

**MINUTES OF THE ZONING BOARD OF APPEALS**  
**June 10, 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, 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.

Board Member Oakley moved, seconded by Board Member Steffe, to approve the May 13, 2019, Zoning Board of Appeals minutes.

Motion carried 6 - 0.

**OLD BUSINESS:**       None.

**NEW 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 in order to construct a house addition for property located in an R-6, Single Family Residential District.**

Mr. Mike Carney, Architect and Agent for the applicant, introduced the proposed house addition. He stated that the scope of work includes the replacement of a one car garage with a tandem designed two car garage. He stated that there will be an increase in the width of the new garage and it will be adjacent to the neighbor's garage. He stated they are also adding a second floor to the house, but that it is the new attached garage that encroaches into the side yard setback and not the other new elements being added to the home.

Mr. Carney addressed the standards for the requested variation. He stated that the for the fact that the subject property backs up to the Des Plaines River creates a unique physical condition. He stated that the lot width and the current location of the home prohibits the traditional two-car garage with side by side parking inside the garage. He stated that this is why they have designed the tandem-style garage space. He stated that the house was laid out and oriented parallel to the street and should have been rotated 90° degrees in order to accommodate a traditional garage design but was not.

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Mr. Carney stated that it is the applicants' intent to keep the vehicles off of the driveway and inside the garage. He stated that the construction type will be compliant with current Fire and Building Codes. He stated that they believe that there is no other remedy than the variation request. He stated that they take exception to the Engineering Division requirement for a public sidewalk as a sidewalk would not connect to another sidewalk.

Mr. Cory Moffat, applicant, stated that he has seen over thirty (30) properties under new construction that were not required to install public sidewalks along the street. He stated that the existing attached garage is only (11-1/2') eleven and one-half feet wide which is not wide enough to open the car doors on both sides. He stated that their variation request will enable practical use of their garage.

Mr. Dave Bates, 911 East Rockland Road, stated that he has been a Libertyville resident for over 45 years. He stated that he has seen neighbors move out of their neighborhood in the past because the Village would not allow them to construct a second story. He stated that the Village's current sidewalk regulation is another form of extortion. He stated that the Village's regulations have been written to cover a broad segment of the population. He stated that he supports the variation request made by the Moffat's.

Ms. Helen O'Gallagher, 516 Riverside Drive, stated that she lives next door to the subject site and does not object to the requested variation.

Ms. Fran Bates, 911 E. Rockland Road, stated that she does not want families to move away because they aren't allowed to make improvements to their home.

Board Member Oakley asked about the storm water management for this area. Mr. Jeff Cooper, Village Engineer, stated that the applicant will have to comply with the Appendix P regulation, but that they may not have to install a direct connection to the Village's storm sewer.

Mr. Bates stated that the first severe flood that occurred ever since he has lived in the Village was in 1989. He stated that the more recent occurrences of flooding can be contributed to two factors, one factor is due to climate change, and the second factor is due to the growth of the building north of the Village of Libertyville.

Board Member Flores stated that it appears that the encroachment into the side yard setback may be due to the incorporation of other new rooms in addition to the new garage.

Mr. Carney stated that it was his intent to take advantage of the existing foundation which forces room placement which ultimately pushed the new garage into the required side yard.

Board Member Flores stated that consideration should be given to re-organizing the layout of the new construction areas.

Mr. Carey stated that the other driving factor is budgetary constraints.

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Board Member Pyter asked what the current setback is from the side yard property line. Mr. Carney stated that the existing setback today is approximately eight (8) feet from the side property line.

Board Member Pyter asked if the plans can be redesigned in order to reduce the setback encroachment. He stated that consideration could be given to changing the orientation of the proposed entry way in an effort pull the new construction further away from the property line.

Mr. Carney stated that they can further explore the options but they need to make sure that they can open vehicle doors inside the garage.

Board Member Krummick stated that he is not concern with the project generally speaking. He asked about the height of the new construction on the north side of the residence. He asked if consideration was given to how shadow would be cast on the neighboring property. Mr. Carney stated that there will be some shade cast on the neighboring garage during a short period of the day.

