could instead run a row of parking on the property along Jackson Avenue. He stated that the School District doesn't have to ask what the community wants. He stated that this parcel should stay in the community as a community asset. He stated that this site is hallowed ground as it dates back to 1933 when the Wildcat football team had an undefeated season. He stated that there should be a Master Plan through collaboration between the Village and the School District.

Mr. Anderson stated that the School District has not demonstrated a need. He stated that there is the old Administration building and the land it sits on is underutilized. He stated that this proposal provides no benefit to the community. He stated that this is a bad idea and the Village should ask the School District to come back with Plan B. He stated that there is no rush. He stated that this land could be utilized for those times when the Cook Park is overburdened with activities. He stated that the School District should come back with a Comprehensive Plan and include the Village community in the discussion before we spend \$4 million dollars.

Mr. Patrick Groody, President of the School Board, District 128, stated that they started this process about 10 years ago. He stated that he had met with Mayor Harger to discuss the project. He stated that he is not insensitive to the needs of the community. He stated that this project will improve the programs of Libertyville High School. He stated that the proposed fence is to address the safety and security concerns. He stated that after several plans for the site, they have settled on the proposed plan as the one that is the most needed for the students. He stated that although this may not solve all of the school districts space problems, it goes a long way to improving the needs for the Libertyville High School campus. He stated that although he would not have wanted to invest money into the proposed turf, he stated that the school's experience from the existing high school football field's use of its turf has taught them that the utility of the turf has served the School District well.

Board Member Oakley stated that he has concerns about the available student parking.

Mr. Mark Koopman, Community High School District 128, stated that during the day the parking lot will be used by the students.

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Board Member Oakley stated that he is concerned about how the lighting will for the parking lot will be implemented.

Mr. Koopman stated that they have taken great care to reduce the lighting spillage to zero (0) footcandles at the property lines. He stated that it is possible that they could put a dimming system in the lighting system. He stated that the lighting system is restricted to the south side of the building and to the parking lot only.

Board Member Oakley asked about the sidewalk path that goes out to the sidewalk along Rt. 176. Mr. Koopman described the sidewalk path from the proposed parking lot to the public sidewalk along Rt. 176.

Board Member Oakley asked if the facility will provide concession to attendees to future events at the site. Mr. Koopman stated that there would not be any concession provided at this site.

Board Member Flores asked how many parking spaces were on site including the tennis courts. Mr. Koopman stated that there were 106 parking spaces on site before.

Board Member Flores asked how wide the spacing is between the fence railings are. Ms. Moon stated that the fence railings are approximately four (4") inches apart.

Board Member Moore asked how the fence is around Butler field. Mr. Briant Kelly stated that the current fence height is various between 4 to 6 feet.

Board Member Moore asked if there is any opportunity for more landscaping along the south property line along Rt. 176. Ms. Moon stated that the intent was to provide the missing landscaping along the south and north property line at the east and west end of the site.

Board Member Moore asked for more clarification as to what a bio-swale is. Ms. Moon stated that the intent is to incorporate the bio-swale into the parking lot landscaped islands.

Board Member Moore asked the petitioner to address the concerns expressed about fence and the north-south field orientation. Mr. Briant Kelly stated that the field activity will primarily be used in the east-west orientation for soccer, lacrosse and football. He stated that the intention is allow two teams to practice at once so they designed it a little wider for the north south orientation. He stated that they already to this at the field at Dymond Avenue and Rt. 176. He stated that they would not be playing full games in the north south field orientation because they do not have the space. He stated that they will not have four soccer goals in the north south oriented fields.

Board Member Moore asked what the School District will do to protect the balls from going over the fence line. Mr. Kelly stated that he believes that balls won't go through the fence.

Board Member Moore stated that he is concerned that there might be sports balls that would end up landing in the street along the Rt. 176 right of way. He stated that eventually the school district will opt to install a screen behind the fence and this is a concern. He asked what the hardship is for the variations that are being requested. Mr. Kelly stated that one of the hardships

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includes the fact that the School District is forced to bus the student athletes to and from sports fields that are further away.

Ms. Moon stated that the fields will be utilized for multiple uses.

