

**MINUTES OF THE ZONING BOARD OF APPEALS**  
**July 11, 2016**

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

Members absent: Matthew Krummick.

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 Schultz, to approve the May 23, 2016, Zoning Board of Appeals meeting minutes.

Motion carried 6 - 0.

Board Member Oakley moved, seconded by Board Member Schultz, to approve the June 13, 2016, Zoning Board of Appeals meeting minutes.

Motion carried 6 - 0.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

**ZBA 16-09 David Luaces, DVM, Applicant**  
**1214 W. Park Avenue**

**Request is for a variation to reduce the minimum required number of parking spaces in order to construct a Veterinary Service establishment for property located in an O-1, Professional Services Office District.**

**ZBA 16-10 David Luaces, DVM, Applicant**  
**1214 W. Park Avenue**

**Request is for a variation to reduce the minimum required width of Perimeter Landscaped Open Space order to construct a Veterinary Service establishment for property located in an O-1, Professional Services Office District.**

**ZBA 16-11 David Luaces, DVM, Applicant**  
**1214 W. Park Avenue**

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**Request is for a variation to reduce the minimum required setback for parking in the corner side yard in order to construct a Veterinary Service establishment for property located in an O-1, Professional Services Office District.**

Mr. David Smith, Senior Planner, introduced the requested zoning actions to the Plan Commission and Zoning Board of Appeals. He stated that the petitioner is requesting a Text Amendment to the Libertyville Zoning Code in order to include a Veterinary Services (NAICS 541940) as a Special Permitted Use in an O-1, Professional Services Office District, a Special Use Permit for a Veterinary Service establishment, a Site Plan Permit, and variations to reduce the minimum required number of parking spaces, parking setback and to reduce the minimum width of perimeter landscaped open space order to construct a Veterinary Service establishment for property located in an O-1, Professional Services Office District at 1214 W. Park Avenue.

Dr. David Luaces, petitioner, stated that he currently has two veterinary service practices that he is hoping to merge into one at the subject location.

Mr. Mike Matthys, architect and agent for the petitioner, presented the plans and requested zoning actions to the Plan Commission and Zoning Board of Appeals. He introduced the proposed floor plan of 5,900 square feet for the first floor and 1,000 square feet for the attic space. He requested approval for the Zoning Code text amendment and stated that one of the current locations of the applicant's vet services is across the street on the south side of West Park Avenue and was grandfathered as a non-conforming use. He stated that the current location has parking up close to the street. He stated that they are able to maximize the lot for their proposed parking lot making one of the requested variations an encroachment into required corner side yard. He stated that IDOT has requested that they maintain access onto Harding Avenue if they are seeking access onto Park Avenue. He stated that the low number of employees and the animal containment areas that maximize the floor area will not trigger a large number of parking spaces and this is why they are requesting the variation to reduce the minimum number of parking spaces.

Dr. Luaces stated that the two existing vet service facilities do not use more than 12 parking spaces combined.

Mr. Matthys stated that the extended hours of operation from 8:00 a.m. to 8:00 p.m. will help to distribute the parking needs throughout a longer day. He stated that the fenced in area is not a dog run and that animals will be taken out one at a time and be on a leash. Mr. Matthys stated that the architecture of the building provides a residential feel to the building. He stated that there will be a walkway and bike rack on site. He stated that they have decided to be compliant with the sign ordinance, revised the plans, and are withdrawing the previously requested sign variation. He stated that the proposed development should have minimal impact on existing traffic.

Mr. Vijay Kumar, 124 Harding Avenue, stated that he lives directly to the north of the site. He stated that he has lived there for 32 years and has enjoyed his privacy. He stated that he is concerned that the proposed animal hospital may have a negative impact and is concerned that his property value will decrease.

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Mr. Dan Amos, 319 Harding Avenue, stated that he is against the proposal and is worried about the traffic conflict that will be created by this development. He is concerned about additional traffic that will cut through the neighborhood.

Mr. Bruce Iehl, a Des Plaines resident, stated that the requested variations are overly promoted. He stated that there should be a concern over the proposed parking and traffic impact.

Mr. Mike Zacker, 306 Kenloch Avenue, stated that Willow is his shortcut to get to Butterfield Road and he is concerned about the additional traffic cutting through the neighborhood that the proposed development will create. He stated that a prior proposal for this site was from a CVS store, but it never came to be. He stated that there is a family who lives on the west end of Willow who often parks on the street increasing the risk of traffic movement conflict once this new development is up and running.

