

MINUTES OF THE ZONING BOARD OF APPEALS
June 11, 2018

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

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

Members absent: Mark Moore.

A quorum was established.

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

Others present: James Woods, P.E., PTOE, Civiltech Engineering, Inc.

Board Member Oakley moved, seconded by Board Member Krummick, to approve the May 21, 2018, Zoning Board of Appeals minutes.

Motion carried 6 - 0.

OLD BUSINESS:

**ZBA 18-01 Keller Williams, Applicant
 325 N. Milwaukee Avenue**

Request is for variations to: 1) increase the maximum number of permitted freestanding business signs from one (1) to two (2) in order to allow the proposed 24 square foot KW North Shore West Keller Williams freestanding sign; and 2) increase the maximum permitted height for a freestanding business sign from 6 feet to approximately 9.3 feet in height in order to allow the proposed 24 square foot KW North Shore West Keller Williams freestanding sign located in a C-2 Downtown Community Commercial District.

The applicant requested this item be withdrawn from the agenda.

NEW BUSINESS:

**ZBA 18-03 Jim and Sandy Berklan, Applicants
 532 Ames Street**

Request is for a variation to increase the maximum permitted lot coverage from 40% to approximately 42% in order to construct a new landing with steps to the rear of a single family residence for property located in an R-6, Single Family Residential District.

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Mr. David Smith, Senior Planner, introduced the petition to request approval for a variation from the Zoning Code. Mr. Smith stated that the applicants, Jim and Sandy Berklan, are requesting a variation to increase the maximum permitted lot coverage in order to construct a new landing with steps to the rear of a single family residence for property located in an R-6, Single Family Residential District at 532 Ames Street. Mr. Smith stated that the subject site is a corner lot bounded by Ames Street on the west and Austin Avenue on the south side and is considered a corner lot.

Mr. Smith stated that the applicants are proposing to add a new landing and steps outside a sliding glass door in the back of their home. Mr. Smith stated that they are also proposing to replace an existing concrete slab at its current dimensions. Mr. Smith stated that the applicant's current lot coverage is approximately 44%. Mr. Smith stated that the Zoning Code requires a lot coverage limitation not to exceed 40% for corner lots. Mr. Smith stated that the proposed scope of work will reduce the existing lot coverage by a net reduction of approximately 2%. Mr. Smith stated that the current Building Code shall require both the landing and steps as a replacement of the steps into the rear of the house.

Mr. Jim Berklan, applicant, stated that the proposed improvements include the removal of a significant portion of existing asphalt located next to the house.

Board Member Pyter asked the applicant if the existing lot coverage existed prior to when they purchased the home. Mr. Berklan stated that the lot coverage was worse at that time. He stated that they made other improvements to cut back the lot coverage since they closed on their home.

Chairman Schultz asked the petitioner what they would like for the Zoning Board of Appeals to do this evening. Mr. Berklan stated that he is ready for their recommendation to the Village Board.

In the matter of ZBA 18-03, Board Member Steffe moved, seconded by Board Member Flores, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted lot coverage from 40% to approximately 42% in order to construct a new landing with steps to the rear of a single family residence for property located in an R-6, Single Family Residential District, in accordance with the plans submitted.

Motion carried 6 - 0.

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

ZBA 18-04 Mark and Miriam Kosciuch, Applicants
340 Grant Court

Request is for a variation to reduce the front yard setback in order to construct a house addition for property located in an R-7, Single Family Attached Residential District.

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ZBA 18-05 Mark and Miriam Kosciuch, Applicants
340 Grant Court

Request is for a variation to increase the maximum permitted lot coverage in order to construct a house addition for property located in an R-7, Single Family Attached Residential District.

Mr. David Smith, Senior Planner, introduced the application to the Zoning Board of Appeals. Mr. Smith stated that the applicants, Mark and Miriam Kosciuch, are requesting variations to increase the maximum permitted lot coverage and a front yard setback in order to construct a house addition for property located in an R-7, Single Family Attached Residential District at 340 Grant Court.

Mr. Rick Swanson, architect and agent for the applicant, stated that the proposal includes the removal of the existing house down to its existing basement foundation, expand the basement and reconstruct a new single family residence with a front yard back to not exceed what the existing setback is for the existing house. He stated that the rear structure that was previously used as a second residence will also be demolished and a new two car garage will be constructed in its place. He stated that they are also requesting a lot coverage variation but will in fact be less than the current lot coverage on the site.

Mr. Swanson stated that the proposed architectural design will reflect a Farm House Modern style with an open front porch that will be smaller than the existing homes enclosed front porch.