Board Member Moore stated that it is understood that there is a value for maximizing the utility of the proposed athletic fields. He stated that the Zoning Code requires that all property owner comply with the restrictions provided for each zoning district. He stated that when a property owner requests to vary from those restrictions, they should address the Standards for those variations as provided in the Zoning Code. He stated that of among those Standards, hardship and 'not self created' are among those them. He stated that proper use of the site should be taken into consideration.

Ms. Moon stated that the busing of students to the other fields can create a hardship.

Board Member Moore asked for clarification as to the use of lights and night games. Mr. Porres stated that they do not have any plans for allowing night games at this site at this time.

Board Member Semmelman asked how the green space would be used on the west end of the property. Ms. Moon stated that it would not be fenced in and it should remain as open green space.

Board Member Semmelman stated that he understands the need to install the fence in order to protect the investment into the athletic field.

Board Member Donahue asked the Village Attorney for clarification as to the meaning of a hardship that would justify a variation. Mr. David Pardys, Village Attorney, stated that the Zoning Code states that no variation shall be granted pursuant to the code unless the applicant shall establish that carrying out the strict letter of the provisions of this Code would create a particular hardship or a practical difficulty. Such a showing shall require proof that the variation being sought satisfies each of the standards set forth in the Code.

Board Member Donahue asked for clarification as to the meaning of 'self-created' as a Standard for Variation. Mr. Pardys stated that one of the standards that should be met in order to approve a variation is that the unique physical condition is not the result of any action or inaction of the owner or predecessors in title.

Board Member Schultz asked for clarification as to the location of the proposed bio-swale. Mr. Wehrspann stated that it will be outside of the fenced area along the southern portion of the site.

Board Member Schultz stated that it appears that the sidewalk is right next to the sidewalk.

Mr. Wehrspann stated that the swale will be about 18" deep.

Board Member Schultz asked for clarification of proposed detention of the site. Mr. Wehrspann stated that the previously proposed detention pond located at the southwest corner of the site has

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been eliminated. He stated that the revised topographical elevation at that southwest corner is proposed to be 713. He stated that the field and parking lot will have a certain amount of detention capacity before storm water is released.

Board Member Schultz asked the petitioner why they need an 8 foot high fence and asked if they would be willing to go lower. Ms. Moon stated that the IB District allows a 10 foot high fence and they lowered it to 8 feet. She stated that they believe they need to height for security purposes.

Mr. Koopman stated that a 6 foot high fence would be much easier to climb.

Board Member Schultz asked what types of sports will be played on the athletic field. Mr. Porres stated that the field will accommodate freshman football on the east-west field and soccer and lacrosse practices on the north-south fields.

Board Member Schultz asked the petitioner how they have addressed the problem of balls flying over the fence in the past. Mr. Kelly stated that they have not had problems with footballs escaping the field. He stated that for Lacrosse they have been putting up wind netting at the ends of the field.

Board Member Schultz asked if the petitioner is committed to not installing a wind screen along the south perimeter. Mr. Porres stated that they are not planning to install the wind screen along the south perimeter at this time.

Board Member Schultz asked if the petitioner will install a monument sign at the site. Mr. Porres stated that in their original plans they had intended to construct a gazebo in the southwest area of the site using materials from the old gym. He stated that after getting the cost estimate that they gave up on the gazebo idea at this time. He stated that they have some other ideas for some type of memorial but they are not ready at this point and time.

Board Member Schultz stated that he understands that the School District is not ready to install a memorial at this time, but could consideration be given to at least placing a monument sign on the site that would indicate what the purpose of the athletic field is. Mr. Kelly stated that other than the proposed signage to be installed on the proposed storage building, there aren't any plans for other signage at this point and time.

Mr. Porres stated that they can explore an additional sign if that is what the Zoning Board of Appeals is requesting of us.

Board Member Schultz stated that he is concerned about the loss of community space. He asked if the School District is willing to share the space for community events. Mr. Kelly stated that there have been agreements established with other groups in the past for limited use such as the Libertyville Girls Softball Association, Libertyville Little League Association for the Butler Lake field, Boys Club, Lacrosse feeder program, etc. He stated that any shared use would have to be limited to athletics only.

