

PLAN COMMISSION

Minutes of the Regular Meeting on
February 15, 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 Acting Chairman Backal at 7:00 P.M.

2. Pledge of Allegiance to the Flag.

3. Roll Call.

Present for the Plan Commission were Acting Chairman Broque Backal, Members Beth Verdun, Eileen Crement, and Lynn McGary. Present on behalf of the Village of Homer Glen was the Assistant Director of Planning and Zoning, Kyle McGinnis. The minutes were recorded and transcribed by Candace Rose.

4. Public Comment.

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

5. Minutes.

February 15, 2018

A motion to approve minutes from January 19, 2018 was made by Member McGary, seconded by Member Verdun. Voice vote taken, all in favor, none opposed. *Motion Carried.*

Kyle McGinnis swears in persons wishing to speak at tonight's meeting.

6. New Business.

- a) **HG-1804-V, Sharon Bretl-Marrin (*Public Hearing*): To consider a request for: (1) a Variance to reduce the minimum required lot frontage and width for the subject property from three hundred thirty (330) feet to two hundred seventy-nine (279) feet; (2) a Variance to reduce the minimum required lot area for the subject property from ten (10) acres to five (5) acres; (3) a Variance to reduce the required side yard setback for agricultural structures located on the subject property from one hundred (100) feet to two (2) feet; and (4) a Variance to reduce the required front yard setback for the residential structure located on the subject property from seventy-seven (77) feet to thirty-six (36) feet for certain real property located in the A-1 Agricultural District at 15000 S. Will Cook Road in Homer Glen, Illinois.**

The applicant, Sharon Bretl-Marrin, purchased the subject property with her husband, Kurt Marrin, in 1996. At the time, the property fell under the Zoning regulations of Will County. In 2001, the Village of Homer Glen was incorporated and the property became subject to the Village's regulations for the A-1 Agricultural Zoning District, thereby creating multiple legal non-conformities on the parcel due to its shape, size and overall layout. Despite the presence of these legal non-conformities,

the applicants had not proposed any changes to the property or their home until late 2017, so the legal non-conformities were not made evident until relatively recently.

The legal non-conformities associated with the subject property vary by type. Two of the four legal non-conformities pertain to the bulk requirements of the subject property given its current Zoning District designation, A-1 Agricultural. The remaining two pertain to the structural requirements for this Zoning District. Each of these legal non-conformities, described below, must receive a Variance in order for the property owners to remodel and build an addition to their existing single-family home in the coming months.

The first of the four Variances requested concerns the subject property's existing lot frontage and width. At two hundred seventy-nine (279) feet along the front property line, the subject property does not meet the minimum required lot frontage and width requirement of three hundred thirty (330) feet for properties zoned A-1 Agricultural [§220-502F(2) (A-1 Agricultural District) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen]. This legal non-conformity is a result of a parcel of land being zoned inaccurately at the time of its annexation into the Village of Homer Glen in 2001.

The second of the four Variances requested concerns the subject property's existing lot area. At approximately five (5) acres in area, the subject property does not meet the minimum required lot area of ten (10) acres for properties zoned A-1 Agricultural [§220-502F(1) (A-1 Agricultural District) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen]. This legal non-conformity is also a result of a parcel of land being zoned inaccurately at the time of its annexation.

The third of the four Variances requested concerns the agricultural structures, cold frames, located along the property's southern lot line. Cold frames are a temporary structure used for several months of the year in order to protect young plants from adverse weather while trapping warmth from the sun within, thereby elongating the growing season. The cold frames located on the subject property are used in association with Bret-Mar Landscape, Inc., a landscape design business owned and operated by the property owners on the subject property, and are typically used for ten (10) weeks each year. These temporary agricultural structures are otherwise not in use on the subject property the remainder of the year.

