

**MINUTES OF THE ZONING BOARD OF APPEALS**  
**February 11, 2008**

The regular meeting of the Zoning Board of Appeals was called to order by Chairman Mark Moore at 7:01 p.m. at the Village Hall.

Members present: Chairman Mark Moore, William Cotey, Kurt Hezner, Terry Howard, Howard Jaffe, Walter Oakley, and Andy Robinson.

Members absent: None.

A quorum was established.

Village Staff present: David Smith, Senior Planner.

Board Member Hezner moved, seconded by Board Member Howard, to approve the January 14, 2008, Zoning Board of Appeals meeting minutes, as amended.

Motion carried 7 - 0.

**OLD BUSINESS:**

**ZBA 07-43    Adam and Gail Lyons, Applicant**  
**325 First Street**

**Request is for a variation to increase the maximum permitted building coverage from 35% to approximately 37% in order to construct a house addition to an existing single-family home in an R-7, Single-Family Attached Residential District.**

Mr. David Smith, Senior Planner, stated that the petitioner was before the Zoning Board of Appeals at their January 14, 2008, meeting requesting variations to reduce the minimum required rear yard setback and to increase the maximum permitted lot coverage in order to construct a house addition to a single family home in an R-7, Single Family Attached Residential District located at 325 First Street. Mr. Smith stated that during the course of the January 14, 2008 Zoning Board of Appeals meeting, the petitioner requested a continuance to the February 11, 2008, meeting in order to have an opportunity to revise the plans in response to the previous Staff report and concerns expressed by the Zoning Board of Appeals.

Mr. Adam Lyons, petitioner, stated that he has been a Libertyville resident for 14 years and that he plans to live at 325 First Street when it is completed. He stated that he has revised his plans to show that the screened enclosure has been separated from the house in order to eliminate one of the two variations originally requested. He stated that he has reduced the size of the porch by 20 square feet.

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Board Member Robinson asked who lives at the property now. Mr. Lyons stated that there are residential tenants who rent the property currently.

Board Member Howard stated that he is concerned that the hardship for the variation has been self-created.

Mr. Lyons stated that the screened porch has been an afterthought. He stated that the lot is undersized and that other residents are able to enjoy their lots at which are 7,200 square feet in area.

Board Member Cotey asked if the petitioner is willing to trim down the size of the building coverage. Mr. Lyons stated that it is not a large home as presented. He stated that the F.A.R. without including the basement is 0.59.

Board Member Cotey stated that he is concerned that the hardship is self-created.

Board Member Oakley asked what the current house size is. Mr. Lyons stated that it is approximately 1,600 square feet in floor area.

Board Member Oakley asked how much the lot is undersized. Mr. Lyons stated that the current Zoning Code requires a minimum lot size of 7,200 square feet in area, but his lot is only 6,687.5 square feet in floor area.

Board Member Oakley stated that he believes that the hardship is self-created.

Mr. David Pardys, Village Attorney, recited the Standards for Variations from the Zoning Code.

Board Member Hezner asked how many homes has the petitioner designed in Libertyville. Mr. Lyons stated that he has designed two or three homes in Libertyville.

Board Member Hezner stated that the proposed project is a new home and the encroachment into the bulk requirements can be fixed. He stated that the hardship is self-created.

Board Member Jaffe stated that the hardship is self-created.

Chairman Moore stated that the variation requested was marginal and could be revised to be compliant.

*In the matter of ZBA 07-43, Board Member Robinson moved, seconded by Board Member Oakley, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted building coverage from 35% to approximately 37% in order to construct a house addition to an existing single-family home in an R-7, Single-Family Attached Residential District, in accordance with the plans submitted.*

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*Motion failed unanimously.*

*Ayes: None*

*Nays: Moore, Cotey, Hezner, Howard, Jaffe, Oakley, Robinson*

*Absent: None*

**NEW BUSINESS:**

**ZBA 08-03 Benjamin and Amy Kweton, Applicants**  
**412 Burdick Street**

**Request is for a variation to reduce the minimum required aggregate side yard setback from 15 feet to approximately 10.5 feet in order to construct a house addition to a single family home in an R-6, Single Family Residential District.**

Mr. David Smith, Senior Planner, stated that the petitioners are requesting approval for a variation to reduce the minimum required aggregate side yard setback in order to construct a house addition to a single family home in an R-6, Single Family Residential District located at 412 Burdick Street.

Mr. Ben Kweton, petitioner, stated that they will also bring back the existing encroachment of their existing garage in order to bring that portion of the house into conformity.

Board Member Hezner asked if the petitioner considered tearing down their home and building a new one that complied with the bulk requirements. Mr. Kweton stated that the like their existing Cape Cod type home.

Board Member Jaffe asked if this home will need sprinklers. Mr. Smith stated that the Building Division and the Fire Department will make the determination if the petitioner will be required to install sprinklers or not.

Board Member Howard stated that he likes the proposed plan. He asked for clarification for the definition of aggregate side yard setback. Mr. Smith provided clarification of aggregate side yard setback definition.

Board Member Robinson asked for clarification as to where the setback of the house is measured. Mr. Smith provided clarification as to where the setback of the house is measured.

*In the matter of ZBA 08-03, Board Member Hezner moved, seconded by Board Member Robinson, to recommend the Village Board of Trustees approve a variation to reduce the minimum required aggregate side yard setback from 15 feet to approximately 10.5 feet in order to construct a house addition to a single family home in an R-6, Single Family Residential District, in accordance with the plans submitted.*

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Board Member Hezner stated that it would be difficult to remove the existing walls in the structure and may provide remodeling challenges.

*Motion carried 7 - 0.*

**COMMUNICATIONS AND DISCUSSION:**

Board Member Jaffe moved, seconded by Board Member Robinson, to adjourn the Zoning Board of Appeals meeting.

Motion carried 7 - 0.

Meeting adjourned at 7:40 p.m.