

**MINUTES OF THE ZONING BOARD OF APPEALS**  
**June 12, 2023**

The regular meeting of the Zoning Board of Appeals was called to order by Vice Chairman Eric Steffe at 7:00 p.m. at the Village Hall.

Members present: Vice Chairman Eric Steffe, Walter Oakley, Richard Pyter, Thomas Rankin, and Aaron Zych.

Members absent: Chairman Gregory Wheeler and Amy Flores.

A quorum was established.

Village Staff present: David Smith, Senior Planner; and Jeff Cooper, Village Engineer.

Others present: Brooke Lenneman, Village Attorney.

Board Member Oakley moved, seconded by Board Member Pyter, to approve the May 22, 2023, Zoning Board of Appeals minutes.

Motion carried 5 - 0.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

**ZBA 23-05 Jeffrey and Whitney Katz, Applicants**  
**641 Sunnyside Avenue**

**Request is for a variation to increase the maximum permitted lot coverage from 45% to approximately 50.1% in order to remove an existing patio and replace it with a new stone patio with seatwalls for property located in an R-6, Single Family Residential District.**

Mr. David Smith, Senior Planner, introduced the petitioners' request for a variation to increase the maximum permitted lot coverage in order to construct a new patio for property located in an R-6 Single Family Residential District.

Mr. Dan Wells, Elan Landscape Development and agent for the applicant, described the proposed scope of work to the Zoning Board of Appeals. He stated that the current lot coverage is approximately 50.1% and it is their intent to maintain the current lot coverage ratio, in fact there will be a slight decrease of approximately three (3) square feet of coverage. Mr. Wells stated that this proposal is not precedent setting as the Village of Libertyville Development Review Committee Staff review report indicates that there have been 27 Village Board approvals for lot coverage variations listed for the past 20 years. He stated that the patio is a common single family residence feature and the Katz's are not seeking something not already afforded to other residences throughout the Village. Mr. Wells stated that the proposed patio replacement is practical in size

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and design and the homeowner Mr. Katz has decided that the variation process is the best path moving forward.

Board Member Pyter asked for clarification from the applicant regarding their assertion that the patio is being relocated behind the house from its current location which is at the southern end of the driveway for safety reasons. Mr. Wells stated that the current location of the existing patio at the end of the driveway creates a safety concern as vehicles that are parked in the garage maneuver in and out very near if not over the existing brick patio. He stated that the proposed relocation provides an opportunity for family members to utilize the new patio location without risk of being hit by vehicles moving in and out of the garage.

Board Member Pyter stated that this proposal seems to be reasonable and appears to be not the fault of the current homeowner who did not install the existing patio creating the non-conforming lot coverage.

Mr. Wells stated that the Village Board has approved past lot coverage variations and it seems like the Zoning Board of Appeals is the proper venue to correct past mistakes.

Board Member Rankin stated that to relocate the proposed patio away from the driveway and behind the house makes sense. He asked the applicant if they can adjust the location of the proposed patio in order to meet the minimum required rear yard setback in response to one of the Staff review comments in the DRC Staff Report. Mr. Wells stated that they will show that setback adjustment to be in compliance with setback requirement at time of permit application submittal.

Board Member Zych asked if the requested lot coverage variation takes into account the recent unimproved alley vacation which added an additional 400 square feet of green space to the subject property. Mr. Wells stated that the alley vacation and additional 400 square feet added to the subject property has been taken into account in the proposed lot coverage calculation.

Board Member Zych asked if permeable pavers could be used to help to address the lot coverage issue. Mr. Smith stated that the Zoning Code would still view permeable pavers as lot coverage, but if the pavers were installed in a manner that will still allow storm water to be conveyed in accordance to approved engineering design standards then they might be able to receive a credit against the Watershed Development Ordinance Appendix P requirements.

Board Member Oakley stated that this property is one among a few homes that were recently constructed along Meadow Lane and Sunnyside Avenue where the homes were constructed of a size that left very little space for patios. He stated that the applicant is requesting approval to match the existing lot coverage and not reduce with a smaller patio plan and he is concerned about that.

Vice Chairman Steffe stated that the applicant should further reduce the lot coverage. He stated that consideration should be given to continuing this matter to next month in order to allow the applicant an opportunity to revise their plan and further reduce the lot coverage.

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Mr. Jeff Katz, applicant and homeowner, asked the Zoning Board of Appeals how much they should reduce the lot coverage. Vice Chairman Steffe stated that his preference is that there would be no lot coverage variation. He stated that the applicant should try to get closer to 45% as much as possible. He asked the applicant if they agree to a continuance. Mr. Wells stated that they agree to a continuance.

*In the matter of ZBA 23-05, Board Member Pyter moved, seconded by Board Member Rankin, to continue this item to the July 10, 2023, Zoning Board of Appeals meeting.*

*Motion carried 5 - 0.*

*Ayes: Steffe, Oakley, Pyter, Rankin, Zych*

*Nays: None*

*Absent: Wheeler, Flores*

**STAFF COMMUNICATIONS AND DISCUSSION:** None.

Board Member Pyter moved, seconded by Board Member Rankin, to adjourn the Zoning Board of Appeals meeting.

Motion carried 5 - 0.

Meeting adjourned at 7:45 p.m.