

**MINUTES OF THE ZONING BOARD OF APPEALS**  
**March 22, 2010**

The regular meeting of the Zoning Board of Appeals was called to order by Chairman William Cotey at 7:08 p.m. at the Village Hall.

Members present: Chairman William Cotey, Mark Moore, Walter Oakley, and Andy Robinson.

Members absent: Scott Adams, Robert Guarnaccio, and Terry Howard.

A quorum was established.

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

Board Member Oakley moved, seconded by Board Member Moore, to approve the February 22, 2010, Zoning Board of Appeals meeting minutes.

Motion carried 4 - 0.

**OLD BUSINESS:**

**ZBA 10-03    Insite Re, Inc.**  
**200 East Cook Avenue**

**Request is for a variation to increase the maximum permitted height for a structure from 60 feet to approximately 141 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 is seeking approval for a Special Use Permit, Site Plan Permit and variations to allow for the installation for Personal Wireless Services Antennas with antenna support structure and related electronic equipment and equipment structure. If approved, the petitioner is proposing 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 200 East Cook Avenue.

Mr. Smith stated that the subject site is located on property owned by the Village of Libertyville at the northwest corner of Cook Avenue and First Street. The subject property houses various Village services including the Police Department, Engineering Division, and Community Development Department. The Village water tower exists on this parcel at the north end of the Village office building and stands at a height of approximately 139 feet. Access to the site comes directly from both Cook Avenue and First Street. The site is approximately 2.5 acres in size and is bordered by a townhome development on the north property line.

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Mr. Smith stated that the petitioner is proposing to install 18 post corral to be mounted on the crown of the water tower to accommodate the personal wireless services antennas. Ground equipment is proposed to be installed within a 23' by 35' wooden enclosure at the west side of the base of the water tower. The wooden enclosure is proposed to be approximately 10 feet in height.

Mr. David Pardys, Village Attorney, stated the Plan Commission is about to begin the public hearings to consider the special use application of Verizon Wireless. The purpose of this hearing is to review the application and related submittals and to hear testimony in order to determine whether the applicant has met the standards for a special use as set forth in Section 16 of the Libertyville Zoning Code. Members of the public who wished to participate would be given an opportunity to speak on this issue and to ask questions of any of the witnesses called to testify. Mr. Pardys stated to the members of the Plan Commission and Zoning Board of Appeals, as well as members of the public in attendance, that the Commission's authority is subject to certain restrictions contained in the Federal Telecommunications Act of 1996. Section 332 of the Act provides that a municipality, in making zoning decisions as to the placement of cell towers and antennae may not consider "the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions".

Mr. Pardys stated that the applicant has submitted information to the Village which indicates that the proposed facility will be in compliance with FCC regulations. Consequently, Mr. Pardys asked that the public and members of the Commission refrain from addressing the subject of the environmental effects of radio frequency emissions during these hearings.

Mr. Ray Shinkle, presented the proposed Verizon Wireless antenna project to the Plan Commission. Mr. Shinkle stated that customers are demanding cell phone use. He stated that Verizon continues to improve its technology. He presented the cell phone coverage maps and stated that the proposed cell phone antenna at the Cook Avenue Water Tank will improve cell phone coverage. He stated that all other co-location opportunities have been exhausted. He stated that he was involved with the approvals for two other cell phone company antenna installations, one at the Garfield Avenue water tank and the other at the Liberty Towers residential facility. He stated that it is now rare to not see antennas on water tanks.

Mr. Shinkle presented the Site Plan to the Plan Commission. He stated that the ground equipment structure will be enclosed within a ten (10) foot high wooden fence. He stated that the antennas will have a height of 137 feet as measured from adjacent grade to the center line of the antennas and a total height of approximately 138.6 feet. He stated that a co-axel will be run up through the inside of the tank with the exterior work painted white.

Mr. Dan Timm, 518 First Street, stated that he has a petition signed by fourteen (14) people that objects to the proposed Verizon Wireless antennas and ground equipment request. He stated that there is a concern for the negative impact upon neighboring property values. He stated that he is concerned that other carriers will co-locate on the water tank and make it even less aesthetically appealing. He stated that there are other alternative sites such as in other commercial areas, near Lake Liberty and on the Mungo property.

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Mr. Shinkle stated that they have hired real estate appraisers for other sites in other communities in which personal wireless services antennas were installed in close proximity to residential neighborhoods and have often found that there has not been a reduction in property values. He stated that it was not necessary to do a real estate appraisal in this case. He stated that there will be limited space for future carriers to co-locate on this site. He stated that Verizon will have 12 antennas at this site.