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Mr. Prentiss Lea, Superintendent of High School District 128, stated that it is their intent to remain committed to the agreements made with the Village. He stated that they look forward to partnering with the community and the park district in the future.

Board Member Schultz stated that he would have preferred if there is a little more articulation in the architecture of the storage building. He stated that there was once a historical building on the site before but the proposed storage shed is very simple. He stated that consideration could be given to adding features that would break up the facades such as soldier coursing or something to that effect.

Ms. Moon stated that because of the purpose that the building serves, an effort to design it in more utilitarian way was intended also they had to stay within budget. She stated that by installing the scoreboard sign under the gable of the roof also introduce additional challenges for the building's design.

Board Member Schultz stated that if the intent is for this building to be there for a 100 years or so then it seems like efforts to make it as presentable as possible should be considered. He asked if further consideration can be given to shortening the north-south fields in order to incorporate additional landscape buffers.

Ms. Moon stated that in their latest revision they did shorten the north-south fields approximately five feet on both ends.

Board Member Moore stated for clarification that the Perimeter Landscaped Open Space variations are not relative to the fence location, but is relative to the structure and the parking lot.

Mr. Smith stated that Board Member Moore is correct.

Board Member Moore stated that in order to eliminate the Perimeter Landscaped Open Space variations, they would have to reduce or move the structure and parking lot outside of the minimum required Perimeter Landscaped Open Space not necessary reduce the turf field.

Mr. Smith stated that Board Member Moore is correct.

Board Member Moore requested additional clarification of the fence variation.

Mr. Smith stated that the fence regulations for the IB, Institutional Buildings District state that the no fence shall extend beyond the front building line of the principle structure located on the lot. He stated that due to this parcel being bounded on all four sides by right-of-way street frontage, all four sides of the structure are the front building line. He stated that this would cause the necessity of a fence variation regardless of where it is located on the lot.

Chairman Cotey asked Ms. Moon if she had the opportunity to review the Development Review Committee Staff report. Ms. Moon stated she had reviewed it.

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Chairman Cotey asked if they would consider installing the safety netting along the south perimeter of the site as suggested by Staff in the DRC Staff report. Ms. Moon stated that they can look into the additional safety netting. She stated that it has not yet been addressed by the School District.

Chairman Cotey asked if the petitioner has had an opportunity to review the Engineering Division DRC Staff review comments and if the petitioner agrees with them. Mr. Porres stated that they will agree with the Engineering Division comments.

Chairman Cotey asked the petitioner if they agree with the Fire Department review comments found in the DRC Staff Report. Mr. Porres stated that they will agree with the Fire Department review comments.

Chairman Cotey read the Fire Department comments to the petitioner.

Mr. Porres responded in agreement to each one.

Chairman Cotey asked that the petitioner respond to each of the Standards for Variation. He read each Standard from the Zoning Code and the petitioner responded as follows:

Chairman Cotey stated that no variation shall be granted pursuant to this Section 16-8 unless the applicant shall establish that carrying out the strict letter of the provisions of this Code would create a particular hardship or a practical difficulty. Such a showing shall require proof that the variation being sought satisfies each of the standards set forth in this Section 16-8.7.

Ms. Moon stated that the carrying out of the strict letter of the Zoning Code would reduce the athletic turf in the north-south direction by 100-feet if the 50-foot perimeter requirement is enforced, or by 50-feet, if the 25-foot perimeter requirement is enforced. This would infringe upon the regulation boundary safety zones recommended for high school athletics and/or limit the types of sports that the field could accommodate. With all community stakeholders in mind, the proposed athletic field layout will provide the most flexibility for multiple programs.

Chairman Cotey stated that for a Unique Physical Condition the subject lot should be exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including the presence of an existing use, structure, fence or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject lot that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot or its existing development rather than the personal situation of the current owner of the lot.

