

**MINUTES OF THE ZONING BOARD OF APPEALS**  
**June 9, 2008**

The regular meeting of the Zoning Board of Appeals was called to order by Vice Chairman Kurt Hezner at 7:00 p.m. at the Village Hall.

Members present: Vice Chairman Kurt Hezner, William Cotey, Terry Howard, and Andy Robinson.

Members absent: Chairman Mark Moore, Howard Jaffe, and Walter Oakley.

A quorum was established.

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

Board Member Robinson moved, seconded by Board Member Howard, to approve the May 12, 2008, Zoning Board of Appeals meeting minutes.

Motion carried 4 - 0.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

**ZBA 08-09 Brent Griffin, Applicant**  
**1414 Sunnyview Road**

**Request is for variations to: 1) increase the maximum permitted linear length of a fence in the front yard; 2) increase the maximum permitted height of a fence in the front yard; and 3) increase the maximum permitted amount in which a fence may be opaque in the front yard for property in an R-4, Single-Family Residential District.**

Due to improper notification by the applicant, this item will be re-noticed for the July 14, 2008, Zoning Board of Appeals meeting.

**ZBA 08-10 Ronald P. Palmieri, Applicant**  
**317 Second Street**

**Request is for variations to: 1) reduce the minimum required front yard setback from 30 feet to approximately 8.75 feet for property located on Lots 23 and 24 in Wright's First Addition Subdivision; and 2) reduce the minimum required corner side yard setback from 30 feet to approximately 23.90 feet for property located on Lots 23 and 24 in Wright's First Addition Subdivision in order to permit the construction a single family home on Lot 22 in Wright's First Addition Subdivision in an R-7, Single-Family Residential District.**

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**ZBA 08-11 Ronald P. Palmieri, Applicant**  
**317 Second Street**

**Request is for a variation to reduce the minimum required front yard setback in order to permit the construction a single family home on Lot 22 in Wright's First Addition Subdivision, located in an R-7, Single Family Attached Residential District.**

Mr. David Smith, Senior Planner, stated that the petitioner, Ronald P. Palmieri, is requesting three (3) variations in order to construct a single family home in an R-7, Single Family Attached Residential District currently addressed as 317 Second Street.

Mr. Smith stated that the subject property is currently a 1 and 2-story, two-family home with 2 detached garages that serve each dwelling unit in the 2-unit residential structure. Mr. Smith stated that the existing structure is located on property that was originally platted with three lots, each being 50 feet in length and 104.5 feet in depth. Mr. Smith stated that the three lots are Lots 24, 23, and 22 which are part of the Wright's First Addition Subdivision. Mr. Smith stated that the existing two-family structure, located at the southwest corner of Grant Court and Second Street, straddles Lots 23 and 24. Mr. Smith stated that the 2 detached garages that serve the two-family residential structure are located on Lot 22. Mr. Smith stated that currently, the three lots function as one Zoning Lot under single ownership for the existing two-family home

Mr. Smith stated that the petitioner is proposing to demolish the 2 detached garages and construct a new single family home with its own detached garage on Lot 22 to be sold separately from Lots 23 and 24. Mr. Smith stated that Lots 23 and 24 will continue to serve as one Zoning Lot for the existing two-unit residential structure. The petitioner is proposing to construct a 36 foot wide by 20 foot deep parking pad to serve as parking for the existing two-unit residential structure to be accessed from the alley.

Mr. Ron Palmieri, petitioner, presented his proposal to the Zoning Board of Appeals.

Board Member Robinson asked if the lot configuration can be rotated to create two lots in an east-west configuration in order to add a third house. Mr. Palmieri stated that the combined parcels are not wide enough to rotate in an east-west configuration.

Mr. John Spoden stated that the lots would not be wide enough even to apply for a variation to reduce the minimum required lot width.

Board Member Robinson asked if the petitioner will construct a garage to serve the existing home that will remain on Lots 23 and 24.

Mr. Spoden stated that a garage is not required, the petitioner will only be required to provide the four parking spaces.

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Board Member Robinson asked if the petitioner intends to sell the new house. Mr. Palmieri stated that he intends to keep the new house and convert the existing house from a two-family structure back to a single family structure.

