

Village of Homer Glen

**14933 S. Founders Crossing
Homer Glen, Illinois 60491**

Phone (708) 301-0632 • Fax (708) 301-8407

PLAN COMMISSION REGULAR MEETING

**Thursday, April 21, 2016
7:00 PM**

**Village Board Room
14917 S. Founders Crossing
Homer Glen, Illinois 60491**

A. Call the Plan Commission to Order

The meeting of the Homer Glen Plan Commission was called to order by Chairman Maska at 7:00 p.m.

B. Pledge of Allegiance to the Flag**C. Roll Call**

Present for the Plan Commission were Chairman Joe Maska, Members Lynn McGary, Eileen Crement, Don Mitchell, and Kevin O'Donnell. Present on behalf of the Village of Homer Glen was the Director of Planning and Zoning, Michael J. Schwarz. The minutes were recorded and transcribed by Candace Rose.

D. Public Comment

Chairman Maska calls for anyone wanting to make a public comment on any items not on the agenda for tonight's meeting. No public comments were made.

E. Minutes**March 17, 2016**

A motion to approve the minutes from March 17, 2016, as amended to add a statement on Page 4, at the beginning of Paragraph 6, that Mayor Yukich stated that he was present tonight speaking as a citizen of the Village of Homer Glen not in his capacity as Mayor on behalf of the applicant, was made by Member McGary, seconded by Member Crement. Voice vote taken, all in favor, none opposed. *Motion Carried.*

April 7, 2016

A motion to approve the minutes from March 17, 2016, amended, was made by Member Mitchell, seconded by Member O'Donnell. Voice vote taken, all in favor, none opposed. *Motion Carried.*

Chairman Maska states that anyone wishing to speak at a public hearing tonight needs to be sworn in by Mike Schwarz. Mr. Schwarz swears in the audience.

F. Agenda Items

1. **HG-1604-V Louis J. Voltarel and Faye A. Voltarel: Consideration of requests for approval of (1) A variation to reduce the required minimum lot frontage from 300 feet to 15 feet for an existing parcel of land in the E-2 Single-Family Rural Residential District (Table 1B of the Village of Homer Glen Zoning Ordinance); and (2) A variation to reduce the required minimum lot width from 300 feet to 165 feet for an existing parcel of land in the E-2 Single-Family Rural Residential District (Table 1B of the Village of Homer Glen Zoning Ordinance), for certain real property located at 15811 W. 139th Street, Homer Glen, Illinois.**

Mr. Schwarz states that the petitioners have appeared before the Plan Commission and Village Board several times, dating back to April 2006. The “flag lot” parcel was created by a deed division that was recorded by the County in 2007. Previously, the property was rezoned from A-1 Agricultural, to its current zoning, E-2, Single Family Rural Residential district classification, and the petitioner’s deed division from the original tax parcel. The petitioner also received a Variation to meet the minimum lot width requirement of 300-ft in the E-2 zoning district.

In 2013, the petitioners again appeared before the Plan Commission and Village Board. The Variation that was granted in 2006 had expired, as all Variations expire one (1) year after the date of issue if the petitioner does not obtain a building permit. The petitioners received a Variation from the minimum lot width of 300-ft and also, as the Zoning Ordinance had been revised in 2008, received a Variation for the minimum lot frontage of 270-ft.

