



Lake County, IL

Zoning Board of Appeals – Special Session

ZON-001015-2024 ADMINISTRATIVE APPEAL MINUTES

October 29, 2024, 1:00PM

Public Works Training Facility

648 W Winchester Rd., Libertyville, IL 60048

ZBA Members Present:

Gregory Koeppen	Present	Dalila Mondragon	Present
Maria Peterson	Absent	Maggie Roche	Present
Judy Garcia	Present	Linda Starkey	Present
Thaddeus Henderson	Absent	Ronald Traub	Present

Full comments on all agenda items are included in the audio recording of this meeting.

1. CALL TO ORDER

Meeting was called to order at 1:00PM.

2. ROLL CALL

3. PLEDGE OF ALLEGIENCE

4. DEFERRED MATTERS

5. OTHER BUSINESS

Appellant Testimony

No cross-examination forms or public comment forms were received for this hearing.

The appellant, Daniel Alanis, began his statement and production of evidence. He stated that on June 18th, 2023, he submitted an application to construct two single-family homes. He stated that former staff member Bob Springer informed the appellant that he was required to include a fire suppression system within the two homes.

Mr. Alanis stated that Ieva Donev, Lake County Building Official, told the appellant that she would look into the building code update regarding fire suppression systems and how they apply to his building applications. Mr. Alanis noted that the amendment regarding the fire suppression system was passed on June 13th, 2023, but did not come into effect until July 17th, 2023.

Member Garcia inquired as to why the appellant would not want to include the fire suppression system on his property. Mr. Alanis stated that the property is on well water, and he had concerns about the smell, the cost, and the potential for an accidental set-off of the system, resulting in water damage to the homes.

Member Starkey noted that the appellant signed the document stating that he would include the fire suppression systems in his homes on June 18th, 2023. He agreed.

Member Traub inquired about the exhibits provided. Mr. Alanis stated that the application for the building permit was also included in these exhibits. Member Traub asked about the discrepancies on the dates provided within the exhibits. Mr. Alanis noted that the date of the emails sent in August were for the justification letter and timeline that Ms. Donev requested he submit to determine options moving forward regarding the fire suppression systems.

Chair Koeppen asked for clarification that June 18th, 2023, was the day that Mr. Alanis first spoke with Bob Springer. Mr. Alanis concurred. Chair Koeppen inquired about the reasoning for the length of time between correspondence dates. Mr. Alanis noted that the process for revisions is lengthy and often requires multiple revisions. Chair Koeppen noted that the date of the

Daniel Brown, State's Attorney's Office, asked the appellant whether it is true that he has worked with the county before on building permits. Mr. Alanis agreed. Mr. Brown asked whether he realized that there are multiple rules that go into applying for a building permit and constructing a home. Mr. Alanis stated that rules change every day and that he was unsure of what rules apply at what times. Mr. Brown asked whether his other projects were before June 13th, 2023. Mr. Alanis said yes. Mr. Brown asked whether anyone he had worked with before had asked the appellant to sign a piece of paper as an affidavit. Mr. Alanis said no. Mr. Brown asked whether the application he turned in was "perfect" on the first try. Mr. Alanis stated that all submittals require resubmissions. Mr. Brown asked whether there were any additional steps in the application process required by Mr. Alanis after submitting the application on June 18th, 2023. Mr. Alanis stated that he could have been lucky and submitted the plan perfectly on the first time. Mr. Brown inquired as to whether he turned in additional materials after the original application submission on June 18th, 2023. Mr. Alanis said he did. Mr. Brown asked whether the appellant had paid engineers for plans prior to June 13th, 2023. Mr. Alanis said no. Mr. Brown asked how long Mr. Alanis had owned the subject land. Mr. Alanis stated that he had owned it since April of 2023.

Ms. Mitchell stated that herself and Mr. Alanis are aware of the steps that need to be taken in order to build a house. She stated that any plan will need revisions, so to her, it does not matter whether

Mr. Alanis stated that the engineers for the project are on a 30-day term, meaning that no payment to engineers is owed until after the work is complete.

Chair Koeppen inquired again about the date of final permit acquisition. Mr. Alanis noted that it was acquired on August 23rd, 2023.

Member Garcia asked whether there were any other permit applications on that property submitted prior to the June 18th, 2023 permit. Mr. Alanis said there were none.

