



THE LYONS DESIGN GROUP, LLC

ADAM N. LYONS, Architect LEED AP, NCARB, AIA, ALA
894 Mettawa Lane Mettawa, IL 60045 tel: 847.791.3251
Email: lyonsdesigngroup@aol.com

August 9, 2024

To: Village of Libertyville Planning and Zoning Dept.
Zoning Review Board

Building Setback Variance Request and Request for an increase in the Parking Spaces allowed and Number of Detached Garage structures

303-307 BROADWAY, LIBERTYVILLE, ILLINOIS

NARRATIVE: DESCRIPTION OF PROJECT

David and Pam King own lots at 303 and 307 Broadway. For the purposes of this request, they are proposing that 303 and 307 Broadway be designated as a single zoning lot of record. Staff had recommended and advised this component of the project would be a pathway to making their requests viable.

The Kings recently constructed a garage at 303 Broadway. The house on that lot, built more than 130 years ago, was inspected by a structural engineer and deemed structurally unsound. (See letter, Exhibit 1). Building practices of the 1890s have expired, and the Kings now find this home beyond a state of repair and not suitable for further occupancy; repair or reconstruction is technically infeasible.

The inspector's assessment of the home is one of a LIFE-SAFETY concern. The structure poses a significant life-safety hazard and risk to any occupants, and a tremendous liability risk to the Kings to continue owning it, as furthermore the home is uninsurable. The structural engineer's directive was that the home poses such a severe threat to human health, safety, and welfare, that it should be torn down. This alone creates the hardships that the Kings now face and triggers the zoning code violations.

The Kings and their Contractor, V3 Builders, Inc. had approached the Village requesting approval for demolition of the 303 Broadway structure. Unfortunately, the activity of removing the 303 residence would result in a single zoning lot with only a detached garage, and no principal residence (required by code for any residential lot in the Village.)

Over several months and collaborative communications with Staff, we've worked towards the best solution to remediate the King's situation, of how to remove the 303 residence. We appeared before the Zoning Board in recent months and, while our previous proposals were attainable, the former avenues to compliance were not the most ideal. At the June Board of Trustees meeting, the mayor and board members stated that they would like to work with us to finalize a solution.

Based on positive direction and communications with Staff and the Zoning Board, we first propose the following courses of action: to designate a new Zoning Lot (303 and 307 Broadway) as a function to compliance, then request approval of the following variations that are then required:

1. To reduce the corner side yard setback from 30' to approximately 12', for the existing detached garage (please note, this setback variation (setback reduction) was formerly granted
2. To increase the number of allowed garage structures from 1 to 2 (there are 2 existing garages in whole on the new Zoning Lot)
3. To increase the maximum number of garage stalls from 3 to 5 (between the 2 existing garages on the new Zoning Lot there are 5 stalls)

Please see EXHIBITS 2-4 which graphically illustrate the actions.

We hope this board will agree that the net result of the approvals of the requested variances will be very feasible, very beneficial to the neighborhood, and will have no disruption to neighbors. As the Village has already previously approved a variance to allow an increase in Garages (1265 Deer Trail Lane, 2017, see EXHIBIT 5), this approval would not set a precedent.

Additionally, we would also like to note that more than 20 neighbors attended the June meeting in overwhelming support of the King's proposal to replace the current structure at 303 Broadway with green space.

In whole, with the removal of the hazardous structure complete landscaping of the property, the approvals will continue to maintain the integrity of the Heritage District.

STANDARDS FOR VARIATION

The variations above are requested to be approved based on the following standards being met:

- A. General Standard. No variation shall be granted pursuant to this Section 16-8 unless the applicant shall establish that carrying out the strict letter of the provisions of this Code would create a particular hardship or a practical difficulty. Such a showing shall require proof that the variation being sought satisfies each of the standards set forth in this Section 16-8.7.

[Removal of the 303 residence is out of a health-safety-and-welfare concern and out of NECESSITY. Time alone has created the hardships, as the current 1890's home has now been found to be un-inhabitable and a danger to any occupants.

It is also additionally technically infeasible to reconstruct the 303 residence at its existing location. A reconstruction at the same location would create multiple zoning violations alone. Additionally, it would result in significantly greater mass and a severe reduction in open space and and a reduction in sight lines and corner visibility at and around the corner of First Street and Broadway. The creation of this safety hazard should be seen by staff as extremely negative results.

- B. Unique Physical Condition: The subject lot is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including the presence of an existing use, structure, fence or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions

peculiar to and inherent in the subject lot that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot or its existing development rather than the personal situation of the current owner of the lot.

[The subject lot is exceptional as compared to other lots due to the corner lot 30 feet side yard setback at street side, and the narrow width of the lot being 52.7 feet wide, leaving a buildable width of only 17.7 feet, including the interior side yard setback of 5 feet. Additionally, the orientation of the block bounded by First Street, Second Street, and Broadway is rotated 90 degrees from the norm, thus the rear setback is considered in what would normally be a side yard.]

In light of the unique conditions and in light of the fact that the King's are Owners of 2 contiguous lots of record (303 and 307), the proposal to designate 303 and 307 Broadway Street as a Single Zoning Lot creates a pathway to compliance.

The approved variances for a corner side yard setback reduction and an increase in off-street parking and structures will first and foremost provide for a removal of the safety-hazardous residence, and the completion of a long-anticipation completion and complete landscape of the former single zoning lot 303.]

- C. Not Self-Created: The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title, other than the construction of structures that were lawful at the time of such construction, and existed at the time of the enactment of the provisions from which a variation is sought or was created by as a result of natural forces or governmental action, other than the adoption of this Code.

[This is correct. The uninhabitable condition of the 303 residence, over 130 years of age, is NOT the result of any activity of the Kings themselves. As earlier stated, the necessary removal of the safety-hazardous structure CREATES the zoning violations, and the action of requesting the variances – in efforts to conform to the Code.]

- D. Denied Substantial Rights: The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject lot of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

[This is correct. The result of approving the requested variation would in fact create a greater open space at a highly trafficked intersection and result in a safer, less congested, and more open environment.]

- E. Not Merely Special Privilege: The alleged hardship or difficulty is neither merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely the inability of the owner to make more money from the use of the subject lot; provided, however, that where the standards set out in this Section 16-8.7 are met, the existence of economic hardship shall not be a prerequisite to the grant of a variation.

[This is correct.]

- F. Code and Plan Purposes: The variations would not result in a use or development of the subject lot that would be not in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan.

[This is correct. Granting the variance requests would be in harmony with the purpose of the Code or general purpose of the Plan. The current detached garage at the 303 lot as well and the current detached garage at the 307 lot have both been formerly approved. The net result of approval of the requested variations would be one less blighted residence at the corner of Broadway Street and First Street.]

- G. Essential Character of the Area: These variances would not result in a use of development that:
1. Would be materially detrimental to the public welfare, or materially injurious to the enjoyment, use, development, or value of property or improvements in the vicinity, or
 2. Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity, or
 3. Would substantially increase congestion in the public streets, due to traffic or parking, or
 4. Would unduly increase the danger of flood or fire, or
 5. Would unduly tax public utilities and facilities in the area, or
 6. Would endanger the public health or safety.

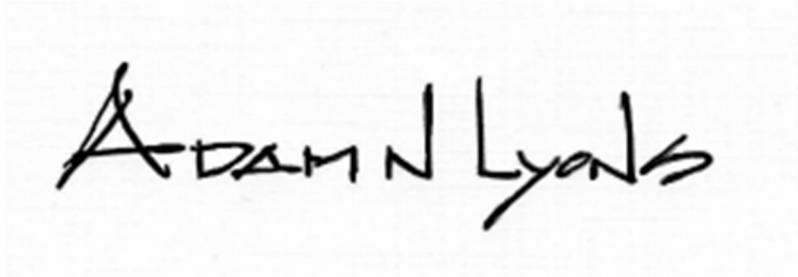
[None of these would result from approving the variations. The actions of removing of the current 303 structure and the designation of the single zoning lot are positively responsive to this Standard.]

- H. No Other Remedy: There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject lot.

[This is correct. One of the 4 structures on the combined lot/property is deemed an unsafe structure and needs to be demolished. Removal of this single structure creates the violations related to the other structures, and subsequently the necessity to file for the variances. Our pathway: 1) Designation of the Zoning Lot (307 and 303 Broadway); 2) Approval of a variation to allow the existing 2-car garage and 3-car garage; and 3) subsequent approval of an increase in the number of detached garage stalls – are unavoidable consequences of the 303 residence’s condition.]

Per 16-8.7 of the Village of Libertyville Development Guide, since the above provides evidence of meeting the Standards for Variations, we request that the building setback variances be granted by the Board.

Respectfully,



Adam Lyons, LEED AP, NCARB, AIA, ALA
State Licensed Architect

LAND USE APPLICATION

VILLAGE OF LIBERTYVILLE
COMMUNITY DEVELOPMENT DEPARTMENT
200 EAST COOK AVENUE
LIBERTYVILLE, IL 60048
(847) 918-2028
(847) 367-5148 (Fax)

DATE: August 9, 2024



REQUESTED ACTION(S) (check all that apply)
___ Comp. Plan ___ Preliminary/Final Plat
___ Comp. Plan Amendment ___ Plat of Consolidation
___ Map Amendment ___ Site Plan Permit
___ Planned Dev. (Concept/Final) ___ Special Use Permit
___ Planned Dev. (Final Amendment) ___ Text Amendment
___ Planned Dev. (Adjustment) [X] Variation
___ Planned Dev. (Master Plan) ___ Zoning Appeal
___ Planned Dev. (Master Plan Amendment)

TO THE VILLAGE PRESIDENT, VILLAGE BOARD OF TRUSTEES AND THE ZONING BOARD OF APPEALS OF THE VILLAGE OF LIBERTYVILLE, LAKE COUNTY, ILLINOIS 60048.

The applicant(s) DAVID & RAM KING represents that they are the OWNER [X], CONTRACT PURCHASER, LESSEE, AUTHORIZED AGENT (please check correct term) of the following described real estate:

Lot 8 and Lot 9 in Block 9 in C. Frank Wrights Addition to Libertyville, a Subdivision of part of Sections 15, 16, 21 and 22, Township 44 North, Range 11, East of the Third Principal Meridian, according to the Plat thereof, recorded July 24, 1893 as Document 55584, in Book "C" of Plats, Pages 66 and 67, in Lake County, Illinois.

PROPERTY TAX IDENTIFICATION NUMBER (P.I.N. #): 11-16-423-001 and 11-16-423-002
The property is also known as: (street address) 303 and 307 Broadway Street

If someone other than the applicant(s) has the title to the property, include the name, address, trust number with beneficiaries (if applicable), and phone number of such owner(s). A written, notarized statement from the owner(s) which acknowledges and consents to this request must be provided.

