

**MINUTES OF THE ZONING BOARD OF APPEALS**  
**July 8, 2019**

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, Mark Moore, Walter Oakley, Richard Pyter, 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 Oakley moved, seconded by Board Member Steffe, to approve the June 24, 2019, Zoning Board of Appeals minutes.

Motion carried 7 - 0.

**OLD BUSINESS:**

**ZBA 19-18 Cory and Sabrina Moffat, Applicants**  
**520 Riverside Drive**

**Request is for a variation to reduce the minimum required side yard setback from 5 feet to approximately 3.5 feet in order to construct a house addition for property located in an R-6, Single Family Residential District.**

Mr. David Smith, Senior Planner, introduced the petitioners' request. Mr. Smith stated the applicants, Cory and Sabrina Moffat, were before the Zoning Board of Appeals on June 10, 2019, requesting a variation to reduce the minimum required side yard setback in order to construct a house addition to a single family home for property located in an R-6, Single Family Residential District at 520 Riverside Drive.

Mr. Smith stated that during the course of the June 10, 2019 meeting, the Zoning Board of Appeals continued the matter to the July 8, 2019, meeting in order to provide an opportunity to the petitioners to make revisions to their plans in response to the Development Review Committee comments and feedback as provided by the Zoning Board of Appeals.

Mr. Cory Moffit, petitioner, stated that they are requesting approval to reduce the minimum required side yard setback from 5 feet to 3.5 feet. He stated that they are designing their attached garage to be not more than 13.5 feet wide when most one car garages built today are at least 14 feet wide. He stated that this width will enable them to open the car doors on both sides of the vehicle inside the garage. He stated that they cannot do this today. He stated that other design alternatives such as building the garage on the rear of the home will encroach too far into the

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flood plain as they currently back up to the Des Plaines River. He stated that this would also reduce any usable rear back yard. He stated that the tandem design will require them to park their vehicles in a bumper to bumper fashion and allow some additional storage space. He stated that their proposed design provides for a front door entrance that will face the street. He stated that pulling the garage further forward is not feasible due to municipal sewer issues that have since been corrected and new construction on top of the sewer connection would be prohibitive.

Mr. Moffit stated that they have studied multiple alternative design ideas for their garage addition. He stated that in order to reduce the new interior spaces any further would make them impractical and not functional. He stated that regarding the exterior attached garage height they will keep it as low as possible and that any shadow will be cast on the neighbor's garage only. He stated that they added additional architectural elements to the north wall. He stated that they believe that they have made compromises.

Board Member Oakley stated that it does not appear that they have made any significant changes from last month.

Board Member Flores stated that the applicant has not made any changes to the proposed mud room, pantry, or entry.

Mr. Moffit stated that they were concerned about the usefulness of the proposed mud room and entry if they made them any smaller.

Board Member Pyter asked if they can slide the room dimensions 1-1/2 feet to the south. Mr. Moffit stated that it would make the mud room only 3.5 feet wide.

Board Member Pyter stated that he is concerned about a precedent being set.

Board Member Krummick stated that the subject site is a small lot. He stated that he is concerned about a large vertical plane being created by the north wall of the proposed garage addition.

Mr. Michael Carney, architect for the applicant, stated that they studied various roof slope alternatives and they made the attempt to keep the new addition roof line below the existing roof line.

Board Member Krummick agreed that this is a challenging lot.

Board Member Steffe stated that he is concerned about the setback encroachment. He stated that the neighboring house is very close.

Board Member Flores stated that consideration could be given to combining the pantry and the mudroom in order to reduce the width of the rooms.

Chairman Schultz stated that the neighbor's roof overhang is substantial.

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Ms. Sabrina Moffit, petitioner, stated that they have a 6 year old son. She stated that family space in the house is the more important issue. She stated that she recently lost her mother-in-law and that her father-in-law will move in with them. She stated that they will need the additional space in the new garage for storage. She stated that their neighborhood block is decaying and they want to help to rejuvenate their block with their proposed improvements.

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

*In the matter of ZBA 19-18, Board Member Krummick moved, seconded by Board Member Steffe, to recommend the Village Board of Trustees approve a variation to reduce the minimum required side yard setback from 5 feet to approximately 3.5 feet in order to construct a house addition for property located in an R-6, Single Family Residential District, in accordance with the plans submitted.*

*Motion failed 1 - 6.*

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

**NEW BUSINESS:**

**ZBA 19-20 Joseph Cramer, Applicant**  
**204 Garfield Avenue**

**Request is for a variation to increase the maximum permitted lot coverage with respect to the area located between the front building line of a lot and the front property line of such lot from 45% to approximately 77.5% in order to convert a two-family residential structure to a Single Family Detached Residential structure, including the construction of a new driveway and the keeping of an existing sidewalk both located between the front building line of said lot and the front property line of such lot for property located in an R-7, Single Family Attached Residential District.**

Mr. David Smith, Senior Planner, introduced the petitioner's application. Mr. Smith stated that the applicant, Joseph Cramer, is requesting a Text Amendment to Section 16-8.5 of the Libertyville Zoning Code regarding Village Board Authorized Variations as it relates to the maximum allowed lot coverage located between the front building line of a zoning lot and the front property line of such zoning lot. Mr. Smith stated that in addition, the applicant is requesting a variation to increase the maximum permitted lot coverage to the area between the front building line of a zoning lot and the front property line of such zoning lot for property located in an R-7, Single Family Attached Residential District at 204 Garfield Avenue.

