

**MINUTES OF THE ZONING BOARD OF APPEALS**  
**June 8, 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, Terry Howard, Walter Oakley, and Andy Robinson.

Members absent: Robert Guarnaccio and Mark Moore.

A quorum was established.

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

**OLD 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.**

Mr. David Smith, Senior Planner, stated that the petitioner, Ray Shinkle, Insite Inc. on behalf of T-Mobile, is seeking approval for a Special Use Permit and Site Plan Permit for Personal Wireless Services Antennas with antenna support structure and related electronic equipment and equipment structure, and variations to increase the maximum permitted height of a structure and to reduce the minimum required Perimeter Landscaped Open Space 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 located at the Garfield Avenue Water Tank, 800 Garfield Avenue.

Mr. Smith stated that the petitioner is proposing to construct and operate an unmanned wireless communication facility at the Garfield Street Water Tank. Mr. Smith stated that antennas will be mounted to the 120 foot water tank and equipment cabinets enclosed by a six (6) foot high wood

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fence on the ground on the east side and adjacent to the water tank. Mr. Smith stated that the area proposed to be leased for the equipment cabinets will be approximately 300 square feet in area with evergreen landscaping planted on the outside of the proposed wood fence. Mr. Smith stated that access to the T-Mobile facility will be from the east side of Garfield Avenue via an access driveway.

Mr. Ray Shinkle, petitioner's authorized agent, stated that there is a gap in adequate coverage for T-Mobile customers. He stated that this proposal will reduce the gap in cell phone coverage. He stated that the Zoning Code stresses co-location and he therefore is attempting to take advantage of the existing water tower for antenna location.

Board Member Robinson asked who T-Mobile competitors are. Mr. Shinkle stated that ATT, Sprint, Cricket, Verizon, and US Cellular are T-Mobile competitors.

Board Member Robinson asked how much lease money the Village would earn from this proposal. Mr. Shinkle stated that he believes that the amount is approximately \$2,000.00 per month.

Board Member Howard asked what the public benefit is other than voice communication. Mr. Shinkle stated that the ability to transmit voice communication is included in the service.

Board Member Howard asked if there are any other alternatives for the antennas. Mr. Shinkle stated that he believes that the next possible site for antenna installation could be the adjacent hospital.

Board Member Oakley asked if the petitioner has received hospital approval for this proposal yet. Mr. John Spoden, Director of Community Development, stated that the petitioner has verbal approval from representatives from the hospital.

Chairman Cotey asked the petitioner if they will comply with the Staff review comments found in the DRC Staff report. Mr. Shinkle stated that they will comply with all Staff review comments.

Chairman Cotey asked how often the personal wireless facility will be accessed for maintenance. Mr. Shinkle stated that service visits may be between once every two or three months.

Chairman Cotey asked for clarification as to how the installation of the cabling will be implemented. Mr. Shinkle stated that the installation will include the use of the existing portal for the co-axle cable inside the water tank.

Chairman Cotey asked what the life span of the cable is. Mr. Shinkle stated that it is rare that there is a need to replace the co-axle cable.

Board Member Robinson asked if there is space for co-location for other antennas. Mr. Spoden stated that Staff will review the petition and agreement to determine applicability for future collocation opportunities.

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*In the matter of ZBA 09-05, Board Member Howard moved, seconded by Board Member Oakley, to recommend the Village Board of Trustees approve 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, in accordance with the plans submitted.*

*Motion carried 5 - 0.*

*Ayes: Cotey, Adams, Howard, Oakley, Robinson*  
*Nays: None*  
*Absent: Guarnaccio, Moore*

*In the matter of ZBA 09-06, Board Member Oakley moved, seconded by Board Member Adams, to recommend the Village Board of Trustees approve 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, in accordance with the plans submitted.*

*Motion carried 5 - 0.*

*Ayes: Cotey, Adams, Howard, Oakley, Robinson*  
*Nays: None*  
*Absent: Guarnaccio, Moore*

