



**Village of Homewood
Planning and Zoning Commission
Thursday, January 26, 2017
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 7:36 p.m.

ROLL CALL: Members Bransky, Cap, O'Brien, Johnson, and Chairman Sierzega were in attendance. Members Alfonso and Planera were absent. Present from the Village was Village Manager Jim Marino. There were 19 people in the audience.

APPROVAL OF MINUTES: Chairman Sierzega asked if there were any corrections or changes to the minutes of November 10, 2016. Member Johnson stated that there was one correction on page 2; the time reads 11:00 am to 3:00 am the correct time is 11:00am to 3:00pm. Member Bransky made a motion to approve the minutes of November 10, 2017 as amended; seconded by Member Cap.

AYES: Members Bransky, Cap, and Johnson

NAYS: None

ABSTENTIONS: None

ABSENT: Members Alfonso and Planera

Motion passed

PUBLIC COMMENT: There were no comments.

REGULAR ORDER OF BUSINESS:

PUBLIC HEARING – CASE NO. 16-28: A request filed by Jeanne Kryszyn, 18656 Homewood –Variance from Chapter 22 of the Municipal Code to permit a handicapped accessible ramp no closer than ten feet from the front lot line.

Chairman Sierzega noted that the request was originally published in the January 12th edition of Southtown and letters have been sent to property owners within 250 ft. The Commission was provided with an application for zoning action, certificate of survey, construction plans as approved, plans as built, pictures of property, doctor's note, and pictures from the neighboring properties.

Chairman Sierzega swore in the petitioners, Paul and Jeanne Kryszyn, 18656 Homewood Avenue, Homewood.

Mrs. Kryszyn stated that she was discharged from the rehabilitation institute in July 2015 having been rehabbed from lower leg amputation. Mrs. Kryszyn further stated that she came home from the hospital mid-July and by the beginning of August she needed a ramp in place because her children were returning to school and there was no safe means of exiting the home without having a structure up. They put up the structure without a permit and by the time they came to the meeting in October they were told that the village would give them a year to apply for a variance. Mrs. Kryszyn further stated that they turned in their paperwork in August for the variance application.

Chairman Sierzega stated that a letter dated July 14, 2015 for the application and plans was submitted for the construction of an accessible ramp. Since Mrs. Kryszyn contacted the village and reviewed where the ramp should be located, why didn't she install it as recommended by staff.

Mrs. Kryszyn stated that they were going back and forth with the village and that the village's plan was extremely expensive and they did not have the money to build it the way the village wanted it.

Member Cap stated that the village informed Mrs. Kryszyn how far away from the front property line the ramp was required to be. Mr. Kryszyn responded that he wasn't informed why it had to be that way.

Member Cap noted that the ordinance states the distance. Mrs. Kryszyn stated that homes have four or five steps to the front door and if the distance of steps were subtracted, the total distance of yard space left would be a very small distance. They had to run the ramp across the whole front yard and that is a substantial amount of ramp at the homeowners expensive. She further stated that they were told that they could state their case for a variance before the Commission, and she provided what is required for a zoning action variance application. She continued by stating that they thought their variance application would be considered on its own merit.

Chairman Sierzega asked if they were aware that they needed a building permit. Mrs. Kryszyn responded by asking, if she's supposed to remain in her home during a fire and be unable to exit because the ramp location could not be agreed upon or they can't get a hearing in a timely fashion before they needed to install the ramp.

Chairman Sierzega stated that the original letter was from 2015. Mrs. Kryszyn stated that in August her children returned to school, so she needed the ramp and Mr. Kryszyn needed time to install it before the start of the school year.

Mr. Kryszyn stated that they received the letter from July 14th the first week of August. He had 2 1/2 weeks to construct something so his wife could get in and out of the house in a safe manner. He further stated that he didn't have time to figure out a plan, go to Home Depot, figure out how much material to buy. He went with a modular unit, which is detachable and ADA compliant and has all the safety features.

