

MINUTES OF THE ZONING BOARD OF APPEALS
July 13, 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, Mark Moore, Walter Oakley, Kurt Schultz, and David Semmelman.

Members absent: Dan Donahue and Amy Flores.

Village Staff present: David Smith, Senior Planner; Fred Chung, Senior Project Engineer; and Joe Surdam, Planning Intern.

Board Member Oakley moved, seconded by Board Member Schultz, to approve the June 8, 2015, Zoning Board of Appeals meeting minutes.

Motion carried 5 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

**ZBA 15-19 David and Teresa Keating, Applicant
214 Prairie Avenue**

Request is for variations to: 1) reduce the minimum required front yard setback from 35.5 feet to approximately 21 feet; 2) reduce the minimum required north interior side yard setback from 12.1 feet to approximately 8 feet; 3) reduce the minimum required south interior side yard setback from 12.1 feet to approximately 5.75 feet; and 4) reduce the minimum required aggregate interior side yard setback from 20.4 feet to approximately 13.75 feet in order to construct a house addition in an R-6, Single Family Residential District.

Mr. David Smith, Senior Planner, introduced the requested variations to the Zoning Board of Appeals. He stated that the petitioners, David and Teresa Keating, are seeking approval for variations to: 1) reduce the minimum required front yard setback; 2) reduce the minimum required north interior side yard setback; 3) reduce the minimum required south interior side yard setback; and 4) reduce the minimum required aggregate interior side yard setback in order to construct a house addition in an R-6, Single Family Residential District located in at 214 Prairie Avenue.

Mr. Smith stated that the petitioner is proposing to add on to the principal structure a second story and usable attic space above to be designed to accommodate a bedroom, bathroom and upper family room. He stated that the finished height is proposed to be approximately 36 feet 9 inches from existing grade. He stated that in addition, the petitioner is proposing to add a two story addition to the rear of the home which will expand the structures footprint another 290 square feet of area.

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Mr. David Skiffington, architect for the petitioner, stated that the proposed architecture is pushing the roof line to the proposed height that the petitioner is requesting.

Ms. Teresa Keating stated that they have a family of six (6) and that this is why they are designing the attic space as usable space to include additional bedrooms.

Mr. David Keating stated that they love this house and that they love the Village of Libertyville. He stated that the proposed addition to the house will make it more usable for their family.

Mrs. Keating stated that due to the smaller lot size they cannot expand their house footprint, except for the proposed rear addition.

Mr. Skiffington presented an alternative plan in which the house height did not exceed 32 feet and stated that it would not work as well due to the change in the roof lines and the reduction of usable space. He stated that their request, if approved, will enhance the quality of the neighborhood.

Mrs. Keating stated that other homes in the area are being built at increased heights.

Ms. Kim Bissing, 215 Second Avenue, stated that she lives near the petitioners' home and stated that she is not concerned with the reduction of sunlight due to the increase in height of the Keating's home.

Mr. Jeff Criel, 600 Meadow Lane, stated that he supports the variation requests.

Board Member Schultz stated that he is concerned about a precedence being created. He stated that he would like to see the petitioners revise their plan in order to bring the height down some. He stated that he is concerned about the canyon like effect that the proposed height will have upon the neighboring property.

Ms. Keating stated that she had discussed their proposal with the adjacent neighbors and no one seemed to object.

Mr. Skiffington stated that the proposed architectural variations in the elevations are to provide a more aesthetic design.

Board Member Schultz stated that the proposed architecture is attractive, but he is concerned about a precedent being set.

Ms. Keating stated that they are at least not exceeding the maximum permitted height of 37 feet.

Board Member Schultz stated that the addition can still be built with usable attic space, but not at the proposed height.

Mr. Skiffington stated that any reduction in height would make the attic space much less usable.

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Board Member Moore asked for clarification of the gross floor area after the addition is complete. Mr. Skiffington stated that the second floor will be approximately 1,680 square feet in floor area and the proposed attic space will be approximately 1,003 square feet in floor area.

Board Member Oakley asked the petitioner how long they have lived in the Village. Mr. Keating stated that they have lived in the Village for about 4 years.

Board Member Oakley asked if the petitioner will comply with the Engineering Division review comments. Mr. Skiffington stated that they are not concerned about the storm water run-off as it runs towards the rear of the lot.

Mr. Fred Chung, Village Engineer, stated that the roof area will increase and therefore will cause additional impervious area. He stated that heavier rains may cause discharge onto the neighbor's property.

Mr. Keating stated that they are planning to utilize downspouts that would route storm water into the storm system.

Chairman Cotey stated that he cannot see a practical difficulty that justifies the variation requests. He stated that he will recommend that the petitioners request a continuance in order to provide them an opportunity to revise their plans.

Ms. Keating stated that they need the additional bedroom. She stated that the lack of functional space is the hardship for them.

Mr. Keating stated that his father fractured his leg and that he will have to stay with them for a period of time.

Chairman Cotey referred to Zoning Code Section 16-8.1 regarding the purpose of variations. He stated that the variation procedure is intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of this Code that create practical difficulties or particular hardships.

Chairman Cotey asked the petitioner if they would like to continue their case to next month. Mr. Keating stated that they will accept a continuance to next month.

In the matter of ZBA 15-19, Board Member Moore moved, seconded by Board Member Schultz, to continue this item to the August 10, 2015, Zoning Board of Appeals meeting.

Motion carried 5 - 0.

Ayes: Cotey, Moore, Oakley, Schultz, Semmelman

Nays: None

Absent: Donahue, Flores

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ZBA 15-18 Alexander Karahalios, Applicant
1331 Forever Avenue

Request is for variations to: 1) allow a fence to be constructed in the corner side yard where the corner side yard abuts the front yard of the abutting property; and 2) allow a fence to be constructed in the corner side yard and forward of the rear building line of the principal structure in an R-5, Single Family Residential.

Mr. David Smith, Senior Planner, stated that the applicant, Alexander Karahalios, is requesting a variation to allow a fence to be constructed in the corner side yard and forward of the rear building line of the principal structure in an R-5, Single Family Residential District located at 1331 Forever Avenue. Mr. Smith stated that the applicant is proposing to construct a black or bronze five (5) foot aluminum fence to wrap around their rear yard and a portion of their corner side yard. Mr. Smith stated that the corner side yard is adjacent to the Virginia Avenue r.o.w.

Mr. Alex Karahalios, applicant, stated that he proposing to locate the fence where there currently is ample vegetation. He stated that by doing so he is improving the line of site visibility. He stated that he just bought this home about a month ago and is looking forwarding to raising his children there and that the fenced in yard he is seeking will help to provide the security he needs.

Ms. Stacy Karahalios, applicant, stated that Virginia Avenue is a very busy street and the proposed fence will provide the safety that they are seeking as well.

Ms. Suchuan Fan, 1329 Forever Avenue, stated that she is concerned that the fence is proposed to be installed next to the sidewalk. She stated that she is concerned that the fence may have a negative impact on her property values.

Ms. Aruna Dabholkar, 1713 Virginia Avenue, stated that she would prefer to see a wood fence.

Mr. Karahalios, stated that he is proposing a nice decorative fence. He stated that it will not be an ugly chain link fence. He stated that there are already a few aluminum fences in the area and that his proposed fence will not be the first decorative aluminum fence.

Ms. Dabholkar, stated that a wooden fence would look nicer.

Ms. Karahalios stated that their proposed aluminum fence will provide an unobstructed line of site onto their property as the fence is not opaque.

Mr. Karahalios stated that their proposed fence also requires less maintenance cost.

Ms. Dabholkar stated that there are many wooden fences in the area.

Board Member Semmelman asked the applicant if he would be willing to pull the fence back behind the rear building line in order to eliminate one of the variations. Mr. Karahalios stated that he did not want to cut the rear yard in half as it would make the outdoor space awkward.

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Ms. Karahalios stated that they have met with some of their neighbors and they have gotten support from them for their proposed fence.

Chairman Cotey asked the petitioner what the hardship is that would justify the approval for the fence variation. Mr. Karahalios stated that he would have to move substantial amount of vegetation. He stated that there are a variety of bushes and trees including a pine tree a little less than 18" in diameter.

Board Member Semmelman asked the petitioner if he is willing to move the fence line behind the rear building line. Mr. Karahalios stated that he is willing to move the fence line behind the rear building line and stated that he is withdrawing variation request number two (2) which is to allow a fence to be constructed in the corner side yard and forward of the rear building line of the principal structure in an R-5, Single Family Residential District.

In the matter of ZBA 15-18.1), Board Member Schultz moved, seconded by Board Member Semmelman, to recommend the Village Board of Trustees approve a variation to allow a fence to be constructed in the corner side yard where the corner side yard abuts the front yard of the abutting property in an R-5, Single Family Residential District, in accordance with the plans submitted.

Motion carried 4 - 1.

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

In the matter of ZBA 15-18.2), the request was withdrawn.

COMMUNICATIONS AND DISCUSSION:

Mr. Fred Chung, Senior Project Engineer, stated that at the July 28, 2015, Streets Committee meeting there will be a presentation by Chris Burke Engineering regarding new storm water detention methods for residential properties.

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

Motion carried 5 - 0.

Meeting adjourned at 8:12 p.m.