

**MINUTES OF THE ZONING BOARD OF APPEALS**  
**October 24, 2011**

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, Dan Donahue, Mark Moore, Walter Oakley, Kurt Schultz; and David Semmelman.

Members absent: None.

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 Adams, to approve the September 12, 2011, Zoning Board of Appeals meeting minutes.

Motion carried 7 - 0.

Board Member Semmelman moved, seconded by Board Member Schultz, to approve the September 26 2011, Zoning Board of Appeals meeting minutes.

Motion carried 7 - 0.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

**ZBA 11-16 Michael Kerrigan, Applicant**  
**129 N. First Street**

**Request is for a variation to increase the maximum permitted lot coverage in order to construct a house addition to a single family home and a detached garage in an R-6, Single Family Residential District.**

**ZBA 11-17 Michael Kerrigan, Applicant**  
**129 N. First Street**

**Request is for variations to: 1) reduce the minimum required front yard setback; and 2) reduce the minimum required corner side yard setback in order to construct a front covered porch addition for property located in an R-6, Single Family Residential District.**

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**ZBA 11-19 Michael Kerrigan, Applicant**  
**129 N. First Street**

**Request is for a variation to reduce the minimum required corner side yard setback in order to construct a detached garage for property located in an R-6, Single Family Residential District.**

**ZBA 11-20 Michael Kerrigan, Applicant**  
**129 N. First Street**

**Request is for a variation to increase the maximum permitted height in order to construct a detached garage for property located in the R-6, Single Family Residential District.**

Mr. David Smith, Senior Planner, stated that the petitioner is requesting variations for front yard setback and corner side yard setback in order to construct a front porch and house addition to the rear of a single family home; a variation for lot coverage; and variations for corner side yard setback and height in order to construct a detached garage. Mr. Smith stated that the property is located in the R-6, Single Family Residential District at 129 North First Street at the southwest corner of Hurlburt Court and First Street. Mr. Smith stated that the existing home and detached garage are non-conforming structures in terms of the current encroachment into the front and corner side yards.

Mr. Robert Bleck, architect for the petitioner, stated that the front porch is a replacement due to the existing porch being dilapidated and in need of a new foundation. He stated that they are also planning a rear addition to the house and a new detached garage. He stated that the proposed garage height is 16 feet as measured from the mid-point of the slope of the garage to grade and that they are seeking a variation in height of the garage which is 22 feet at the peak. He stated that due to the proposed improvements a lot coverage variation is also requested.

Board Member Oakley asked for clarification of the increase in square footage.

Mr. Bleck stated that the building coverage will increase from 2,031 square feet to approximately 2,111 square feet with a total living area of approximately 2,300 square feet. He stated that the owner desires to have work space above the first floor of the detached garage which explains the need for the height variation.

Board Member Oakley stated that he does not support the garage height variation request.

Mr. Bleck stated that the property is adjacent to commercially zoned property with a drive-thru bank. He stated that the proposed detached garage height shall act as a buffer for the residence. He stated that he will comply with the Building Division and Fire Department review comments.

Board Member Oakley ask if the petitioner is creating living space above the first floor of the proposed detached garage and if that is permitted. Mr. John Spoden, Director of Community

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Development, stated that workspace is not prohibited above the first floor of a detached garage.

Board Member Adams stated that he supports the variation requests.

Board Member Moore asked for clarification as to how the garage height is determined. Mr. Bleck stated that he based the definition of height at the mid-point of the slope of the roof to grade.

Board Member Semmelman stated that it is advisable to continue this matter in order to give the petitioner an opportunity to make the proper revisions to their plans.

Board Member Donahue asked for clarification what the proposed detached garage dimensions are. Mr. Bleck stated that the size of the proposed garage is 24 feet by 24 feet at a height of 22 feet measure to the peak.

Board Member Schultz stated that he is concerned about the height of the garage and the requested lot coverage.

Mr. Bleck described the architecture of the garage rafters and one's ability to maneuver in the space as justification for the requested height.

Chairman Cotey stated that the Zoning Board of Appeals needs a more detailed Site Plan. He stated that he would be more supportive of the project if the garage height and lot coverage were reduced. He stated that he understands that it is easy to maximize improvements on a small residential lot, but he is not supportive of overbuilding a small lot. He stated that consideration should be given to installing a work room area in the basement of the house in lieu of the attic of the proposed detached garage. He stated that he does not support the variations requested for increasing the lot coverage or for increasing the maximum permitted height for the garage. He stated that the petitioner should consider requesting a continuation in order to revise the plans.

*In the matters of ZBA 11-16, ZBA 11-17, ZBA 11-19, and ZBA 11-20, Board Member Moore moved, seconded by Board Member Schultz, to continue these items to the November 14, 2011, Zoning Board of Appeals meeting.*

*Motion carried 7 - 0.*

**ZBA 11-18 Daniel H. Marks, Libertyville Lincoln, Applicant**  
**941 S. Milwaukee Avenue**

**Request is for a variation to increase the maximum number of permitted wall signs per business occupancy of the Libertyville Lincoln vehicle dealer building from one (1) to ten (10) located in a C-5, Vehicle Dealer Commercial District.**

Mr. David Smith, Senior Planner, introduced the proposed sign variations. He stated that the petitioner is requesting sign variations in order to replace and add wall signs for the Libertyville

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Lincoln vehicle dealer building located in a C-5, Vehicle Dealer Commercial District at 941 S. Milwaukee Avenue.

Mr. Peter Witmer, petitioner, stated that in response to the Staff review comments regarding the wording on the orange band on the side of the building, it is the intent to promote the services of the Quick Lane business.

Board Member Schultz stated that the proposal is an overall improvement. He asked if the any of the materials being used will include E.I.F.S. Mr. Witmer stated that the material to be used is an aluminum panel.

Board Member Schultz stated that he has no problem with the proposed wording on the orange band. Mr. George Fischer, petitioner, stated that the existing freestanding sign that lists the Quick Lane services will be coming down, but he does not know when.

Board Member Adams stated that the proposal appears to be consistent with the other auto dealers in town.

Chairman Cotey stated that he has no problem with the sign proposal, but prefers that the existing freestanding sign listing the Quick Lane services is removed.

Board Member Donahue asked for clarification as to how signs are classified on the orange band. Mr. John Spoden, Director of Community Development, stated that the Zoning Code would define each word on the orange band as separate and individual signs.

Mr. Witmer stated that he represents the sign company and cannot commit to removing the freestanding sign without discussing it with the property owner.

Chairman Cotey asked what the petitioner wanted the Zoning Board of Appeals to do tonight. Mr. Witmer stated that he is ready for the Zoning Board of Appeals to make a recommendation to the Village Board.

*In the matter of ZBA 11-18, Board Member Schultz moved, seconded by Board Member Adams, to recommend the Village Board of Trustees approve a variation to increase the maximum number of permitted wall signs per business occupancy of the Libertyville Lincoln vehicle dealer building from one (1) to ten (10) located in a C-5, Vehicle Dealer Commercial District, in accordance with the plans submitted.*

*Motion carried 6 - 1.*

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*Ayes: Cotey, Adams, Donahue, Oakley, Schultz, Semmelman*

*Nays: Moore*

*Absent: None*

**COMMUNICATIONS AND DISCUSSION:**

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

Motion carried 7 - 0.

Meeting adjourned at 7:48 p.m.