LAND USE APPLICATION
PAGE 2

The property is now classified under the Libertyville Zoning Code and is located in the
 R-6 District.

FOR VARIATION ONLY: Please check the type of variation(s) requested:

<input type="checkbox"/>	Front Yard Setback	<input type="checkbox"/>	Sign
<input checked="" type="checkbox"/>	Corner Side Yard Setback	<input type="checkbox"/>	Fence
<input type="checkbox"/>	Side Yard Setback	<input type="checkbox"/>	Lot Coverage
<input type="checkbox"/>	Rear Yard Setback	<input type="checkbox"/>	Building Coverage
<input type="checkbox"/>	Perimeter Landscaped Open Space	<input type="checkbox"/>	Building Height
<input checked="" type="checkbox"/>	Other (specify) <u>1. increase # of garages from (1) to (2)</u> <u>2. increase the max. # of garage stalls from 3 to 5</u>		

Please attach a detailed narrative description of the requested development action(s). **ATTACHED.**

Adam Lyons, Architect
 applicant/representative signature

ADAM N. LYONS
 please print full name

894 MOTTAWA LN.

METTAWA, IL 60045
 address of applicant/representative

847-791-3251
 phone number

lyonsdesigngroup@aol.com
 e-mail

NOTE! If several parties are involved with the project (i.e., architect, engineer, consultant, etc.), please attach a list including the names, addresses and phone numbers of such parties. This application must be complete before it will be accepted by the Village.

**PROOF OF
SERVICE OF NOTICE
(Single Family Detached Dwellings)**

VILLAGE OF LIBERTYVILLE COMMUNITY DEVELOPMENT DEPARTMENT
200 E. COOK AVENUE
LIBERTYVILLE, IL 60048-2090

The APPLICANT/AUTHORIZED AGENT hereby represents that they have complied with the requirements of "Ordinance No. 85-O-26", regarding NOTICE REQUIREMENTS for a pending PUBLIC HEARING for a: VARIATION(S); REZONING(S); SPECIAL USE PERMIT(S); PLANNED DEVELOPMENT(S); ANNEXATION(S).

The property for which I am the APPLICANT/AUTHORIZED AGENT is located at:

_____.

I, the APPLICANT/AUTHORIZED AGENT for Case No. _____, have complied with Section II.B. of Ordinance No. 85-O-26, which requires WRITTEN NOTICE, RETURN RECEIPT REQUESTED (Registered or Certified Mail Delivery), to ALL property owners within 250 feet of the address listed above.

Return certified mail receipts (white copy), one copy of the written notice, and a list of the owners of record (current available taxing information) are submitted with this document.

Signature

Received by: _____, on _____, 2024

VILLAGE OF LIBERTYVILLE
PROPERTY OWNER'S AUTHORIZATION
FOR PC/ZBA/ARC/HPC

DATE: 8/9/2024

I, Pam & Dave King, Owner of the
Property Owner

property located at 303 & 307 Broadway St., do hereby
Address/Location

authorize Adam Lyons to represent me in the following
Authorized Agent

PC/ZBA/ARC/HPC matter(s),

VARIATION REQUESTS PER NARRATIVE
Action(s)

in the Village of Libertyville.

Notary Signature

(SEAL)

Property Owner Signature

Property Owner Printed Name

Address

Phone Number

NOTIFICATION LETTER

To: Property Owner
Property Owner's Address and PIN

Re: Setback, Garage and Stall Variance Requests
Garage and Stall Variations Request
303-307 Broadway Street, Libertyville, IL 60045

Please take notice, that Adam Lyons, Architect, as representative of the Owners, Pam and Dave King, has made application to the Village of Libertyville for a corner side yard setback variance and garage structure and stall variations at the properties at 303 and 307 Broadway Street. The 2 lots will be designated as 'one' Zoning Lot of Record' in connection with the variance requests.

The legal definition of the 307 Broadway property is:

Lot 8 in Block 9 in C. Frank Wrights Addition to Libertyville, a Subdivision of part of Sections 15, 16, 21 and 22, Township 44 North, Range 11, East of the Third Principal Meridian, according to the Plat thereof, recorded July 24, 1893 as Document 55584, in Book "C" of Plats, Pages 66 and 67, in Lake County, Illinois

The legal definition of the 303 Broadway property is:

Lot 9 in Block 9 in C. Frank Wrights Addition to Libertyville, a Subdivision of part of Sections 15, 16, 21 and 22, Township 44 North, Range 11, East of the Third Principal Meridian, according to the Plat thereof, recorded July 24, 1893 as Document 55584, in Book "C" of Plats, Pages 66 and 67, in Lake County, Illinois.

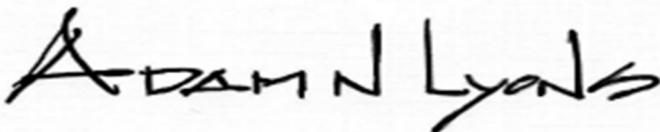
The applicant is requesting approval of a corner side-yard setback, an increase in the allowable number of detached garages, and an increase in the allowable number of garage stalls, pursuant to the Municipal Code as amended. **The requests, if approved, would permit the demolition of the existing non-conforming and safety-hazard home (the current blue house on the corner).** No further or additional construction is proposed. The large, vacant open space where the house currently sits would remain open.

A public hearing will be held on September 9, 2024 at 7:00 PM at the Village Hall, 118 West Cook Avenue, Libertyville, IL 60048.

Any questions or requests for additional information regarding this application can be directed to Adam Lyons, the Architect, at (847) 791-3251, or Rick Vanselow, the Contractor, at (847) 830-3161, or by contacting the Community Development Department, Planning Division, 200 East Cook Avenue, Libertyville, IL 60048, (847) 918-2028.

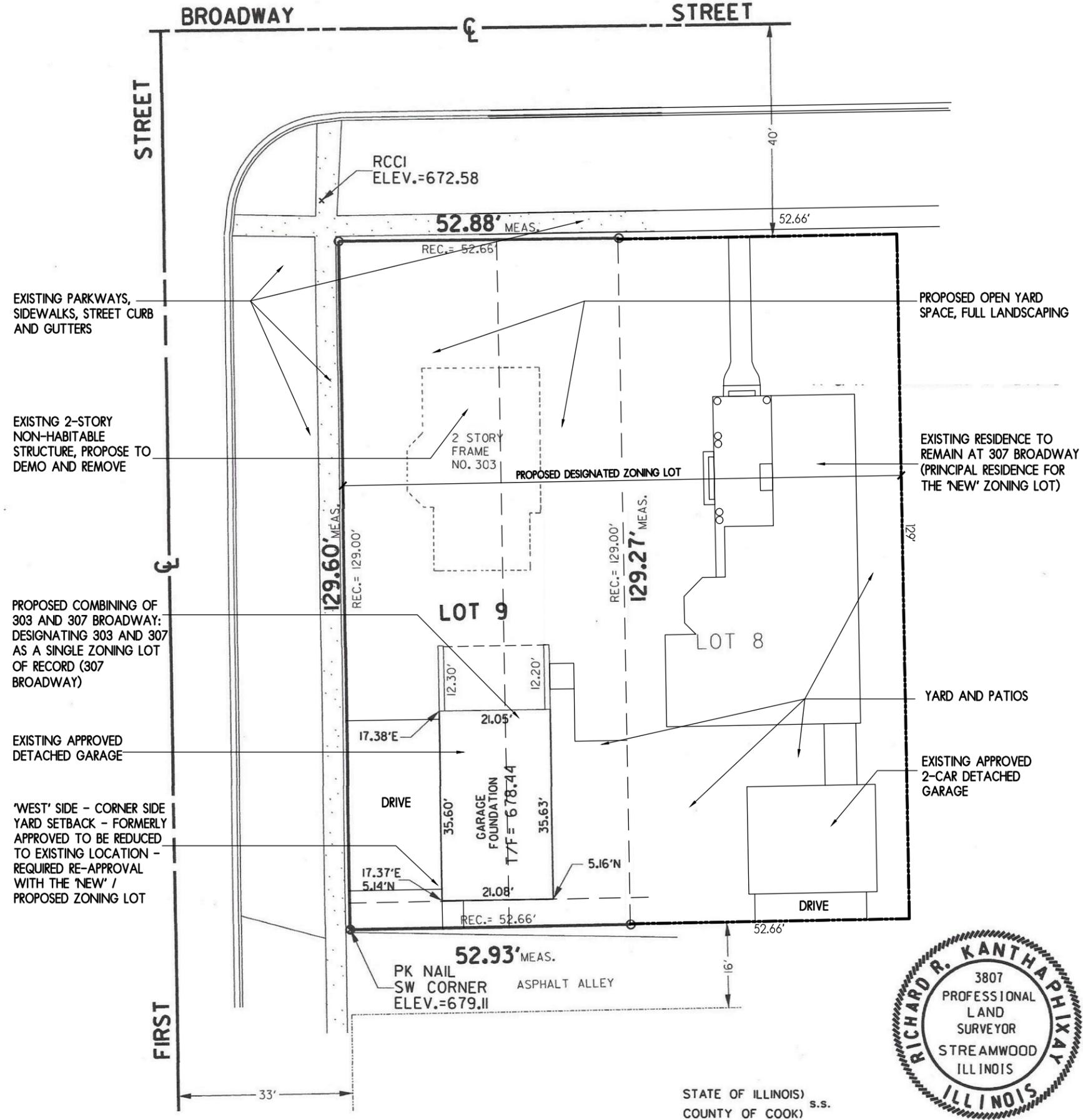
This notice is being sent to you by the applicant in compliance with Ordinance 85-O-26, Notice of Public Hearing.

