

PLAN COMMISSION

Minutes of the Regular Meeting on
January 18, 2018

14240 West 151st Street
Homer Glen, Illinois 60491

Village of Homer Glen
14240 West 151st Street, Homer Glen, IL 60491
Village Board Room

1. Call to Order.

The meeting of the Homer Glen Plan Commission was called to order by Chairman Mitchell at 7:00 P.M.

2. Pledge of Allegiance to the Flag.

3. Roll Call.

Present for the Plan Commission were Chairman Don Mitchell, Members Broque Backal, Beth Verdun, Eileen Crement, and Kevin O'Donnell. Present on behalf of the Village of Homer Glen was the Director of Planning and Zoning, Vijay Gadde. The minutes were recorded and transcribed by Candace Rose.

4. Public Comment.

There was no one present at the meeting to make public comments

5. Minutes.

January 4, 2018

A motion to approve minutes from January 4, 2018 was made by Member Verdun, seconded by Member Crement. Voice vote taken, all in favor, none opposed. *Motion Carried.*

Vijay Gadde swears in persons wishing to speak at tonight's meeting.

6. New Business.

- a) **HG-1802-V, Michael Prodehl (*Public Hearing*): Consideration of a request for: (1) a Variance to increase the maximum permitted height for a fence located in a corner side yard from four feet to five feet for the property located in the R-3 Single Family Residential District for certain real property located at 12228 W. Shellbark Drive in Homer Glen, Illinois.**

Vijay Gadde explains that the subject property, 12228 W. Shellbark Drive, is considered Lot 65 of the Wedgewood Highlands Subdivision, located in the southern portion of the community. The parcel is a corner lot positioned on the northwest corner of the intersection at W. Shellbark Drive and S. Deer Path Drive. According to the Will County Supervisor of Assessments' online database, the single-family home located on the subject property was built in 2003. The applicant, Mike Prodehl, has applied for and received multiple building permits for the subject property over the last two years, the most relevant of which was for the installation of an in-ground pool in 2016.

Upon Homer Glen's incorporation in 2001, the Village adopted much of Will County's Zoning Code, including regulations pertaining to the construction of fences or barriers around residential swimming pools. Due to the adoption of these regulations from Will County, at that time the Village's Zoning Code thus stated that residential swimming pools required a fence or barrier of at least five (5) feet in height as a precautionary measure.

In 2010, the Village approved amendments to §220-812 [Fences, walls and swimming pools] as part of Ordinance No. 10-025. Although the five (5) foot fence

or barrier policy regarding residential swimming pools remained enforced, Village staff began to research further amendments due a conflict present between these regulations and the section of Code pertaining to residential fences located in front or corner side yards. Per these general residential fence regulations, a fence located in the front or corner side yard of a residential lot cannot exceed four (4) feet in height [§220-812 (Fences, walls and swimming pools) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen]. This portion of the Code, in conjunction with the five (5) foot requirement for shielding residential swimming pools, therefore began to create situations in which property owners had to request a Variance in order to meet the height requirements for swimming pool fences for those portions of the fence located in the front or corner side yard.

On December 13, 2017, the Village Board approved Ordinance No. 17-068, which approved the adoption of the *International Swimming Pool and Spa Code, 2015 edition, as published by the International Code Council*. This amendment formally adopted regulations that state that residential swimming pools require a fence or barrier of at least four (4) feet in height, therefore eliminating the conflict previously present within the Village's residential fence regulations

The applicant's proposals from all previous building permits included a five (5) foot aluminum fence, initially located entirely within the property's side and rear yards where a five (5) foot fence is permitted. However, following multiple revisions per staff's comments, a portion of the proposed fence was relocated from the rear yard to the corner side yard, which would require a Variance for such a height per §220-812 [Fences, wall and swimming pools]. This relocation of the fence was proposed in order to shield a small rain garden in the property's corner side yard, which was added to the proposals by Village staff upon discovering the aforementioned impervious surface issues. Due to the quick succession of changes made to the proposals, this conflict between the required fence height for swimming pools and the maximum height of fences in the corner side yard was not made apparent until December 2017, when the applicant applied for a fence permit.

The applicant submitted the fence permit on December 15, 2017, just after the Village's amendments to the Code through Ordinance No. 17-068, which reduced the required height of such fences from five (5) feet to four (4) feet. This fence permit proposed a uniform five (5) foot aluminum fence in order to comply with the regulations that existed when the fence was first proposed in 2016, and the portions of this proposed fence located in the property's rear yard were approved by Village staff on December 15, 2017 as their height was desired by the applicant and does not conflict with the Code. The five (5) foot aluminum fence that has been built on the property thus far.

