

**MINUTES OF THE ZONING BOARD OF APPEALS**  
**July 12, 2010**

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, Scott Adams, Walter Oakley, Andy Robinson, and Kurt Schultz.

Members absent: Robert Guarnaccio and Mark Moore.

A quorum was established.

Village Staff present: David Smith, Senior Planner; and Fred Chung, Project Engineer.

Board Member Robinson moved, seconded by Board Member Oakley, to approve the June 14, 2010, Zoning Board of Appeals meeting minutes.

Motion carried 5 - 0.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

**ZBA 10-14    Larry D. Bayliff, Applicant**  
**785 Meadow Lane**

**Request is for a variation to increase the maximum allowed 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.**

Board Member Kurt Schultz recused himself from this matter.

David Smith, Senior Planner, stated that the petitioner, Larry Bayliff, is requesting a variation to increase the maximum permitted height for an accessory structure in order to construct a detached garage in an R-6, Single Family Residential District at 785 Meadow Lane. Mr. Smith stated that the subject site is currently vacant. He stated that a building permit application is currently under review for a new two-story single family frame home facing Meadow Lane with a detached garage located towards the rear of the property behind the principal residential structure with access from a rear drive accessing Seventh Street. Mr. Smith stated that the house and garage plans provided comply with Zoning Code regulations except for the proposed height of the detached garage. Mr. Smith stated that the petitioner is proposing to construct a detached garage at a height of 18'9" with a 12"-9" roof slope.

**Minutes of the July 12, 2010, Zoning Board of Appeals Meeting**  
**Page 2 of 5**

Larry Bayliff, petitioner, stated that the garage design is done so that it matches the house roof slope. He stated that there will be storage space in the garage attic with a pull down stair case. He stated that a 15 foot tall garage will have a roof that is too flat.

Board Member Robinson asked when the Zoning Code will be changed to allow 20 foot tall detached garages.

Mr. Smith stated that he has not been informed as to when the Zoning Code amendments will come back to the Plan Commission.

Chairman Cotey asked if the proposed improvements to the subject lot meet the maximum permitted lot coverage allowance.

Mr. Smith stated that the proposed home and garage comply with all other bulk requirements.

*In the matter of ZBA 10-14, Board Member Oakley moved, seconded by Board Member Robinson, to recommend the Village Board of Trustees approve a variation to increase the maximum allowed 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, in accordance with the plans submitted.*

*Motion carried 4 - 0.*

*Ayes: Cotey, Adams, Oakley, Robinson*

*Nays: None*

*Absent: Guarnaccio, Moore*

**ZBA 10-15 James and Susan Kopania, Applicants**  
**330 West Cook Avenue**

**Request is for a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 16.87 feet in order to construct new roof and siding improvements to a single family home in an R-6, Single Family Residential District.**

David Smith, Senior Planner, stated that the petitioners are requesting a variation to reduce the minimum required corner side yard in order to construct an addition to a single-family home in an R-6, Single Family Residential District at 330 West Cook Avenue. Mr. Smith stated that the petitioner is proposing to construct a new gabled roof over an existing first story bedroom and new overhang with a small gable over a side entrance door. Mr. Smith stated that the existing structure is setback approximately 17.3 feet from the corner side yard property line (Lange Court r.o.w.) as measured from the wall. The proposed roof work will not expand the foundation foot print but the new overhang will be setback from the corner side yard property line approximately 16.87 feet.

**Minutes of the July 12, 2010, Zoning Board of Appeals Meeting**  
**Page 3 of 5**

Mr. Smith stated that the existing bedroom located beneath the roof replacement once was a single car garage which has been converted to living area in 1970, concurrently a detached two car garage was permitted and constructed. Mr. Smith stated that the two car detached frame garage has replaced the converted single car garage.

Peter Pawelko, agent for the petitioner, stated that the existing flat pitched roof causes problems with water and icing. He stated that the work will result in matching gables with the house.

Board Member Oakley asked the petitioner if they agree with the Staff review comments.

Mr. Pawelko stated that they agree with the Staff comments.