Board Member Oakley stated that he is concerned about the IDOT requirement to have access onto Harding.

Mr. Matthys stated this site needs the additional access points. He stated that they cannot control the IDOT requirement. He stated that this development will benefit the Village as a tax revenue generating establishment.

Mr. Bill Zalewski, engineer for the petitioner, stated that the parking lot layout will accommodate fire truck turning radii and this will be demonstrated with the requested Auto Turn exhibit that will be provided.

Board Member Flores asked about the disposition of the Hair Salon and its driveway accessing Route 176. Mr. Fred Chung, Village Senior Project Engineer, stated that the Hair Salon has been there for many years and its driveway accessing Route 176 is grandfathered in.

Board Member Flores stated that she is concerned about the traffic impact that the proposed development will have on the neighborhood and is concerned that they are not providing enough parking.

Board Member Semmelman stated that he is concerned about the impact on traffic flow, but is not concerned about the proposed number of parking spaces.

Board Member Schultz asked about the how the two existing vet service locations are utilized. Dr. Luaces stated that about two-thirds of their business is done out of the Park Avenue location and about one-third of their business is done out of their Peterson Road location. He stated that the Park Avenue location has longer operating hours. He stated that the Park Avenue location utilizes two examination rooms and that they have never had an issue with parking as a veterinarian facility is a highly specialized service.

Board Member Schultz stated that he does not have an issue with the parking count, the architecture design is good. He stated that he is concerned about how the left turn issue gets

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resolved especially if IDOT does not approve of their access onto Route 176. He asked for clarification of the attic space. Dr. Luaces stated that the attic space will be utilized as an employee break room and storage.

Board Member Moore stated that he is concerned about the impact on the traffic flow. He asked for clarification of the proposed right in/right out driveway configuration. Mr. Zalewski stated that the curbed pork chop is designed within the property and does not encroach into the right of way.

Board Member Moore asked the petitioner why they are choosing this site. Dr. Luaces stated that this site is close to their existing location and that they wanted to remain in Libertyville. He stated that their site choices are limited and that they prefer the exposure to Butterfield Road.

Board Member Moore stated that the proposed plan seems to be pushing the envelope in terms of fitting everything in on the site. He asked about the anticipated noise level. Dr. Luaces stated that there will not be any detectable noise coming from the site.

Board Member Moore asked about the disposition of the existing trees. Mr. Matthys stated that many of the trees on site are not valuable. He stated they will be removed but new trees will be planed and the site will have a manicured landscaped look.

Chairman Cotey stated that there seems to be several unanswered questions and that a continuance seems to be the most appropriate.

Mr. Brian R. DeSalle, CivilTech Engineering, traffic engineer consultant for the Village, stated that they were concerned that the queuing of east bound traffic along Route 176 waiting at the traffic signal at the intersection of Route 176 and Butterfield Road would block accessing the site entrance for west bound traffic. He stated that IDOT will want to see traffic capacity data. He stated that it is important that traffic trip data generated by other veterinarian services located in Lake County.

Board Member Moore stated that a continuance is necessary in order to allow the petitioner the opportunity to respond to some of the unanswered questions.

*In the matters of ZBA 16-09, ZBA 16-10, and ZBA 16-11, Board Member Flores moved, seconded by Board Member Schultz, to continue these items to the August 8, 2016, Zoning Board of Appeals meeting.*

*Motion carried 6 - 0.*

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

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**ZBA 16-13 Christopher and Becky Johnson, Applicants**  
**454 Prairie Avenue**

**Request is for a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 20 feet in order to construct a gabled overhang above the main entrance stoop for property located in an R-6, Single Family Residential District.**

Mr. David Smith, Senior Planner, introduced variation request. Mr. Smith stated that the petitioners are requesting a variation to reduce the minimum required corner side yard setback in order to construct a front porch and steps in an R-6, Single Family Residential District at 454 Prairie Avenue.

Mr. Smith stated that the petitioner is proposing to construct a gabled overhang over the stoop to the main entrance of their residence. He stated that the proposed cover will project from the west facade of their home approximately 5 feet and be supported by two decorative columns. He stated that this improvement will encroach further into the corner side yard.

Ms. Becky Johnson, petitioner, stated that they have an odd shaped lot with their front door facing Prairie Avenue which is along the corner side property line. She stated that the home was constructed with prior approved corner side yard setback variation due to the unique and narrow shape of the lot. She stated that their proposed improvements include only the overhang, not new steps or landing.

