

MINUTES OF THE ZONING BOARD OF APPEALS
November 23, 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, Matthew Krummick, Mark Moore, Walter Oakley, Kurt Schultz, and David Semmelman.

Members absent: Amy Flores.

Village Staff present: John Spoden, Director of Community Development; David Smith, Senior Planner, and Fred Chung, Senior Project Engineer.

Board Member Schultz moved, seconded by Board Member Semmelman, to approve the October 26, 2015, Zoning Board of Appeals meeting minutes.

Motion carried 6 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

**ZBA 15-28 Libertyville Little League, Applicant
815 Lake Street, Butler Lake Park**

Request is for a variation to increase the maximum height of recreational light poles from 25 feet to approximately 60 feet in order to install four (4) recreational light poles in an OS, Open Space District.

The applicant was not present at the meeting.

In the matter of ZBA 15-28, Board Member Oakley moved, seconded by Board Member Schultz, to continue this item to the December 14, 2015, Zoning Board of Appeals meeting.

Motion carried 6 - 0.

Ayes: Cotey, Krummick, Moore, Oakley, Schultz, Semmelman

Nays: None

Absent: Flores

**ZBA 15-29 Libertyville Manor Extended Care Facility, Inc., Applicant
610 Peterson Road**

Request is for variations to: 1) increase the maximum permitted number of freestanding business signs; 2) increase the maximum permitted height of a freestanding business sign; 3) increase the maximum permitted gross surface sign

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area for all business signs; 4) reduce the minimum required setback for three (3) freestanding business signs; and 5) increase the maximum permitted sign area for multiple number of Private Traffic Direction Signs for property located in an IB, Institutional Buildings District.

The applicant requested that this item be continued to the January 25, 2016, Zoning Board of Appeals meeting.

In the matter of ZBA 15-29, Board Member Schultz moved, seconded by Board Member Oakley, to continue this item to the January 25, 2016, Zoning Board of Appeals meeting.

Motion carried 6 - 0.

Ayes: Cotey, Krummick, Moore, Oakley, Schultz, Semmelman

Nays: None

Absent: Flores

ZBA 15-30 DRH Cambridge Homes, Inc., Applicant
Lot 27 and Lot F in Garrison's Subdivision on East Ellis Avenue

Request is for a variation to allow a single family home to be built on a residential lot having frontage on an improved public street which extends no more than 40 feet across the entire frontage of the lot for Lot F or approximately 65% of the proposed lot width of 61 feet, located in Garrison's Subdivision on East Ellis Avenue, in an R-6, Single Family Residential District.

Mr. David Smith, Senior Planner, introduced the petitioner's requests. Mr. Smith stated that the petitioner is requesting approval for approval of a Plat of Resubdivision for Lots 27 and Lot F located in the Garrison's Subdivision on East Ellis Avenue and a variation to allow a single family home to be built on a residential lot having frontage on an improved public street which does not extend across the entire frontage of the lot for Lot F.

Mr. Smith stated that the subject lots are two adjacent vacant lots on the east end of East Ellis Avenue on the south side of the street. He stated that Lot F is approximately 51 feet wide and is the very end lot and Lot 27 is approximately 70 feet wide and abuts Lot F on its western side property line. He stated that the petitioner is proposing to adjust the dividing property line that separates the two lots by moving it approximately 10 feet to the west thereby creating two equally wide lots for future single family home development.

Mr. Smith stated that the improved portion of East Ellis Avenue stops short approximately halfway across Lot F and that the Zoning Code requires that no vacant lot of record or zoning lot shall be developed with a building unless such vacant lot of record or zoning lot shall have frontage on an improved public street. Mr. Smith stated that the petitioner is seeking approval of a Variation from this code requirement in order to not have to extend East Ellis Avenue any further to the east.

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Mr. David Muneretto, DRH Cambridge Homes, petitioner, stated that he has a contract to purchase the two lots in question. He stated that they are requesting to adjust the lot line so that the two lots will conform to the 60 foot width requirement. He stated that he is concerned about the potential for a negative impact that extending East Ellis Avenue might have on the properties to the east on Sandstone.

Ms. Susan Kelly, 945 Sandstone, stated that Ellis backs up to her back yard. She stated that they already get too much water now and is concerned that additional development in the area will exasperate the problem. She asked if there was ever a proposal to extend East Ellis Avenue. Mr. John Spoden, Director of Community Development, stated that he is not aware of any proposal to extend East Ellis Avenue.

Ms. Kelly stated that the run-off currently affects the adjacent homes on Sandstone, even the homes on the east side of Sandstone as the drainage makes its way to the lake anyway.