Agricultural structures located in the A-1 Agricultural District are required to maintain a one hundred (100) foot side yard setback, regardless of whether they are of a temporary nature or not [§220-502F(4) (A-1 Agricultural District) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen]. Because the cold frames are not included on the property's Plat of Survey (*Attachment 3*) and the Village is not capable of physically determining property lines, staff utilized the Will County GIS Data Viewer to measure the distance of these structures from the subject property's southern side property line, which determined that the cold frames stand between three (3) and four (4) feet from this property line. The Variance requested for a two (2) foot setback from the side property line is to compensate for any inaccuracy produced as a result of utilizing the Will County GIS Data Viewer in order to measure this distance.

The final of the four Variances requested concerns the single-family home located on the subject property, specifically in regards to its proximity to the front property line along S. Will Cook Road.

At approximately thirty-six (36) feet from the front property line, the existing single-family home does not meet the required seventy-seven (77) foot front yard setback for properties located along dedicated right-of-ways [§220-502F(3) (A-1 Agricultural District) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen]. The home was built long before the existence of the Village and therefore would not have been built to the current Zoning regulations, resulting in a legal non-conformity upon the Village's incorporation in 2001.

During staff's review of the applicant's requests, it was determined that the submitted Plat of Survey does not represent the property lines as they currently exist, which was confirmed by both the Will County GIS Data Viewer and the Will County Tax Assessment Map dated June 20, 2017. Rather than require that the applicant spend the time and money to have a professional surveyor produce an updated Plat of Survey, Village staff elected to use multiple software programs in order to accurately determine the setback of the single-family home from the true front property line. This was done by overlaying the Will County Tax Assessment Map produced in 2017 with the provided Plat of Survey, the scale of which was then calibrated in order to accurately measure the distance between the home and the property line in question. This value, approximately thirty (36) feet, was then verified using the Will County GIS Data Viewer.

Mr. Kurt Marrin states that he bought the property with all the current structures as it is and that they are trying to up-date everything and make it legal.

A motion to open the public hearing in Case No. HG-1804-V was made by Member Crement, seconded by Member Verdun. Voice vote taken, all in favor, none opposed. Motion Carried.

Acting Chairman Backal calls for questions from the audience.

James Mitidiero states that he is a neighbor of the Marrin's to the west and originally he was going to object to the request tonight. But after speaking with Mr. McGinnis and understanding the plans his mind was put at ease about the project and he has no objections at all.

Acting Chairman Backal calls for further questions 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-1804-V was made by Member McGary, seconded by Member Crement. Voice vote taken, all in favor, none opposed. Motion Carried.

Member Verdun asks why the discrepancy on the original survey from 1996 does not represent the property line as it currently exists. Mr. McGinnis states that the property owner went to Will County to try to rectify the discrepancy but they were not able to help. He states that the overlays presented tonight are using Will County data.

Member Verdun asks if we allow this tonight using this data will the approval be null and void if they do not get a new plat. Mr. McGinnis states that in his discussions with Mr. Gadde if the overlays we are using tonight are those that are from the tax records it is all the petitioner needs.

Member Crement asks if the Village requires the petitioner to get a new plat what will be the ramifications to the petitioner. Mrs. Marrin states that Will County has insisted that the plat is correct as it is and that their map is correct. Will County was very clear that their data was correct.

Member Verdun states that they have said they will be putting on an addition, however, there are no plans or drawings provided. What are the plans? Mrs. Marrin state that they will be adding onto to the side of the current structure.

Acting Chairman Backal states that the planned improvements show a strong commitment of the owner to making the site beautiful.