Board Member Krummick stated that the sidewalk requirement or the fee-in-lieu of the sidewalk requirement is intended to address public sidewalk improvements across the Village in an incremental fashion.

Mr. Moffat stated that he objects to the sidewalk requirement or the fee-in-lieu. He stated that he noticed at least 30 other residential properties with new construction or under construction that have no public sidewalks.

Board Member Steffe asked if the applicants' driveway will change. Mr. Moffat stated that the driveway will remain unchanged.

Chairman Shultz asked for clarification about the existing foundation wall and how that impacts the proposed design for the house addition. Mr. Carney stated that the design follows the existing foundation wall. He stated that there is a jog in the wall line and the new construction design follows this jog in the wall as well.

Chairman Schultz stated that the applicant should give consideration to alternatives in the design in order to reduce the encroachment into the required side yard.

Mr. Moffat stated that the proposal takes into consideration practicality because they need enough space on both sides of the vehicle to open doors. He stated that a trade-off should be taken into consideration between the Village and the principles of their application.

Chairman Schultz asked what the total square footage of the first floor. Mr. Carney stated that there will be a net increase of 627 square feet on the first floor.

Chairman Schultz stated that the north elevation has an exceptionally high ceiling and roof line that faces the neighbor to the north.

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Mr. Carney stated that the applicant wants the ability to incorporate a lift in the garage in order to accommodate a third vehicle in the future.

Chairman Schultz stated that house/garage addition presents a lot of volume or massing close to the north side yard property line. He stated that it will appear like a tall wall to the abutting neighbor to the north. He stated that the applicant should give consideration to incorporating a little more architectural articulation to the north elevation.

Mr. Carney stated that they would like for their case to be continued to next month's Zoning Board of Appeals meeting.

*In the matter of ZBA 19-18, Board Member Pyter moved, seconded by Board Member Steffe, to continue this item to the July 8, 2019, Zoning Board of Appeals meeting.*

*Motion carried 6 - 0.*

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

**ZBA 19-19 Joseph and Mary Stout, Applicants**  
**500 Broadway**

**Request is for a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 15 feet in order to construct a detached garage for property located in an R-8, Multiple Family Residential District.**

Mr. Brad Meyer, agent for the applicant, stated that he was before the Zoning Board of Appeals at their March 11, 2019 meeting requesting variations to reduce the minimum required corner side yard setback for a single home and its detached garage and a fence variation in order to construct a single family home with a detached garage for property located in an R-8, Multiple Family Residential District at 500 Broadway. He stated that the subject development plans for the single family home and detached garage indicated that the detached garage was 15 feet in height. He stated that the Zoning Board of Appeals recommended approval for all of the variations and were subsequently approved by the Village Board at their March 26, 2019 meeting.

Mr. Meyer stated that the corner side yard setback variation for the detached garage was approved with a setback from the Third Street right-of-way with a setback of approximately 15 feet for a structure at a height of 15 feet. Mr. Meyer stated that the applicant applied for a building permit showing the detached garage with a height of 20 feet which differs from the prior approved plan. He stated that he was informed that a new variation application is required as the detached garage structure is different in height by five (5) additional feet. He stated that the proposed corner side yard setback is the same at approximately 15 feet from the Third Street right-of-way property line.

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Board Member Pyter asked about the rear yard setback. Mr. Myer stated that the detached garage will have a rear yard setback of 15 feet.

Board Member Pyter asked how the front, side, corner side, and rear yards are identified for this lot. Mr. Myer described each yard and property line.

Mr. Myers asked Zoning Board of Appeals for a recommendation to the Village Board.

*In the matter of ZBA 19-19, Board Member Steffe moved, seconded by Board Member Flores, to recommend the Village Board of Trustees approve a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 15 feet in order to construct a detached garage for property located in an R-8, Multiple Family Residential District, in accordance with the plans submitted.*

*Motion carried 6 - 0.*

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

**STAFF COMMUNICATIONS AND DISCUSSION:** None.

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

Motion carried 6 - 0.

Meeting adjourned at 8:00 p.m.