

MEETING MINUTES



**Village of Homewood
Planning and Zoning Commission
Thursday, June 28, 2018
7:30 p.m.**

**Village Hall Board Room
2020 Chestnut Road
Homewood, IL 60430**

CALL TO ORDER: Chairman Sierzega called the meeting of the Planning and Zoning Commission to order at 7:30 p.m.

ROLL CALL: Members Cap, Planera, O'Brien, Johnson and Chairman Sierzega were in attendance. Member Alfonso and Bransky were absent. Present from the Village was Economic and Community Development Director Angela Mesaros. There were four people in the audience.

APPROVAL OF MINUTES: Chairman Sierzega deferred the minutes of June 14, 2018, to the next meeting.

AYES: Members Cap, Planera, O'Brien, Johnson and Sierzega

NAYS: None

ABSTENTIONS: None

ABSENT: Members Alfonso and Bransky

Motion passed.

PUBLIC HEARING – CASE NO. 18-16:

Chairman Sierzega gave a brief description of Case 18-12, stating that the request is from Dr. John Farrell to rezone property from B-1 to R-3 at 18132 Martin Avenue. A legal notice was published in *Daily Southtown* on June 12, 2018 and letters were sent to properties within 250 ft. Staff Liaison Mesaros stated that no comments were received. An application for zoning map amendment; letter from petitioner, property tax overview, and plat of survey were included in the Commissioners' materials. Chairman Sierzega further stated that in February 2017, the Village approved a request from the petitioner, Dr. Farrell, for reclassification of the property located at 18132 Martin Avenue from R-3 Townhouse/Transition District to B-1 Central Business District zoning. Dr. Farrell has attempted to sell the property and originally thought that rezoning would make it more appealing to sell; however, taxes are too high on a commercial property and he would like to rezone back to R-3.

Chairman Sierzega swore in John Farrell, 18132 Martin Avenue, Homewood.

Dr. Farrell stated that he would like to rezone to residential and requested clarification on R-3 zoning, because he originally wanted to rezone out of R-3, due to his understanding that the structure had to be turned into townhomes/condos.

Staff Liaison Mesaros stated in order to prevent spot zoning and to be consistent with the Village's plans the property has to be an R-3 zoning district. One individual parcel cannot be

zoned. The adjacent properties and properties across the street are R-3, so the petitioner can rezone it back to R-3.

Dr. Farrell asked if the parcel is residential would that allow him to sell it to someone as a home. Staff Liaison Mesaros stated that the structure was originally built as a home; therefore the petitioner can use it as a home. If it were to be redeveloped it would have to be 2 or more units under R-3 zoning. It is an existing legal nonconforming use.

Dr. Farrell stated that he has tried to sell the property since he changed the zoning last year and had a number of people come through with no offers. The feedback from potential buyers is that the taxes are too high. He currently has three appeals with the County to lower the taxes, dating back to 2014. The property value is dropping, which can be seen as an undue hardship.

Member Cap stated that last year the commission went against the Comprehensive Plan that the Village adopted in 2005-2006 to change the zoning to B-1. Dr. Farrell stated that he was not aware that he could sell it as a residence last year. If he knew that he could sell it as a residence, he would not have asked to change it to B-1.

Member Planera had no questions

Member O'Brien asked the petitioner if he has tried to sell it as a single-family residence. Dr. Farrell stated that he has not, but has tried to sell it as a property that can be redeveloped as condos/apartments and then as a commercial property. Member O'Brien asked, if sold as a commercial property, would it be torn down and redeveloped. Dr. Farrell stated that he would sell it as is.

Member O'Brien asked why the petitioner did not discuss with the Economic and Community Development Director what he was looking to do before coming in front of the Commission. Dr. Farrell stated that he spoke with the previous Economic and Development Director and his understanding of R-3 (apartments/condos) came from the previous Director.

Member Johnson asked if the petitioner sold the property as a single-family dwelling how difficult it would be to sell or will the property be sold as is and have the buyer live in it as a single-family. Dr. Farrell stated that he has someone in the audience that would like to purchase it.

Chairman Sierzega swore in Patrick Clark, 1713 171st St, Tinley Park.

Mr. Clark stated that his understanding of residential zoning is that he could use the property as a single-family home and asked that if it is an R-3 would he be able to flip it or, in a few years, demolish it and turn it into a mixed-used building. Staff Liaison Mesaros stated that R-3 district is a transition district; it does not allow commercial buildings as the current B-1 district, would allow. The taxes are structured as they are, because the parcel is currently used as commercial not because of the underlying zoning.

Staff Liaison Mesaros stated that the two choices that the petitioner has one (1) in the R-3 transitional townhome district, two units can be built on the property, or (2) B-1 commercial, where a mixed-use building could be built.

Chairman Sierzega asked if the petitioner would like the Commission to zone it back to R-3. Dr. Farrell stated that he does not have a problem moving forward.

Member Cap stated that if the zoning to revert back to R-3, a single-family residence would be a legal nonconforming use and asked Staff if something were to happen to the house or the next owner decides to renovate, could the future resident receive a building permit for a legal nonconforming structure. Staff Liaison Mesaros stated that the future owner can only receive a building permit to rebuild if the house does not have more than 50% damage. Otherwise, the building would have to be converted into two units.