Mr. Scott Daley, 177 School Street, asked what will the benefit be to allow Verizon to co-locate on the Cook Avenue water tank. Mr. Shinkle stated that in the 1980's there were only two cell phone carriers. He stated that now there are seven carriers which creates more competition and more competitive prices for the consumer.

Mr. Daley stated that another location would be better than the water tank.

Ms. Laura Amaya, 303 North Avenue, stated that the health effects should be permitted to be discussed in the public hearing. She stated that there has been no conclusive evidence cell phone antennas won't cause negative health effects.

Mr. Timm stated that he is concerned about additional co-location carriers applying to be installed on the water tank after the Verizon installation.

Mr. Shinkle stated that an RF study will be completed.

Board Member Robinson asked who the two carriers are at the Garfield Avenue Water Tank. Mr. Shinkle stated that T-Mobile and ClearWire have been approved for the Garfield Avenue water tank.

Board Member Moore asked for clarification regarding the coverage maps. Mr. Shinkle stated that the Verizon installation will improve coverage for their customers.

Board Member Moore asked for clarification regarding service providers microwave and transmission of data technology. Mr. Shinkle stated there will be improvements in voice, email and texting traffic; and video and internet usage. He stated that there is still a need for a free clear line of site between the antenna facilities.

Chairman Cotey asked for clarification regarding the other existing antennas on the water tank. Mr. Pat Sheeran, Village Project Engineer, stated that the Police and Fire Departments have some communication equipment on the water tank.

Chairman Cotey asked how much more proficient the coverage will be by Verizon. Mr. Shinkle stated that they have done a rigid analysis of the cost/benefit which brought them to the decision to co-locate the Verizon antenna's at the Cook Avenue Water Tank.

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Chairman Cotey asked for clarification as to anticipated length of time the petitioner anticipates that the Verizon equipment will remain installed at the Cook Avenue water tank. Mr. Shinkle stated that he could not predict the life of the Verizon equipment.

Ms. Christine Zebrowski, 158 Newberry Avenue, stated that Verizon should reconsider their proposed location and move it to the east side industrial area of the Village.

Chairman Cotey asked if the petitioner considered vacant land. Mr. Shinkle stated that the Zoning Code requires that all possible co-location on existing structures should be exhausted prior to constructing a new monopole for personal wireless service antennas.

*In the matter of ZBA 10-03, Board Member Oakley moved, seconded by Board Member Moore, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted height for a structure from 60 feet to approximately 141 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 failed 3 - 1.*

*Ayes: Cotey, Moore, Oakley  
Nays: Robinson  
Absent: Adams, Guarnaccio, Howard*

**NEW BUSINESS:**

**ZBA 10-04 Libertyville Township, Applicant  
359 Merrill Court**

**Request is for a variation to reduce the minimum required Perimeter Landscaped Open Space from 25 feet to approximately 0.5 feet in order to construct a building addition in an IB, Institutional Buildings District.**

**ZBA 10-05 Libertyville Township, Applicant  
359 Merrill Court**

**Request is for a variation to reduce the minimum required number of parking spaces from 34 to 26 in order to construct a building addition in an IB, Institutional Buildings District.**

Mr. David Smith, Senior Planner, introduced the proposal. He stated that the petitioner, Libertyville Township, is requesting approval for variations to reduce the minimum required Perimeter Landscaped Open Space and to reduce the minimum required number of parking spaces in order to construct a building addition in an IB, Institutional Buildings District.

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Mr. Smith stated that Staff notes that the Village Board approved 8 variations for Perimeter Landscaped Open Space in February 2007 for the Township campus facility in order to permit the construction of a building addition to the Township's Public Works building and additional outdoor storage area. He stated that 2 of the 8 variations were in direct result to the new construction. The remaining 6 variations were to rectify long-standing existing, non-conformities on the campus for both existing building and parking lot encroachments into the Perimeter Landscaped Open Space.

Mr. Smith stated that the current petition that the Libertyville Township is proposing is to add onto their existing administration building in order to improve their facility space for their Food Pantry at 359 Merrill Court in Libertyville. The existing building footprint is approximately 5,130 square feet and houses the Township Assessor's office, the Township Community Room, lounge facilities, storage, support facilities and the Food Pantry distribution area. An associate building includes a 540 square foot garage where the Food Pantry currently stores miscellaneous items. He stated that the proposed addition would increase the overall size of the main building by 1,450 square feet and the new footprint for the building would be 6,580 square feet. The proposed addition would help to facilitate logistical needs of the Food Pantry service already in place.

