

MINUTES OF THE ZONING BOARD OF APPEALS
May 18, 2009

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, Scot Adams, Robert Guarnaccio, Terry Howard, Mark Moore, Walter Oakley, and Andy Robinson.

Members absent: None.

A quorum was established.

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

Board Member Robinson moved, seconded by Board Member Oakley, to approve the April 27, 2009, Zoning Board of Appeals meeting minutes, as amended.

Motion carried 7 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

**ZBA 09-05 T-Mobile, Applicant
800 Garfield Avenue**

Request is for a variation to increase the maximum permitted height of a structure from 60 feet to approximately 125 feet in order to install T-Mobile Wireless Services Antennas on the Garfield Water Tank and ancillary ground equipment in an IB, Institutional Buildings District.

**ZBA 09-06 T-Mobile, Applicant
800 Garfield Avenue**

Request is for a variation to reduce the minimum required Perimeter Landscaped Open Space from 255 feet to approximately 11 feet in order to install multiple panel antennas on the crown of the Village of Libertyville water tower and ancillary ground equipment in an IB, Institutional Buildings District.

The applicant requested that these items be continued to the June 8, 2008, Zoning Board of Appeals meeting.

Minutes of the May 18, 2009, Zoning Board of Appeals Meeting
Page 2 of 4

In the matters of ZBA 09-05 and ZBA 09-06, Board Member Oakley moved, seconded by Board Member Robinson, to continue these items to the June 8, 2009, Zoning Board of Appeals meeting.

Motion carried 7 - 0.

ZBA 09-10 Timothy DeBruler, 131 E. Park Avenue Partnership, Applicant
131 East Park Avenue

Request is for a variation to reduce the minimum required number of parking spaces from 35 to 29 in order to allow a medical office use to occupy a mixed use office building in a C-2, Downtown Community Commercial District.

Board Member Moore recused himself due to conflict of interest with the petitioner.

Mr. David Smith, Senior Planner, stated that the petitioner, Timothy DeBruler, is requesting approval for variations to reduce the minimum required number of parking spaces in order to allow a medical office use to occupy a mixed use office building in a C-2, Downtown Community Commercial District located at 131 East Park Avenue.

Mr. Smith stated that the subject three story building located at 131 East Park Avenue was constructed per the approved building permit issued in 1988. The plan approved in connection with the building permit called for 32 parking spaces. The approved 1988 site plan states that there shall be provided a parking space for each of the 16 residential units that occupy the second and third floor of the building and the remaining 16 parking spaces shall be provided for the professional office uses on the first floor.

Mr. Smith stated that the existing parking lot configuration provides 29 parking spaces today. He stated that it appears that improvements have been made to the site from time to time to bring the parking lot site conditions to what they are today. He stated that the current parking lot configuration is in non-conformance in accordance to the approved 1988 plan by being three (3) parking spaces less than the original approved 32 parking space lot.

Mr. Smith stated that the applicant has submitted plans to the Village for an interior buildout of approximately 1,500 square feet for medical office on the first floor of the building. He stated that the original building permit identified the first floor to be professional office, not medical office with a 32 space parking lot. He stated that the medical office use shall require more parking than professional office use.

Mr. Ray Gerard, agent for the petitioner, stated that the first floor was previously occupied by a medical office use, but the property owner and the Village do not have adequate documentation to verify the previous medical office occupant. He stated that the apartments on the second and third floors are one bedroom units and will not require excessive parking. He stated that they have surveyed the parking lot over time and determined that on average there area 20 vacant parking spaces.

Minutes of the May 18, 2009, Zoning Board of Appeals Meeting
Page 3 of 4

Board Member Oakley asked if the petitioner is willing to assign parking spaces. Mr. Timothy DeBruler, petitioner, stated that it would not be prudent to assign parking spaces. He stated that most of the tenants work everyday which leaves ample parking spaces available during the day.

Board Member Adams asked if there are any apartment vacancies. Mr. DeBruler stated that there is currently one apartment vacancy.

Board Member Adams asked if consideration had been given to the possibility that the apartments may have two cars each. Mr. DeBruler stated that there have never been two cars for any one of the apartments.

Board Member Guarnaccio asked for clarification of the floor area square footage for the apartments, the proposed medical office use, and the over all floor area for the first floor. Mr. DeBruler discussed the floor areas in response to Board Member Guarnaccio's question.

Board Member Howard asked for clarification of the minimum required handicap parking spaces. Mr. Gerard stated that they only need one handicap parking place.

Board Member Howard asked who the occupant was after the previous medical office vacated the first floor space. Mr. Gerard stated that the documents provided do not substantiate clearly the previous tenants.

Board Member Robinson asked what the hours of operation will be for the new medical office use. Ms. Jennifer DeBruler, 322 Lake Street, stated that she will be the doctor using the space. She stated hours of operation will be Monday thru Friday from 8:45 a.m. to 5:15 p.m. with no weekend hours.

Chairman Cotey asked if the petitioner is willing to assign parking spaces. Mr. DeBruler stated that there are approximately 32 residents and no one has ever asked to have an assigned parking space and no one has ever complained.

Chairman Cotey stated that he is concerned about potential conflicts between the tenants and the construction workers.

Mr. DeBruler stated that there will not be more than two workers at a time on site.

Board Member Howard stated that the hardship has been self-created and he will not support the variation request.

Chairman Cotey asked the petitioner if he wants the Zoning Board of Appeals to render their recommendation tonight. Mr. Gerard stated that he would like for the Zoning Board of Appeals to render their recommendation tonight.

In the matter of ZBA 09-10, Board Member Robinson moved, seconded by Board Member Howard, to recommend the Village Board of Trustees approve a variation to reduce the minimum required

Minutes of the May 18, 2009, Zoning Board of Appeals Meeting
Page 4 of 4

number of parking spaces from 35 to 29 in order to allow a medical office use to occupy a mixed use office building in a C-2, Downtown Community Commercial District, in accordance with the plans submitted.

Motion carried 5 - 1.

Ayes: Cotey, Adams, Guarnaccio, Oakley, Robinson

Nays: Howard

Absent: None

COMMUNICATIONS AND DISCUSSION:

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

Motion carried 7 - 0.

Meeting adjourned at 7:30 p.m.