Mr. Schwarz states that the following 10 findings of fact are pertinent to this case. Section 12.7-3 of the Zoning Ordinance dictates the elements to make the findings of fact. The following are the categories with staff’s recommended findings in *bold italics*:

- a. The Plan Commission shall not vary the provisions of this Ordinance as authorized unless it has made findings based upon the evidence presented to it in the following cases:
 - (1) That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone. *The subject property cannot yield a reasonable return if held under the strict regulations of the E-2 Zoning District. The lot is currently in existence and cannot reasonable obtain more land to meet the E-2 minimum frontage requirements. Therefore, Variations from the minimum width and frontage requirements are necessary for the land to yield a return.*
 - (2) That the plight of the owner is due to unique circumstances. *The unique circumstance is that the non-conforming parcel was created previously.*

- (3) That the variation, if granted, will not alter the essential character of the locality. ***The Variations will not alter the essential character of the locality. There are existing “flag lot” parcels to both the east and west of the property. The lot size is also in conformance with the Comprehensive Plan.***
- b. For the purpose of supplementing the above standards, the Plan Commission, in making its determination, shall also take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:

- (1) That the particular surroundings, shape, or topographical conditions of the specific property involved will bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out. ***The lot is currently in existence. The current lot frontage is 15’. The E-2 district requires a minimum lot frontage of 300’. If the strict letter of the law were to be carried out, the lot would not be buildable.***

[Note: The above-stated Plan Commission motion and adopted Findings of Fact overstate the Zoning Ordinance-required lot frontage. The Zoning Ordinance only requires a minimum of 270 feet of lot frontage in the E-2 District, not 300 feet as was presented at the meeting. The Village Attorney has advised Village staff that it is not necessary to re-publish the Legal Notice, nor to have the Plan Commission amend its motion given that the amount of variation is not less the amount that was published.]

- (2) That the conditions upon which the petition for variation is based would not be applicable, generally, to other property within the same zoning classification. ***Most other properties in the same E-2 Zoning District would generally not face the same hardship.***
- (3) That the purpose of the variation is not exclusively based upon a desire to make more money out of the property. ***The purpose of the Variations are not based exclusively on the desire to make more money out of the property. The purpose is create a buildable lot.***
- (4) That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. ***The petitioner did request the creation of the lot in 2006. However, a Variation for lot width was also granted by the Village Board at the time of the lot creation.***
- (5) That the granting of the variation will not be detrimental to the public welfare or unduly injurious to other property or

improvements in the neighborhood in which the property is located. ***It is not anticipated that the Variations will be detrimental to the public welfare or injurious to other property in the neighborhood. Similar "flag lot" parcels exist to the west and east of the property.***

- (6) That the exterior architectural appeal and functional plan of any proposed structure will not be so at Variation with the exterior architectural appeal and functional plan of the structures already constructed, or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood. ***The petitioners intend to construct a detached single family home on the property. The proposed house will have to comply with the Village's Exterior Construction Standards Ordinance.***
- (7) That the proposed variation will not impair an adequate supply of air to adjacent property, substantially increase the danger of fire, otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood. ***It is not anticipated that the proposed Variations will impair the supply of air, increase the danger of fire, or otherwise endanger public safety. Any proposed structures on the property will have to meet site and structure requirements for the E-2, Single Family Rural Zoning District.***

Attorney Lee Virtel is present tonight representing the petitioner and will answer any questions concerning this case. He states that all that Mr. Schwarz has stated was correct and that his clients have had trouble with several buyers for the land backing out of the deal in the past. They are here tonight hopeful that the current contract of sale will be completed.

A motion to open the public hearing in Case No. HG-1604-V was made by member Mitchell, seconded by Member McGary. Voice vote taken, all in favor none opposed. Motion Carried.

Mr. Joe Novak from 15823 W. 139th Street states that his property is just west of this lot. He asks if this is a new request. Mr. Schwarz states that no, this was a request that had already been approved by the Village Board but because the petitioner did not build on the lot, after one year the variances expired. The petitioner is asking to reinstate the variances. Mr. Novak states that in 2006 the fire department was present at the Plan Commission meeting stating that the driveway was a hazard. He also states that there is a wetland and the wildlife associated with wetland in the rear of the property making it mostly unbuildable. There is considerable flooding that occurs as well, and he has brought pictures of his property, driveway and adjacent driveway to show the severity of the flooding.