Member Starkey asked how long the permit process was for the previous home he had built that he currently resides in. Mr. Alanis stated it took roughly 2-3 months.

Member Roche asked again for a clarification of the dates.

Defendant Testimony

Mr. Brown asked about Ms. Donev's history with Lake County. Mr. Brown asked Ms. Donev what the meaning of the July 17th, 2023 date was referring to. Ms. Donev stated that this was the end of the "grace period" for the transition between the previous and the updated International Building Codes.

Member Roche asked for clarification on whether all homes within Lake County were required to have fire suppression systems. Ms. Donev stated that only newly constructed single-family homes were required to have fire suppression systems as a result of the updated International Building Code.

Mr. Brown asked Ms. Donev whether she was involved in the permit intake for Mr. Alanis. Ms. Donev stated that she was not called to the counter to accept the permit. Mr. Brown asked whether the review began that day. Ms. Donev said that many items are needed to achieve a full application, which is required prior to any review. Mr. Brown asked whether the application was complete when Mr. Alanis turned it in. Ms. Donev stated that to her knowledge, it was an incomplete application. Mr. Brown asked whether it is common for front counter staff to communicate the need for more materials to the applicant. Ms. Donev stated that it was. Mr. Brown inquired about the dates of submittal of plans and the completion of the application. Ms. Donev stated that the review-ready application was submitted in August of 2023. Mr. Brown asked when the permits were granted for the homes. Ms. Donev stated that one permit was granted in February of 2024 and the other was granted in July of 2024. Mr. Brown asked when Mr. Alanis approached Ms. Donev with questions about his application. Ms. Donev said that Mr. Alanis approached her in June of 2024 about continuing his building plans without a fire suppression system. Mr. Brown asked what a "substantial investment" is. Ms. Donev stated that it includes an Early Assistance review, site plans, work with building and engineering, etc. Mr. Brown asked about the process of an Early Assistance review and Early Assistance Meetings. Ms. Donev noted that she could not find record of Early Assistance correspondence to or from the applicant. Mr. Brown asked whether any site or engineering plans are filed away after being received. Ms. Donev said that was correct.

Member Traub asked Ms. Donev whether this was the only instance in which an applicant was made to sign an acknowledgement of the changes to the International Building Code. Member Traub asked why there was no public correspondence of the changes in the International Building Code. Ms. Donev said there has been no process for this in the past. Member Traub asked how many building permits are received monthly to the building department for single-family homes. Ms. Donev stated that around 2-5 submittals are received per month on average. Member Traub asked whether the requirement for an application to curb past the effective date requires that it be handed in prior to the effective date. Ms. Donev

Member Starkey clarified whether that would be required to be a complete application. Ms. Donev said yes. Member Starkey asked about applicants who turned in applications prior to the effective date. Ms. Donev stated that those applicants must follow the procedures required before their application submittal date.

Chair Koeppen asked whether other applicants who were issued permits after July 17th, 2023 all followed the fire suppression system requirements. Ms. Donev said yes, minus in the case of special cases with an addition.

Member Starkey asked for clarification on the Early Assistance letter process. Ms. Donev stated that the process involves multiple divisions and is heavily recommended prior to submittal.

Member Garcia asked about the requirements of properties on well water. Ms. Donev stated that there are no exceptions for properties on well water. Member Garcia asked whether there were any other single-family applications received between June 13th, 2023, and July 17th, 2023. Ms. Donev said there were none to her knowledge.

Closing Statements

Mr. Alanis stated that he believed that his application “fell in-between the cracks” which is why he requested the administrative appeal.

Mr. Brown stated that Mr. Springer required him to sign the documentation stating he knew the requirements for the fire suppression system as a caution. Mr. Brown additionally noted that the application date was after the effective date of the International Building Code.

Motion to enter executive session introduced by Member Traub, seconded by Member Roche. Executive session commenced at 2:21PM

Return to Special Session at 2:26PM.

ZBA Members and Chair Koeppen discussed their feelings toward the case.

Motion introduced by Member Starkey to uphold the Planning, Building and Development Department's decision to require a fire suppression system within Mr. Alanis's home. Motion seconded by Member Roche. Motion passed unanimously.

6. PUBLIC COMMENT

7. ANNOUNCEMENTS

8. ADJOURNMENT

Motion to adjourn the hearing introduced by Chair Koeppen, seconded by Member Starkey. Hearing was adjourned at 2:32PM.