Mr. Kurt Hezner, agent for the petitioner, presented the overall Site Plan and building elevations. He discussed the variations that were approved previously. He stated that the proposed building addition will increase the Food Pantry services between 50% to 100%. He stated that the architectural design will match the existing building. He addressed the Staff comments in the DRC Staff report. He stated the in response to the Engineering Division review comment, they will move the topographical ridge line further northwest.

Mr. Pat Sheeran, Village Project Engineer, stated that the proposed improvements will not increase the water drainage volumes towards Ellis Avenue.

Board Member Oakley asked for clarification as to how the clients receiving services from the Food Pantry will park on site. Mr. Hezner stated that currently the clients receiving Food Pantry services park in the Township parking lot or along Ellis Avenue.

Board Member Moore asked for clarification as to the remaining foundation of the stand alone garage after its demolition. Mr. Hezner stated that the foundation will remain as it is more cost effective.

Chairman Cotey asked for clarification of their lighting plan and if they are proposing any new signs at this time. Mr. Hezner stated that they are adding only two wall lights. He stated that the Township is not seeking approval for any new signage.

*In the matter of ZBA 10-04, Board Member Oakley moved, seconded by Board Member Moore, to recommend the Village Board of Trustees approve a variation to reduce the minimum required Perimeter Landscaped Open Space from 25 feet to approximately 0.5 feet in order to construct a*

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*building addition in an IB, Institutional Buildings District, subject to the following conditions: 1) Revise proposed parking lot reconstruction grading to direct as much of the drainage areas to the southwest end of the parcel as possible (eliminate ridge line).*

*Motion carried 4 - 0.*

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

*In the matter of ZBA 10-05, Board Member Moore moved, seconded by Board Member Oakley, to recommend the Village Board of Trustees approve a variation to reduce the minimum required number of parking spaces from 34 to 26 in order to construct a building addition in an IB, Institutional Buildings District, subject to the following conditions: 1) Revise proposed parking lot reconstruction grading to direct as much of the drainage areas to the southwest end of the parcel as possible (eliminate ridge line).*

*Motion carried 4 - 0.*

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

**ZBA 10-06 St. John Evangelical Lutheran Church, Applicant**  
**501 West Park Avenue**

**Request is for a variation to reduce the minimum required Perimeter Landscaped Open Space from 50 feet to approximately 15 feet in order to construct outdoor playground equipment for a Place of Worship in an IB, Institutional Buildings District.**

**ZBA 10-07 St. John Evangelical Lutheran Church, Applicant**  
**501 West Park Avenue**

**Request is for a variation to increase the maximum permitted lot coverage from 65% to 68% in order to construct outdoor playground equipment for a Place of Worship in an IB, Institutional Buildings District.**

Mr. David Smith, Senior Planner, introduced the requested variations to the Zoning Board of Appeals. He stated that the petitioner is requesting approval for variations to reduce the minimum required Perimeter Landscaped Open Space and to increase the maximum allowed lot coverage in order to construct outdoor playground equipment for a Place of Worship for property located in an IB, Institutional Buildings District at 501 West Park Avenue.

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Mr. Smith stated that St. John Evangelical Lutheran Church is proposing to construct a new playground area to serve the church's school children in the pre-school to kindergarten range. He stated that it is located on the north side of the school building facing Park Avenue (Route 176) and will line up with the building's western building line to allow an area of approximately 4,800 square feet to incorporate the new outdoor playground and an adjacent new outdoor stamped concrete terrace area. He stated that the proposed improvements will comprise a combination of stamped concrete, a synthetic wood fiber material at the base of the playground equipment and a perimeter concrete tricycle path that loops around the playground equipment. He stated that the petitioner is proposing a decorative fence to encompass the playground/terrace area.

Mr. James Babowice, attorney agent for the petitioner, stated that the existing building is currently non-conforming due to its proximity to the west property line.

Mr. David McCallum, landscaped architect for the petitioner, stated that the subject property is located at the southwest corner of Park Avenue and Garfield Avenue. Mr. McCallum described the proposed playground site and equipment to the Zoning Board of Appeals. He stated that the proposed improvements will increase the lot coverage to 68% of the entire site. He stated that the parkway within the Garfield Avenue right of way adjacent to the church's property provides ample and contiguous green space.