Mr. Matt Clemens, 322 2nd Street, stated that he has no issue with the proposal and that it will be a welcome improvement.

Mr. Joe Tucci, 203 First Street, asked if the proposal is a single family residence. Chairman Schultz stated that it is a single family home proposal.

Ms. Barbara Shafer, 315 Minear Drive, asked how many undersized lots are in the Village of Libertyville. Mr. John Spoden, Director of Community Development, stated that there are a substantial number of smaller lots in the Village.

Board Member Oakley asked about the size of the proposed patio and if there is an opportunity to make it smaller. Mr. Swanson described the dimensions of the proposed patio.

Board Member Flores asked for clarification of the proposed change in the lot coverage.

Mr. Swanson stated they are proposing to reduce the lot coverage from 58% to 54%. He stated that they are unable to change the footprint of the house and are forced to work in the current location.

Board Member Flores stated that she likes the open front porch design.

Board Member Steffe stated that he would like to see more pervious surface.

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Board Member Krummick stated that the front yard encroachment appears to be commensurate with the neighboring properties. He stated that he is concerned with the lot coverage variation. He stated that although the proposal is an improvement to the property, he cannot agree with the lot coverage request.

Mr. Swanson stated that the apartment structure that they are proposing to remove and replace with the detached garage will help to reduce the lot coverage significantly.

Board Member Krummick stated that consideration could be given to building a new foundation.

Mr. Swanson stated that they are attempting to preserve what they are able to and to work with what they have. He stated that budget concerns are another factor influencing their decision.

Board Member Pyter asked what the proposed driveway width is. Mr. Swanson stated that the driveway is 12 feet wide.

Board Member Pyter stated that consideration should be given to reducing the driveway width.

Mr. Swanson stated that they can examine whether or not a 10 foot wide drive will work. He stated that the proposed garage door is 16 feet wide.

Chairman Schultz stated that he supports the front yard setback variation request. He stated that he would like to see additional lot coverage reduction.

Mr. Swanson stated that they can try to reduce the lot coverage, but cannot say how much.

Mr. Spoden stated that the Zoning Board of Appeals will need to see any changes to the Site Plan.

Mr. Swanson stated that they can reduce the driveway width by two (2) feet and take more off of the patio.

Mr. Spoden stated that the precise lot coverage percentage is important to know and that it will be incorporated into the ordinance.

Mr. David Pardys, Village Attorney, stated that the specificity of the percentage is important for the ordinance and that any changes to the Site Plan should come back to the Zoning Board of Appeals.

Mr. Swanson stated that he agrees to a continuance for this case.

In the matters of ZBA 18-04 and ZBA 18-05, Board Member Oakley moved, seconded by Board Member Flores, to continue these items to the July 9, 2018, Zoning Board of Appeals meeting.

Motion carried 6 - 0.

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

ZBA 18-06 Meyer Homes, Inc., Applicant
500 and 514 Broadway

Request is for variations to: 1) reduce the minimum required front yard setback; and 2) reduce the minimum required rear yard setback in order to construct four (4) single family attached dwelling units for property located in an R-8, Multiple Family Residential District.

ZBA 18-07 Meyer Homes, Inc., Applicant
500 and 514 Broadway

Request is for a variation to change the required orientation of a principal structure in order to construct four (4) single family attached dwelling units for property located in an R-8, Multiple Family Residential District.

ZBA 18-08 Meyer Homes, Inc., Applicant
500 and 514 Broadway

Request is for a variation for a fence for property located in an R-8, Multiple Family Residential District.

Mr. David Smith, Senior Planner, introduced the application to the Zoning Board of Appeals. Mr. Smith stated that the applicants, Meyer Homes, Inc., is requesting variations to reduce the minimum required front yard setback, rear yard setback, to change the required orientation of a principal structure and a fence variation in order to construct four (4) single family attached dwelling units for property located in an R-8 Multiple Family Residential District at 500 and 514 Broadway. Mr. Smith stated that the subject site is comprised of Lots 4, 5, and 6 in the C. Frank Wright's Subdivision platted in 1893 and located at the northeast corner of Third Street and Broadway Avenue. He stated that currently a single family residence is located on Lots 5 and 6 and a second residence with a detached garage is located on Lot 4. Mr. Smith stated that the site is located in the R-8 Multiple Family Residential District which permits Single Family Detached Dwellings, Two Family Dwellings, Single Family Detached Dwellings that contain no more than four (4) dwelling units and Multiple Family Dwellings.

Mr. Smith stated that the applicant is proposing to demolish the two existing residential structures and construct a four unit townhome building with a second four garage structure detached from the townhome building. Mr. Smith stated that access to the garages shall come from the alley via Third Street.