Sincerely,

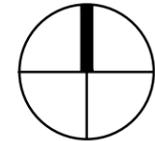


Adam Lyons, LEED AP, NCARB, AIA, ALA
State Licensed Architect

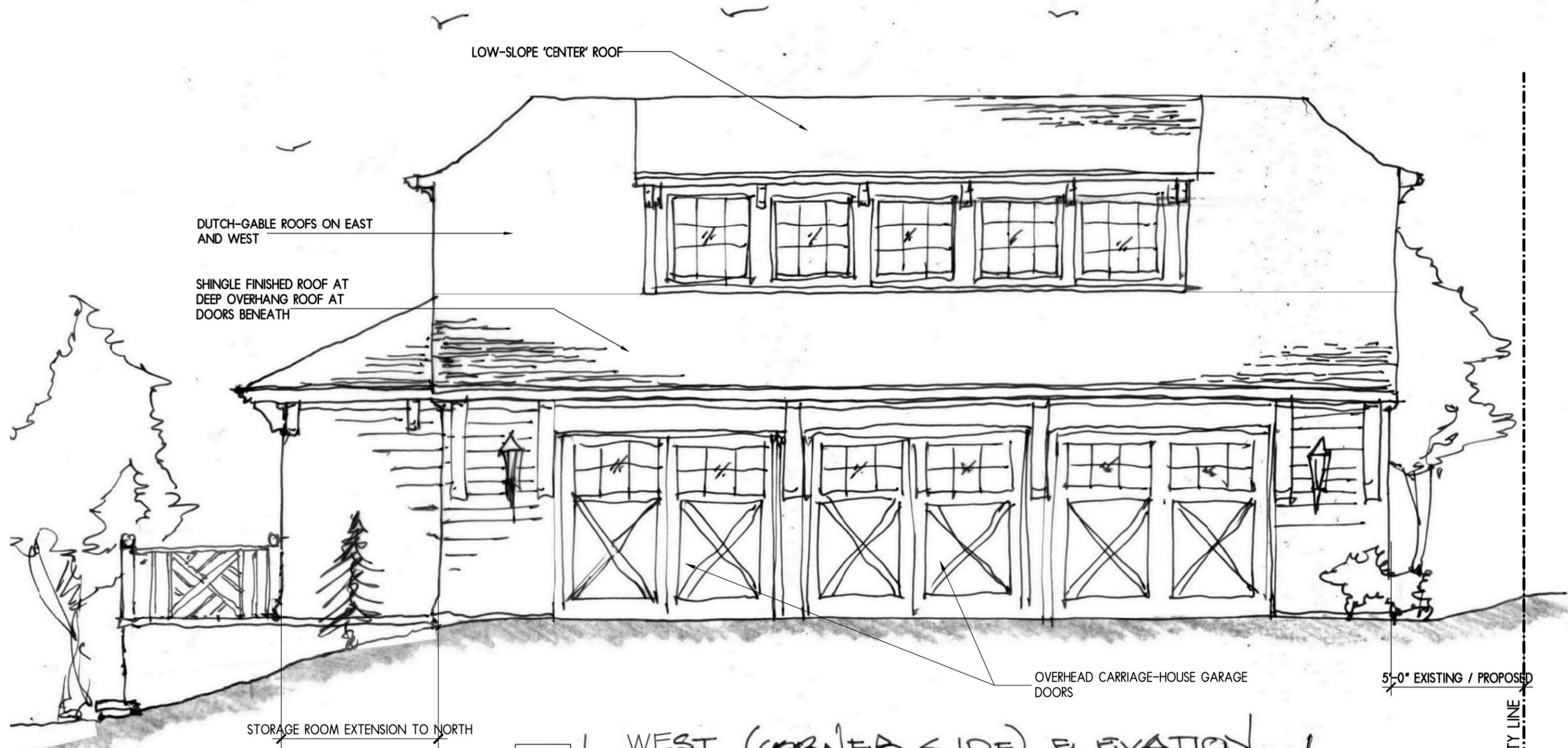




A **SITE IMPROVEMENTS PLAN**
SCALE 1/16" = 1'-0"
SITE PLAN TO BE SUBMITTED BY CIVIL ENGINEER



NORTH



LOW-SLOPE 'CENTER' ROOF

DUTCH-GABLE ROOFS ON EAST AND WEST

SHINGLE FINISHED ROOF AT DEEP OVERHANG ROOF AT DOORS BENEATH

OVERHEAD CARRIAGE-HOUSE GARAGE DOORS

5'-0" EXISTING / PROPOSED

STORAGE ROOM EXTENSION TO NORTH

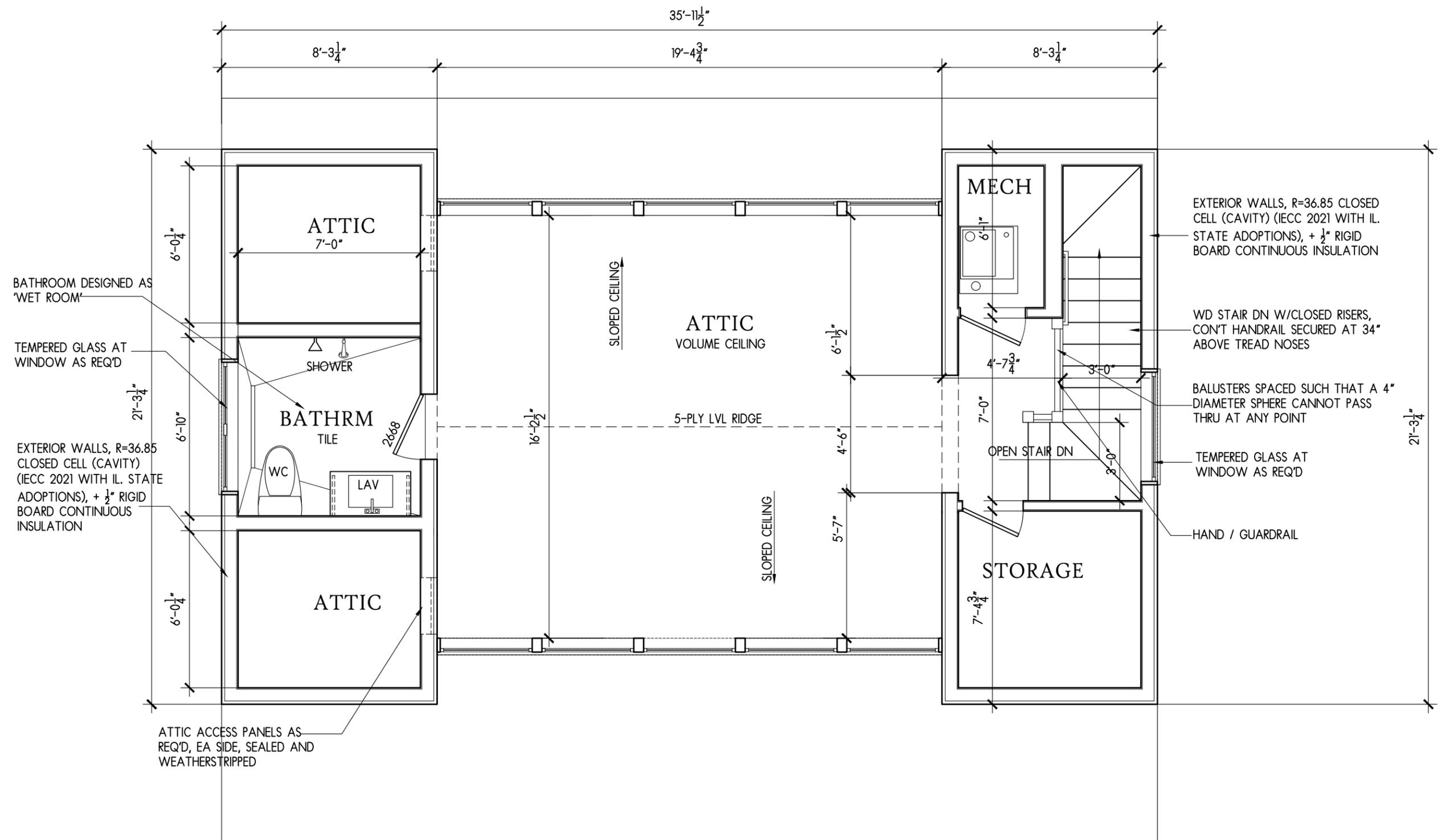
E

WEST (CORNER SIDE) ELEVATION

1/4" = 1'-0"

(A)

SOUTH PROPERTY LINE



B UPPER FLOOR LEVEL

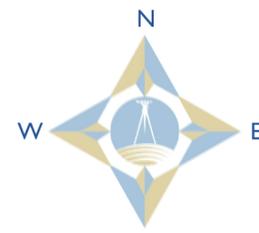
SCALE 1/4" = 1'-0"

NORTH

Plat of Survey

Lot 9 in Block 9 in C. Frank Wrights Addition to Libertyville, a Subdivision of part of Sections 15, 16, 21 and 22, Township 44 North, Range 11, East of the Third Principal Meridian, according to the Plat thereof, recorded July 24, 1893 as Document 55584, in Book "C" of Plats, Pages 66 and 67, in Lake County, Illinois.

Commonly known as: **303 BROADWAY, LIBERTYVILLE, ILLINOIS.**

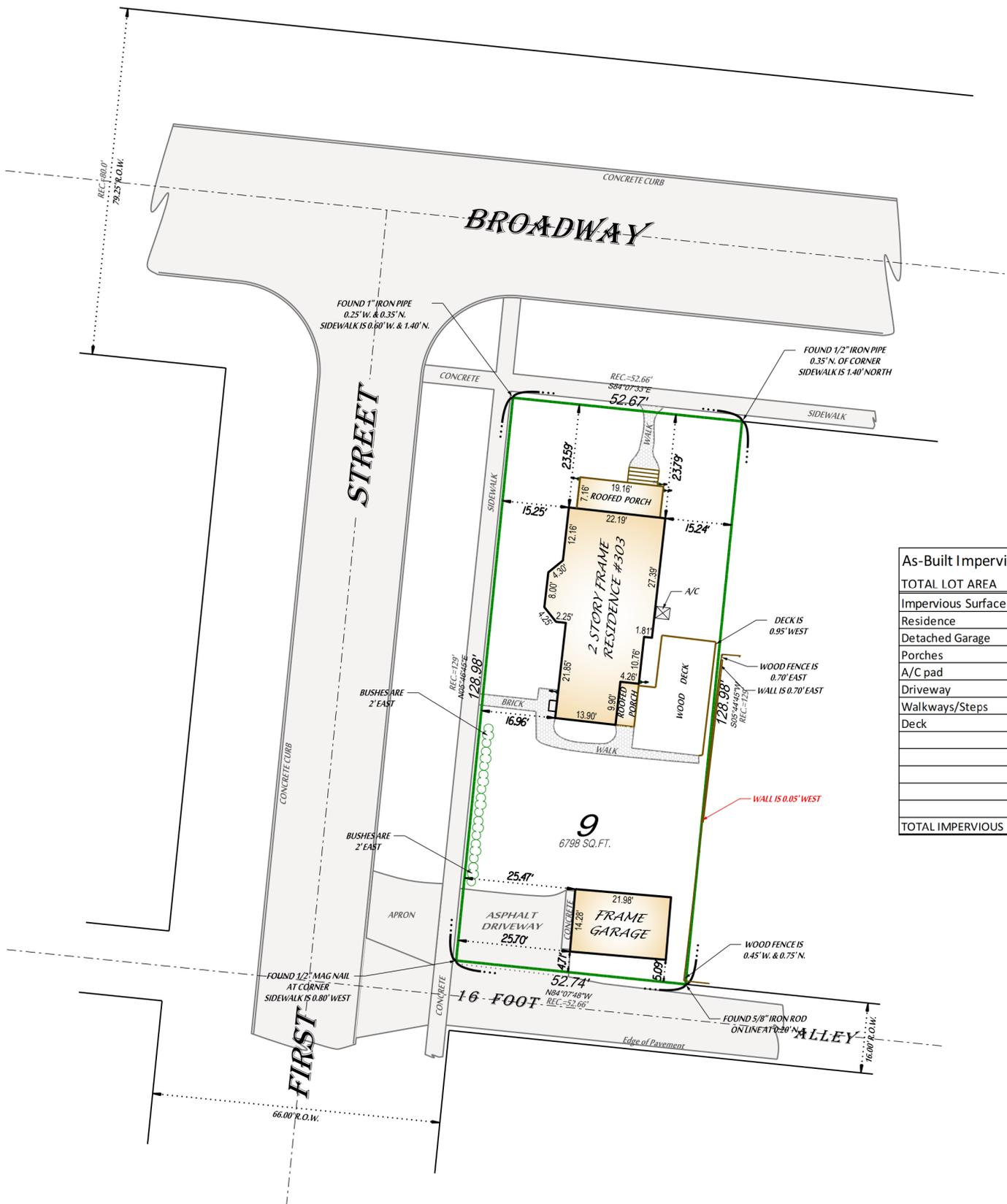


The Meridian is assumed but reflects the record Subdivision or Deed, except when noted.