Member Bransky had no questions.

Member Cap stated that he looked at the various dimensions and that the only difference in total length and total pieces is that the ramp, as built, has only one platform to make a change in direction. Member Cap further stated that the village's plan suggested two platforms or landings. They eliminated a 5' x 5' landing; and instead of a 5' x 8' platform, it appears they substituted an 8' x 3' ft. platform. Mrs. Kryszyn stated that it is 5' x 8' and the platforms are the most substantial costs.

Member Cap stated that the lengths of the ramps are the same, but what was omitted was the 5' x 5' landing. He further stated that if the platforms were included in the designs, it would have been built in the configuration and the alignment that was suggested in consultation with the village staff.

Mr. Kryszyn stated that when the consultation with village staff concluded, they were advised to begin the ramp at the middle of the driveway, which cuts off the entryway to the front door. This does not make sense, because the kids are entering and exiting the house.

Member Cap asked if Mr. and Mrs. Kryszyn expressed these concerns to the village and if there was a response from the village. Mr. Kryszyn stated that they did express their concerns and the response that was given was, "my way or the highway."

Member O'Brien stated that a temporary handicap accessible ramp has been constructed without a permit on the property. Member O'Brien asked what "temporary" means. Mrs. Kryszyn stated that it is not a permanent construction to the home.

Member O'Brien stated that when something is indicated as temporary it would then be taken down if the medical situation changes. Mrs. Kryszyn stated that because they have a two-story home, at some point they will have to move. Mr. Kryszyn added that when they move the ramp would come down.

Member O'Brien asked that in the letter from the building inspector item number 2, part of the sentence states "that you may secure the ramp by a tie-down system and postholes for a ramp must be 42 inches in depth." Member O'Brien asked if the ramp that was installed meets the tie-down system and can handle 90 mph winds. Mr. Kryszyn stated yes, there is a hurricane tie-down system in place that is provided by the ramp manufacturer.

Member O'Brien asked when Mrs. Kryszyn returned home and when the children need to return to school. Mr. Kryszyn stated that the first date was mid-July 2015, his wife came home from the Rehabilitation Center and their kids went to school the first week of August. The 2 ½ weeks was needed to put up a ramp. Member O'Brien asked why it couldn't be three weeks or four weeks. Mr. Kryszyn stated that their children go to Marian Catholic High School and there is no bus service, so his wife transports them every day to and from school. She needed a way to get into the house from the car. Mrs. Kryszyn stated that she was going to be alone in the house, for safety reasons she had to be able to exit her home.

Member Johnson stated that there are some signatures of support from the neighbors. Mrs. Kryszyn stated yes and some of the neighbors are here tonight.

Chairman Sierzega asked if there was any timeframe for when they would move out of the house. Mrs. Kryszyn stated that they have two kids that are freshmen. Chairman Sierzega stated that it would then probably be 4 years. Mrs. Kryszyn confirmed that time frame.

Chairman Sierzega needed assistance in understanding why the village was contacted about putting up a ramp and told you when, how, and where; but then you just went and put it up without a permit. Mr. Kryszyn stated that on July 14th they received a letter and had two weeks to construct a ramp for his wife and did not have time to get approvals.

Member O'Brien asked that at the time that the decision was made to purchase and put up the ramp, did they contact the building inspector. Mr. Kryszyn stated the building inspector signed the letter dated July 14th. Member O'Brien asked if the decision was made to purchase and put it up. Mr. Kryszyn responded by stating that there was a lot of confusion because they were talking to multiple parties. They spoke to the building inspector, the secretary of staff in the office, and the representative from where the ramp was purchased. Mr. Kryszyn added that there was one email sent from PDI, the manufacturer of the ramp that it was approved; however, it did not specify exactly which plan was approved. Nevertheless it was approved so the parts were ordered.