Ms. Moon stated that the lot's irregular shape limits placement of an athletic field toward the east 3/4 of the lot and limits the placement of a football field to the east-west direction. Due to deeded parking requirements at the northeast corner of the site, the athletic field is proposed to be located centrally to accommodate the parking as well as the need for multiple sports practices and games. The physical contours of this central area allows for the most flexibility to grade the

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site for typical athletic fields, crowning the central field where possible, and providing relatively gentle slopes to the existing sidewalk areas.

Chairman Cotey stated that for it to not be Not Self-Created, the aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title, other than the construction of structures that were lawful at the time of such construction, and existed at the time of the enactment of the provisions from which a variation is sought or was created by as a result of natural forces or governmental action, other than the adoption of this Code.

Ms. Moon stated that the lot's irregular shape is due to the boundaries of Illinois State Route 176 (Park Avenue), Brainerd Avenue, Jackson Avenue, and Douglas Avenue. The demolition of the existing Brainerd School and Gymnasium buildings only serve to increase the open space and flexibility for placement of the athletic field.

Chairman Cotey stated that for there to be a Denial of Substantial Rights, the carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject lot of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

Ms. Moon stated that the carrying out of the strict letter of the Zoning Code would limit the District's substantial rights to determine how to best serve the school community by limiting the intended use of the athletic facility and reducing the types of sports it could accommodate.

Chairman Cotey stated that for there to be Not Merely a Special Privilege the alleged hardship or difficulty is neither merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely the inability of the owner to make more money from the use of the subject lot, provided, however, that where the standards set out in this Section 16-8.7 are met, the existence of an economic hardship shall not be a prerequisite to the grant of a variation.

Ms. Moon stated that the development of the proposed athletic field to accommodate multiple sports addresses the needs of many community stakeholders and is not a special privilege.

Chairman Cotey stated that in order for the proposal to meet the Code and Plan Purposes, the variation would not result in a use or development of the subject lot that would be not in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan.

Ms. Moon stated that the athletic turf is permeable and visually similar to an allowed groundcover that could be planted in the perimeter landscape width. The proposed plan provides the calculated required trees and shrubs in other locations on the site.

Chairman Cotey stated that in order for the proposal to address the Essential Elements of the Area, The variation would not result in a use or development on the subject lot that:

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Would be materially detrimental to the public, welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity,• or  
Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or  
Would substantially increase congestion in the public streets due to traffic or parking; or  
Would unduly increase the danger of flood or fire; or  
Would unduly tax public utilities and facilities in the area,• or  
Would endanger the public health or safety.

Ms. Moon stated that the proposed variation will allow multiple sports to utilize the athletic field as well as increase the out-of-bounds safety zones. The open access to light and air is increased with the proposed open fence and athletic field in lieu of a build structure. Traffic and parking is addressed by providing a new paved lot on the east side of the site with access only on the north from Jackson Avenue. Site engineering addresses stormwater management as required, and utilities are limited to the small support building structure and parking lighting. Public health and safety are addressed and current building and accessibility codes will be used for design.

Chairman Cotey stated that in order to address that there is No Other Remedy the petitioner shall show that there is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject lot.

Ms. Moon stated that there is no other equivalent remedy other than the requested variation. Any other layout for the athletic field would limit potential use.

Chairman Cotey asked the petitioner if they would like for the Zoning Board of Appeals to proceed with a vote and a recommendation to be forwarded to the Village Board. Ms. Moon stated that they would like for the Zoning Board of Appeals to proceed to a vote and recommendation to the Village Board.

*In the matter of ZBA 15-10.1), Board Member Oakley moved, seconded by Board Member Schultz, to recommend the Village Board of Trustees approve a variation to reduce the minimum required Perimeter Landscaped Open Space from 50 feet to approximately 35 feet along the north property line, which abuts the Jackson Avenue right-of-way, in order to allow the construction of a storage building for property located in an IB, Institutional Buildings District, in accordance with the plans submitted.*

*Motion carried 5 - 2.*

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

*In the matter of ZBA 15-10.2), Board Member Semmelman moved, seconded by Board Member Schultz, to recommend the Village Board of Trustees approve a variation to reduce the minimum required Perimeter Landscaped Open Space from 50 feet to approximately 17 feet along the*