Mr. Babowice stated that the petitioner is not seeking to be treated any differently than anyone else.

Pastor Kevin Raddatz, St. John's Church, stated that the church has been at its location for over 60 years. He stated that he is working to improve the appearance of the neighborhood. He stated that their proposed plans will enhance the north side of their church building. He asked the Zoning Board of Appeals to recommend approval for their variation requests.

Mr. Ray Linnemann, 359 Cambridge Drive, Grayslake, IL, stated that they will have a quality playground for their children.

Mr. Joel Lofsness, 1605 North Jackson, Waukegan, IL, stated that the current play area for the church children is over 80 feet away, and is often difficult to get them into the church building quickly and safely so there is a need for this proposed now playground area as it is fenced in and is adjacent to the building entrance.

Mr. John Garwall, 1223 Parliament Court, stated that he supports the project. He stated that his children have attended the school facility at this church.

Board Member Robinson asked if the playground area is open to the public and if they have spoken to the neighbors about their proposed playground facility.

Mr. Art Rasmussen, Chairman of the church congregation, 17907 West Twin Lakes, stated the church contacted the neighbor on the west side of the church property approximately 2 to 3 months ago. He stated that there was some snow that fell on the neighbor's fence that they attempted to

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rectify. He stated that the relationship between the church and residential neighbor on the west has not been a very good one. He stated that when the church kids play in the current southern play area that on occasion there have been balls that have been thrown into the rear yard of the western property.

Board Member Robinson asked the petitioner to describe the proposed trees on the western area of the church property. Mr. David McCallum, landscape architect, stated that the proposed trees include 11 foot high evergreen trees.

Board Member Robinson asked if these trees will block the sunlight from the neighboring property. Mr. McCallum stated that other plant species could be considered, but that the landscape plan as proposed was also partly intended to be installed as a buffer to protect the neighboring property from noise.

Board Member Robinson stated that he thought that the proposed trees are too big.

Board Member Oakley asked for clarification of the Village's noise ordinance. Mr. John Spoden, Director of Community Development, stated that the current Code requires zero decibels at the lot lines, but that this is unrealistic for most land uses. He stated that Staff is currently working on Code revisions.

Board Member Oakley asked what the intended hours in which the new playground area would be open or used. Pastor Raddatz stated that the playground would be used during regular school hours.

Chairman Cotey asked if the petitioner would consider making the northwest corner of the church building as the landmark in which to base the setback for the playground area from the west property line. He stated that this will require that the plans be revised to pull back the encroachment a few feet.

Mr. Babowice stated that for clarification purposes, the playground is not meant to function like a public park, but if non-church member children wanted to use the playground with the church's permission, they could do that.

Board Member Robinson stated that the northwest corner of the church building should be used as the end point for the playground installation.

Mr. Babowice requested to poll the members of the Zoning Board of Appeals.

Members Robinson, Cotey and Moore stated that they would support the requests if the playground area were pulled back away from the western property line so that it lines up with northwest corner of the church building.

Mr. Babowice requested that the Zoning Board of Appeals render their recommendation at the conclusion of the public hearing tonight.

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*In the matter of ZBA 10-06, Board Member Oakley moved, seconded by Board Member Moore, to recommend the Village Board of Trustees approve a variation to reduce the minimum required Perimeter Landscaped Open Space from 50 feet to approximately 25 feet which is the approximate setback of the northwest corner of the existing church building in order to construct outdoor playground equipment for a Place of Worship in an IB, Institutional Buildings District, in accordance with the plans submitted.*

*Motion carried 4 - 0.*

*Ayes: Cotey, Moore, Oakley, Robinson*

*Nays: None*

*Absent: Adams, Guarnaccio, Howard*

*In the matter of ZBA 10-07, Board Member Oakley moved, seconded by Board Member Moore, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted lot coverage from 65% to 68% in order to construct outdoor playground equipment for a Place of Worship in an IB, Institutional Buildings District, in accordance with the plans submitted.*

*Motion carried 4 - 0.*

*Ayes: Cotey, Moore, Oakley, Robinson*

*Nays: None*

*Absent: Adams, Guarnaccio, Howard*

**COMMUNICATIONS AND DISCUSSION:**

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

Motion carried 4 - 0.

Meeting adjourned at 9:30 p.m.