Mr. Rick Swanson, architect and agent for the applicant, stated that they are proposing to demolish the two existing single family homes. He stated that the proposed townhome structure is designed to have the look and feel of single family homes.

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Mr. Swanson stated that the front doors of the townhome units will face Broadway. He stated that there are a variety of land uses in the neighborhood. He stated that the existing structures have non-conforming setbacks. He stated that the engineering for the project provides for a drainage swale on the east end of the townhomes and to accommodate this they shifted the building to the east causing the need for the front yard setback. He stated that the front yard will now be considered fronting Third Street.

Mr. Swanson stated that the Appearance Review Commission recommended approval for this project at their May 21, 2018 meeting.

Mr. Matthew Flynn, 219 Second Street, stated that he is not supportive of a high density development. He stated that the 2005 Comprehensive Plan supports the preservation of older homes. He stated that this area is prone to flooding. He stated that he is concerned about the proposed height and density and is concerned for public safety. He stated that he is concerned about the potential impact upon traffic. He stated that consideration be given to allowing the current comprehensive plan update run its course before approving this project.

Mr. Joe Tucci, 203 First Street, asked if storm water detention will be incorporated into the proposed development. Mr. Jeff Cooper, Village Engineer, stated that storm water management shall be required.

Ms. Eileen Campbell, 418 Broadway, stated that she has lived in the neighborhood for at least 15 years. She stated that her house was constructed in 1910. She stated that she has had flooding problems recently and that she is concerned about how the proposed development will impact her property. She stated that there isn't a hardship that would support the applicant's variation request. She stated that duplexes would require fewer variations.

Mr. Brad Meyer, applicant, stated that the cost of construction would make the development of duplexes or single family homes prohibitive. He stated that his proposal would introduce lower price points for each dwelling unit. He stated that the proposed architecture allows this development to integrate into the neighborhood more easily.

Mr. Martin Tuohy, 518 Broadway, stated that he likes the proposal. He stated that consideration should be given to reducing the fence height to four (4) feet. He stated that the developer should not sacrifice square footage in order to reduce the setback on the west end. He stated that four (4) dwelling units is better than twelve (12) dwelling units. He stated that he lives next door and that he would prefer three (3) single family homes.

Ms. Martha Lopez Paluga, 205 North Second Street, stated that she has lived in Libertyville for 20 years. She stated that Broadway has evolved over the years and is now known as Millionaire Row. She stated that there is not enough affordable housing in Libertyville. She asked how much the townhomes will sell for. Mr. Meyer stated that they will sell for approximately \$700,000 each.

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Ms. Paluga stated that it is getting more and more difficult to afford to live in Libertyville. She stated that there is such a wide social economic discrepancy in Libertyville and that there needs to be a fair balance.

Ms. Margaret Burrows, 318 Third Street, stated that she is concerned about the alley width relative how vehicles will be able to access the garages.

Mr. Meyer stated that he has lived in front of alleys with garages only being five (5) feet from the alley and he has been able to maneuver his vehicle in and out without problems. He stated that he is proposing a 10 foot setback from the alley for his proposed garages.

Mr. James Woods, Civiltech Engineering and Village of Libertyville consultant, stated that the City of Chicago alleys are typically wider. He stated that the twelve (12) foot alley is tight, but by having a 10 foot setback for the garages will help vehicles to maneuver more easily.

Ms. Michelle Sharon, 204 First Street, stated that Mr. Meyer gave an excellent presentation. She stated that a one-building proposal is a concern. She stated that she is concerned that the neighborhood may not be ready for this type of proposal. She stated that she is concerned about fire safety and wondered where a fire truck can station itself in case of an emergency.

Mr. Swanson stated that this project is meeting the code with a one-hour fire separation construction. He stated that a fire truck will have access from three locations being along Third Street, Broadway Street, and the alley behind the property. He stated that each of the townhome dwelling units will have less mass than a typical single family home would have. He stated that the Zoning Code would allow a multi-family building with 8 to 12 dwelling units in an apartment building. He stated that the can address any storm water drainage concern.

Mr. Dan Bleck, 511 Broadway, stated that he lives across the street from the proposed development. He stated that Frank C Wright designed the neighborhood initially to be single family and that it was not the intent to build larger multiple family or attached structures. He stated that he is concerned about the consolidation of the lots. He stated that he does not believe that there is a hardship that would support the variations requested. He stated that he is also concerned about storm water management.