Scale 1" = 20 ft

LEGEND

N.	= North
S.	= South
E.	= East
W.	= West
N.W.	= Northwest
N.E.	= Northeast
S.E.	= Southeast
S.W.	= Southwest
P.O.B.	= Point of Beginning
SQ. FT.	= Square Feet
R.O.W.	= Right of Way
Doc.	= Document
Rec.	= Recorded as
Meas.	= Measured
T.F.	= Top of Foundation
MIN.	= Minimum
MAX.	= Maximum



As-Built Impervious Surface Coverage

Impervious Surface	Area (Sq. Ft.)	Coverage (%)
TOTAL LOT AREA	6798.0 Sq. Ft.	
Residence	971.8 Sq. Ft.	14.3%
Detached Garage	313.9 Sq. Ft.	4.6%
Porches	179.4 Sq. Ft.	2.6%
A/C pad	9.0 Sq. Ft.	0.1%
Driveway	431.4 Sq. Ft.	6.3%
Walkways/Steps	224.1 Sq. Ft.	3.3%
Deck	382.3 Sq. Ft.	5.6%
		0.0%
		0.0%
		0.0%
		0.0%
		0.0%
TOTAL IMPERVIOUS	2511.9 Sq. Ft.	37.0%

ORDER NUMBER 22-212
 ORDERED BY: V3 Builders Inc.
 FOR: David and Pamela King
 REVISIONS: _____



R E DECKER
 PROFESSIONAL LAND SURVEYORS PC
 333 W. PETERSON RD SUITE B
 LIBERTYVILLE, IL 60048
 TEL. 847-362-0091
 DeckerSurvey@gmail.com
 Website: DeckerSurvey.com



Field Work Completed on: 3-29-22
 STATE OF ILLINOIS } ss
 COUNTY OF LAKE }
 This Professional service conforms to the current Illinois minimum standards for a "Boundary Survey."
R. E. DECKER, P.C.
 By: [Signature] 4-03-22
 Professional Land Surveyor

THE RAISED SEAL INDICATES THIS IS AN ORIGINAL PRINT



Compare the Description on this Plat with your Deed and Title; also compare all stakes to this Plat before building by them, and report any differences at once. Dimensions are shown in feet and decimal parts thereof. Refer to Title, Covenants or Building Department for additional Easements, Setbacks or Restrictions which may exist.

February 9, 2024

Mr. Rick Vanselow
V3 Builders, Inc
28835 N Herky Dr
Lake Bluff, IL 60044

Re: Structural Evaluation of Coach House
 303 Broadway
 Libertyville, Illinois

Dear Mr. Vanselow;

At your request I examined the information regarding the structure of the house on the property at the above referenced address. I looked for signs of distress in the floor structures, foundation and finished materials in the interior and exterior of the house that would be indicative of significant defects in the foundation or structure of the house. The purpose of that evaluation was to determine if there are significant structural issues with the structure of the house.

The subject house is two stories with wood framed floor and roof structures. The house has a slab on grade in the basement. The foundation walls of the main house are masonry. The visible foundation of the rear porch consists of timber piers that extend into the soil.

As a result of that examination, I determined that:

- The first-floor structure has significant slopes that would require significant structural repairs to correct. In particular, the slopes in the front and rear porches have unacceptable slopes in their floor structures.
- The second-floor structure has significant slopes that would require significant structural repairs to correct.
- Supplemental framing added to some of the column capitals in the basement indicate previous unacceptable attempts to deal with floor framing issues.
- Defects in the interior and exterior finished materials indicate likely structural deficiencies in the walls that provide support for the house. This would require significant structural repairs to correct.
- There are signs of significant moisture infiltration through the foundation walls. Though hidden, this amount of moisture through the foundation walls has likely caused deterioration of the mortar joints and masonry in the foundation walls. Repairs are likely not practical and a new foundation would need to be constructed.
- Based on the floor slope in the rear porch, the timber foundation has likely deteriorated and currently does not provide adequate support for the porch foundation. A new foundation would need to be constructed.
- The basement slab has significant cracking. This cracking is likely a sign of improper sculpt for the basement slab and moisture issues. The slab would need to be removed, a drain tile system installed and a new slab cast after the subgrade was prepared.

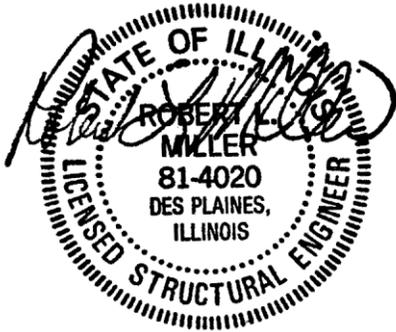
I have evaluated the feasibility of a structural renovation of the existing house and feel **the only practical and likely economical solution is the demolition of the existing house.** It then can be replaced by a new structure that meets the homeowners needs and current building codes.

The findings of this report are not based on a comprehensive engineering study as we did not remove construction material to inspect the underlying structures nor have we performed extensive engineering calculations. Our observations and resulting report are, thus, not intended to warrant or guarantee the performance of any building component or system.

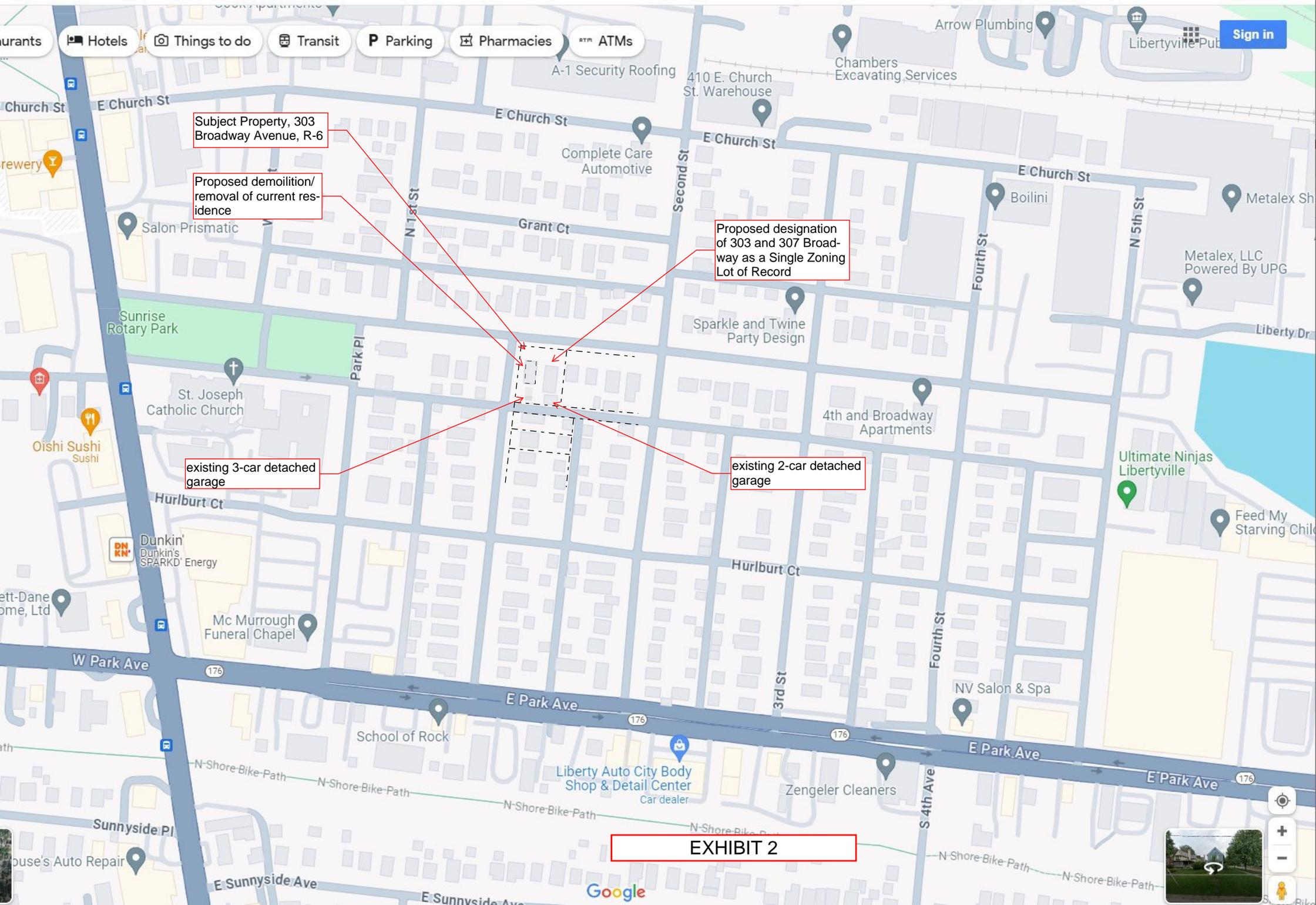
If you have any questions, please do not hesitate to call.