Mr. Schwarz states that the fire department did receive an agenda packet for this meeting and did not respond with any concerns. Members McGary and Mitchell both remember when this case was brought to the Plan Commission in 2013 and at that time they found no reason to say no to the request. The owner agreed to what the fire department had requested. Mr. Schwarz states that this lot was created by deed division in April of 2006 and without the variances it would be unbuildable.

Mr. Schwarz states that the Village has a Subdivision Ordinance which has been in place since Homer Glen was incorporated as a Village. The Village does not typically allow flag lots but in this case the Village Board allowed the property to be created along with the variances being requested.

Member McGary states that because this lot does exist and has been granted the variances in the past she sees no way to not allow them now, unless the fire department was to come forward with a reason to say no.

Member Crement asks if the Plan Commission could table this item and wait to hear from the fire department.

Member Mitchell states that the motion should go forward but conditioned on the approval of the fire department.

Chairman Maska states that he feels the Village should have some compassion for the future owner of this lot if it truly is not buildable,

Lee Virtel states that they have a contract for a buyer and the current buyer is a realtor.

Member Mitchell states again that he does not see a reason to continue this item. The Plan Commission can surmise that there may be problems but we cannot assume what any potential buyer may want to do.

Bob Schmidt states that he has great concern if this property is being sold to a commercial realtor not a private party, he thinks there is no way of telling what a realtor may want to do with the property. This now becomes a problem for him as he has issues with all the realtors in Homer Glen.

Chairman Maska calls for any further questions or comments from the public. Hearing none he asks for a motion to close the public hearing.

A motion to close the public hearing is made by member Mitchell, seconded by Member McGary. Voice vote taken, all in favor, none opposed. *Motion Carried.*

A motion to adopt staff's findings as the findings of the Plan Commission and to recommend approval of the following requests for certain real property located at

15811 W. 139th Street, Homer Glen, Illinois pending compliance with all Northwest Fire Department requirements:

Variation #1: A Variation to reduce the requirement minimum lot frontage from 300 feet to 15 feet (Table 1B of the Homer Glen Zoning Ordinance).

Variation #2: A Variation to reduce the required minimum lot width from 300 feet to 165 feet (Table 1B of the Homer Glen Zoning Ordinance),

was made by Member Mitchell, seconded by Member McGary. Roll call vote taken. In favor (4) McGary, Crement, Mitchell, O'Donnell. Opposed (0) none. Absent (2) Locacius, Backal. Abstained (0) none. The Chairman did not vote. *Motion Carried.*

[Note: The above-stated Plan Commission motion and adopted Findings of Fact overstate the Zoning Ordinance-required lot frontage. The Zoning Ordinance only requires a minimum of 270 feet of lot frontage in the E-2 District, not 300 feet as was presented at the meeting. The Village Attorney has advised Village staff that it is not necessary to re-publish the Legal Notice, nor to have the Plan Commission amend its motion given that the amount of variation is not less the amount that was published.]

2. **HG-1605-MP Andrzej Skik: Consideration of requests for approval of (1) A Zoning Map Amendment (Rezoning) from the R-1 Single-Family Residential District to the R-3 Single-Family Residential District (Section 6.6 and Table 1B of the Village of Homer Glen Zoning Ordinance); and (2) A Preliminary/Final Plat of Subdivision for a two-lot residential subdivision, for certain real property located at 14509 S. Hillcrest Road, Homer Glen, Illinois.**

Mr. Schwarz states the subject property is currently zoned R-1 Single Family Residential. The current lot has frontage on Hillcrest Road and Creme Road. The owner wishes to subdivide the land, where the easternmost parcel, which will be accessed on Creme Road, will meet the lot depth of the neighboring R-3 Single Family Residential zoned properties. It is proposed that this parcel will be rezoned R-3 in order to match the existing R-3 Single Family Residential zoned properties to the north. The rest of the parcel, the westernmost portion, will remain R-1 Single Family Residential and will continue to be accessed from Hillcrest Road.