Mr. Smith stated that the subject property was initially built as a commercial use many years ago, but eventually was converted into a two family residential structure. He stated that the subject

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building and lot is non-conforming, but the Zoning Code allows the maintenance and repair of a non-conforming structure. He stated that as part of the proposed scope of work by the applicant to convert the two family building into a single family residence is that the only exterior change is to add garage doors to the west front facade facing Garfield Avenue.

Mr. David Pardys, Village Attorney, stated that the Village Board adopted an ordinance for a text amendment to the Zoning Code as it relates to lot coverage for the area between the front building line and the front property line as an extra layer of lot coverage regulation. He stated that the applicant is proposing to amend the text further so that the Village Board has the authority to vary without limitation the lot coverage for the area between the front building line and the front lot line provided that any variation in that area does not result in an increase in the overall lot coverage that exceeds by more than 15% of the maximum allowed lot coverage for the entire lot.

Mr. John Spoden, Director of Community Development, stated that the lot coverage regulating the area between the front building line and the front property line came about to address the situations where homeowners were adding excessive amounts of impervious coverage in front of their homes including the U-shaped drives and how that affected storm water run-off.

Board Member Pyter asked if they can park a vehicle in front of the garage. Mr. Sean Wepler, agent representing the petitioner, stated that there is not enough area to allow outside parking in front of the garage. He stated that the purpose of the drive is to gain access into the garage.

Board Member Krummick stated that it seems that this issue is focused on the coverage between the front building line and the front lot line. He questioned the accuracy of the existing and proposed lot coverage. He stated that consideration could be given to expanding the lot further to the east in order to reduce the lot coverage.

Mr. Smith stated that the site plan includes almost 3,500 square feet of land area enabling the overall lot coverage to be approximately 43% after the driveway improvement is complete.

Board Member Pyter asked for clarification between the front yard setback requirement and the lot coverage requirement for the area in front of the front building line. Mr. Pardys explained the difference.

Mr. Spoden stated that the petitioner did not have a means to ask for a lot coverage variation for the area in front of the front building line without requesting a text amendment to the Zoning Code that would provide the authority to the Village Board to grant such variation.

Mr. Wepler stated that when this building was a commercial use, the front yard area was totally covered with impermeable surface.

Board Member Pyter asked if the setback of the building should be reviewed as well. He stated that he is concerned that this change to the Zoning Code would decrease the Village's ability to regulate setbacks for new construction.

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Mr. Pardys stated the issue at hand is more to do with the impermeable area in front of the building and not so much as the building setback from the front property line. He stated that this proposal is intended to address the 2016 amendment for the lot coverage area in front of the front building line and provide future applicants the ability to request variations for this particular aspect.

Board Member Oakley stated that he does not support the proposed text amendment.

Board Member Flores stated that she is concerned that more of these types of applications will come before the Boards and Commissions.

Board Member Moore stated that he does not anticipate that they will see many of these types of requests.

Ms. Barbara Shafer, 315 Minear, stated that consideration could be given to limiting these types of requests to historical buildings only.

Board Member Moore stated that making an inventory of existing nonconforming structures that might be subject to similar circumstances might be considered.

Mr. Smith stated that Village Staff did receive one phone call from a neighbor that expressed an objection to the request and stated that she is concerned about the safety of pedestrians that will cross in front of the garage along the public sidewalk.

Board Member Flores stated that cars cannot park in front of the garage.

Mr. Wepler stated that the applicant is willing to trim the overgrowth of vegetation located within the bike path right-of-way.

Board Member Steffe stated that attaching a mirror on the garage should be considered. He stated that he is concerned about pedestrian traffic safety as well.

The Chairman asked the petitioner what they would like for the Zoning Board of Appeals to do this evening. Mr. Wepler stated that they are ready for the Board to make a recommendation to the Village Board.

*In the matter of ZBA 19-20, Board Member Oakley moved, seconded by Board Member Flores, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted lot coverage with respect to the area located between the front building line of a lot and the front property line of such lot from 45% to approximately 77.5% in order to convert a two-family residential structure to a Single Family Detached Residential structure, including the construction of a new driveway and the keeping of an existing sidewalk both located between the front building line of said lot and the front property line of such lot for property located in an R-7, Single Family Attached Residential District, in accordance with the plans submitted.*

*Motion carried 6 - 1.*

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

**ZBA 19-21 Roman Henclewski, Applicant**  
**648 E. Rockland Road**

**Request is for a variation to allow a fence to be installed in a corner side yard that abuts a front yard of another lot and be located closer to the street than the front yard established for the abutting lot for property located in an R-6, Single Family Residential District.**

Mr. Roman Henclewski, applicant, described his proposed fence location. He listed other examples of fences located on residential properties that are corner lots including 520 E. Rockland Road and 700 E. Rockland Road.