Sincerely,

ROBERT L. MILLER ASSOCIATES



Robert L. Miller



Subject Property, 303 Broadway Avenue, R-6

Proposed demolition/removal of current residence

Proposed designation of 303 and 307 Broadway as a Single Zoning Lot of Record

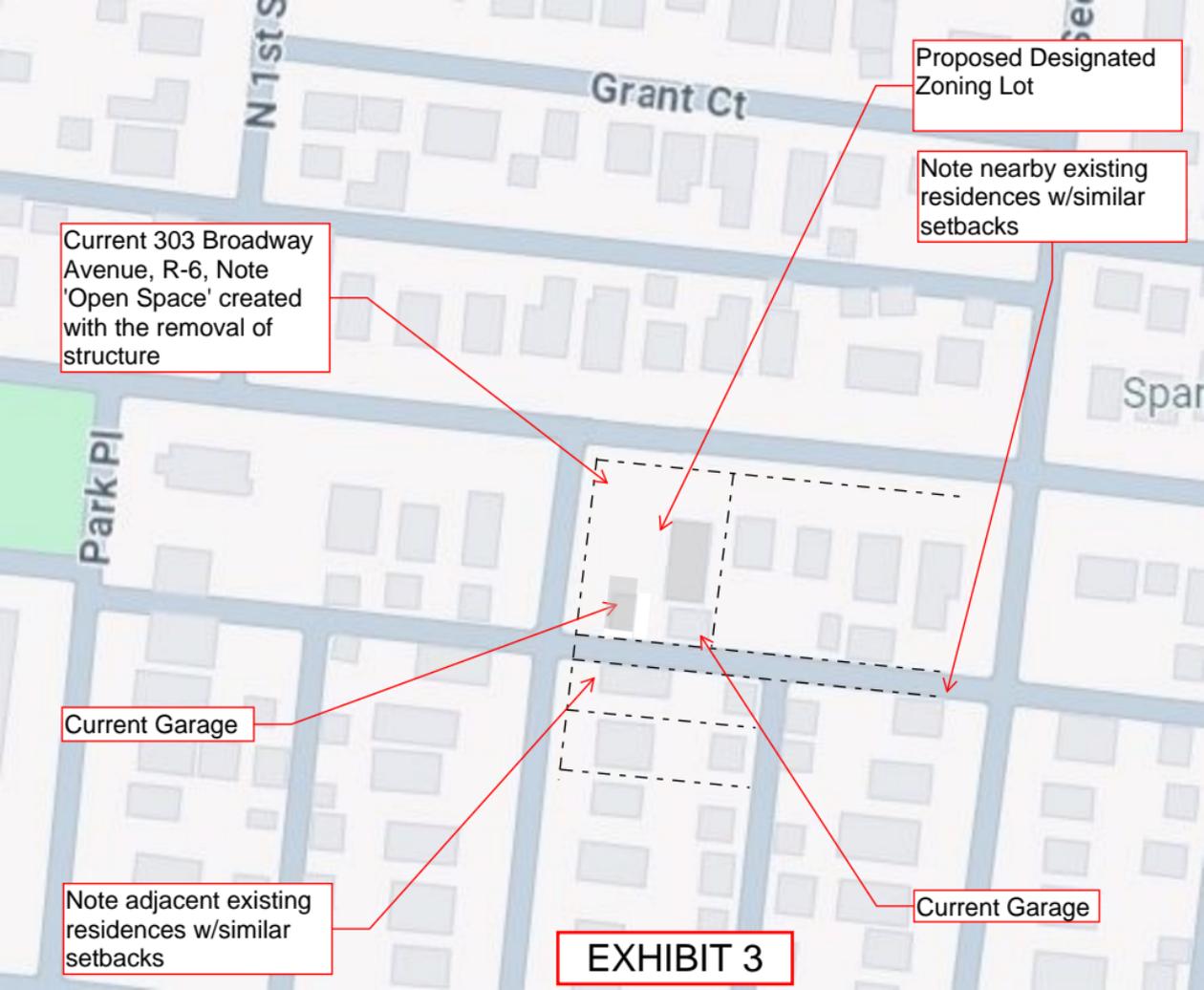
existing 3-car detached garage

existing 2-car detached garage

EXHIBIT 2

Sign in

Google



Proposed Designated Zoning Lot

Note nearby existing residences w/similar setbacks

Current 303 Broadway Avenue, R-6, Note 'Open Space' created with the removal of structure

Current Garage

Note adjacent existing residences w/similar setbacks

Current Garage

EXHIBIT 3



Proposed Designated Zoning Lot, 307 Broadway

303-307 Broadway Street - Neighborhood

EXHIBIT 4

VILLAGE OF LIBERTYVILLE

ORDINANCE NO. 17-O-40

AN ORDINANCE GRANTING A VARIATION
TO INCREASE NUMBER OF PERMITTED GARAGES
AT 1265 DEER TRAIL LANE

Adopted by the
President and Board of Trustees
of
the Village of Libertyville
Lake County, Illinois
this 25th day of April, 2017

Published in pamphlet form by direction
and authority of the Village of Libertyville
Lake County, Illinois
this 26th day of April, 2017

VILLAGE OF LIBERTYVILLE

ORDINANCE NO. 17-O-40

AN ORDINANCE GRANTING A VARIATION
TO INCREASE NUMBER OF PERMITTED GARAGES
AT 1265 DEER TRAIL LANE

WHEREAS, Glen and Mary Ann Moss (the “Owners”), filed an application with the Zoning Board of Appeals of the Village of Libertyville seeking a variation to increase the number of permitted garages from one (1) to two (2) for property in an R-2, Single Family Residential District, in the Village of Libertyville, which property is legally described in Exhibit A attached hereto and by this reference incorporated herein and made a part hereof (the “Subject Property”); and

WHEREAS, on March 20, 2017, the Development Review Committee reviewed and recommended approval of the requested variation; and

WHEREAS, the Zoning Board of Appeals, pursuant to notice duly published on March 25, 2017, in the *Daily Herald*, held a public hearing on April 10, 2017, at 7:00 p.m., at 118 West Cook Avenue, Libertyville, Illinois, for the purpose of hearing and considering testimony regarding the requested variation; and

WHEREAS, on April 10, 2017, the Zoning Board of Appeals, having fully heard and considered the testimony of all those present at the public hearing who wished to testify, made certain findings of fact as required by law and recommended to the President and Board of Trustees of the Village of Libertyville that the requested variation be approved, all as is more specifically set forth in that certain Report of the Zoning Board of Appeals on Case No. ZBA 17-11, dated as of April 18, 2017; and

WHEREAS, the President and Board of Trustees of the Village of Libertyville have considered the Owners’ application, the findings and recommendations of the Zoning Board of

Appeals and are fully advised in the premises.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LIBERTYVILLE, COUNTY OF LAKE, STATE OF ILLINOIS, AS FOLLOWS:

SECTION ONE: Recitals. The foregoing recitals are hereby incorporated herein as if fully set forth.

SECTION TWO: Findings. The President and Board of Trustees of the Village of Libertyville do hereby find and determine that:

1. General Standard. No variation shall be granted pursuant to this Section 16-8 unless the applicant shall establish that carrying out the strict letter of the provisions of this Code would create a particular hardship or a practical difficulty. Such a showing shall require proof that the variation being sought satisfies each of the standards set forth in this Section 16-8.7.
2. Unique Physical Condition. The subdivision in question requires a minimum lot size of 40,000 square feet and the resultant lot coverage is approximately 15%.
3. Not Self-Created. The Village change in Code to limit the number of garages is not a result of any action by the petitioner.
4. Denied Substantial Rights. The applicant would be denied substantial rights enjoyed by others if denied the requested variation.
5. Not Merely Special Privilege. The proposed variation is not merely a special privilege to this property owner.
6. Code and Plan Purposes. The proposed garage would be consistent with Code and Plan purposes.
7. Essential Elements of the Area. The variation would not result in a use or development on the subject lot that:
 - 1) Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or
 - 2) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or
 - 3) Would substantially increase congestion in the public streets due to traffic or parking; or

- 4) Would unduly increase the danger of flood or fire; or
- 5) Would unduly tax public utilities and facilities in the area; or
- 6) Would endanger the public health or safety.

8. No Other Remedy. There is no other remedy other than the requested variation to allow for the proposed construction.

SECTION THREE: Variations. The President and Board of Trustees of the Village of Libertyville, acting under and by virtue of authority conferred upon it by the laws of the State of Illinois and by Section 16-8 of the Libertyville Zoning Code, does hereby grant to the Owners a variation to increase the number of permitted garages from one (1) to two (2) for property in an R-2, Single Family Residential District; provided, however, that this variation shall be, and hereby is, expressly made subject to the conditions and limitations set forth in Section Four below.

SECTION FOUR: Conditions and Limitations. The variation described in Section Three above shall be, and hereby is, expressly made subject to the following conditions and limitations:

- (a) The garage shall be constructed only in strict conformity with the documents and plans submitted to the Zoning Board of Appeals and the President and Board of Trustees of the Village of Libertyville in Case No. ZBA 17-11.
- (b) All construction shall be in strict conformity with all ordinances, rules and regulations of the Village and the requirements of the Village thereunder.

SECTION FIVE: Compliance. The failure or refusal of the Owners or their successors or assigns at any time in the future to comply with the terms of this ordinance shall subject the Owners or their successors or assigns to the penalties set forth in the Libertyville Municipal Code and to termination of these variations after notice and public hearing as may be required by State statute or the Libertyville Municipal Code and to any other penalties or legal action that may be authorized by law.

SECTION SIX: Effective Date. This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law; provided, however, that

this ordinance shall be of no force or effect unless and until the Owners have paid all fees and charges owing to the Village and arising from this approval.

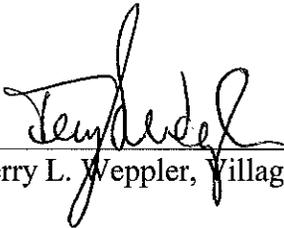
PASSED this 25th day of April, 2017.

AYES: Johnson, Moras, Justice, Adams, Garrity, Carey

NAYS: None

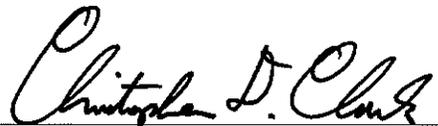
ABSENT: None

APPROVED this 26th day of April, 2017.



