

**MINUTES OF THE ZONING BOARD OF APPEALS**  
**June 13, 2011**

The regular meeting of the Zoning Board of Appeals was called to order by Chairman William Cotey at 7:04 p.m. at the Libertyville Civic Center, 135 W. Church Street.

Members present: Chairman William Cotey, Dan Donahue, Mark Moore, Walter Oakley, Kurt Schultz, and David Semmelman.

Members absent: Scott Adams.

A quorum was established.

Village Staff present: John Spoden, Director of Community Development; David Smith, Senior Planner; Fred Chung, Senior Project Engineer; and Linda Carlson, Project Engineer.

Board Member Oakley moved, seconded by Board Member Moore, to approve the May 9, 2011, Zoning Board of Appeals meeting minutes.

Motion carried 6 - 0.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

**ZBA 11-07 Vito Mariani, Applicant**  
**204 S. Second Avenue**

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

Due to improper notification by the applicant, this item will be re-noticed for the July 11, 2011, Zoning Board of Appeals meeting.

**ZBA 11-08 Marie Barsamian and Jeffrey Hamlin, Applicants**  
**411 Sandy Lane**

**Request is for a variation to reduce the minimum required rear yard setback from 25 feet to approximately 15 feet in order to construct a house addition to a single family home in an R-6, Single Family Residential District.**

**ZBA 11-09 Marie Barsamian and Jeffrey Hamlin, Applicants**  
**411 Sandy Lane**

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**Request is for a variation to increase the maximum permitted lot coverage from 45% to approximately 46% in order to construct a house addition and wooden deck to a single family home in an R-6, Single Family Residential District.**

Mr. David Smith, Senior Planner, stated that the petitioner is requesting to reduce the minimum required rear yard setback and increase the maximum permitted lot coverage in order to construct a house addition and deck to a single family home in an R-6, Single Family Residential District located in the Green Tree Subdivision at 411 Sandy Lane.

Mr. Smith stated that the petitioner is proposing to construct a 12' x 13' three-season room addition to the rear of their home approximately 15 feet from the rear property line. In addition, the petitioner is proposing to construct a 15.5' x 16' wooden deck adjacent to the proposed three-season room which will bring total lot coverage over 45% of the lot.

Mr. Charles Barsamian, father of the petitioner, stated that his daughter is allergic to bee stings and the three-season room would enable his daughter and son-in-law to enjoy the back yard without being harassed by bees and mosquitoes.

Mr. Rick Outinen, contractor for the petitioner, stated that they are removing the patio and are not increasing the existing lot coverage with the proposed improvements.

Mr. Smith stated that there was one neighbor who called the Community Development Department to express her objection to the variation requests.

Board Member Oakley asked for clarification as to what the hardship is to justify an approval for the Variations requested. Mr. Barsamian stated that the request is based upon medical needs of his daughter due to her reaction to bee stings and the fact that they want to enjoy the back yard.

Board Member Oakley asked if the new addition will require water service. Mr. Outinen stated that the room addition will have no plumbing fixtures.

Board Member Moore asked if the petitioner will need to relocate their air conditioning unit. Mr. Outinen stated that it will be moved out of the way of the proposed room addition and deck improvements.

Board Member Semmelman asked the petitioner if they would consider reducing the deck size in order to eliminate the lot coverage variation. Mr. Barsamian stated that the proposed deck shouldn't have an impact on the drainage of the property.

Board Member Schultz asked about square footage of the house. Mr. Barsamian stated that the house is 1,919 square feet.

Board Member Schultz asked if the petitioner looked at other alternatives. Mr. Outinen stated that there are no other alternatives.

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Board Member Schultz stated that the proposal is a substantial addition and consideration should be given to alternative designs and still meet the intended purpose. He stated that he is afraid of the precedence that would be established.

Mr. Outinen stated that they can reduce the lot coverage by reducing the deck size if necessary.

Mr. Barsamian stated that each variation request should be reviewed based upon its individual merits and that there shouldn't be any worries about precedence.

Board Member Schultz stated that as an alternative, the petitioner could consider taking out a portion of the existing interior and designing it in such a way as to meet the intended purpose.

Mr. Barsamian stated that the value of the home would be affected by such an alteration and may affect its marketability.

Board Member Schultz stated that the marketability of the surrounding properties should also be considered.

Chairman Cotey stated that the documentation and drawings submitted by the petitioner are rather rudimentary. He stated that consideration should be given to eliminating the lot coverage variation. He asked for clarification as to how the three-season room is accessed from the outside. Mr. Outinen stated that there will be a door leading from the proposed deck into the three-season room.

Mr. Barsamian stated that the three-season room is more important and would be willing to forgo the deck at its proposed size in order to reduce the lot coverage.

Chairman Cotey asked Staff if there have been past Zoning Board of Appeals cases where the petitioner stipulated medical reasons as hardship to justify the variation request. Mr. Smith stated that there have been petitioners in the past that have used medical reasons to justify setback variation requests.

Chairman Cotey stated that the petitioner should change the plans in order to eliminate the variation for lot coverage. He asked if the petitioner is willing to withdraw the lot coverage variation request. Mr. Barsamian stated that he is willing to withdraw the variation for lot coverage request.

*In the matter of ZBA 11-08, Board Member Oakley moved, seconded by Board Member Schultz, to recommend the Village Board of Trustees approve a variation to reduce the minimum required rear yard setback from 25 feet to approximately 15 feet in order to construct a house addition to a single family home in an R-6, Single Family Residential District, in accordance with the plans submitted.*

*Motion failed 1 - 5.*

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*Ayes: Cotey*  
*Nays: Donahue, Moore, Oakley, Schultz, Semmelman*  
*Absent: Adams*

**COMMUNICATIONS AND DISCUSSION:**

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

Motion carried 6 - 0.

Meeting adjourned at 7:30 p.m.