Member O'Brien asked for clarification on why the parts were ordered contrary to the discussion with the building inspector and that the building inspector was not contacted after the July 14th letter. Mr. Kryszyn stated that they had a lot of conversions after July 14th. Mrs. Kryszyn noted that the ramp company was talking with two people at the village and the two people at the village were talking with them. They told us that the ramp was approved, so the parts were ordered, because there was no time to wait any longer.

Chairman Sierzega stated that there is a copy of a letter dated July 30 from Shawn, the representative from the ramp company. Chairman Sierzega stated that it was sent to Jan Kasper, in the building department and that is when the drawing was submitted, but it was put up totally different.

Member Cap stated that in the document that Chairman Sierzega was referring to sent from Shawn to Jan Kasper, the staff person; the third sentence second line states that "they were ordering everything except the 5' x 5' platform, which is identified as the omission in the hurricane kit." Mrs. Kryszyn stated that she was sending plans and they didn't even know what was going on. Shawn was talking directly with the building inspector; they were not involved in the conversation and were told that somebody else would call them back, so there was a lot of confusion. Mrs. Kryszyn further stated that Shawn may have said that was what was going to be put up, but she never explained that that is what was going to happen. Member Cap asked who 'she' was. Mrs. Kryszyn stated Shawn at the ramp company.

Member Cap stated that there was some lack of communication between the ramp company and Mrs. Kryszyn. Mrs. Kryszyn replied no, it was between the village, the ramp company, and them.

Member Cap stated the ramp shown in the email was approved by the building inspector on August 3rd. Mr. Kryszyn stated that it should not be considered a safe structure because it goes across the walkway. The postman would have to hop over the ramp every day.

Member Bransky asked if anyone from the ramp company came out and measured or did a layout. Where did the design that criss-crosses the front yard come from? Mr. Kryszyn stated that no one from the ramp company came out. Member Bransky then stated that because of the direction the door opens the turn Mrs. Kryszyn would have to make and the dimensions of the chair the design that was approved wouldn't work. There would be no way for Mrs. Kryszyn to get around the door and make the turn on to the platform and then have to back up and spin around to make the turn across the yard. Member Bransky further stated that the way that it was built is the only functional way it could have been built and that coming out of that door and the way it swings, there is supposed to be a clear turning radius according to the ADA. Member Bransky noted that in his opinion, Mrs. Kryszyn can get on the platform properly with the orientation of the ramp having to make a turn right there. He further stated that the way it was built is the only approach that could have been taken.

Member Cap noted the platform at the top of the concrete stoop and asked if it was there to make it level. Mrs. Kryszyn stated that that was correct. Member Cap stated that the platform includes the top most step and it accounts for the door swing as Member Bransky mentioned. Member Cap asked if the ramp company provided another platform to leapfrog over steps. Mr. Kryszyn stated that that question was never asked.

Discussion ensued between Member Cap and the petitioners regarding the implications of deciding not to purchase the 5' x 5' platform.

Member O'Brien stated that in the materials that were received, on page 2 it indicates that "the ramp, as built, is 7.1 ft. from the property line." That is the 2.9 ft. difference and on the July 14th letter it states that the proposed ramp is 4' 11" from the front lot line. It is roughly a distance of 2 ft. Member O'Brien further asked if there something that occurred between the July 14th letter and design, as opposed to the "as built." Mrs. Kryszyn noted that the fire chief measured it and got the 2.9ft.

Susan Foss-Honn, 18657 Homewood Avenue, was sworn in by Chairman Sierzega. Ms. Foss-Honn stated that she was in support of the variance requested by Jeanne Kryszyn.

Dawn Peloso, 1833 186th Place, was sworn in by Chairman Sierzega, Ms. Peloso stated that she supports the variance that Jeanne Kryszyn is requesting.

Bob Lucas, 18650 Homewood Ave. stated that he is in support of Jeanne Kryszyn's variance request and there should be nothing objectionable about the request.

