

MINUTES OF THE ZONING BOARD OF APPEALS
December 14, 2009

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

Members present: Chairman William Cotey, Scott Adams, Robert Guarnaccio, Mark Moore, Walter Oakley, and Andy Robinson.

Members absent: Terry Howard.

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 Guarnaccio, to approve the November 9, 2009, Zoning Board of Appeals meeting minutes.

Motion carried 6 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

ZBA 09-23 Neal and Julie O'Donnell, Applicants
200 Kenloch Avenue

Request is for a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 7 feet in order to construct an addition to a single family home in an R-6, Single Family Residential District.

Mr. David Smith, Senior Planner, stated that the petitioner is requesting a variation to reduce the minimum required corner side yard setback in order to construct a house addition to their single family home. Mr. Smith stated that their property is located in an R-6, Single Family Residential District at 200 Kenloch Avenue. Mr. Smith stated that the petitioner is proposing to construct a second story addition over their existing single family home, demolish their existing detached garage, and build an attached garage to the existing home. Mr. Smith stated that the second story addition will extend over the attached garage addition as well. Mr. Smith stated that the subject site is on a 50 foot wide corner lot with an existing house located in a non-conforming location currently encroaching into the corner side yard.

Mr. Neal O'Donnell, petitioner, stated that the proposed addition to his home will be aesthetically attractive and help to meet the needs of his family.

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Board Member Oakley asked if the petitioner owns the subject property. Mr. O'Donnell stated that he does own the property.

Board Member Moore asked if the subject lot is within a Planned Development. Mr. John Spoden, Director of Community Development, stated that the property is not part of a Planned Development.

Mr. Smith stated that the subject lot was very likely platted as a legally conforming lot at the time of its creation.

Chairman Cotey asked the petitioner if he would like for the Zoning Board of Appeals to render its recommendation tonight. Mr. O'Donnell stated that he would like for the Zoning Board of Appeals to render a recommendation for approval tonight. He stated that his proposed improvements are in keeping with the character of the neighborhood.

In the matter of ZBA 09-23, Board Member Oakley 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 7 feet in order to construct an addition to a single family home in an R-6, Single Family Residential District, in accordance with the plans submitted.

Motion carried 6 - 0.

Ayes: Cotey, Adams, Guarnaccio, Moore, Oakley, Robinson

Nays: None

Absent: Howard

ZBA 09-24 Robert and Patricia Fuller, Applicants
712 S. Dymond Road

Request is for a variation to reduce the minimum required front yard setback from 30 feet to approximately 23.6 feet in order to construct a front covered porch to a single family home in an R-5, Single Family Residential District.

Mr. David Smith, Senior Planner, that the petitioner is requesting a variation to reduce the minimum required front yard setback in order to construct a front porch addition to their single family home. The subject property is located in an R-5, Single Family Residential District at 712 S. Dymond Road.

Mr. Smith stated that the petitioner is proposing to construct an 8 foot deep and 18.5 feet wide front covered porch to their single family home. Mr. Smith stated that the subject lot is located with its front yard abutting the curve of a cul de sac r.o.w. Mr. Smith stated that the proposed improvements encroach into the required front yard which is adjacent to the cul de sac.

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Mr. Robert Fuller, petitioner, stated that his proposed front covered porch is part of several upgrades that he is making to his house. He stated that he believes that the aesthetics of the proposed improvements will make his home look better.

Board Member Robinson asked the petitioner how he would finish the exterior of his home improvements if the variation does not receive Village approval. Mr. Fuller stated that he would finish the siding to match the existing siding and stop the front porch improvements at the existing gable.

Chairman Cotey asked for clarification regarding the location of the property line. Mr. Smith presented the Plat of Survey to show clarification of the property line.

Chairman Cotey asked the petitioner if he would like for the Zoning Board of Appeals to render its recommendation tonight. Mr. Fuller stated that he would like for the Zoning Board of Appeals to render a recommendation for approval tonight.

In the matter of ZBA 09-24, Board Member Robinson moved, seconded by Board Member Guarnaccio, to recommend the Village Board of Trustees approve a variation to reduce the minimum required front yard setback from 30 feet to approximately 23.6 feet in order to construct a front covered porch to a single family home in an R-5, Single Family Residential District, in accordance with the plans submitted.

Motion carried 6 - 0.