**NEW BUSINESS:**

**ZBA 09-09 Larry Bayliff and Melissa Whitecotton, Applicants**  
**420 Meadow Lane**

**Request is for a variation to reduce the minimum required side yard setback from 4.16 feet to approximately 0.95 feet in order to construct a detached garage in the rear of property located in an R-6, Single Family Residential District.**

**ZBA 09-12 Larry Bayliff and Melissa Whitecotton, Applicants**  
**420 Meadow Lane**

**Request is for a variation to increase the maximum permitted height for an accessory structure from 15 feet to approximately 18.75 feet in order to construct a detached garage in an R-6, Single Family Residential District.**

Mr. David Smith, Senior Planner, stated that the petitioners are requesting variations to reduce the minimum required side yard setback and increase the maximum permitted height of a detached garage in order to construct a detached garage in the rear of property located in an R-6, Single Family Residential District located at 420 Meadow Lane.

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Mr. Smith stated that the petitioners are proposing to demolish their existing 18' by 20' detached garage and replace it with a 22' by 28.33' detached garage with a proposed height of 18.75 feet in the rear portion of their single family dwelling property. Mr. Smith stated that the Village Board is authorized to grant a variation for maximum permitted building height by not more than 25%. Mr. Smith stated that this would limit the maximum allowed height to 18.75 feet with a Village Board approved variation. Mr. Smith stated that the petitioner is proposing to locate the detached garage approximately 1.95 feet from the east side property line as measured from the garage wall.

Mr. Kurt Schultz, architect for the petitioner, stated that the petitioners' desire is to preserve the trees as much as possible. He stated that the petitioners are also seeking to do a house addition.

Board Member Oakley asked what the proposed FAR will be with this proposal. He stated that the proposed garage is very big. Mr. Schultz stated that the garage size will provide additional storage for the petitioner.

Mr. Larry Bayliff, petitioner, stated that he has lived in the house for six years and he plans to continue to live in it indefinitely.

Board Member Adams asked for clarification of the proposed driveway configuration. Mr. Schultz stated that it is the petitioners' intent to keep the driveway as narrow as possible.

Board Member Howard asked for clarification of the Staff recommendation to support the request for the garage height. Mr. John Spoden, Director of Community Development Department, stated that the Village Board has already given preliminary approval to amend the Zoning Code to allow detached garages to have a maximum height of 20 feet. He stated that this will help detached garages to be more architecturally conducive to the principal structure, that being the home, in terms of being more compatible with roof slopes.

Board Member Howard stated that the garage footprint could be redesigned so that there is less of an encroachment into the side yard. He stated that he understands that the lot is only 50 feet wide, but that the petitioners should have understood that when they bought the home. He stated that the proposed garage footprint is too large.

Mr. Schultz stated that many other homes are able to have two car garages.

Mr. Bayliff stated that the rear yard has been substantially landscaped and is very aesthetic.

Board Member Robinson stated that the garage size is too excessive. He asked what the consequences would be if the petitioners were to remove the larger tree that the petitioners are

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attempting to avoid with the new garage. Mr. Spoden stated that the tree is 19 inches in diameter so that then qualifies it to be classified as a Historical Tree and it would have to be replaced with smaller trees that may be smaller in size or a fee would be assessed.

Chairman Cotey asked the petitioners if they will comply with the Staff review comments found in the DRC Staff report. Mr. Schultz stated that the petitioners will comply with the Staff comments.

Chairman Cotey asked if the petitioners will consider the comments from the Zoning Board of Appeals members. Mr. Schultz stated that if the proposed garage were to be moved any further from the side property line then the tree would be endangered.

Chairman Cotey stated that the Zoning Board of Appeals is a recommending body and that the petitioner could poll the Zoning Board of Appeals members prior to the rendering of their recommendation to the Village Board of Trustees.

Mr. Schultz stated that he would like to poll the Zoning Board of Appeals members prior to the official vote.

Board Member Robinson stated that he would not support the variation requests.

Board Member Howard stated that he would not support the variation requests.

Board Member Oakley stated that he would not support the variation requests.