Motion was made by Member Planera to recommend approval of a map amendment rezoning the property at 18132 Martin from B-1/DO Central Business District/Downtown Overlay to R-3 Townhouse/Transition District. The Findings of Fact shall be included as part of the record and recommendation to the Board of Trustees; seconded by Member Johnson.

AYES: Members Cap, Planera, O'Brien, Johnson and Sierzega

NAYS: None

ABSTENTIONS: None

ABSENT: Members Alfonso and Bransky

Motion passed.

PUBLIC HEARING – CASE NO. 18-17:

Chairman Sierzega gave a brief description of Case 18-17, stating that the request is for an administrative variance from Municipal Code Section 22-95(e) to construct a 6 foot high fence in the front yard at 2047 183rd Street from Jeffrey Bennett. A legal notice was published in the *Daily Southtown* on June 12, 2018. Staff Liaison Mesaros stated that there were no comments or concerns received from residents. Also included in the Commissioners' packets were the petitioner's application, Police Department reports, pictures of existing yard, and plat of survey with location of fence. The petitioner Jeffrey Bennett wishes to construct a six foot fence in the front side yard on the property at 2047 183rd Street, southwest corner of 183rd Street and Martin Avenue.

Chairman Sierzega swore in Jeffrey Bennett and Stephanie White, 2047 183rd Street, Homewood

Mr. Bennett stated the front balcony faces 183rd Street, so the 6 ft portion of the proposed fence would start 35 ft back from the street. The fence would be the front of Martin Ave and mirror what is directly across Martin Ave. Because the property is open, items have been stolen from the yard. The businesses in the area have become popular. Bar goers that are walking the alley way at night. The 6 ft fence would assist in protecting the property.

Chairman Sierzega asked about face material. Mr. Bennett stated that the material for the 6 ft portion would be pine, pressure treated solid panels. Mr. Bennett also stated that Staff was concerned with line of sight concern for the 4 ft fence. The distance from the street to his property is 9 ft and when a driver is at the corner stop sign the driver is still able to see 9 ft. on either side. The petitioner further stated that he has two big trees on 183rd and Martin Ave and would have no problem starting the fence behind the trees, which would give another 6 ft. From

183rd Street to the start of his 4 ft. fence would be a total of 15 ft. The 4 ft fence would be completely picketed, so the driver would be able to see through it.

Member Johnson asked Staff if there is a true threat of potential obstructed view from the 4 ft fence. Staff Liaison Mesaros stated that a 4 ft fence is permitted by Zoning so that portion is not under consideration for a variation; however, there were concerns from Department Heads regarding line of sight. The Village has an ordinance regarding line of sight that states that any permit has to be reviewed by the Village Engineer and Police Department.

Member Johnson asked how many feet the petitioner's house is to the sidewalk. Mr. Bennett stated 22.6 ft and 29.5 ft from Martin Ave sidewalk. The 6 ft fence would align with the start of the back porch.

Member O'Brien stated that the material given to the Commission stated that the 4 ft fence could create a blind spot at the intersection and the recommendation states that the petitioner should eliminate the 4 ft fence. The trees that are about 3 ft wide create more of an obstruction, because they go straight up, as opposed to a picket fence. Member O'Brien requested the reason for having a space between the two fences (the petitioner's and their neighbor's). Mr. Bennett stated that the void in the middle is for the property lines. He does not want to run his up to hers, and he likes the idea of having his own fence.

Discussion ensued led by Member Planera regarding the positioning of the fence. Mr. Bennett stated that as proposed the fence looks better and will force the public to stay off his property and on the sidewalk.

Member Planera expressed concern in regards to the line of sight. Staff Liaison Mesaros stated that the Village has a very specific sight line ordinance that the Village Engineer has to calculate and if the fence doesn't meet the Code, it will not be permitted.

Member Cap had no questions.

Discussion ensued led by Member Planera regarding the petitioner understanding line of sight and how to measure to better prepare the Village Engineer's visit. The Commission urged the petitioner to do his due diligence in regards to the abovementioned.

Mr. Bennett asked if he could get approval on both variances: for the 6 foot fence and the 4 foot fence. Staff Liaison Mesaros stated that this particular Commission is only considering the 6 ft portion, because the 4 ft fence does not need a variance.

Motion was made by Member Planera to approve Case 18-17 for a variance from Section 22.95 (e) of the Homewood Municipal Code to allow a fence six feet in height in the front side yard of the property located at 2047 183rd Street and incorporating the Findings of Fact into the record; seconded by Member Johnson.

AYES: Members Cap, Planera, O'Brien, Johnson and Sierzega

NAYS: None

ABSTENTIONS: None

ABSENT: Members Alfonso and Bransky

Motion passed.

NEW BUSINESS: None.

OLD BUSINESS: None.

ADJOURNMENT: Member Planera moved to adjourn the meeting at 8:45 p.m.; seconded by Member Cap. Motion passed by voice vote.

Respectfully submitted,

Angela Mesaros

Angela Mesaros
Staff Liaison