*In the matter of ZBA 10-15, Board Member Robinson moved, seconded by Board Member Schultz, to recommend the Village Board of Trustees approve a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 16.87 feet in order to construct new roof and siding improvements to a single family home in an R-6, Single Family Residential District, in accordance with the plans submitted.*

*Motion carried 5 - 0.*

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

*Nays: None*

*Absent: Guarnaccio, Moore*

**ZBA 10-16 Marie T. Ivers, Applicant**  
**139 Sunnyside Place**

**Request is for a variation to increase the maximum permitted lot coverage from 50% to approximately 51.01% for property located in an R-7, Single Family Residential District.**

David Smith, Senior Planner, stated that the petitioners are requesting a variation to increase the maximum permitted lot coverage in order to occupy an existing single family attached dwelling unit located at 139 Sunnyside Place in an R-7, Single Family Residential District. Mr. Smith stated that the petitioner recently purchased the subject home with certain non-conforming and incomplete building permit issues. Mr. Smith stated that the subject property was developed with a duplex residential structure with detached garages and wood decks to the rear of the homes thereby exceeded the allowable lot coverage. Mr. Smith stated that in order for the builder to obtain occupancy for unit 141 he conceded to remove the rear deck to unit 139 and replace it with a smaller landing. However, the rear deck to unit 139 was constructed without permit anyway. Mr. Smith stated that the petitioner inherited these problems upon purchase and is now attempting to rectify the outstanding lot coverage and building permit issues. Mr. Smith stated that some of the concessions

**Minutes of the July 12, 2010, Zoning Board of Appeals Meeting**  
**Page 4 of 5**

that the petitioner has made is to remove the brick paver walks that connect between the decks and the detached garages thereby reducing the lot coverage violation.

Marie Ivers, petitioner, presented her case to the members of the ZBA. She stated that prior to their involvement, the construction of the homes began in 2005. She stated that the brick walks and decks were constructed in 2007. She stated that the property has been in its current condition since 2007 and they are not looking to change the structure. She stated that the builder's permits expired in 2008. She stated that the property has been on the market for several years. She stated that the bank accepted her offer to purchase in a short sale in 2010. She stated that when the driveway was originally constructed, it comprised of approximately 1,833 square feet in area which has been reduce to 654 square feet in surface area. She stated that the builder had contemplated to reduce it even further but by doing so would have made it impossible for vehicles to get in and out of the garage without rolling on the lawn. She stated that the deck that is there now is extremely small. She stated that there is a sliding glass door and a second door that leads into the laundry room that both lead out onto the deck. She stated that the MLS listing of the property indicated that it was a single family home. She stated that she was told that there should not be any issues with the property. She stated that her attorney told her at the closing of the property that the Village of Libertyville considers decks an impervious surface but that five towns that surround Libertyville do not consider wood decks as impervious surfaces. She stated that if Libertyville changed their lot coverage code then they would not need to apply for a lot coverage variation. She stated that the abutting duplex at 141 Sunnyside is over 53% lot coverage for their half of the property. She stated that her side of the property is a little over 46% percent. She stated that they have reworked the site plan and submitted a revised plan by Martin and Associates and are now at 51% lot coverage.

Board Member Robinson asked for clarification how each side of the property was calculated for lot coverage.

Ms. Ivers stated that her side (139) is under 50% and the adjacent side (141) is over 50% lot coverage. She stated that the original driveway at the 141 property was calculated to be 1,791 square feet in coverage but was brought down to approximately 986 square feet in coverage but hers was brought down to 654 square feet in coverage area. She stated that the building has been out of the picture since February, 2010.

Board Member Robinson asked why the Village of Libertyville is different from other towns when determining lot coverage.

Mr. Smith stated that the Zoning Code currently under review regarding how impervious surface is defined.

Chairman Cotey asked for clarification regarding the petitioner's proposal to remove the brick paver walks located to the rear of the homes.

**Minutes of the July 12, 2010, Zoning Board of Appeals Meeting**  
**Page 5 of 5**

Ms. Ivers stated that their neighbor's located at 141 has agreed to remove the pavers.

*In the matter of ZBA 10-16, Board Member Robinson moved, seconded by Board Member Schultz, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted lot coverage from 50% to approximately 51.01% for property located in an R-7, Single Family Residential District, in accordance with the plans submitted.*

*Motion carried 5 - 0.*

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

*Nays: None*

*Absent: Guarnaccio, Moore*

**COMMUNICATIONS AND DISCUSSION:**

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

Motion carried 5 - 0.

Meeting adjourned at 7:26 p.m.