A motion to adopt staff's findings as the findings of the Plan Commission and to recommend approval of: (1) a Variance to reduce the minimum required lot frontage and width for the subject property from three hundred thirty (330) feet to two hundred seventy-nine (279) feet [§220-502 (A-1 Agricultural District) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen]; (2) a Variance to reduce the minimum required lot area for the subject property from ten (10) acres to five (5) acres [§220-502 (A-1 Agricultural District) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen]; (3) a Variance to reduce the required side yard setback for agricultural structures located on the subject property from one hundred (100) feet to two (2) feet [§220-502 (A-1 Agricultural District) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen]; (4) and a Variance to reduce the required front yard setback for the residential structure located on the subject property from seventy-seven (77) feet to thirty-six (36) feet [§220-502 (A-1 Agricultural District) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen] for certain real property located in the A-1 Agricultural District at 15000 S. Will Cook Road in Homer Glen, Illinois was made by Member Verdun, seconded by Member Crement. Roll call vote take. In favor (4) McGary, Verdun, Crement, Backal. Opposed (0) none. Absent (3) Mitchell, O'Donnell, Kozor. *Motion Carried.*

Mr. McGinnis states that this case will appear before the Village Board on March 14, 2018.

- b) **HG-1805-S, Eileen Ouimette (Public Hearing): To consider a request for approval of a Special Use for Indoor Recreation and Entertainment (Other Than Schools) in the C-2 Local Business District for certain real property at 15738 S. Bell Road, Homer Glen, Illinois.**

Mr. McGinnis explains that the applicant is Eileen Ouimette, owner of We (Oui) Escape, and she has requested a Special Use Permit in order to locate an Indoor Recreational business within Homer Glen's Bell Tower Plaza, a C-2 Local Business District. The proposed business and experience, We Escape, will feature an "escape room," a type of game in which participants must discover and solve a number of puzzles or riddles hidden throughout the room, thereby progressing the experience's story in order to escape from the room before time runs out. Indoor Recreation is a Special Use in most Commercial Districts, making this area suitable for such a use. Additionally, We Escape will be the first "escape room" to locate itself within the Village, bringing a unique experience to the Bell Tower Plaza and the Village as a whole.

The petitioner, Mrs. Ouimette states that she wants to bring the interactive game to the Village for groups in order to promote team work. It will be a great way for businesses to encourage team effort for their employees. They are planning on having three rooms in order to target different age groups. There will be a room for the younger audience and they hope to book birthday parties and such. Then

they will have a room geared more to the teenager/young adult audience and finally a room for the adult gamers.

Acting Chairman Backal asks if they will be having food or drinks. Mrs. Ouimette states that there will be no food or drinks, only the interactive game.

A motion to open the public hearing in Case No. HG-1805-S was made by Member McGary, seconded by Member Verdun. Voice vote taken, all in favor, none opposed. *Motion Carried.*

Acting Chairman Backal calls for 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 in Case No. HG-1805-S was made by Member McGary, seconded by Member Crement. Voice vote taken, all in favor, none opposed. *Motion Carried.*

Member McGary states that she thinks this will be a great addition to the Village and hopes they will be very successful. Member Crement and Acting Chairman Backal agree.

Member Verdun asks how many rooms, how many people will be allowed per room, what will be the hours of operation, and the days they will be open. Mrs. Ouimette states 3-rooms, each will hold 12 to 15 people, and they will be open mainly on weekends but also some evenings maybe from 6 until 10. This will be mostly Friday night, Saturday and Sunday. Saturday and Sunday she is thinking they will be open from noon until 10.

A motion to adopt staff's findings as the findings of the Plan Commission and to recommend approval a Special Use for Indoor Recreation and Entertainment (Other Than Schools) in the C-2 Local Business District [Attachment 2, Table 2A (Permitted and Special Uses for Nonresidential Districts) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen] for certain real property at 15738 S. Bell Road, Homer Glen, Illinois was made by Member McGary, seconded by Member Verdun. Roll call vote taken. In favor (4) McGary, Verdun, Crement, Backal. Opposed (0) none. Absent (3) Mitchell, O'Donnell, Kozor. *Motion Carried.*

Mr. McGinnis states that this case will appear before the Village Board on March 14, 2018.