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*north property line, which abuts the Jackson Avenue right-of-way, in order to allow the construction of a parking lot for property located in an IB, Institutional Buildings District, in accordance with the plans submitted.*

*Motion carried 5 - 2.*

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

*In the matter of ZBA 15-10.3), Board Member Semmelman moved, seconded by Board Member Schultz, to recommend the Village Board of Trustees approve a variation to reduce the minimum required Perimeter Landscaped Open Space from 50 feet to approximately 25 feet along the east property line, which abuts the Douglas Avenue right-of-way, in order to allow the construction of a parking lot for property located in an IB, Institutional Buildings District, in accordance with the plans submitted.*

*Motion carried 5 - 2.*

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

*In the matter of ZBA 15-10.4), Board Member Schultz moved, seconded by Board Member Semmelman, to recommend the Village Board of Trustees approve a variation to reduce the minimum required perimeter landscape open space from 50 feet to approximately 24 feet along the south property line, which abuts the Park Avenue right-of-way, in order to allow the construction of a parking lot for property located in an IB, Institutional Buildings District, in accordance with the plans submitted.*

*Motion carried 5 - 2.*

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

*In the matter of ZBA 15-11, Board Member Semmelman moved, seconded by Board Member Schultz, to recommend the Village Board of Trustees approve a variation to allow a fence to extend beyond the front building line of the principal structure for property located in an IB, Institutional Buildings District, in accordance with the plans submitted.*

*Motion carried 5 - 2.*

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

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*In the matter of ZBA 15-12.1), Board Member Cotey moved, seconded by Board Member Schultz, to recommend the Village Board of Trustees approve a variation to allow two quasi-public wall signs on the principal structure for property located in an IB, Institutional Buildings District, in accordance with the plans submitted.*

*Motion carried 5 - 2.*

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

*In the matter of ZBA 15-12.2), Board Member Oakley moved, seconded by Board Member Schultz, to recommend the Village Board of Trustees approve a variation to allow an increase in the maximum permitted gross sign area from 48 square feet to approximately 123.8 square feet in order to install two quasi-public wall signs on the principal structure for property located in an IB, Institutional Buildings District, in accordance with the plans submitted.*

*Motion carried 5 - 2.*

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

**ZBA 15-13 Elena Shapiro, Applicant**  
**114 W. Rockland Road**

**Request is for a variation to increase the maximum permitted height of a wall sign from 20 feet to approximately 24.25 feet in order to allow a wall sign for property located in a C-3, General Commercial District.**

Mr. David Smith, Senior Planner, introduced the petitioner's sign variation request. Mr. Smith stated that the applicant, Elena Shapiro, is requesting approval for a variation for signage for property located in a C-3, General Commercial District at 114 West Rockland Road. Mr. Smith stated that they are requesting a height variation for a wall sign in order to install a 29.5 square foot sign with dimensions of 9.1 feet by 3.25 feet. Mr. Smith stated that the top edge of the sign will reach a height of approximately 24.75 feet above grade. He stated that the Zoning Code allows a maximum height of 20 feet in a C-3, General Commercial District.

Mr. Chuck Zenn, North Shore Sign Co., representing the petitioner, stated that the request will help the sign look symmetrical and more appropriate as proposed.

Dr. M. Shapiro, applicant, stated that it really is an aesthetic issue.

Board Member Schultz stated that he doesn't have any problem with the request.

Board Member Moore asked if the lettering height could be reduced.

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Dr. Shapiro stated that the proposal is after reviewing larger alternatives. He stated that they have reduced the lettering height.

Chairman Cotey asked if the petitioner would like for the Zoning Board of Appeals to vote and forward their recommendation to the Village Board. Dr. Shapiro stated that he is ready for the Zoning Board of Appeals vote and recommendation.

*In the matter of ZBA 15-13, Board Member Oakley moved, seconded by Board Member Flores, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted height of a wall sign from 20 feet to approximately 24.25 feet in order to allow a wall sign for property located in a C-3, General Commercial District, in accordance with the plans submitted.*

*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 Semmelman, to adjourn the Zoning Board of Appeals meeting.

Motion carried 7 - 0.

Meeting adjourned at 9:10 p.m.