Board Member Howard asked for further clarification as to what could happen to the two lots in which the existing two-family structure currently is located upon. Mr. Spoden stated that the existing house could be torn down and two new homes could be constructed on the underlying Lots 23 and 24.

Chairman Hezner requested clarification of the difference in the F.A.R. for the proposed home if the basement is included and when it is not included. Mr. Spoden stated that the F.A.R. with the basement is approximately 0.89 and without the basement the F.A.R. would be 0.62.

Chairman Hezner stated that the proposed home on Lot 22 is too large.

Board Member Cotey asked about the size of the parking pad proposed for the existing two-family structure.

Mr. Neil Gerdes, architect for the petitioner, stated that the parking pad is 36 feet wide.

Chairman Hezner stated that he is concerned about the lot coverage created and that three homes could possibly be built.

Mr. Spoden stated that the existing underlying lots of record are 50 feet wide each and would permit the construction of a house for each lot.

Mr. Palmieri stated that he has no intentions of tearing down the existing two-family residential structure.

Chairman Hezner asked where the utilities are planned to connect to the proposed home on Lot 22. Mr. Palmieri stated that they have not gotten that far along in the plans yet.

Board Member Howard stated that he is concerned about Affordable Housing and that the proposed size of the house. He stated that the petitioner should construct the new home in accordance with the Zoning Code bulk requirements.

Mr. Gerdes stated that the existing homes are of a similar size in the area. Mr. Gerdes requested to poll the Board Members prior to giving their final recommendation to the Village Board.

Board Member Howard stated that he is in favor of the requested variations.

Board Member Cotey stated that he is in favor of the requested variations.

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Chairman Hezner stated that he is in favor of the requested variations.

Board Member Robinson stated that he is in favor of the requested variations.

*In the matter of ZBA 08-10.1), Board Member Cotey moved, seconded by Board Member Robinson, to recommend the Village Board of Trustees approve a variation to reduce the minimum required front yard setback from 30 feet to approximately 8.75 feet for property located on Lots 23 and 24 in Wright's First Addition Subdivision in order to permit the construction a single family home on Lot 22 in Wright's First Addition Subdivision in an R-7, Single-Family Residential District, in accordance with the plans submitted.*

*Motion carried 4 - 0.*

*Ayes: Hezner, Cotey, Howard, Robinson*  
*Nays: None*  
*Absent: Moore, Jaffe, Oakley*

*In the matter of ZBA 08-10.2), Board Member Cotey moved, seconded by Board Member Robinson, to recommend the Village Board of Trustees approve a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 23.90 feet for property located on Lots 23 and 24 in Wright's First Addition Subdivision in order to permit the construction a single family home on Lot 22 in Wright's First Addition Subdivision in an R-7, Single-Family Residential District, in accordance with the plans submitted.*

*Motion carried 4 - 0.*

*Ayes: Hezner, Cotey, Howard, Robinson*  
*Nays: None*  
*Absent: Moore, Jaffe, Oakley*

**ZBA 08-12 River Trail Properties, LLC, Applicant**  
**162 Broadway**

**Request is for variations to: 1) reduce the minimum required front yard setback from 30 feet to approximately 20 feet ; and 2) reduce the minimum required corner side yard setback from 30 feet to approximately 20 feet in order to construct a single family home in an R-8, Single Family Residential District.**

Mr. David Smith, Senior Planner, stated that the petitioner, River Trail Properties, LLC, is requesting approval for variations to reduce the minimum required front yard and corner side yard setback in order to construct a single family home in an R-8, Multiple Family Residential District located at 162 Broadway Avenue. Mr. Smith stated that the property is currently a two-story single family home which the petitioner is proposing to demolish in order to construct a new 3,770 square foot single

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family home. Mr. Smith stated that when the basement floor area is included, the total size is approximately 5,182 square feet in floor area.

Mr. Stuart Feldman, petitioner, presented the proposed redevelopment. He stated that this corner lot is difficult to design for. He stated that most homes along Broadway are closer to the front property line than 30 feet. He stated that many of the materials proposed for the new construction will incorporate recycled or environmentally friendly "Green" materials.