Ms. Kelly Richter, 249 East Ellis, stated the two lots should only be developed with one house, not two houses. She stated that there are significant poor drainage issues.

Mr. Jim Kouracos, 230 East Ellis Avenue, stated that existing three point turn around at the end of East Ellis Avenue is bad and that consideration should be given to constructing a round cul de sac at the end of the street in order to improve traffic maneuvering. He stated that numerous vehicles, including construction vehicles, back all the way down the street and that this is dangerous.

Ms. Sally Bauer, 1007 Sandstone Avenue, stated that the backyards in the area get flooded in the spring. She stated that she is concerned that any additional development on East Ellis Avenue will exasperate the flooding problem.

Ms. Barbara Shafer, 315 Minear Drive, is concerned that the residents on the east side of Sandstone will get additional flood water. She stated that there will be people affected by the drainage issue that did not get a public notice letter. She read a letter from neighboring residents who are opposed to the proposed subdivision. She stated that Alex Jacobs who lives on West Ellis Avenue has experienced a lot of flooding over the years. She asked about the results of recent study regarding Village Storm sewer system. Mr. Fred Chung, Senior Project Engineer, stated that the Village upgraded storm sewer on East Ellis Avenue in between 1999 and 2000 from 12" to 15". He stated that they had difficulty constructing the storm sewer under Milwaukee Avenue.

Ms. Shafer stated that in the May 2014 Village Board meeting Mayor Weppler stated "that putting in a larger pipe won't always fix the problem, an upgrade was put in along west Ellis but there remains a larger problem down the line." Ms. Shafer asked for clarification as to what was meant by "down the line". Mr. Chung stated that he is not certain as to what the Mayor had meant from that statement.

Ms. Shafer stated that ever since the storm sewer upgrade was done on East Ellis Avenue, she has had to call for repairs periodically for the manhole cover near her property because they have

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smelled sewer gas and have had additional water in their rear yard. She stated that they are asking that the petitioner's request not be granted. She stated that there was an article in a 2011 edition of the Libertyville Patch which indicated property owners, the Jacobs, tried to sell their home, but nobody could get to their home due to the flooding and freezing of the water around their home.

Mr. Tim Hasbrouck, 224 East Ellis Avenue, stated that East Ellis used to run through to Sandstone. He stated that two more houses on East Ellis is a bad idea. He stated that there are multiple problems along East Ellis and that the water problems should be solved before more homes are constructed.

Mr. Dan Ginnetti, 939 Sandstone Avenue, stated that he purchased his house 2½ years ago. He stated that his next door neighbor lived in her house from 1999 to 2015. He stated that she lived in her house from 1999 to 2005 without her sump pump ever turning on. He stated that after the construction of his house her sump pump pumps over 340 gallons per hour. He stated that he has received a letter from the Libertyville Building Board Member that states that when the 939 Sandstone house was built it unknowingly disturbed an underground spring. He stated that now the Village knows that the lake is spring fed and we know about the water issues. He stated that any additional construction either for new homes or the extension of East Ellis Avenue will very likely have a negative impact on the drainage issues.

Mr. Joseph Popeck, 225 East Ellis Avenue, stated that he is concerned about the water drainage. He stated that he is concerned about the safety on the street as large landscape trucks back down the street on a daily basis creating a dangerous circumstance for the neighborhood children. He stated that when 230 East Ellis Avenue was under construction, ComEd drilled through a storm sewer. He stated that this may have something to do with the improper drainage.

Mr. Jim Riley, 232 East Ellis Avenue, stated that there are a lot of water problems. He stated that Sandstone has flooded since the late 1960's, early 1970's.

Mr. Michael Kelly, 945 Sandstone, stated that his back yard floods. He stated that consideration should be given to constructing a cul de sac at the end of East Ellis Avenue. He stated that the guard rail at the end of East Ellis is in bad shape.

Mr. Tim Hasbruck, 224 East Ellis Avenue, stated that a more comprehensive approach to addressing the drainage problem is important.

Mr. Tony Cacich, 309 Minear, stated that he backs up to the lots on Ellis Avenue. He stated that a storm sewer study should be conducted prior any new development is allowed on East Ellis Avenue.

Board Member Oakley stated that the Village needs to increase the storm sewer pipe sizes because the problem is only getting worse.

Chairman Cotey stated that he is concerned about the proposed proximity of the house on Lot F to the proposed easement widening.

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Board Member Semmelman stated that he is concerned about the flooding problems.

Mr. Muneretto stated that he understands that the neighbors are concerned about the storm water issues in the area. He stated that they are proposing to incorporate on-site storm water detention infrastructure. He stated that this is why they are asking for the variation to not have to extend East Ellis Avenue as it may have adverse impact on the storm water management. He stated that sump pumps are required to eject water into the storm sewer system.