Section 12.8-4 of the Zoning Ordinance dictates the elements to make the findings of fact. The following are the categories with staff's recommended findings in bold italics:

The Plan Commission shall not vary the provisions of this Ordinance as authorized unless it has made findings based upon the evidence presented to it in the following cases:

- (1) Existing uses of property within the general area of the property in question. ***The existing uses in the general area of the property are all rural residential.***
- (2) The zoning classification of property within the general area of the property in question. ***There are two zoning classifications in the general area of the subject property. The zoning classification of properties that front on Hillcrest Road are R-1 Single Family Road and are R-3 Single Family Residential zoning district along Creme Road.***
- (3) The suitability of the property in question to the uses permitted under the existing zoning classification. ***The property will continue to be used for residential uses. The property exceeds all site and structure requirements for R-3 Single Family Residential.***
- (4) The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification. ***There has been limited new development in the general area of the subject property. The property is not in a subdivision. The R-3 Single Family Residential fits best with the surrounding R-3 Single Family Residential zoned properties.***
- (5) The change in zoning is in conformance with the comprehensive plan of the Village and its official map. ***The subject property is designated as Single Family Rural. Most of the property (insert acreage), will remain R-1 Single Family Residential, a more rural residential zoning district. The parcel that is proposed to be rezoned R-3 Single Family Residential will now be matching the rest of the properties that front on Creme Road.***
- (6) The length of time the property has been vacant as zoned, considered in context of the land development in the area surrounding the subject property. ***The subject property is currently the backyard of the R-1 Single Family Residential zoned property. It has no structures on the property.***
- (7) The extent to which property values are diminished by particular zoning restrictions. ***It is not expected that property values will be diminished. The property currently has no structures and will be improved when a home is built on the property.***

Mr. Virtel is representing the petitioner in this case. He states that Mr. Skik is requesting to subdivide one lot into two lots and this has occurred at other places within the subdivision.

A motion to open the public hearing in Case No. HG-1605-MP was made by Member McGary, seconded by Member Mitchell. Voice vote taken, all in favor none opposed. *Motion Carried.*

Chairman Maska calls for questions or comments from the audience. Hearing none he calls for a motion to close the public hearing.

A motion to close the public hearing in Case No. HG-1605-MP was made by Member McGary, seconded by Member O'Donnell. Voice vote taken, all in favor none opposed. *Motion Carried.*

Member Mitchell asks if the right of way of 50-ft is taken for the road will the new lots still meet the underlying zoning. Mr. Schwarz states that yes the lots will meet the zoning requirements.

Chairman Maska asks what is the minimum size of a lot in the subdivision. Mr. Schwarz states that it is 60,000 square feet in the R-1 District and 20,000 square feet in the R-3 District.

A motion to recommend approval of the Preliminary and Final Plat of Skik Subdivision, subject to Village Staff's technical review and approval. Roll call vote taken. In favor (4) McGary, Crement, Mitchell, O'Donnell. Opposed (0) none. Absent (2) Locacius, Backal. Abstained (0) none. The Chairman did not vote. *Motion Carried.*

A motion to adopt staff's findings as the findings of the Plan Commission and to recommend approval of the following request for certain real property located at 14509 S. Hillcrest Road, Homer Glen, Illinois:

A Map Amendment to rezone the east approximately 43,560 square feet of the subject property from R-1, Single Family Residential zoning district to R-3 Single Family Residential zoning district, subject to all technical revisions made to the plat

was made by member McGary, seconded by Member O'Donnell. Roll call vote taken. In favor (4) McGary, Crement, Mitchell, O'Donnell. Opposed (0) none. Absent (2) Locacius, Backal. Abstained (0) none. The Chairman did not vote. *Motion Carried.*