Ms. Nancy Horn, 154 Broadway, stated that she commends the petitioner on proposing a Green home. She stated that she is concerned about the drainage in the area. She stated that currently the petitioner's side yard collects water runoff. She stated that she often gets water into her basement. She stated that after a snow, it can only be pushed onto her parking pad. She stated that the Village of Libertyville was once a family community, but it is not that way now. She stated that she is not against growth, but her children cannot afford to live in the community now due to rising cost of housing. She stated that bigger is not better. She stated that what ever gets approved on 162 Broadway it should be built so that the roof gutters are directed away from her property.

Mr. Chris Wegren, 15335 Oak Pond, stated that the subject site is on a good corner with a park across the street. He stated that the existing home is derelict.

Board Member Cotey asked the petitioner if he is a Green home builder. Mr. Feldman stated that he is a medical doctor and is a strong Green development advocate.

Board Member Cotey asked for clarification regarding the landscape design. Mr. Feldman stated that the intent is to use naturalized plant material to create infiltration. He stated that appropriate grading would be done to maintain water drainage on site.

Board Member Cotey asked if Prairie grass would be used. Mr. Feldman stated that Prairie grass would not work. He stated that native grass species that would be more adaptive is recommended.

Board Member Cotey asked why the petitioner is choosing to tear down the existing house rather than rehabbing it. Mr. Feldman stated that most teardown materials can be recycled now.

Board Member Cotey stated that the proposed seemed too large for the given lot.

Mr. Feldman stated that market studies show a higher demand for a house of the proposed size. He stated that a detached garage fits a corner lot better. He stated that this will be a speculative home.

Board Member Cotey asked what the asking price will be. Mr. Feldman stated that the final price has not been calculated yet, but he estimates that it may be around \$700,000. He stated that Ms. Horn has valid concerns. He stated that the Village of Libertyville has a hometown feel to it and a sense of community. He stated that the neighborhood block has older homes and that the existing home on the subject site cannot be saved.

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Mr. John Spoden stated that this site was subject to a house addition proposal and the Village Board granted a variation for it, however, it was never completed.

Board Member Howard asked if the petitioner has purchased the subject property. Mr. Feldman stated that the purchase is pending.

Board Member Howard asked if a purchaser is willing to pay the premium price for the “Green” materials used. Mr. Feldman stated that there are those who are willing to pay the premium for such a development.

Board Member Howard stated that he believes that the new home as proposed will not sell for less than \$900,000. He stated that he does not have problem with the corner side yard set back variation request however, the size of the home should be scaled back.

Board Member Robinson stated that the home as proposed is too big. He stated that he is a proponent of affordable housing.

Mr. Feldman stated that he meets the maximum permitted lot and building coverage Zoning Code allowances.

Board Member Robinson stated that he commends the petitioner for proposing the use of “Green” materials but he would like to see a duplex at the location.

Board Member Hezner stated that he is concerned about the proposed setbacks. He stated that the hardship is self-created. He stated that the elevations are not detailed enough with the materials used. He stated that it is not clear as to what extent the proposed home adheres to the guidelines of LEED program (Leadership in Energy and Environmental Design). He stated that he is concerned about the number of trees that are proposed to be removed in order to construct the home. He stated that the plans do not show the proper tree protection for those trees that would be preserved.

Ms. Horn presented photos to the Zoning Board of Appeals that showed the existing trees on the subject property.

*In the matter of ZBA 08-12, Board Member Robinson moved, seconded by Board Member Hezner, to continue this item to the July 14, 2008, Zoning Board of Appeals meeting.*

*Motion carried 4 - 0.*

**ZBA 08-13    Marshall and Lorraine Fletcher, Applicants**  
**1205 Deer Trail Lane**

**Request is for a variation to a variation to reduce the minimum required front yard setback from 50 feet to approximately 37 feet in order to construct an addition to a single family home in an R-2, Single Family Residential District**

Mr. David Smith, Senior Planner, stated that the petitioner, Marshall Fletcher, is requesting a variation to reduce the minimum required front yard setback in order to construct an addition to a single family home in an R-2, Single Family Residential District located at 1205 Deer Trail Lane. Mr. Smith stated that the proposed three season room addition is approximately 800 square feet in floor area and will have a front yard setback of approximately 37 feet. The minimum required front yard setback is 50 feet from the front property line in the R-2 District.