- b) **HG-1807-V, 14003 W. Erin Lane (Public Hearing): To consider a request for: (1) a Variance to increase the maximum permitted square footage of accessory structures located on the subject property from six hundred fifty (650) square feet to one thousand four hundred seventy (1,470) square feet; and (2) a Variance to increase the maximum gross width of driveways located on the subject property from twenty-eight (28) feet to fifty (50) feet for certain real property located in the R-4 Single-Family Residential District at 14003 W. Erin Lane, Homer Glen, Illinois.**

Kyle McGinnis explains that the subject property's mailing address, 14003 W. Erin Lane, is associated with Lot 280 of the Erin Hills Subdivision; however, the applicant, Jerry Sullivan, consolidated Lot 280 and the adjacent parcel to the west, Lot 279, in 2015 as approved by Ordinance No. 15-044. The consolidated property is located in the southeast corner of the Erin Hills Subdivision and directly borders the neighborhood's designated Stormwater Detention area, as well as a multi-

use path. Following the approval of the consolidation of Lots 279 and 280 in 2015, the applicant applied for several permits, including permits for an in-ground swimming pool, a deck, and a fence. Ultimately, the applicant would like for the property to also feature a large paver patio, a covered porch, and a detached garage, as notified on the site's proposed grading plan

In late 2017, the applicant submitted a permit for the detached garage and pool house proposed for the west side of the consolidated property, on what was previously Lot 279. As staff began their review of the permit, it was determined that the proposed structure was too large and exceeded the maximum square footage of accessory structures permitted for properties zoned R-4 Single-family Residential. Per Code, properties zoned R-4 Single-family Residential are permitted six hundred fifty (650) square feet of accessory structure area per lot of Chapter 220 (Zoning) of the Code of the Village of Homer Glen]; however, because this property is the combination of two parcels consolidated into one, staff decided that it would be appropriate to double the amount of accessory structure square footage permitted on the subject property to one thousand three hundred (1,300) square feet. Despite this additional allowance, the applicant's proposed nine hundred eleven (911) square foot detached garage and pool house would place the subject property nearly one hundred seventy (170) square feet over the permitted accessory structure square footage for this lot due to the existing in-ground swimming pool, the square footage of which is included within the accessory structure square footage calculation.

Please note that Building Official Joe Baber determined the proposed detached garage will not be eight hundred (800) square feet in area, as stated on the Impervious Lot Coverage table included on the proposed grading plan, but will instead be nine hundred eleven (911) square feet.

Kyle McGinnis further explained that in association with the detached garage and pool house, the applicant has also proposed a secondary driveway on what was previously Lot 279. Although the proposed grading plan depicts this driveway at approximately twelve (12) feet across at the property line, the applicant has voiced interest in increasing this width to twenty-two (22) feet at the property line in order to more easily accommodate for vehicles entering, parking on and leaving the property via this point of access.

Per Code, all residential lots are permitted a driveway not to exceed twenty-eight (28) feet across at the property line, or fourteen (14) feet across for each point of intersection with the property line for circle drives [§220-614A(7) (Other residential standards) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen]. The existing driveway, which is located on what was previously Lot 280, is approximately twenty-seven (27) feet across at the east property line, only one (1) foot less than what is typically permitted for properties zoned R-4 Single-family Residential, thereby necessitating a second Variance to increase the maximum gross width of driveways from twenty-eight (28) feet to fifty (50) feet. Despite this increase in Lot Coverage and Impervious Surface Coverage from those values listed on the proposed grading plan, the applicant remains well below the maximum Lot and Impervious Surface Coverage limits of forty (40) percent, with the proposed finalized development of the subject property covering only approximately thirty-four (34) percent of the parcel.

Member Crement states that she would like to disclose that she personally knows the petitioner and lives near this property. In addition, other family members also live near this property. If anyone

believes that her opinions, or vote, on this issue will present a conflict of interest she will excuse herself. No one present feels that this would create a conflict of interest.