Ms. Johnson stated that the overhang will provide shelter and improved lighting for improved safety. She further stated that there will be a substantial improvement to the curb appeal of her residence and it will reflect the aesthetic character of her neighborhood.

Chairman Cotey asked the petitioner what she would like the Zoning Board of Appeals to do tonight. Ms. Johnson stated that she would like for the Zoning Board of Appeals to provide a positive recommendation for her variation request to the Village Board of Trustees.

*In the matter of ZBA 16-13, Board Member Schultz moved, seconded by Board Member Flores, to recommend the Village Board of Trustees approve a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 20 feet in order to construct a gabled overhang above the main entrance stoop for property located in an R-6, Single Family Residential District, in accordance with the plans submitted.*

*Motion carried 6 - 0.*

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

**ZBA 16-14 Philip and Claudia Campeau, Applicants**  
**924 Quaker Hill Lane**

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**Request is for a variation to reduce the minimum required rear yard setback from 40 feet to approximately 33 feet in order to construct a house addition for property in an R-5, Single Family Residential District.**

Mr. David Smith, Senior Planner, introduced the variation request. Mr. Smith stated that the petitioners are requesting a variation to reduce the minimum required rear yard setback in order to construct a sunroom addition to the rear of the home for property located in an R-6, Single Family Residential District at 924 Quaker Hill Lane.

Mr. Smith stated that the petitioner is proposing to construct a sunroom addition to the rear of a single family home approximately 195 square feet in floor area that will encroach into the property's rear yard.

Mr. Phil Campeau, petitioner, stated that the old deck is rotting out and that their rear yard abuts open property to the rear. He stated that the screen porch will benefit their family and property substantially.

Board Member Moore asked if the proposed addition is larger than the existing deck. Mr. Campeau stated that the floor area of the addition is smaller than the existing deck.

Chairman Cotey asked the petitioner what he would like the Zoning Board of Appeals to do tonight. Mr. Campeau stated that he would like for the Zoning Board of Appeals to provide a positive recommendation for his variation request to the Village Board of Trustees.

*In the matter of ZBA 16-14, Board Member Oakley moved, seconded by Board Member Moore, to recommend the Village Board of Trustees approve a variation to reduce the minimum required rear yard setback from 40 feet to approximately 33 feet in order to construct a house addition for property in an R-5, Single Family Residential District, in accordance with the plans submitted.*

*Motion carried 6 - 0.*

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

*Nays: None*

*Absent: Krummick*

**ZBA 16-15 Andrew and Kathryn Mickiewicz, Applicants**  
**540 McKinley Avenue**

**Request is for a variation to reduce the minimum required front yard setback from 30 feet to approximately 21.24 feet in order to construct a front porch and steps in an R-6, Single Family Residential District.**

Board Member Schultz recused himself from this item.

Mr. David Smith, Senior Planner, introduced the variation request. Mr. Smith stated that the petitioners are requesting a variation to reduce the minimum required front yard setback in order

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to construct a front porch and steps in an R-6, Single Family Residential District at 540 McKinley Avenue.

Mr. Smith stated that the petitioner is proposing to reconstruct an existing dilapidated front porch and steps that currently encroach into the property's front yard. The new porch with steps will require a front yard setback variation.

Ms. Kathryn Mickiewicz, petitioner, stated that they bought their home in 2008. She stated that the front porch is crumbling and the concrete is sinking. She stated that there is a concern for safety and the porch and steps need replacing.

Chairman Cotey asked the petitioner what she would like the Zoning Board of Appeals to do tonight. Ms. Mickiewicz stated that she would like for the Zoning Board of Appeals to provide a positive recommendation for her variation request to the Village Board of Trustees.

*In the matter of ZBA 16-15, Board Member Semmelman moved, seconded by Board Member Flores, to recommend the Village Board of Trustees approve a variation to reduce the minimum required front yard setback from 30 feet to approximately 21.24 feet in order to construct a front porch and steps in an R-6, Single Family Residential District, in accordance with the plans submitted.*

*Motion carried 6 - 0.*

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

**ZBA 16-16 Rajeev and Sunanda Gokhale, Applicants**  
**119 Appley Avenue**

**Request is for a variation to reduce the minimum required front yard setback in order to rehab and convert a two-family residential structure into a single family detached residential structure currently located in a C-2, Downtown Community Commercial District.**

Due to improper notification, this item will be re-noticed for the August 8, 2016, Zoning Board of Appeals meeting.

**COMMUNICATIONS AND DISCUSSION:** None.

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

Motion carried 6 - 0.

Meeting adjourned at 8:20 p.m.