Elizabeth Guild 18645 Highland Ave. stated that Jeanne is her sister and that the ordinance does not give the time for someone in her situation to comply and that she is in full support of the variance. Ms. Guild asked why the village is taking the standards from the Illinois Accessibility Act for commercial and government properties and applying it to a single-family residence. Ms. Guild further stated that single-family residences are exempt from the minimum requirements and that there needs to be a policy in place, so that this doesn't happen in the future.

Member O'Brien asked if the ADA Act states that there is a right to overlook ordinances. Ms. Guild says that it does.

Ms. Guild stated that there are sidewalks in Homewood that do not meet the code and there are plenty of commercial businesses that are difficult to enter and exit. Ms. Guild asked why the Commission is picking on a homeowner.

Member O'Brien responded by stating that questions are being asked just like any other meeting. The Village is not recognizing the ADA and to his understanding has nothing to do with the ADA, because it is not preventing a ramp.

Member O'Brien stated that he is not hearing that there was a need to go ahead and get this done, because of the need to get the children to school and if there was that pressing need then the building inspector would have worked with them. Mrs. Kryszyn stated that they had that conversation with the building inspector in the very beginning and that there was no way to get in and out of the house. There were many conversations with the building inspector with no consensus reached.

Member O'Brien stated that there seems to be no conversation with the building inspector, indicating that there was no time to put a ramp in the manner that it was constructed. Mr. Kryszyn stated that it may have been mentioned, but is unsure if it was a specific topic of discussion. He further stated that he remembers stating that there was a deadline to meet, but it was not a discussion point.

Chairman Sierzega stated that the building inspector would have been happy to come to the house and discuss the placement of the ramp and short timeline. Mrs. Kryszyn started to explain that they did have a conversation with the building inspector, then started to cry out of frustration and promptly left the board room.

There being no further comments, Member Branksy made a motion for approval of case 16-28 for a variance from Section 8.2-C of the Homewood Zoning Ordinance to allow a temporary handicapped ramp in the front yard exceeding the encroachment by 2.9 feet at the property located at 18656 Homewood Avenue and incorporating the findings and fact into the record and requiring the property owner to remove the ramp when it is no longer medically necessary. Seconded by Member Johnson.

AYES: Members Branksy, Cap, O'Brien, and Chairman Sierzega

NAYS: None.

ABSTENTIONS: None.

ABSENT: Members Alfonso and Planera
Motion passed.

PUBLIC HEARING – CASE 16-30 – A request filed by Ilandus Hampton, 18807 Castle Road- Variance from Homewood Zoning Ordinance Section 8.2-E to allow a shed in his side yard at 18807 Castle Road.

Chairman Sierzega noted that the legal notice was published in the Daily Southtown in the January 12th edition and property owners within 250ft have been notified. In the memo there is a letter explaining the petition; plat of survey with location of shed sketched; and photo of shed's current location. Chairman Sierzega further stated that the petitioner has requested a variance to permit the placement of an 8' x7' shed in his side yard. Section 8.2-E-5 of the Homewood Zoning Ordinance states that "a shed must be located in the rear yard of a property, minimum of three feet from the side and rear lot lines, a minimum of ten feet from the principal building and five feet from any other buildings, and may not be located on an easement."

Chairman Sierzega swore in Ilandus Hampton, 18807 Castle Road, Homewood.

Mr. Hampton stated that he has been in his home since 2002 and when he purchased the home there was a shed that was erected. About 4 years ago he purchased a new pop-up shed to replace the old shed and did not realize that a zoning permit was required in relation to the shed. About a year ago the village inspector saw the shed and sent a letter to the applicant. The letter stated that the shed was improperly erected and that he needed to address the situation. Mr. Hampton further stated that it has been about a year that he spoke with Tom Vander Woude, Economic and Community Development Director about taking down the shed, trying to erect it in another area; but there are not too many areas that it could be relocated.