- 3. HG-1606-V William and Anita Sokolis: Consideration of a request for approval of a variation from Section 6.13(1)(E)(ii) of the Village of Homer Glen Zoning Ordinance to allow the first floor of a single family residence to be constructed of fiber cement board instead of stone or brick materials, for certain real property located at 14638 W. Spring Creek Road, Homer Glen, Illinois.**

Mr. Schwarz explains the findings of fact Section (A)(6) of Ordinance 01-077 (Exterior Construction Standards Ordinance) dictates the elements to make the findings of fact. The following are the categories with staff's recommended findings in bold italics:

- a. The Plan Commission shall not vary the provisions of this Ordinance as authorized unless it has made findings based upon the evidence presented to it in the following cases:
 - (1) The proposed variance will not alter the essential character of the neighborhood in which the property is located. ***The Variance will not alter the essential character of the locality because there is a wide variety of construction materials used in the surrounding neighborhood. To vary from the stone or brick materials would not adversely affect the neighborhood.***
 - (2) The proposed variance will not be injurious. ***The granting of the Variance will not be detrimental to the public welfare as the proposed single family home will improve the subject property.***
 - (3) The proposed Variance will not substantially diminish or impair property values. ***The Variance will not substantially diminish or impair property values because the neighborhood currently has a mixture of architectural styles and exterior materials. Also, the lot is currently vacant and construction of a single family home on the lot will improve the lot and the surrounding area.***

Mr. Schwarz also states that the applicant is proposing a single family residence with the architectural materials consisting exclusively of white fiber cement board. The applicant has chosen a farmhouse or barn style home and feels that using stone or brick materials would not fit with the architectural design of the home. The applicant believes that a vertical fiber cement board material fits the style of the home better than stone or brick would. However, the applicant is proposing painted white brick for all portions of the home that will be below grade, which will be mostly on the sides and rear of the home.

A motion to open the public hearing in Case No. HG-1606-V was made by Member McGary, seconded by Member Crement. Voice vote taken, all in favor none opposed. *Motion Carried.*

Chairman Maska calls for questions or comments from the audience. Hearing none he calls for a motion to close the public hearing.

A motion to close the public hearing in Case No. HG-1606-V was made by Member Mitchell, seconded by Member O'Donnell. Voice vote taken, all in favor none opposed. *Motion Carried.*

Chairman Maska states that initially there was a problem with this type of material because there were issues with mold but this problem has been solved. He believes that this material and proposed look fits the area where they plan on building.

Member Mitchell states that he was recently looking at homes that were built with this material and they were very high end homes. His concern is whether this is provisional or proposed, without a final plan they could do this and do a bad job. He would approve conditioned on an elevation being provided.

A motion to adopt staff's findings as the findings of the Plan Commission and to recommend approval of the following request for certain real property located at 14638 W. Spring Creek Road, Homer Glen, Illinois: a variance to allow the first floor of a single family residence to be constructed of fiber cement board instead of stone or brick materials (Section 6.13.1(E)ii of the Homer Glen Zoning Ordinance) condition on the final elevation submitted shall be in substantial conformance with attachment "C" in the staff report was made by Member Mitchell, seconded O'Donnell. Roll call vote taken. In favor (6) McGary, Crement, Mitchell, O'Donnell. Opposed (0) none. Absent (1) Locacius, Backal. Abstained (0) none. The chairman did not vote. *Motion Carried.*

G. Other/New Business

Member Mitchell recommends that the packets be made available at the front desk by at least Tuesday so the Plan Commissioners can pick them up if they desire to have a paper packet in addition to an electronic packet prior to the meeting.

Member Crement suggests that if there are other cases that were heard previously that the minutes from those previous hearings be made available to the Plan Commissioners.

H. Adjournment

A motion to adjourn at 8:45 p.m. was made by Member McGary, seconded by Member O'Donnell. Voice vote taken, all in favor, none opposed. *Motion Carried.*

Approved on June 16, 2016

Chairman Maska