Mr. Marshall Fletcher, petitioner, stated that there is a low lying wooded area along the south portion of his property and that the cul de sac right of way line bends southerly towards his property giving less front yard than he would otherwise have. He stated that his property slopes down towards the west. He stated that the unique lot shape and wooded features of his property limits his ability to meet the setback requirement. He stated that to rotate the proposed room addition would place it so that it obstructs a significant portion of his visual line of sight from the back of his home. He stated that the size of the addition is justified due to the lack of current living space in the existing home as a single level structure.

Mr. Drake James Leonis, 1204 Deer Trail, stated that he has no objection as the neighbor across the street from the subject property.

Board Member Howard asked if the property is within the flood plain. Mr. John Spoden, Director of Community Development, stated that if it is in the flood plain that compensatory flood plain water storage should be accommodated at a one per one ratio and that the finished floor of any new construction shall be at least two feet above the flood plain level.

Board Member Robinson stated that he did not have a problem with the variation request as long as the Engineering Division was okay with the proposal.

Board Member Hezner stated that he would like to see at least 40% of the Engineering plans complete. He stated that the proposed addition could be moved further to the south to avoid the need for a Zoning Code variation.

Mr. Fletcher stated that he wants the addition to be a reasonable size and to not block the view from the rear of his home.

Ms. Lorraine Fletcher stated that the hardship is obstruction of the line of sight to where the children would play in the back yard on the play set. She stated that the current orientation and location of the existing house forces the proposed location of the addition.

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Board Member Cotey stated that the proposed hardship regarding the line of sight is not a Zoning Code hardship.

Mr. Fletcher stated that the unique shape of the lot causes the hardship.

Board Member Howard stated that the petitioner knew what the shape of the lot was at the time of purchase.

Ms. Fletcher stated that the shape of the lot and the shape of the cul de sac is misleading. She stated that the topographic survey shows that there is a unique topography.

Board Member Howard asked if the petitioner would consider reducing the size of the proposed house addition to 400 or 500 square feet. Mr. Fletcher stated that they have considered a smaller size, but the addition needs to be larger in order to avoid an 'L' configuration.

Board Member Hezner asked the petitioner if they would like to take a poll of the Board Members before they make a motion with their final recommendation. Mr. Fletcher responded in the affirmative.

Board Member Robinson stated that he would be in favor of the requested variation.

Board Member Howard stated that he has reservations because the size is too large and that a variance shouldn't be needed. He stated that he is concerned about the flood plain issue and the possible requirement for compensatory storage.

Board Member Cotey stated that he has reservations due to not understanding how this project may affect the flood plain. He stated that he believes that the hardship is self-created.

Board Member Hezner stated that he is not concerned about the size, but that he would like to see a grading plan and how the property owner will handle Engineering on site including compensatory storage.

*In the matter of ZBA 08-13, Board Member Howard moved, seconded by Board Member Robinson, to continue this item to the July 14, 2008, Zoning Board of Appeals meeting.*

*Motion carried 4 - 0.*

**ZBA 08-14 Warren and Margaret Aldridge, Applicants**  
**1210 Sandstone Drive**

**Request is for a variation to increase the maximum permitted height for an accessory structure in order to permit a gazebo in an R-4, Single-Family Residential District.**

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Due to improper notification by the applicants, this item will be re-noticed for the July 14, 2008, Zoning Board of Appeals meeting.

**COMMUNICATIONS AND DISCUSSION:**

Mr. John Spoden, Director of Community Development, announced that there will be a Committee of the Whole on June 17, 2008 to discuss the proposed ordinances relative to the Zoning Code update, Affordable Housing, and Adult Uses.

Board Member Howard moved, seconded by Board Member Oakley, to adjourn the Zoning Board of Appeals meeting.

Motion carried 4 - 0.

Meeting adjourned at 9:20 p.m.