Ayes: Cotey, Adams, Guarnaccio, Moore, Oakley, Robinson

Nays: None

Absent: Howard

ZBA 09-25 Robb and Jodi Kristopher, Applicants
742 E. Lincoln Avenue

Request is for a variation to reduce the minimum required front yard setback from 27.3 feet to approximately 23.8 feet in order to construct a front covered porch to a single family home in an R-6, Single Family Residential District.

Mr. David Smith, Senior Planner, stated that the petitioner is requesting a variation to reduce the minimum required front yard setback in order to construct a front covered porch addition to their single family home. The subject property is located in an R-6, Single Family Residential District at 742 E. Lincoln Avenue.

Mr. Smith stated that the petitioner is in the process of adding more floor area to their home, but it is only the front porch that encroaches into the required front yard. Mr. Smith stated that the new 5 foot deep and 19feet wide front covered porch with its front steps extending an additional 2.5 feet

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into the front yard shall have a setback of approximately 23 feet 10 inches from the front property line adjacent to the Lincoln Avenue r.o.w.

Mr. Smith stated that the neighboring property to the west shows on the Plat of Survey a front yard setback of approximately 26.2 feet from the front property line and the neighboring property to the east has a front yard setback of approximately 28.3 feet from the front property line. Mr. Smith stated that the average distance of the two front yard setbacks for the neighboring homes allows the subject site to have minimum required front yard setback of approximately 27.3 feet. Mr. Smith stated that the variation request for 742 E. Lincoln Avenue is to reduce the minimum required front yard setback from 27.3 feet to approximately 23.8 feet in order to construct a front covered porch as measured from the front step leading up to the porch.

Mr. Robb Kristopher, petitioner, stated that they are in the process of extending their house to accommodate their growing family. He stated that the proposed front porch and its design is a key component to their house addition relative to safety and convenience for getting in and out the front door. He stated that the proposed design is intended to respect the community character. He stated that both neighbors homes on either side of their home has reduced setbacks.

Board Member Robinson asked the petitioner if they have considered either of Staff's suggestions as indicated in the DRC Staff Report to either recess the front steps or reduce the depth of the proposed front porch.

Mr. Kristopher stated that to recess the front steps any further into the porch will increase a safety concern for entering into the house through the front door as it will reduce the size of the landing outside the front door.

Chairman Cotey stated that the proposed setback variation appears to be a self-created hardship.

Mr. Kristopher stated that he was a little confused by the Standards for the variation.

Mrs. Jodi Kristopher, petitioner, stated that they moved into the house that initially had only two bedrooms and one bathroom. She stated that the design of the hip roof forces the design of the front covered porch relative to roof line slopes and symmetrical balance. She stated that they have invested significant time and money into their home improvements and that they love Libertyville and intend to stay in Libertyville indefinitely.

Chairman Cotey stated that if there are alternative designs that could alleviate the proposed variation request, the members of the Zoning Board of Appeals are obligated to consider them.

Board Member Moore asked if Staff had given consideration to the house's proposed design when evaluating the petitioner's proposal and justification for the variation request. Mr. Smith stated that he had not given such consideration.

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Chairman Cotey asked the petitioner if he would like for the Zoning Board of Appeals to render its recommendation tonight. Mr. Kristopher stated that he would like for the Zoning Board of Appeals to render a recommendation for approval tonight.

In the matter of ZBA 09-25, Board Member Oakley moved, seconded by Board Member Guarnaccio, to recommend the Village Board of Trustees approve a variation to reduce the minimum required front yard setback from 27.3 feet to approximately 23.8 feet in order to construct a front covered porch to a single family home in an R-6, Single Family Residential District, in accordance with the plans submitted.

Motion carried 6 - 0.

Ayes: Cotey, Adams, Guarnaccio, Moore, Oakley, Robinson

Nays: None

Absent: Howard

COMMUNICATIONS AND DISCUSSION:

Mr. John Spoden, Director of Community Development, asked the members of the Zoning Board of Appeals to approve the meeting dates for next calendar year.

Board Member Oakley moved, seconded by Board Member Adams, to approve the 2010 Zoning Board of Appeals meeting dates.

Motion carried 6 - 0.

Mr. Spoden announced that the December 21, 2009 Plan Commission meeting will take place in the second floor conference room in the Village Hall.

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

Motion carried 6 - 0.

Meeting adjourned at 7:36 p.m.