Board Member Adams stated that he would not support the variation requests.

Chairman Cotey stated that he would support the variation requests.

Mr. Schultz stated that the petitioner would like to ask for a continuance to the next Zoning Board of Appeals meeting.

*In the matters of ZBA 09-09 and ZBA 09-12, Board Member Oakley moved, seconded by Board Member Adams, to continue these items to the July 13, 2009, Zoning Board of Appeals meeting.*

*Motion carried 5 - 0.*

**ZBA 09-11 Liberty Auto City, Applicant**  
**1000 E. Park Avenue**

**Request is for a variation to increase the maximum permitted number of business signs from two (2) to ten (10) in order to replace a business wall sign and add an additional wall sign logo on the wall of a facility in an I-3, General Industrial District.**

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Mr. James Babowice, authorized agent for the petitioner, stated that the petitioner, Liberty Auto City, is requesting approval for a sign variation in order to install 2 new wall signs on a vehicle dealership building in an I-3 General Industrial District located at 1000 E. Park Avenue.

Mr. Babowice stated that there are currently 9 wall signs that represent Mazda, Subaru, Suzuki, Dodge, Jeep, and Chrysler vehicle makers and there is a 'Liberty Auto City Service Entrance wall sign as well. Mr. Babowice stated that the petitioner is proposing to replace the existing 42 square foot Subaru wall sign with a new 34 square foot wall sign with a different font type, and to add an additional Subaru logo approximately 15 square feet on the south facade of the facility structure.

Board Member Robinson asked the petitioner what will stop the other car dealers from asking for the same type of zoning relief. Mr. Joseph Massarelli stated that the other car companies will ask to change their signs and store front image. He stated that he is concerned about the decrease in his business.

Board Member Howard asked for clarification of the sign gross square footage. Mr. David Smith, Senior Planner, stated that the actual gross sign area is 423 square feet for all of the business wall signs.

Board Member Howard asked if the common color theme could be utilized to draw all of the wall signs together. Mr. Massarelli stated that he anticipates that the color silver may be a common color that could be used in all of the signs, but that it will be dictated by the individual vehicle makers. He stated that he believes that as each new request by the auto makers comes in to re-do their signs, he hopes that the sign sizes will be reduced.

Board Member Adams asked what the disposition is for the existing signs on the Milwaukee Avenue site where there still exist the Dodge service signs. Mr. Massarelli stated that he has made numerous requests to have the existing signs removed at the Milwaukee Avenue site.

Board Member Adams offered kudos to the petitioner for his ability to maintain his vehicle dealership business.

Board Member Oakley asked if the petitioner will need to come back to the Zoning Board of Appeals each time they want to change a sign. Mr. John Spoden, Director of Community Development, stated that if the property was to change to a Planned Development, this may help to avert multiple trips to the Zoning Board of Appeals for each sign change provided that the Planned Development is approved with those conditions.

Chairman Cotey stated that a Planned Development has merit for consideration.

Mr. Massarelli stated that there may be substantial changes requested to the building in the future depending upon the needs of his tenants.

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*In the matter of ZBA 09-11, Board Member Adams moved, seconded by Board Member Howard, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted number of business signs from two (2) to ten (10) in order to replace a business wall sign and add an additional wall sign logo on the wall of a facility in an I-3, General Industrial District, in accordance with the plans submitted.*

*Motion carried 5 - 0.*

*Ayes: Cotey, Adams, Howard, Oakley, Robinson*

*Nays: None*

*Absent: Guarnaccio, Moore*

**COMMUNICATIONS AND DISCUSSION:**

Mr. John Spoden, Director of Community Development, announced that due to lack of agenda items, there would be no meeting on Monday, June 22, 2009.

Board Member Howard asked for clarification as to when meeting minutes are approved and when they are seen by the Plan Commission and the Village Board. Mr. Spoden stated that due to the schedule restrictions, it is difficult to get the meeting minutes to the Plan Commission prior to the Village Board.

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

Motion carried 5 - 0.

Meeting adjourned at 8:55 p.m.