Terry L. Weppeler, Village President

ATTEST:

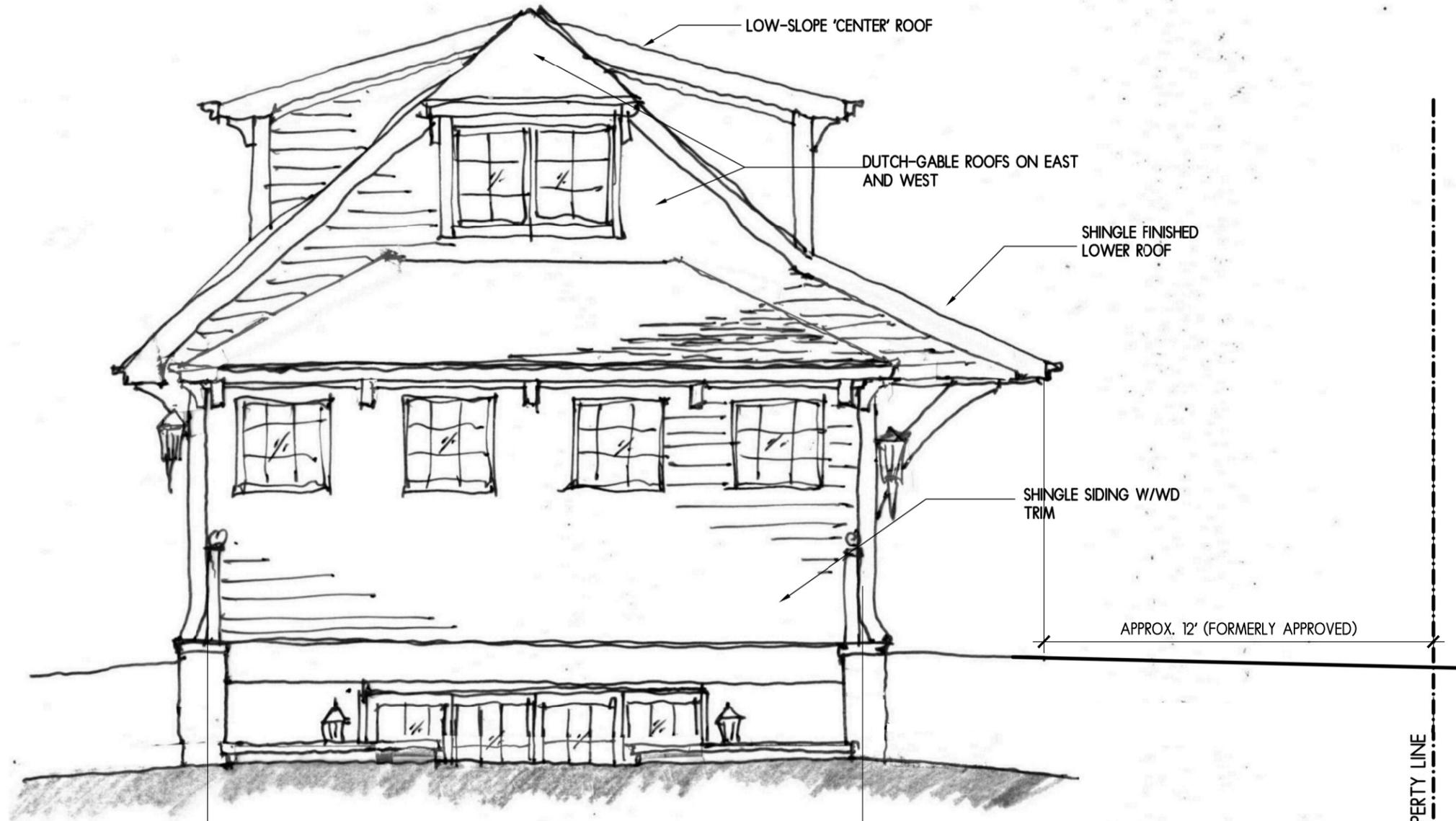


Christopher D. Clark, Deputy Village Clerk

EXHIBIT A

Legal Description of the Property

Lot 9 in the Oaks Unit 3, Being a Subdivision of Part of Lots 12 and 15 in Ernst Hecht Estate Subdivision of Part of Sections 22 and 27, Township 44 North, Range 11, East of the Third Principal Meridian, According to the Plat Thereof, Recorded April 29, 1968 as Document 1376164, and Amended by Certificate of Correction Recorded November 22, 1968 as Document 1401902, in Book 44 of Plats, Page 58, in Lake County, Illinois.



LOW-SLOPE 'CENTER' ROOF

DUTCH-GABLE ROOFS ON EAST AND WEST

SHINGLE FINISHED LOWER ROOF

SHINGLE SIDING W/WD TRIM

APPROX. 12' (FORMERLY APPROVED)

WEST PROPERTY LINE

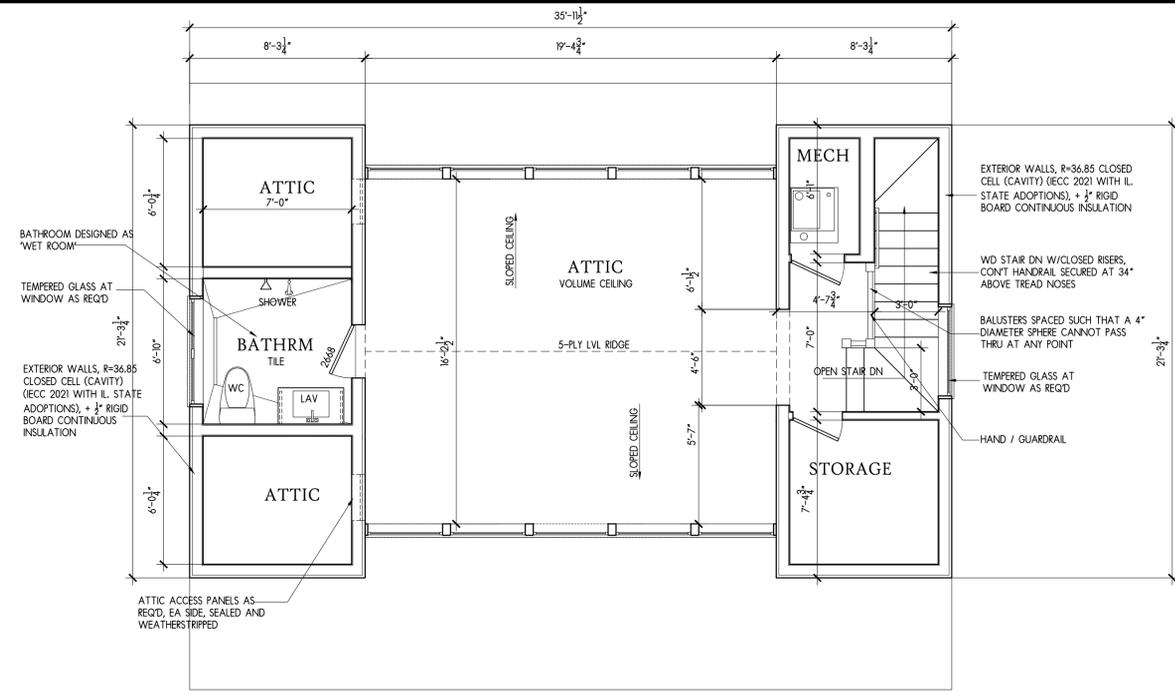
STORAGE ROOM EXTENSION TO GARAGE, NORTH SIDE

NORTH SIDE (FRONT)
ELEVATION

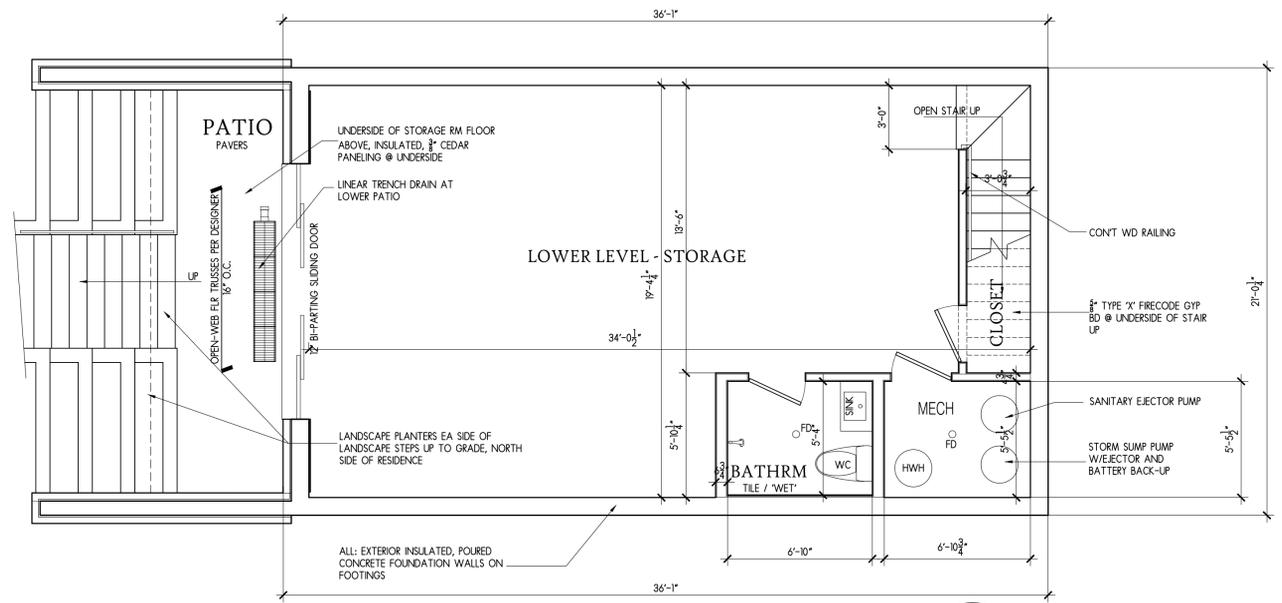
D

1/4" = 1'-0"

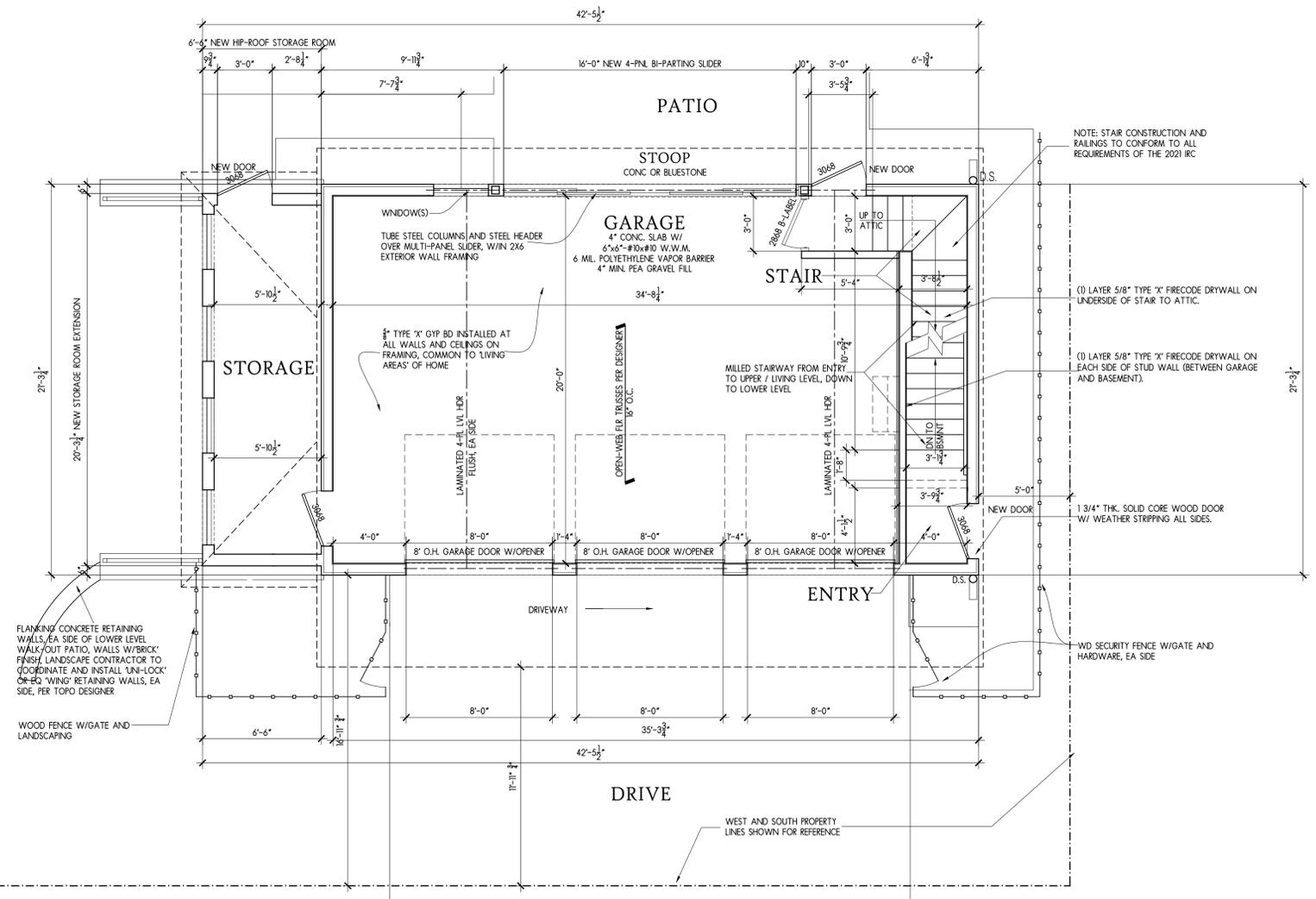
(A)