Mr. Hampton filed for a variance and was told by Mr. Vander Woude that the shed is required to a minimum 10ft from the house. The shed is less than a foot from the house and does not store any combustibles or liquids; mostly patio furniture that does not fit in the garage. Mr. Hampton spoke about another location that the shed could be located. Mr. Hampton continued by stating that he was trying to decide on a variance for the current location or moving the shed and that he spoke with the Assistant Village Manager about putting up fire protection dry wall that can be placed in the current shed.

Chairman Sierzega asked if he spoke with the building inspector and if he suggested how to fix it. Mr. Hampton stated that when he initially received the letter he spoke with the Assistant Village Manager and said that he needed to apply for a variance, because it didn't meet the code. He went to a Saturday meeting with the Mayor and then spoke with Mr. Vander Woude. It was then that the Mayor suggested looking to see if there was a variance; and there was not one.

Chairman Sierzega asked if he wanted to keep the shed. Mr. Hampton stated that he doesn't mind keeping it where it is that is why he wants the variance. He further stated that a conversation, about a month ago, occurred on if the shed remains, would another zoning requirement be needed. The other option of relocating to another portion of the property was recommended.

Chairman Sierzega stated that if the shed remains in the same place, it would require a one-hour fire wall on the inside of the shed, because it is within 10 feet of the house or he can move it more than 10 ft. from the home.

Mr. Hampton stated that Mr. Vander Woude did not give him the option of the firewall.

Acting Staff Liaison Jim Marino stated that the firewall can be clarified with the Fire Chief.

Chairman Sierzega asked what type of material the shed is. Mr. Hampton stated that it is probably hard plastic.

Chairman Sierzega noted that the information they got states that the existing shed is 1'-2' from the side of the residential structure in the side yard and it also states that it is located in an easement, which is incorrect. Chairman Sierzega asked if Mr. Hampton would like to relocate the shed adjacent to the side yard, but the shed cannot be on an easement.

Member Johnson had no questions.

Member O'Brien asked to clarify, page 2. It indicated that staff could not find a location that the shed would meet all the requirements and if that meant that the proposed location would not meet all the requirements. Chairman Sierzega responded by stating that he would need a variance.

Member O'Brien asked to clarify that item #3 states that the proposed shed location is not visible from the public right of way and #4 states that shed location is somewhat visible from the public right of way. Member O'Brien asked if there is a distinction between the two. Mr. Hampton stated that the prior, current, and proposed shed has always been and will be visible.

Member Cap noted that the proposed location would not comply with the 10ft separation. Mr. Hampton stated that the proposed location is more than 10ft. from the home.

Member Cap stated that the one-hour drywall would protect the contents of the shed from a fire coming from the house. Acting Staff Liaison Jim Marino stated that the purpose of the firewall is if there is a fire in the shed it will be contained and does not get to the house quickly. It gives enough time for the fire department to come and put out the fire.

Member Bransky asked that if he moved the shed to that proposed location no variance is required period and that he is free to do so. Chairman Sierzega stated that no, he would still need a variance. Member Bransky stated that if he moved it to the side yard he can get it down to one variance.

Chairman Sierzega stated that he will need a variance to keep it at that location, but the one-hour firewall will need to be added and if he moves the shed he will still need a variance, but not for the firewall because it is more than 10 ft. from the house.

Ricco B Bertoletti, 18802 Kings Road, was sworn in by Chairman Sierzega. Mr. Bertoletti stated that he is in full support of the request for the shed variance.

Johnathan Harry, 18822 Kings Road stated that he has no problems with the request for a shed variance.

There being no further comments, Seth Bransky made a motion to approve, as stated in Case No. 16-30, a variance from Sec. 8.2-E-5 of the Homewood Zoning Ordinance to place an 8' x 7' shed along the side lot line of the property at 18807 Castle Road conditioned upon a one-hour firewall on any portion of the shed that is less than 10ft. from the house, incorporating findings of fact into the record. The motion was seconded by Member O'Brien.