Ms. Barbara Shafer, 315 Minear Drive, stated that the proposal does look beautiful. She stated that she is concerned about the proposal being one large building. She stated that there appears to be a strange convergence of storm water flow along Broadway and is concerned as to how this project may impact storm water management. She stated that there does not appear to be a valid reason for the variation requests as this is new development proposed on a blank slate. She stated that she is concerned about the increase in density. She stated that she favors a continuation.

Mr. Matt Clemens, 322 Second Street, stated that the property is zoned R-8 today and does not have a problem with the proposed density and prefers the townhomes in lieu of an apartment building. He stated that careful attention should be given to storm water management.

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Ms. Marie Tuohy, 518 Broadway, stated that she hopes that this proposal will not negatively impact storm water management or cause flooding in her basement. She stated that the proposed architecture is beautiful.

Mr. Martin Tuohy, 518 Broadway, stated that the applicant could reduce the encroachment into the front yard fronting Third Street if the applicant reduces the dwelling unit sizes. He stated that it is a very thoughtful development with attractive front porches.

Mr. Corey Weaver, 235 Broadway, stated that it appears that the applicant has put good thought into the proposal.

Ms. Kathy Jeffrey, 219 Second Street, stated that they should make the proposed development smaller by reducing the number of units. She stated that they should comply with the Zoning Code and not ask for the variations. She stated that they should stick to the rules.

Board Member Oakley requested that the applicant address the Staff report review comments.

Mr. Swanson stated that they have explored several options before deciding on the submitted proposal. He stated that it appears that Civiltech is satisfied that the alley width will not impose a hindrance as the garages have a 10 foot setback from the alley. He stated that the development will have an HOA.

Mr. Meyer stated that they understand what is needed to manage the storm water. He stated that the proposed rain garden will be maintained by the HOA.

Mr. John Cerbus, Pearson, Brown and Assoc. Engineering, stated that the proposed development is a straight forward project. He stated that they are below the maximum permitted impervious surface and that they are adherent to the requirements of the WDO Appendix P. He stated that they will not exasperate flooding and that they have planned a safe overland flow route as needed.

Board Member Oakley stated that he is concerned about the area's storm sewer backing up.

Mr. Cooper stated that it is an older subdivision and that a substantial amount of the sewer infrastructure has been constructed with clay lines and they tend to leak over time. He stated that it is not a capacity issue, but that the existing lines are impacted during large rain events. He stated that the utility lines are addressed on an annual on-going basis and that Broadway Street is on the Village's radar.

Board Member Flores stated that the proposed garage location should be reconsidered as it appears to encroach into the line of site for properties to the north. She stated that consideration should be given to reducing those garage units designed for three (3) cars be reduced to two (2) car garages. She stated that she would like to see the turning radius for vehicles getting in and out of the garages. She stated that by connecting all of the garages that it may pose an escape hazard for the center units for people trapped in the rear yards. She stated that consideration

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should be given to separating the garage units for that reason. She stated that should would prefer two duplex's instead of a single building for four (4) townhome units.

Mr. Swanson stated that they have discussed for quite some time the building footprint locations for both the dwelling units and for the garages.

Board Member Steffe stated that it appears that the hardship is self-created. He stated that he understands that the district is R-8 but that it does not fit into the neighborhood.

Board Member Krummick stated that the square footage of the units is benign. He stated that he is concerned about the setback from Third Street and that it does not appear cohesive with the homes north of the site along Third Street.

Board Member Pyter stated that it appears to be too much building for the land area given. He stated that he would like to see the plans revised to come closer to being code compliant.

Chairman Shultz stated that the orientation makes sense. He stated that he does not object to the size of the proposal. He stated that the request for the fence variation is consistent. He stated that he concurs with Board Member Flores regarding the ability to escape from the rear yard relative to the garage units being attached to each other. He stated that he would like to see more affordable housing in the Village. He stated that it would be advisable to the applicant to request a continuance in order to address the concerns given thus far.

Mr. Meyer stated that he agrees to the continuance.

In the matters of ZBA 18-06.1.2), ZBA 18-07, and ZBA 18-08, Board Member Flores moved, seconded by Board Member Krummick, to continue these items to the July 9, 2018, Zoning Board of Appeals meeting.

Motion carried 6 - 0.

Ayes: Schultz, Flores, Krummick, Oakley, Pyter, Steffe

Nays: None

Absent: Moore

STAFF COMMUNICATIONS AND DISCUSSION:

Mr. John Spoden, Director of Community Development, announced that there will be a Comprehensive Plan open house on July 18, 2018 at the Civic Center.

Board Member Steffe moved, seconded by Board Member Krummick, to adjourn the Zoning Board of Appeals meeting.

Motion carried 6 - 0.

Meeting adjourned at 9:50 p.m.