

MINUTES OF THE ZONING BOARD OF APPEALS
May 11, 2020

The regular meeting of the Zoning Board of Appeals was conducted virtually due to public health concerns and called to order by Chairman Matthew Krummick at 7:00 p.m.

Members present: Chairman Matthew Krummick, Mark Moore, Amy Flores, Walter Oakley, Richard Pyter, Kurt Schultz, and Eric Steffe.

Members absent: None.

A quorum was established.

Village Staff present: John Spoden, Director of Community Development; David Smith, Senior Planner, and Jeff Cooper, Village Engineer.

Board Member Moore moved, seconded by Board Member Flores, to approve the February 24, 2020, Zoning Board of Appeals minutes.

Motion carried 7 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

ZBA 20-01 Johanna Corbin, Applicant
309 Forest Lane

Request is for a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 15.9 feet in order to construct a swimming pool and pool deck for property located in an R-6, Single Family Residential District.

ZBA 20-02 Johanna Corbin, Applicant
309 Forest Lane

Request is for a variation to increase the maximum permitted lot coverage from 40% to approximately 46% in order to construct a swimming pool and pool deck for property located in an R-6, Single Family Residential District.

ZBA 20-03 Johanna Corbin, Applicant
309 Forest Lane

Request is for a variation to allow a fence to be located in the corner side yard with the fence line located beyond the rear building line of the principal structure in order to construct a fence for property located in an R-6, Single Family Residential District.

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ZBA 20-04 Johanna Corbin, Applicant
309 Forest Lane

Request is for a variation to allow for a fence to be located closer to the street than the front yard established for the abutting lot in order to construct a fence for property located in an R-6, Single Family Residential District.

Mr. David Smith, Senior Planner, introduced the requested variations. Mr. Smith stated that the petitioner was before the Zoning Board of Appeals at their February 10, 2020 meeting requesting the listed variations. He stated that during the course of the meeting, the Zoning Board of Appeals continued the matter in order to provide the petitioner the opportunity to revise their plan materials in response to Staff review comments and feedback provided by the Zoning Board of Appeals at that time.

Mr. Sean Wepler, attorney representing the petitioner, stated that the lot is unique as it has street frontage on three sides of the lot. He stated that the only location that makes sense for the homeowner is along the side yard that fronts Sunset Drive. He stated that the petitioner did not create the unique circumstances. He stated that the plans make every effort to conform to the Code. He stated that the plan does not present any harm to the neighboring properties. He stated that the plan improves the storm water drainage.

Mr. Scott Adams, 229 Sunset Drive, stated that he does not support the variations. He stated that Sunset Drive, Forest Lane, and Linden Lane are all narrow roads which create a more hazardous Sight Distance Triangle. He stated that he does not support the increase in the impervious surface on the subject property.

Ms. Jody Staszkesky, 212 Sunset Drive, stated that she has the same concerns as Scott Adams and that she is also concerned about the traffic.

Mr. Wepler stated that traffic does not have any relationship with the requested variations.

Mr. Jon Green, engineer for the petitioner, stated that the proposed scope of work includes enough permeable pavers that there will be a net gain in storm water management. He stated that because of the credit given by the Village for permeable pavers that they are in effect removing 2,000 square feet of asphalt from the driveway. He stated that the asphalt removal is double the pool coverage because of the stormwater management credit earned from the Village.

Ms. Staszkesky stated that she is concerned about the high school student pedestrians walking along Linden Lane.

Mr. Adams stated that he is concerned about the high school kids walking down Linden Lane, he is concerned about the water flow from the subject property, and he is concerned about the traffic flow down the narrow streets.

Mr. Green stated that the scope of work is not near the Sight Distance Triangle. He stated that the house is closer to Linden Lane than what the pool will be.

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Ms. Staszkesky asked where the water will go when the pool is emptied before the winter. Mr. Kyle Ritchie, Barrington Pools and contractor representing the petitioner, stated that pools like the one proposed are not completely emptied. He explained the pool draining process.

Mr. Green described where and how the stormwater drains. He stated that the Village of Libertyville is more restrictive with stormwater management requirements than most other communities.