AYES: Members Bransky, Cap, O'Brien, and Chairman Sierzega

NAYS: None.

ABSTENTIONS: None.

ABSENT: Member Alfonso and Planera

Motion passed.

PUBLIC HEARING – CASE 16-48 – A request filed by Dr. John Farrell, 18132 Martin Avenue- Map Amendment to rezone property from R-3 to B-1 located at 18132 Martin Avenue.

Chairman Sierzega noted that the request was originally published in the January 12th edition of the Daily Southtown newspaper and property owners within 250 ft. have received letters of notification. Petitioner provided an application for a zoning map amendment and a plat survey.

Chairman Sierzega swore in Dr. John Farrell, 2301 Vardon Road, Flossmoor.

Dr. Farrell stated that he tried to sell his property in the spring of last year and was having a hard time. For the past 23 years he has use this property as an office building, but he bought this as an investment and prices are back to what they were in 2008, and he does not want to lose money. Dr. Farrell further stated that he would like to get rent across the street. Mr. Vander Woude sent him a letter offering to buy the property for \$55,000. Dr. Farrell stated that the comparables given to him by Mr. Vander Woude did not fit the building and he got a comparable of his own that stated \$99,000, which seemed reasonable. Dr. Farrell's appraiser informed him that his property is zoned as R-3 and that it was rezoned to R-3 in 2007- '08. Dr. Farrell spoke with more than one developer who came out and looked at the property and three weeks later was told that they couldn't buy it.

Chairman Sierzega asked if the developers he spoke to was in the last year. Dr. Farrell stated that yes it was this past fall.

Member Cap asked if it was a residential zoning 23 years ago. Dr. Farrell stated that it was not zoned residential, but zoned business. He further stated that he knew he was going to run a business out of it, so he deliberately sought something that was business zoned.

Member Cap stated that it would be an assumption without verification that this property was business zoned before the central business overlay was adopted and he would be more comfortable if it is verified, because what is being asked is rezoning from residential to business. Member Cap stated that he would like some history behind the property and has established that it is a single-family building that has housed a business in it.

Dr. Farrell stated that when he last spoke to Mr. Vander Woude he showed him a map and said that Dr. Farrell might be able to do this because everything north of the building is B-1 and some of the things west of the building are B-1.

Member Bransky had no questions.

Member O'Brien had no questions.

Member Johnson had no questions.

Dwight Morton, 18136 Martin Avenue, was sworn in by Chairman Sierzega. Mr. Morton stated that he had some concerns with the rezoning, because of the potential business traffic that could come with the next business that buys the property. He requested that the residents have more time to do research and to get an understanding of the implications of the change as homeowners and how it can affect selling his home. He requested the Commission give the homeowners some time before they make a decision to make the change.

Chairman Sierzega stated that even if the change is made tonight there is going to be some length of time between when Mr. Farrell sells the building and whoever buys it may or may not do anything different with it.

Mr. Morton asked for assistance in understanding what the implications of the R-3 to B-1 change are and that more activity is what concerns him.

Acting Staff Liaison Jim Marino stated that rezoning to B-1 would allow for another business to go into that space and if it is a business with higher intensive use that may mean that there is more traffic.

Dr. Farrell stated that he does not have an objection to a month delay, but he does not want a long delay.

There being no further comments, Member O'Brien made a motion on Case No. 16-48 to reschedule to the second meeting in February. Seconded by Member Bransky.

AYES: Member Bransky, Cap, O'Brien, and Chairman Sierzega

NAYS: None

ABSTENTIONS: None

ABSENT: Members Alfonso and Planera

Motion passed.

NEW BUSINESS: None.

OLD BUSINESS: None.

ADJOURNMENT: Member O'Brien moved to adjourn the meeting at 9:38 p.m.; seconded by Member Branksy. Motion passed by voice vote.

Respectfully submitted,

Jim Marino
Acting Staff Liaison