B UPPER FLOOR LEVEL
SCALE 1/4" = 1'-0"
NORTH



A FOUNDATION-LOWER LEVEL PLAN
SCALE 1/4" = 1'-0"
SITE PLAN TO BE SUBMITTED BY CIVIL ENGINEER
NORTH



C MAIN FLOOR LEVEL
SCALE 1/4" = 1'-0"
NORTH

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Revisions to the Approved Plans for the Detached Garage at 307 BROADWAY LIBERTYVILLE, IL BY VE BUILDERS, INC.

REVISED

'BUBBLED' 'HIGHLIGHTED'

PHASE

SCHEMATIC DESIGN
 DESIGN DEVELOPMENT
 CONSTRUCTION DOCUMENTS

RELEASED FOR

INFORMATION
 ESTIMATING/BIDDING
 CONSTRUCTION

DESIGNER: AL / RV
DRAWN BY: A.LYONS

ISSUE DATE	FOR
060524	REVIEW
080824	REVIEW

SCALE: AS SHOWN
PROJECT #: KING

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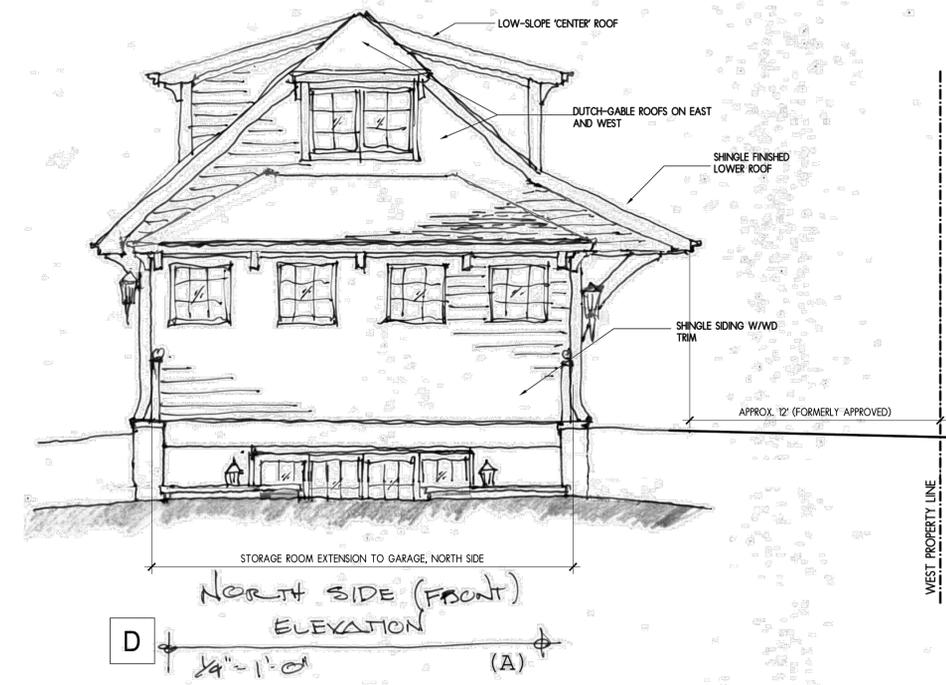
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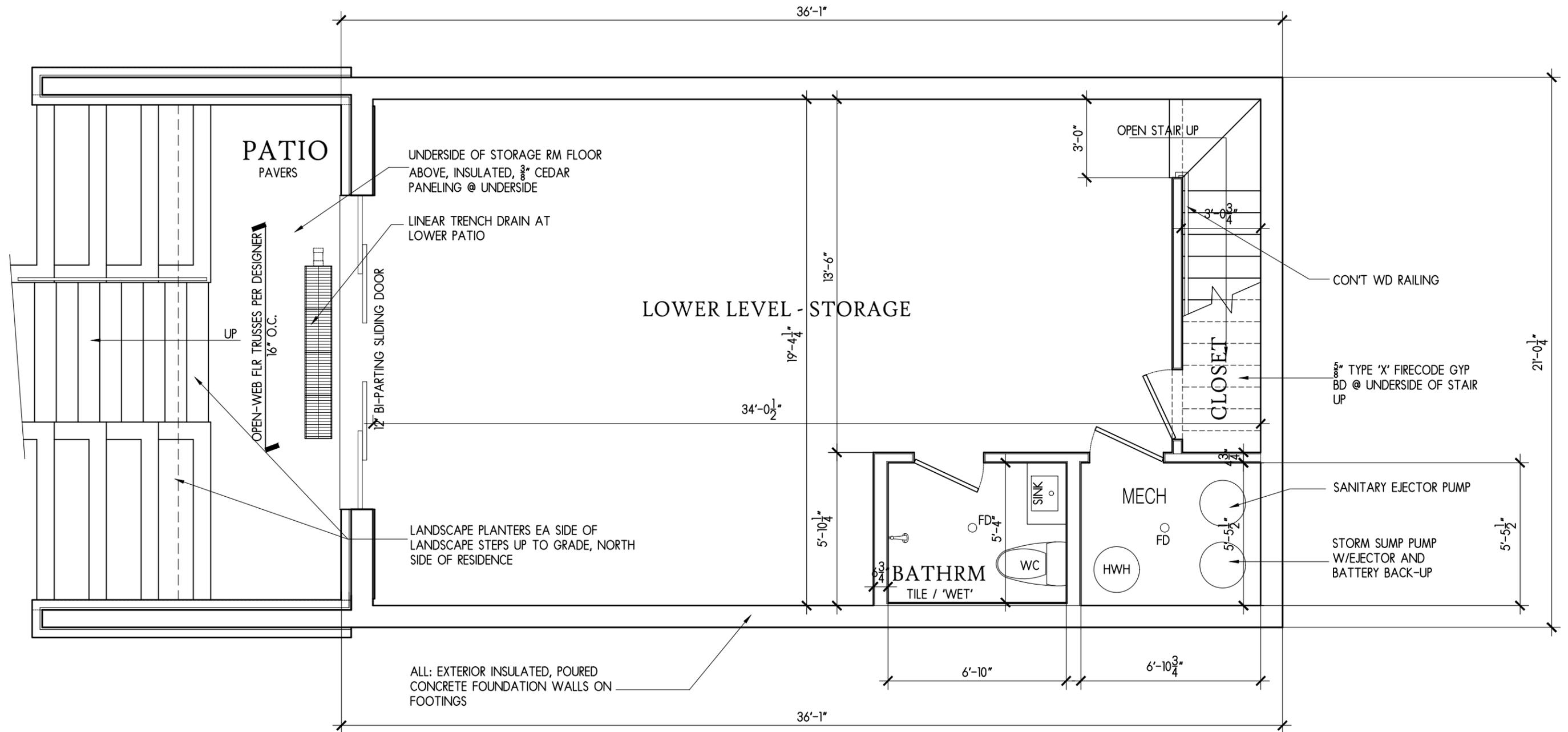
REVISED
 'BUBBLED' 'HIGHLIGHTED'

 PHASE
 SCHEMATIC DESIGN
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 CONSTRUCTION DOCUMENTS
 RELEASED FOR
 INFORMATION
 ESTIMATING/BIDDING
 CONSTRUCTION
 DESIGNER: AL / NL
 DRAWN BY: MR / AL