The applicant has requested a Variance to increase the height of the fence in the corner side yard from four (4) feet to five (5) feet in order to create a uniform fence height across his property, which would have been achievable without a Variance had the fence not been shifted as part of previous permit reviews which required the relocation of the fence from the rear to the corner side yard. It is important to note that due to the existence of the rain garden in the property's corner side yard, which the proposed fence is meant to shield in addition to the pool, the denial of this Variance will not alter the proposed fence's location but will simply enforce a height of four (4) feet. The portion of the proposed fence located in the corner side yard will

be ten (10) feet from the corner side property line and will be nearly eighty-seven (87) feet from the Village's required area of unobstructed view [§220-808 (Vision clearance) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen].

The applicant, Mike Prodehl is present tonight to answer any questions of address any issues. He just states that he would like to see the additional fence consistent with the current fence around the property. He thinks it would look the best.

A motion to open the public hearing in Case No. HG 1802-V was made by Member Crement, seconded by Member Verdun. Voice vote taken, all in favor, none opposed. *Motion Carried.*

The Chairman Mitchell calls for questions or comments from the audience.

Mr. Jim Riley from 12241 Shellback Road states that he lives across the street from the applicant and walks by his home every day. It is a beautiful home, well-kept and the pool project is magnificent. He is in favor of this project.

Mr. Scott Chisolm from 17007 Deer Path Drive is the president of the Homeowners association. He has received and reviewed all the copies of the proposed project drawings and plans. He is here tonight to state that the Homeowners Association is also in favor of the project.

The Chairman Mitchell calls for further questions or comments from the audience. Hearing none, he asks for a motion to close the public hearing.

A motion to close the public hearing in Case No. HG 1802-V was made by Member Crement, seconded by Member O'Donnell. Voice vote taken, all in favor, none opposed. *Motion Carried.*

Member O'Donnell comments that this case is very straight forward and he has no questions or objections.

Member Crement agrees and adds that the photos provided for the case are excellent and that the fence should be kept consistent with what already exists.

Member Backal states that the packet explaining this case is great and he also has no questions or objections.

A motion a motion to adopt staff's findings as the findings of the Plan Commission and to recommend approval of a Variance to increase the maximum permitted height for a fence located in the corner side yard from four (4) feet to five (5) feet for a property located in the R-3 Single-family Residential District [Section 220-812A(4) (Fences, walls and swimming pools) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen] for certain real property located at 12228 W. Shellbark Drive, Homer Glen, Illinois was made by Member Verdun, seconded by Member O'Donnell. Roll call vote taken. In favor (4) Verdun, Crement, Backal, O'Donnell. Opposed (0) none. Absent (2) McGary, Kozor. Abstained (0) none. The Chairman did not vote. *Motion Carried.*

Vijay Gadde states that this item will be on the Village Board agenda for the February 14th meeting.

7. Reports of Plan Commissioners and Staff.

There were no reports by Plan Commissioners.

Staff reports that the next meeting, February 1, 2018, there will be a concept plan from Pump and Grind building improvements located at 12640 W 159th Street. Circle K is also looking to put together a concept plan for the development at 143rd and Bell Road. In addition, Illinois American will be having a public presentation to explain their plans. It will be on January 23rd at 5:45.

Chairman Mitchell asks if the Plan Commissioners are allowed to attend the meeting. Mr. Gadde states that as residents one or more Commissioner could attend but discussing the issue with other Commissioners would not be appropriate. Member Backal asks if it will come back to the Plan Commission again. Mr. Gadde states that the variance was denied so the item will not come back.

Mr. Gadde states that the cell tower case could return to the Commission because there is new testimony in the case to be heard.

Member Verdun states that she understands that we cannot refuse it based on the perceived harm from cell towers but this is a residential area and thus not considered appropriate for a cell tower. She does not believe it is keeping in the character of the area and thinks it should be addressed for this reason.

Chairman Mitchell asks if it would be possible to have legal advice for this case. Mr. Gadde will see what can be done.

Member Verdun states that the cell people need to prove that this site is the most suitable for the use.

Member Crement states that all of the data that was provided was created by Version and they have a vested interest. She asks if an unbiased, independent study can be provided to suggest where the best location for a tower would be.

Chairman Mitchell states that the company did provide a substantial amount of data and that cell towers are going to continue being needed as the populations in any area grow. He adds that it is the federal government that is going to have to regulate the placements.

Member Verdun states that all the other towers are on commercial or industrial or agricultural properties. This is all residential except this one property.

Member Backal states that these are all valid concerns and should be presented to the Trustees. They will listen to the concerns. They asked the gentleman with the lean-to on his property to remove the structure.

Mr. Gadde states that one or more of the Commissioners attend the Board meeting as concerned citizens and make comments at the public meeting.

Member Verdun states that she will be there as a resident.

Respectfully Submitted: Candace Rose

Plan Commission


Regular Meeting

January 18, 2018

Approved (Date):

2-1-2018

Vice Chairman Backal:



8. Adjourn.

Motion to adjourn at 7:38 was made by Member Backal, seconded by Member Crement. Voice vote taken, all in favor, none opposed. *Motion Carried.*