Mr. Jeff Cooper, Village Engineer, stated that pools are required to be de-chlorinated before emptied.

Board Member Oakley stated that it is a good project, but it is the wrong property.

Board Member Flores stated that the development of the residence maxed out the lot coverage.

Board Member Schultz stated that the applicant has not demonstrated a hardship to justify the variation requests.

Board Member Moore stated that he is concerned about the excessive lot coverage.

Board Member Steffe stated that he appreciates that the applicant is proposing the brick pavers, but he cannot justify the lot coverage variation as long as the applicant maintains two driveways.

Board Member Pyter stated that he seems like the applicant is trying to force fit the proposal into a lot that does not fit.

Chairman Krummick stated that the house has already maxed out the maximum permitted lot coverage. He stated that he cannot identify a hardship to justify the variation requests. He asked the petitioner if they are ready for the Zoning Board of Appeals to vote this evening. Ms. Johanna Corbin, applicant, asked if the Zoning Board of Appeals would give consideration if they were willing to remove one of the driveways.

Chairman Krummick stated that they would have to revise their site plan and show how they will treat the sidewalks that currently connect to the driveway if it were to be removed. He stated that the lot coverage would have to be calculated to reflect the revised site plan.

Mr. Ritchie stated that they would accept the continuance to June 22, 2020.

In the matter of ZBA 20-01, ZBA 20-02, ZBA 20-03 and ZBA 20-04 Board Member Pyter moved, seconded by Board Member Oakley, to continue these items to the June 22, 2020 Zoning Board of Appeals meeting.

Motion carried 7 - 0.

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Ayes: Krummick, Flores, Moore, Oakley, Pyter, Schultz, Steffe
Nays: None
Absent: None

ZBA 20-06 Derick Dermatology, Applicant
950 Technology Way, #150

Request is for a variation to increase the maximum permitted size of a wall sign from 32 square feet to approximately 135 square feet for property located in a O-2 Office, Manufacturing and Distribution Park District.

The applicant requested that this item be continued to the June 8, 2020, Zoning Board of Appeals meeting.

In the matter of ZBA 20-06, Board Member Steffe moved, seconded by Board Member Pyter, to continue this item to the June 8, 2020, Zoning Board of Appeals meeting.

Motion carried 7 - 0.

Ayes: Krummick, Flores, Moore, Oakley, Pyter, Schultz, Steffe
Nays: None
Absent: None

ZBA 20-09 McGrath Acura of Libertyville, Applicant
1620 S. Milwaukee Avenue

Request is for a variation to increase the maximum number of business wall signs from one (1) to two (2) for property located in a C-5 Vehicle Dealer Commercial District.

The applicant was not in attendance for the meeting.

In the matter of ZBA 20-09, Board Member Steffe moved, seconded by Board Member Pyter, to continue this item to the May 18, 2020, Zoning Board of Appeals meeting.

Motion carried 7 - 0.

Ayes: Krummick, Flores, Moore, Oakley, Pyter, Schultz, Steffe
Nays: None
Absent: None

ZBA 20-11 Jack and Sarah Danilkowicz, Applicants
234 McKinley Avenue

Request is for variations to: 1) increase the maximum permitted height of a fence from four (4) feet to six (6) feet in the front yard; 2) increase the maximum

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permitted linear length of a fence from 33 feet to 160 feet in the front yard; and 3) increase the maximum permitted amount that a fence may be opaque from 33% to 100% in the front yard for property located in an R-7, Single Family Attached Residential District.

Mr. David Smith, Senior Planner, introduced the requested variations.

Mr. Jack Danilkowicz, applicant, stated that they purchased the property in 2019. He stated that they have cleaned and maintained the yard and preserved trees on the property. He stated that there is a 15 foot wide parkway between the property line fronting the Florence Court right-of-way and the edge of the street. He stated that if they were to move the fence back into their property that it would have an impact on the existing trees on their property. He stated that they are proposing a six (6) foot tall cedar fence to locate along the Florence Court right-of-way line and that a precedence has already been set by two other neighbors who also have their fence line along the Florence Court right-of-way property line as well. He stated that the neighbors support the proposed fence. He stated that they have young children and that they need the fence for their safety. He stated that the other neighbors treat their double frontage lots as having rear yards.