ISSUE DATE	FOR
060524	REVIEW
081024	REVIEW

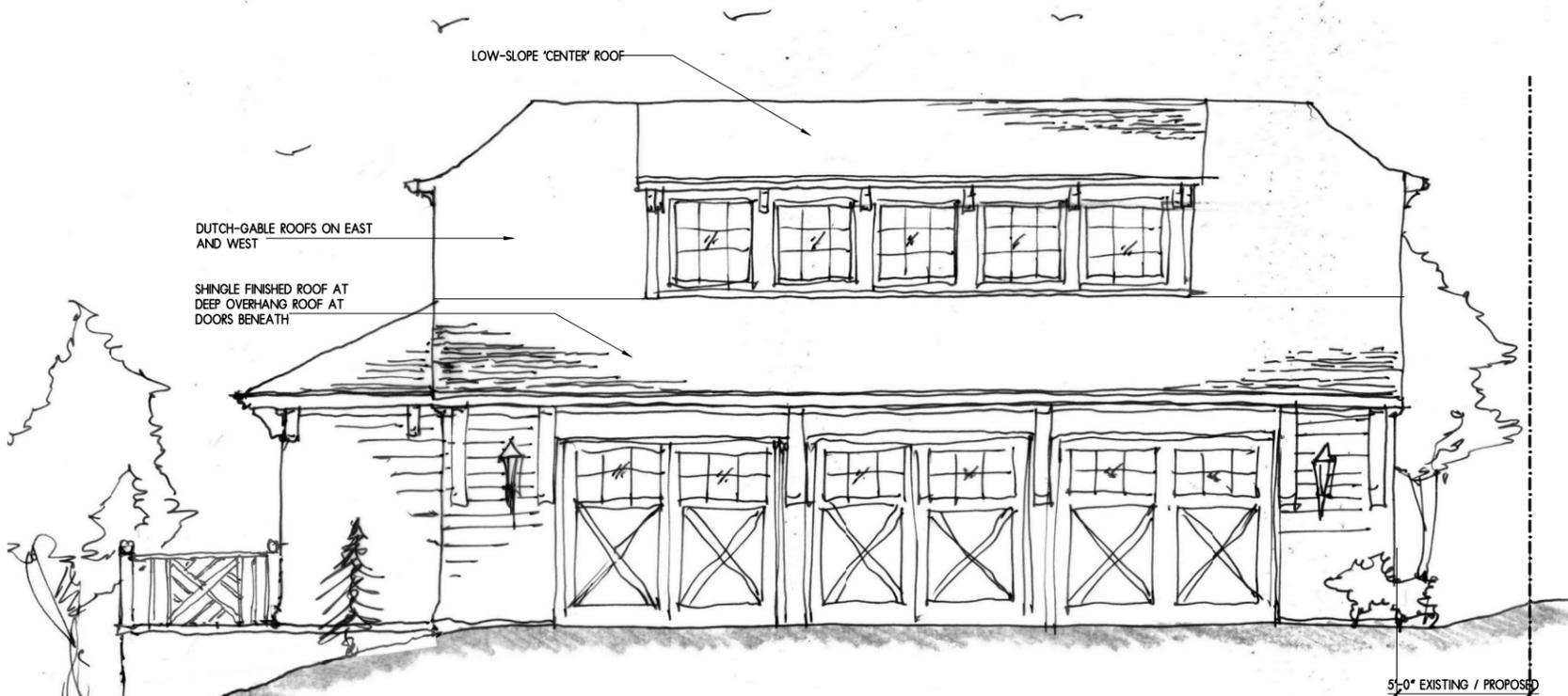
 SCALE: AS SHOWN
 PROJECT #: KING





A **FOUNDATION-LOWER LEVEL PLAN**
 SCALE 1/4" = 1'-0"
 SITE PLAN TO BE SUBMITTED BY CIVIL ENGINEER





LOW-SLOPE 'CENTER' ROOF

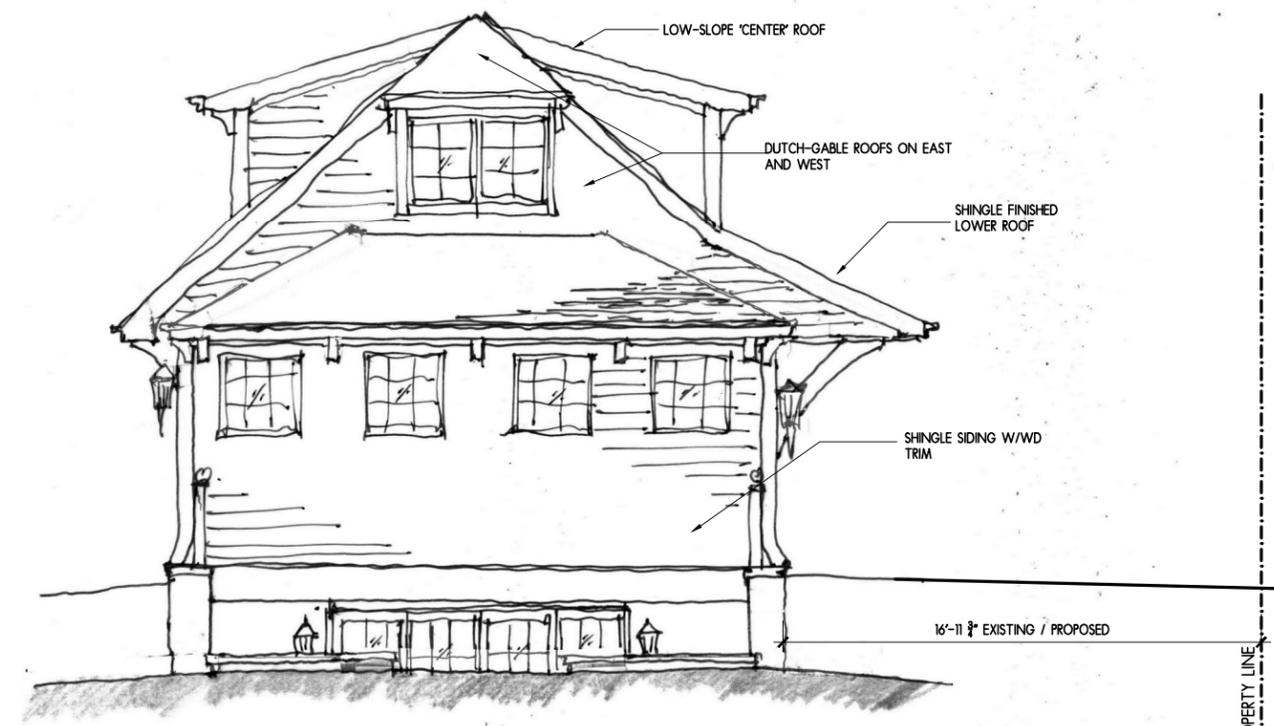
DUTCH-GABLE ROOFS ON EAST AND WEST

SHINGLE FINISHED ROOF AT DEEP OVERHANG ROOF AT DOORS BENEATH

5'-0" EXISTING / PROPOSED

E EAST (CORNER SIDE) ELEVATION
 1/4" = 1'-0" (A)

SOUTH PROPERTY LINE



LOW-SLOPE 'CENTER' ROOF

DUTCH-GABLE ROOFS ON EAST AND WEST

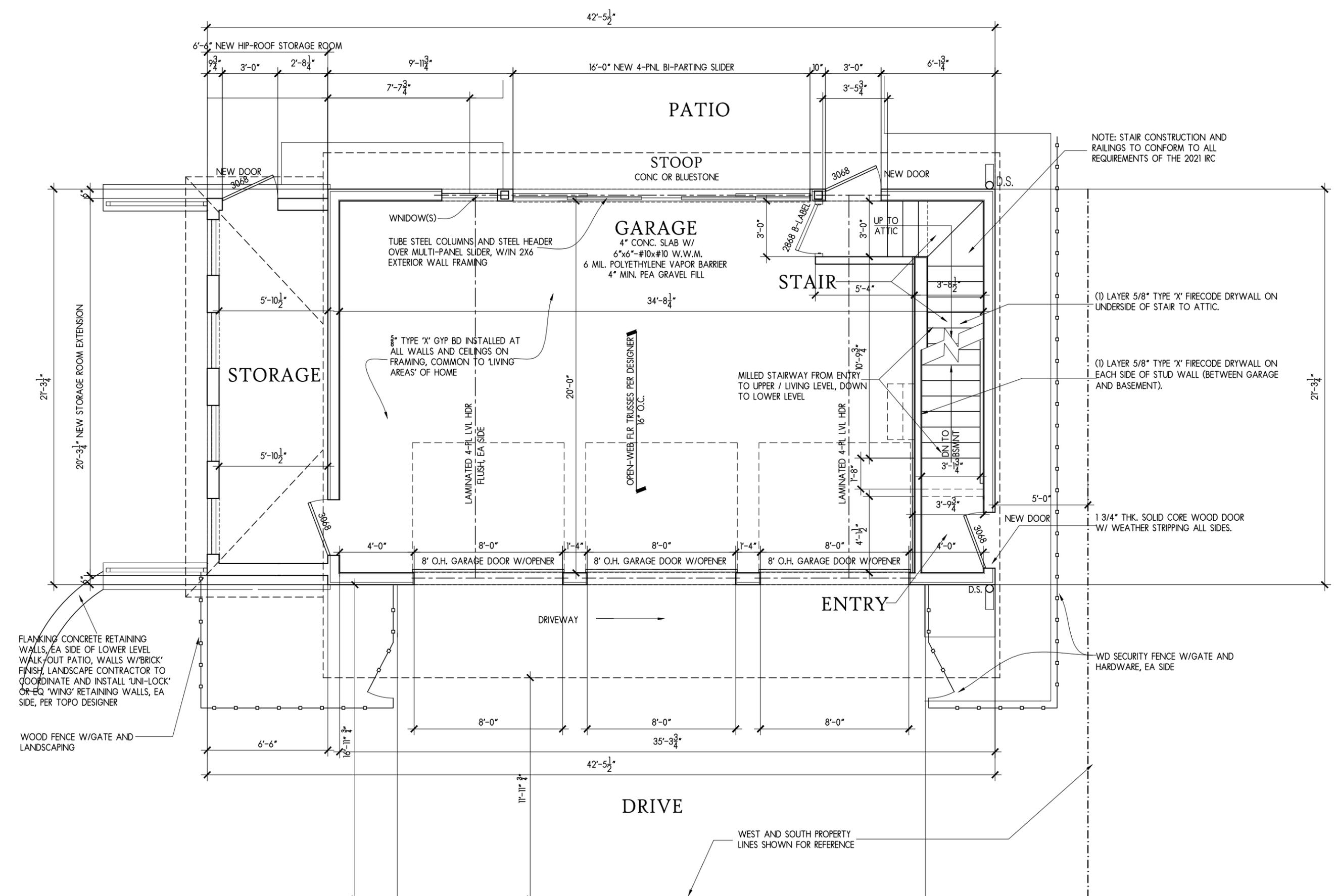
SHINGLE FINISHED LOWER ROOF

SHINGLE SIDING W/WD TRIM

16'-11" EXISTING / PROPOSED

D NORTH SIDE (FRONT) ELEVATION
 1/4" = 1'-0" (A)

WEST PROPERTY LINE



NOTE: STAIR CONSTRUCTION AND RAILINGS TO CONFORM TO ALL REQUIREMENTS OF THE 2021 IRC

(1) LAYER 5/8" TYPE 'X' FIRECODE DRYWALL ON UNDERSIDE OF STAIR TO ATTIC.

(1) LAYER 5/8" TYPE 'X' FIRECODE DRYWALL ON EACH SIDE OF STUD WALL (BETWEEN GARAGE AND BASEMENT).

1 3/4" THK. SOLID CORE WOOD DOOR W/ WEATHER STRIPPING ALL SIDES.

WD SECURITY FENCE W/GATE AND HARDWARE, EA SIDE

FLANKING CONCRETE RETAINING WALLS, EA SIDE OF LOWER LEVEL WALK-OUT PATIO, WALLS W/'BRICK' FINISH, LANDSCAPE CONTRACTOR TO COORDINATE AND INSTALL 'UNI-LOCK' OR EQ 'WING' RETAINING WALLS, EA SIDE, PER TOPO DESIGNER

WOOD FENCE W/GATE AND LANDSCAPING

C MAIN FLOOR LEVEL
 SCALE 1/4" = 1'-0"
 NORTH