The Petitioner, Mr. Jerry Sullivan, is present tonight to answer any questions and address any comments. He states that he started 3 years ago consolidating the lots. When he finally drew up his plans and brought them to the Village he found out that his plans for everything was too large and now he is here to ask for the variances so he can continue with his plans.

Mr. McGinnis explains that this was previously agreed upon by the previous Village Director of Planning and Zoning, Mike Schwartz, however there was no written record of the agreement. In and R-4 District, a lot would allow a 650-sq. ft. accessory structure and since this is 2-lots that would be 1300 sq. ft. The petitioner is asking for 1470 sq. ft. but that also includes the pool.

Mr. Sullivan states that it is a 2-story garage with a walk out to the pool. The grade of the property made it impossible for him to attach the garage. He then needed a second driveway from this garage to Erin Drive.

A motion to open the public hearing in Case No. HG-1807-V was made by Member Verdun, seconded by Member McGary. Voice vote taken, all in favor, none opposed. *Motion Carried.*

Acting Chairman Backal calls for 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 in Case No. HG-1807-V was made by Member Crement, seconded by Member McGary. Voice vote taken, all in favor, none opposed. *Motion Carried.*

Member Verdun asks how wide the building will be. Mr. Sullivan states it will be 33-ft. Member Verdun asks why he needs a fifty foot driveway. Mr. Sullivan states that 50-ft is the width of both driveways.

Member Crement asks about the sidewalk in front of the building. Mr. Sullivan states that they will be putting the sidewalk in as soon as the heavy equipment is done in that area.

Member Crement asks if they will be using the same fencing as currently exists on the first lot. Mr. Sullivan states that yes, the same fence will go from the side, across the back of the lot, tie into the garage and then come back to the house.

Member McGary asks if all of the neighbors in the proper radius were notified. Mr. McGinnis states that all the neighbor received notification. Member McGary states that she did not see the public hearing sign on the property. Mr. Sullivan assures her that the sign is present on the property.

Acting Chairman Backal states that this looks like some beautiful plans and he thinks the project will be wonderful.

Member Verdun states that if the petitioner reduced the size of his plans then there would be no need for a variance request. Mr. McGinnis agrees, however, he explains that because of previous conversations with staff Mr. Sullivan proceeded in this manner. The Village had no official record

of those conversations and in an effort to help we decided that because it was actually 2-lots we would allow him double the allowed size for both the garage and the driveway.

A motion to adopt staff's findings as the findings of the Plan Commission and to recommend approval of: **(1)** a Variance to increase the maximum permitted square footage of accessory structures located on the subject property from six hundred fifty (650) square feet to one thousand four hundred seventy (1,470) square feet [Attachment 1, Table 1B (Site and Structure Bulk Requirements for Residential Districts) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen]; and **(2)** a Variance to increase the maximum gross width of driveways located on the subject property from twenty-eight (28) feet to fifty (50) feet [§220-614 (Other residential standards) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen] for certain real property located in the R-4 Single-Family Residential District at 14003 W. Erin Lane, Homer Glen, Illinois was made by Member Verdun, seconded by Member McGary. Roll call vote take. In favor (4) McGary, Verdun, Crement, Backal. Opposed (0) none. Absent (3) Mitchell, O'Donnell, Kozor. *Motion Carried.*

This case will be on the February 28, 2018 Village Board meeting.

7. Reports of Plan Commissioners and Staff.

Staff has no report tonight.

Member Verdun asks if people come in often with requests similar to the last case. Mr. McGinnis states that it does happen but it is not the rule.

8. Adjourn.

Motion to adjourn at 8:08 was made by Member McGary, seconded by Member Crement. Voice vote taken, all in favor, none opposed. *Motion Carried.*

Respectfully Submitted: Candace Rose

Approved (Date):

3-1-2018

Acting Chairman Backal:

