

# Plan Commission

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Minutes of the Meeting on  
June 14, 2018

**Village of Homer Glen  
14240 W 151<sup>st</sup> Street, Homer Glen, IL 60491  
Community Room**

**1. Call to Order.**

The meeting was called to order at 7:00 p.m. by Chairman Mitchell.

**2. Pledge of Allegiance to the Flag.**

Director of Planning and Zoning Vijay Gadde swore in new Plan Commissioner Jerry Young.

**3. Roll Call.**

Members present at 7:00 p.m. were Chairman Don Mitchell, Member Beth Verdun, Member Jerry Young, Member Lynn McGary, and Member Bryan Kozor.

Also present were Director of Planning and Zoning Vijay Gadde and Assistant Planner Kyle McGinnis.

**4. Public Comment.**

None.

**5. Minutes.**

## a) May 3, 2018

Chairman Mitchell stated that the minutes from the May 3, 2018 Plan Commission meeting were being presented for approval. Member McGary made a motion to approve the minutes from the May 3, 2018 meeting as amended (add "assuming no permission is granted" to the last line of paragraph 2 under item 7); seconded by Member Kozor. The motion passed unanimously.

Director of Planning and Zoning Gadde swore in persons in attendance who intended to speak during the meeting's public hearings.

**6. New Business.**

- a) **HG-1814-S, 14630 S. Lemont Road (*Public Hearing*):** Consideration of a Major Change to the PUD Ordinance 03-032 to allow additional living quarters for clergy associated with the temple located at 14630 S. Lemont Road, Homer Glen, Illinois.

Planning and Zoning Director Gadde explained that the subject property, the Hindu temple, was originally approved as a Planned Unit Development (PUD) in 2003 through Ordinance No. 03-032. This approval included the existing living quarters for clergy as an accessory building to the temple. Now, the applicant is proposing a second living quarters, immediately to the south of the existing building.

Major changes to the PUD may be approved only by submission and reconsideration of a new site plan and supporting data. The plans are reviewed per the requirements of §220-905 (PUD Development Standards) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen.

The preliminary site plans appear to comply with the site development requirements in the Zoning Code, including the site design criteria, parking, landscaping, sign regulations and lighting, with exception of the separation between the existing and proposed living quarters. The applicant is proposing to add five new trees as part of the perimeter landscaping.

Mr. Firmin Senga from Senga Architects was present, representing the applicants. He stated that this new building will be three (3) floors, with the uppermost floor acting as living quarters for the priest and the lower floors dedicated for multi-purpose classrooms, study rooms and guest rooms.

A motion to open the public hearing in Case No. HG-1814-S was made by Member Verdun, seconded by Member McGary. Voice vote taken, all in favor, none opposed. Motion carried.

Chairman Mitchell called for questions or comments from the public.

Ms. A Alcala from 15428 W. 147<sup>th</sup> Street questioned if anything will be done to alter the pond or the flow of water to and from the pond as it drains into her property and she does not want the drainage to increase. Mr. Senga stated that nothing will change as far as drainage to her property. Chairman Mitchell assured her that the Village of Homer Glen Building Department will review the proposals to ensure issues do not arise. He suggested that she stay in touch with Building Official Joe Baber.

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

A motion to close the public hearing in Case No. HG-1814-S was made by Member Verdun, seconded by Member McGary. Voice vote taken, all in favor, none opposed. Motion carried.

Chairman Mitchell asked what the separation between the existing building and the new building will be. Mr. Senga stated that it is about fifteen (15) feet.

Member Verdun asked how many residents are in the existing building. Mr. Senga stated that there are three (3). Member Verdun asked if that will increase. No, the new

building will be for guests, with multi-purpose rooms on the lower to floors and a resident priest on the upper floor.

Chairman Mitchell asked if there will be permanent clergy in the new building. Mr. Senga stated that they are expecting there to only be one (1) priest living there.

Member Verdun asked if and how the two buildings will be connected, will there be a sidewalk? Mr. Senga stated that they will be so close to each other that a formal sidewalk will not be necessary. There will be ample walking space on either side of the driveway leading to both building for walking.

Chairman Mitchell suggested adding a formal walkway before presenting to the Village Board. He asked what they use as their main entrance. Mr. Senga stated that they use the entrance off S. Lemont Road as the main entry and exit point.

Member Young asked when the gate at W. 147<sup>th</sup> Street is closed. Mr. Senga stated that it is always closed. The entrance on W. 147<sup>th</sup> Street is never used.

Member McGary asked if there will be full time residents in both buildings. Mr. Senga stated there will be one (1) person living in each building full-time.

Member Kozor asked why the buildings are so close to each other. Mr. Senga stated that because of the required fifty (50) foot setback, the building cannot be located closer to the property line along W. 147<sup>th</sup> Street.

Member McGary made a motion to adopt staff's findings as the findings of the Plan Commission and to recommend approval of a Major Change to the PUD Ordinance 03-032 to construct additional living quarters for clergy associated with the temple located at 14630 S. Lemont Road, Homer Glen, Illinois.

The motion was seconded by Member Kozor. Roll call was taken. In favor (5) Member Young, Verdun, Kozor, McGary, and Chairman Mitchell. Opposed (0) none. Absent (2) O'Donnell, Backal. Abstain (0) none. The motion was passed.

- b) HG-1815-PSV, 16545 S. Hidden Cove Court (*Public Hearing*):** Consideration of:
- (1) a Preliminary and Final Plat for the consolidation of Lots 7 and 8 of the Hidden Cove at Spaniel Lake West subdivision;
  - (2) Variances, including (a) a Variance to increase the maximum permitted gross width of driveways located on the subject property from twenty-eight (28) feet to forty-eight (48) feet, (b) a Variance to reduce the required side yard setback for the proposed accessory structure from twenty (20) feet to ten (10) feet, (c) a Variance to increase the maximum permitted gross area of accessory structures from eight hundred (800) square feet to two thousand six hundred eighty-two (2,682) square feet, (d) a Variance to increase the maximum permitted height of the proposed accessory structure from fifteen (15) feet to seventeen (17) feet, and (e) a Variance to

increase the maximum permitted number of garage bays facing the public right-of-way from three (3) bays to five (5) bays; and

**(3) Special Use Permit** to permit an in-ground swimming pool and associated pool house in the side yard of the subject property for certain real property located in the R-2 Single-Family Residential District at 16545 S. Hidden Cove Court, Homer Glen, Illinois.

Assistant Planner McGinnis explained that the applicant, Matthew Ebert, owns and lives on the subject property at 16545 S. Hidden Cove Court. This property is considered Lot 8 of the Hidden Cove at Spaniel Lake West subdivision, near the intersection of W. 167<sup>th</sup> Street and S. Will Cook Road. The applicant also owns Lot 7 of this subdivision, a vacant lot which borders the north boundary of Lot 8. Of the applicant's varying requests, the first is to consolidate Lots 7 and 8 into a single parcel.

In addition to this consolidation, the applicant has applied for multiple Variances and a Special Use Permit, which will be described below in greater detail. A Utility & Geometric Plan depicts a large conservation easement that overlays the majority of both properties in relation to the site's existing conditions and proposed changes.

In early 2018, the Plan Commission and Village Board reviewed and approved a similar set of requests for the applicant Jerry Sullivan (HG-1807-V), who resides at 14003 W. Erin Lane in the Erin Hills subdivision. Mr. Sullivan had requested several Variances in order to build a large combined detached garage and pool house as well as an associated secondary driveway on his property, which consisted of two lots previously consolidated.

Per Code, properties zoned R-2 Single-Family Residential are permitted up to eight hundred (800) square feet of area for all accessory structures. Because Lots 7 and 8 have been proposed for consolidation, Village staff would be able to administratively approve doubling this allowance to one thousand six hundred (1,600) square feet; however, the applicant's proposal includes a single two thousand six hundred eighty-two (2,682) square foot combined detached garage and pool house. This would require the issuance of a Variance.

Please note that this request is similar to a request made as part of HG-1807-V, in which Mr. Sullivan sought a Variance to construct an accessory structure larger than what would have been administratively approved following the consolidation of his properties into a single parcel. In addition, under different circumstances, a full single-family home could have been developed on Lot 7. If all of Mr. Ebert's requests are granted approval, the total impervious surface coverage for the newly consolidated lot would only reach twenty two thousand five hundred eight (22,508) square feet, or approximately twenty three (23) percent of the consolidated lot's total area of ninety six thousand four hundred forty-five (96,445) square feet. For reference, properties zoned R-2 Single-Family Residential are limited to a maximum impervious surface coverage of thirty (30) percent [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]; however, due to the conservation easement, further development beyond the scope of the applicant's current proposals will be exceptionally limited.

Per Code, accessory structures located in the R-2 Single-Family Residential District are not permitted to exceed a height of fifteen (15) feet<sup>1</sup> [Table 1B (Site and Structure Bulk Requirements for Residential Districts) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen]. The applicant has requested a Variance in order to construct the proposed accessory structure at eighteen (18) feet.

Per Code, properties zoned R-2 Single-Family Residential may have up to three (3) garage bays facing the right-of-way; any additional garage bays must be side-loaded in orientation [§220-614A(6) (Garages) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen]. The applicant has proposed three (3) additional garage bays facing the right-of-way as part of the proposed accessory structure. These three (3) proposed garage bays will be in addition to two (2) existing garage bays, attached to the existing dwelling, that face the right-of-way, thereby increasing the proposed number of garage bays facing the right-of-way to five (5) and requiring a Variance.

Per Code, swimming pools located in residential zones are only permitted in a property's side yard after the issuance of a Special Use Permit in cases of extreme hardship [§220-807 (Permitted obstructions in yards) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen]. Due to the conservation easement, it would be impossible for the applicant to locate a swimming pool – or any structure for that matter – to the rear of the home as this land is not usable per the conditions of the easement. The applicant has therefore elected to make use of the buildable space that will exist in the side yard following consolidation by applying for a Special Use Permit. Because the accessory structure will be used in association with the pool, it has been included as part of the Special Use Permit.

Attorney Mark Kehoskie, the architect, Gabe Garcia, and the property owner, Matthew Ebert were present to answer questions.

A motion to open the public hearing in Case No. HG1815-PSV was made by Member Kozor, seconded by Member Young. Voice vote taken, all in favor, none opposed. Motion passed.

Chairman Mitchell called for questions or comments from the public.

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<sup>1</sup> Height is measured as the average of the distances measured from grade to the eave and grade to the ridge of a pitched roof.

Assistant Planner McGinnis asked that comments/concerns sent to him via e-mail from the Home Owners Association be entered into the record. They are as such:

“Thank you for sending me the proposed plans. After reviewing the proposed plans here are our concerns:

- A. We are concerned because it was our understanding, per by the bylaws, that there was to be a house on every lot with a minimum price level and square footage requirements.
- B. Accessory structure is way beyond allowed size and price level, and would not meet guidelines per the bylaws.
- C. How are we to make sure that going forward that there are not more exceptions to the existing by laws.
- D. We are concerned that changing the side yard variance will result in the home on lot 6 being too close and deter further growth in area.
- E. We are concerned over the Curb Appeal since we are uncertain about fencing off of the street (type & height of fencing).
- F. We are concerned about the Village guidelines for maintaining the grounds
- G. The association fees are split between all the existing lots. They would need to pay for two lots.”

Mr. Alan Goldfarb from the Hidden Cove Home Owners Association asked if the plans he sees before him tonight will be what they can expect to see when the job is completed.

Chairman Mitchell stated that covenant law is different than Village law. The covenant issues would not be discussed by the Plan Commission, but the comments will be reflected in the minutes. He understands that covenant laws are very difficult to overturn because every owner must sign an agreement to abide by the laws when they purchase their home. He suggested that Mr. Ebert meet with his HOA and keep them informed throughout the process.

Chairman Mitchell called for further questions or comments from the public. Hearing none he called for a motion to close the public hearing.

A motion to close the public hearing in Case No. HG1816-PSV was made by Member Young, seconded by Member McGary. Voice vote taken, all in favor, none opposed. Motion passed.

Member Kozor asked if this accessory structure will have living quarters in it. Assistant Planner McGinnis stated that secondary detached living quarters are not permitted in this zoning district.

Mr. Ebert added that he does not have any living space or plans for living space in his pool house.

Member Kozor asked what the restrictions are for the conservation easement. Assistant Planner McGinnis explained that nothing can be built upon easement, including fences and sheds. It must be left untouched and in its natural state.

Member Young asked about the berm that Mr. Ebert is planning building. Mr. Ebert stated that he will be putting in a berm about five (5) feet above the grade of the road.

Chairman Mitchell asked Mr. Ebert to consider shifting the proposed structures closer towards the existing house in order to increase the setback from Lot 6. Member McGary stated that because so much of the property is in the conservation easement, he has little choice in the placement of these structures. Mr. Ebert agreed that he could move the plans closer to the home and lose some of the patio space he has planned. Chairman Mitchell supported amending the plans prior to presenting them to the Village Board.

Chairman Mitchell asked why they are requesting the height variance. Mr. Ebert stated that they wanted the accessory structure to look as much like the house's architecture as possible, so they added the gables and structured the roof to mimic the home, which increased the height.

Chairman Mitchell reiterated the need for Mr. and Mrs. Ebert to meet with the HOA before they begin construction and to satisfy any issues they may have with the project. He stated that it would be best to have a written agreement prior to going before the Village Board.

Member Young made a motion to adopt staff's findings as the findings of the Plan Commission and to recommend approval of:

- (1) A Preliminary and Final Plat for the consolidation of Lots 7 and 8 of the Hidden Cove at Spaniel Lake West subdivision;
- (2) Variances, including
  - (a) A Variance to increase the maximum permitted gross width of driveways located on the subject property from twenty-eight (28) feet to forty-eight (48) feet,
  - (b) A Variance to reduce the required side yard setback for the proposed accessory structure from twenty (20) feet to ten (10) feet,



- (c) A Variance to increase the maximum permitted gross area of accessory structures from eight hundred (800) square feet to two thousand six hundred eighty-two (2,682) square feet,
  - (d) A Variance to increase the maximum permitted height of the proposed accessory structure from fifteen (15) feet to eighteen (18) feet, and
  - (e) A Variance to increase the maximum permitted number of garage bays facing the public right-of-way from three (3) bays to five (5) bays; and
- (3) A Special Use Permit to permit an in-ground swimming pool and associated pool house in the side yard of the subject property for certain real property located in the R-2 Single-Family Residential District at 16545 S. Hidden Cove Court, Homer Glen, Illinois.

The motion was seconded by Member McGary. Roll call was taken. In favor (5) Member Young, Verdun, Kozor, McGary, and Chairman Mitchell. Opposed (0) none. Absent (2) O'Donnell, Backal. Abstain (0) none. The motion was passed.

Assistant Planner McGinnis stated that due to an emergency at work the next applicant had been delayed. Chairman Mitchell called for a motion to amend the agenda to discuss item 7 before item 6.c in order to give the next applicant time to arrive.

A motion to amend the agenda to discuss Commissioner/staff reports before Item 6.c was made by Member McGary, seconded by Member Young. Voice vote taken, all in favor, none opposed. Motion passed.

## **7. Reports of Plan Commissioners and Staff (includes Old Business).**

There were no report by the Plan Commissioners.

Director Gadde stated that the Plan Commission meeting for June 21, 2018 had been canceled. At the July 5, 2018 Plan Commission meeting, there will be a case for the Crystal Creek Subdivision for a home to be built on Carrol Drive. He also stated that on June 19, 2018 there will be a concept plan presented at 6:00 p.m. for the townhouse development on 159th Street, which the Plan Commission discussed at the May 3, 2018 meeting. The Plan Commissioners are welcome to attend, but he asked them to be certain not to sit together in a group.

- c) **HG-1816-V, 16125 S. Parker Road (*Public Hearing*):** Consideration of (1) a Variance to reduce the minimum lot area of the subject property from ten (10) acres to three (3) acres; (2) a Variance to reduce the minimum lot width of the subject property from three hundred thirty (330) feet to one hundred thirty-two (132) feet; and (3) a Variance to reduce the minimum side yard setback for the proposed detached garage

from fifty (50) feet to twenty (20) feet, for certain real property located in the A-1 Agricultural District at 16125 S. Parker Road, Homer Glen, Illinois.

Assistant Planner Kyle McGinnis explained that the applicant, Brian D. LaGiglia, owns the subject property located at 16125 S. Parker Road. The subject property is zoned A-1 Agricultural, but is currently used for residential purposes in the form of a single-family home. The A-1 Agricultural District is held to large lot requirements in comparison to those typically required of residential zones, including:

- (1) Must have a minimum area of at least ten (10) acres; and
- (2) Must have a minimum lot width/frontage of at least three hundred thirty (330) feet [§220-502 (A-1 Agricultural District) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen].

In addition, structures on properties zoned A-1 Agricultural are required to maintain comparatively large setbacks, including:

- (1) Must be at least one hundred (100) feet from the center line of non-dedicated roads and seventy-seven (77) feet from the front lot line on dedicated roads;
- (2) Must be at least fifty (50) feet from the side property lines for residential structures, or at least one hundred (100) feet from the side property lines for agricultural structures;
- (3) Must be at least fifty (50) feet from the rear property line(s) for residential structures, at least one hundred (100) feet from the rear property line(s) for agricultural structures, or at least ten (10) feet from the rear property line(s) for freestanding accessory structures [§220-502 (A-1 Agricultural District) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen].

Assistant Planner McGinnis explained that this is another case of a legal non-conforming property created before the Village incorporated in 2001 and that the owner wants to bring it into conformance.

Mr. LaGiglia explained that he has no garage currently and would like to add one.

A motion to open the public hearing in Case No. HG1816-V was made by Member Verdun, seconded by Member Kozor. Voice vote taken, all in favor, none opposed. Motion passed.

Chairman Mitchell asked if rezoning the property would eliminate the need for variances. Mr. LaGiglia stated that he does not want to rezone because he farms the rear two (2) acres of the property.

Chairman Mitchell called for question or comments from the public.

The owner of the property at 13440 W. Dokter Place wanted to know if Mr. LaGiglia was planning on continuing farming the back of the property. Mr. LaGiglia stated that he does intend to continue farming the property.

Chairman Mitchell called for further question or comments from the public. Hearing none, he called for a motion to close the public hearing

A motion to close the public hearing in Case No. HG1816-V was made by Member McGary, seconded by Member Verdun. Voice vote taken, all in favor, none opposed. Motion passed.

Member Jerry Young asked where the new driveway to the proposed structure will be located. Mr. LaGiglia stated it will come off of the current driveway.

Member Verdun made 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 lot area of the subject property from ten (10) acres to three (3) acres; **(2)** a Variance to reduce the minimum lot width of the subject property from three hundred thirty (330) feet to one hundred thirty-two (132) feet; and **(3)** a Variance to reduce the minimum side yard setback for the proposed detached garage from fifty (50) feet to twenty (20) feet [§220-502F (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 16125 S. Parker Road, Homer Glen, Illinois.

The motion was seconded by Member Kozor. Roll call was taken. In favor (5) Member Young, Verdun, Kozor, McGary, and Chairman Mitchell. Opposed (0) none. Absent (2) O'Donnell, Backal. Abstain (0) none. The motion was passed.

**7. Adjournment.**

Motion by Member McGary, seconded by Member Young to adjourn. The motion was passed. The meeting was adjourned at 8:30 p.m.

Respectfully Submitted: Candace Rose

Chairman Mitchell:                     *AA Mitchell*                    

Approved (Date):                     8-1-18