Board Member Flores asked for clarification as to the location of the property line relative to the location of the street pavement. Mr. Henclewski stated that the fence line is proposed to be located approximately three (3) feet from the right-of-way property line, not the three (3) feet from the street pavement.

(Board Member Krummick left the meeting at 8:50 p.m.)

*In the matter of ZBA 19-21, Board Member Steffe moved, seconded by Board Member Pyter, to recommend the Village Board of Trustees approve a variation to allow a fence to be installed in a corner side yard that abuts a front yard of another lot and be located closer to the street than the front yard established for the abutting lot for property located in an R-6, Single Family Residential District, in accordance with the plans submitted.*

*Motion carried 6 - 0.*

*Ayes: Schultz, Flores, Moore, Pyter, Steffe*  
*Nays: Oakley*  
*Absent: Krummick*

**ZBA 19-22 James and Wendy Kemp, Applicants**  
**1120 Pine Tree Lane**

**Request is for a variation to reduce the minimum required side yard setback from 10 feet to approximately 8.5 feet in order to construct a house addition for property located in an R-5, Single Family Residential District.**

Mr. John Spoden, Director of Community Development, introduced the petitioners' variation request. He stated that the applicants, James and Wendy Kemp, are requesting a variation to reduce the minimum required side yard setback in order to construct a house addition to a single

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family home for property located in an R-5, Single Family Residential District at 1120 Pine Tree Lane.

Mr. James Kemp, applicant, stated that his engineer has provided additional plans to Village Staff that indicated that the setback for the garage addition will be approximately 7.5 feet from the side property line.

Board Member Pyter asked the petitioner if he can move the addition towards the rear a few more feet so that there will be less of an encroachment into the side yard. Mr. Kemp stated that he could not do that without removing a basement window well and gas meter.

Board Member Moore asked about the height of the addition. Mr. Kemp stated that the addition will be only one-story.

Chairman Schultz asked what the petitioner would like for the Zoning Board of Appeals to do this evening. Mr. Kemp stated that he is ready for the Zoning Board of Appeals to render a positive recommendation to the Village Board.

*In the matter of ZBA 19-22, Board Member Oakley moved, seconded by Board Member Steffe, to recommend the Village Board of Trustees approve a variation to reduce the minimum required side yard setback from 10 feet to approximately 7.5 feet in order to construct a house addition for property located in an R-5, Single Family Residential District, in accordance with the plans submitted.*

*Motion carried 6 - 0.*

*Ayes: Schultz, Flores, Moore, Oakley, Pyter, Steffe*

*Nays: None*

*Absent: Krummick*

**ZBA 19-23    Torrance Ramaker, Applicant**  
**433 E. Sunnyside Avenue**

**Request is for a variation to increase the maximum permitted lot coverage from 45% to approximately 52.46% in order to maintain the existing driveway configuration and other impermeable surfaces established prior to July 25, 2018 for property located in an R-6, Single Family Residential District.**

Mr. Torrance Ramaker, applicant, introduce his variation application. He stated that he had previously applied for a lot coverage variation that included patio improvements. He stated that he received a negative recommendation because the Zoning Board of Appeals gave a split 3 to 3 vote. He stated that he decided to pull his application at that time before it reached the Village Board. He stated that he is now requesting approval for a lot coverage variation that will allow him to keep his driveway as it is currently improved and he will remove the existing patio that was installed without a permit. He stated that the approval that he is seeking now will reflect the condition of his property that it was in when he bought it in 2005.

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Mr. Ramaker stated that he made the assumption that his property was compliant in 2005 because the Village had inspected it and approved it for occupancy before he bought it. He stated that he acknowledges that when he installed the patio at that time he did not realize that he needed a permit.

Board Member Oakley asked if the Village could have made an exception in this case. Mr. John Spoden, Director of Community Development, stated that Staff does not have the authority to issue permits for improvements that exceed the Code limitations.

Chairman Schultz asked if there is a way to educate the public to have a better understanding of the permit requirements. Mr. Spoden stated that the Village has recently been stepping up public service announcements through their Village newsletter and website.

Board Member Moore asked the petitioner if he is ready for the Zoning Board of Appeals to make a recommendation. Mr. Ramaker stated that he would like for the Zoning Board of Appeals to make a positive recommendation to the Village Board.

*In the matter of ZBA 19-23, Board Member Oakley moved, seconded by Board Member Pyter, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted lot coverage from 45% to approximately 52.46% in order to maintain the existing driveway configuration and other impermeable surfaces established prior to July 25, 2018 for property located in an R-6, Single Family Residential District, subject to the following condition: 1) That the existing patio installed without permit be removed prior to issuing a Certificate of Compliance.*

*Motion carried 6 - 0.*

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

**STAFF COMMUNICATIONS AND DISCUSSION:** None.

Board Member Pyter moved, seconded by Board Member Steffe to adjourn the meeting.

Motion carried 6 - 0.

Meeting adjourned at 9:23 p.m.