Ms. Sarah Danilkowicz, applicant, stated that they want to provide their kids with a safe place. She stated that a 4 foot tall fence will be too easy to climb. She stated that their dog needs a safe place to be outside as well.

Mr. Danilkowicz stated that they are not asking for a special privilege that other Village residents have not been able to have. He stated that Florence Court does not have street lights and that they believe they have a right to privacy.

Mr. Jonathan Monroe, 224 McKinley, stated that he has lived in his current residence for 24 years. He stated that both Florence Court and McKinley Avenue comprise a neighborhood community and it is a safe community. He stated that they have a see-through fence with creative landscaping. He stated that Florence Court does not have opaque fences up and down the street and if they did it would feel like a series of fortresses.

Board Member Oakley stated that he is concerned about the condition that a cedar fence would be in 15 years. He stated that he is concerned about the streetscape becoming a visual barricade.

Board Member Flores stated she is concerned about the opaque nature of a wooden privacy fence.

Board Member Schultz stated that he does not support the variations for the height and the increase in the opaqueness.

Board Member Moore stated that the petitioner should consider other options and that he does not support the variations as proposed.

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Board Member Steffe stated that he can see that there might be a need for a fence on this property, but does not support the variation to increase the opaqueness.

Mr. John Spoden, Director of Community Development, stated that the fences located on the neighbor's property mentioned earlier in the meeting have been installed since 1996 under a different fence regulation.

Chairman Krummick asked for clarification regarding a similar fence variation for property located on Sherborne Court. Mr. Spoden stated that the Sherborne Court fence variation allowed the petitioner to install a shorter wrought iron style fence which met the opaque regulation.

Mr. Danilkowicz stated that they previously lived on Homewood Avenue in the Village so they are not newcomers to the Village. He stated that they are trying to match the exiting fence line of their neighbor's fence line. He stated that their neighbors would rather see a wood fence, not a chain link fence.

Mr. Monroe stated that they never called the police on their neighbors. He stated that he has no problems with the applicants themselves.

Mr. Smith read five emails received regarding the requested fence variations. He stated that four emails support the application and one objected to the application. Mr. Smith stated that one resident visited the Community Development Department to express his objection to the application.

Chairman Krummick asked if the petitioners are ready for the Zoning Board of Appeals to make their recommendation tonight. Mr. Danilkowicz stated that he would like for the Zoning Board of Appeals to make their recommendation.

In the matter of ZBA 20-11.1), Board Member Oakley moved, seconded by Board Member Flores, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted height of a fence from four (4) feet to six (6) feet in the front yard for property located in an R-7, Single Family Attached Residential District, in accordance with the plans submitted.

Motion failed 0 - 7.

Ayes: None

Nays: Krummick, Flores, Moore, Oakley, Pyter, Schultz, Steffe

Absent: None

In the matter of ZBA 20-11.2), Board Member Oakley moved, seconded by Board Member Schultz, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted linear length of a fence from 33 feet to 160 feet in the front yard for property located in an R-7, Single Family Attached Residential District, in accordance with the plans submitted.

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Motion carried 5 - 2.

Ayes: Krummick, Flores, Oakley, Schultz, Steffe
Nays: Moore, Pyter
Absent: None

In the matter of ZBA 20-11.3), Board Member Steffe moved, seconded by Board Member Pyter, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted amount that a fence may be opaque from 33% to 100% in the front yard for property located in an R-7, Single Family Attached Residential District, in accordance with the plans submitted.

Motion failed 1 - 6.

Ayes: Krummick
Nays: Flores, Moore, Oakley, Pyter, Schultz, Steffe
Absent: None

STAFF COMMUNICATIONS AND DISCUSSION: None.

Board Member Oakley moved, seconded by Board Member Flores to adjourn the meeting.

Motion carried 7 - 0.

Meeting adjourned at 9:03 p.m.