Board Member Semmelman stated that a more comprehensive study of any underground springs in the area should be considered.

Mr. Fred Chung, Senior Project Engineer, stated there are no records of drain tiles in that area.

Board Member Krummick, stated that he has similar concerns as those that have been expressed so far. He stated that the petitioner could have done a much better presentation. He stated that they should have shown the Zoning Board of Appeals more.

Board Member Schultz asked what the future street improvements include. Mr. Chung stated that for the 2016 construction season there are certain water main and street reconstruction projects scheduled, but that does not include East Ellis Avenue except for the resurfacing of East Ellis Avenue.

Board Member Schultz asked which direction the storm water flowed. Mr. Chung stated that the storm water flows to the east.

Board Member Schultz asked the petitioner if he has purchased the subject two lots. Mr. Muneretto stated that the property is under contract.

Board Member Schultz asked what type of storm water detention the petitioner is proposing. Mr. Muneretto stated that it is a rain water system that will discharge at capacity into the storm sewer system.

Board Member Schultz asked what the approval process would involve if the road were to be extended. Mr. David Pardys, Village Attorney, stated that a Development Agreement might be required as a road extension is a public improvement.

Board Member Moore stated that the addition of two new houses and the road extension would exasperate the storm water management problem.

Mr. Chung stated that Appendix P of the Watershed Development Ordinance, which the Village has recently adopted, requires on-site detention depending how much impervious surface is constructed. He stated that the Village would require storm water calculations as part of a building permit or site development permit application.

Board Member Moore asked if alternatives were considered to address the storm water management problem. Mr. Chung stated that consideration could be given to obtaining an

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easement to widen a swale or enlarge the storm sewer basin but these alternatives are extremely expensive.

Board Member Moore asked if constructing a bigger storm sewer pipe would help. Mr. Chung stated that the right of way is already congested, but that this alternative should be studied prior to making any certain conclusions.

Board Member Moore asked how the water drains from Sandstone. Mr. Chung stated that the water from Sandstone drains to the east towards Lake Minear.

Board Member Oakley stated that he is concerned as to how the underground stream will be addressed.

Board Member Krummick asked if on site detention for single family lots will help manage the storm water drainage. Mr. Chung stated that the intent for incorporating on site detention is to reduce or maintain the same levels of off-site storm water drainage. He stated that it should reduce but may not be able to eliminate all off site storm water runoff.

Mr. Dan Ginnetti, 939 Sandstone, stated that Ellis Avenue terminates at the edge of his back yard and is concerned that any more development will exasperate the existing drainage issues.

Mr. Bill Van Pelt, 924 N. Milwaukee Avenue, stated that he is concerned about the size of the storm sewer and wasn't sure where it ended along Ellis Avenue.

Mr. Tim Hasbrouck, 224 East Ellis Avenue, stated that there needs to be due diligence regarding the underground stream and that the big picture needs to be studied.

Ms. Sally Bower, 1007 Sandstone Drive, stated that the storm sewer runs to the end of Ellis and then to Minear. She stated that consideration should be given to permitting the construction of only one house, not two houses.

Ms. Barbara Shaffer, 315 Minear Drive, stated that the proposed construction will further displace storm water runoff. She stated that either the Village or the builder should provide flood insurance guarantee.

Mr. Bill Van Pelt stated that the Village should consider buying the two lots in question and making them a conservancy.

Mr. Liam Gallup, 233 East Ellis Avenue, stated that consideration should be given to providing storm water storage at the end of the road and making the storm sewer pipes bigger.

Mr. Chung stated that upgrading the existing storm sewer pipes will depend upon the existing utilities under the road.

In the matter of ZBA 15-30, Board Member Semmelman moved, seconded by Board Member Schultz, to recommend the Village Board of Trustees approve a variation to allow a single family

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home to be built on a residential lot having frontage on an improved public street which extends no more than 40 feet across the entire frontage of the lot for Lot F or approximately 65% of the proposed lot width of 61 feet, located in Garrison's Subdivision on East Ellis Avenue, in an R-6, Single Family Residential District, in accordance with the plans submitted.

Motion failed 0 - 6.

Ayes: None

Nays: Cotey, Krummick, Moore, Oakley, Schultz, Semmelman

Absent: Flores

COMMUNICATIONS AND DISCUSSION:

Board Member Oakley moved, seconded by Board Member Schultz, to approve the 2016 Zoning Board of Appeals meeting dates.

Motion carried 6 - 0.

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

Motion carried 6 - 0.

Meeting adjourned at 9:15 p.m.