

MEETING MINUTES



**Village of Homewood
Planning and Zoning Commission
Thursday, February 23, 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 7:31 p.m.

ROLL CALL: Members Bransky, Planera, O'Brien, Alfonso, and Chairman Sierzega were in attendance. Members Cap and Johnson were absent. Present from the Village was Village Manager Jim Marino. There were 9 people in the audience.

APPROVAL OF MINUTES: Chairman Sierzega deferred the minutes of January 26, 2017, to the next meeting on March 9, 2017.

AYES: Members Alfonso, Bransky, O'Brien, Planera, and Chairman Sierzega

NAYS: None

ABSTENTIONS: None:

ABSENT: Members Cap and Johnson

Motion passed.

PUBLIC COMMENT: There were no comments.

REGULAR ORDER OF BUSINESS:

PUBLIC HEARING – CASE NO. 16-48: A request filed by Dr. John Farrell to rezone property from R-3 to B-1/DO located at 18132 Martin Avenue.

Chairman Sierzega stated that Case 16-48 was continued from the last meeting on Jan. 26, 2017. The case is for a rezoning of property at 18132 Martin Ave from an R-3 to a B-1/DO requested by John Farrell.

Chairman Sierzega stated that John Farrell, 2321 Vardon Street, Flossmoor was sworn in at the previous meeting, so he would not have to be sworn in for this meeting.

Chairman Sierzega stated that he had requested a continuance on rezoning to see if Mr. Farrell could sell the property.

Mr. Farrell stated that the meeting had been deferred, because there was a gentleman that stated that he did not get proper notice. Dr. Farrell stated that he spoke to the gentleman, but it did not result in anything. He said he would like to continue the request of rezoning to B-1/DO.

Member Alfonso asked how many years he was at that location and how long has he operated his business out of that location. Dr. Farrell responded that he has been there for about 24 years and that he does operate his business out of that location. Member Alfonso asked if the location has ever been used as a private single-family residence. Dr. Farrell stated that he never used it as a home, and the people before him ran a business at that location.

Member Alfonso noted that there is another business that is located one or two lots down and that the area is both residential and business.

Member Bransky had no questions.

Member O'Brien had no questions.

Member Planera asked if any of the developers that Dr. Farrell spoke with were residential or commercial developers. Dr. Farrell stated that the developer in Frankfort was a commercial developer.

There being no further questions, Member Bransky moved for approval of Case No. 16-48 for a map amendment to rezone the property located at 18132 Martin Avenue from R-3 to B-1/DO on behalf of the property owner, John Farrell, including the Findings of Fact as part of the record; seconded by Member O'Brien.

AYES: Members O'Brien, Alfonso, Bransky, Planera, and Chairman Sierzega

NAYS: None

ABSTENTIONS: None

ABSENT: Members Cap and Johnson

Motion passed.

PUBLIC HEARING – CASE NO. 17-02 – A request filed by Noboru Nakamura, 18410 Aberdeen Street for an administrative variance from Section 4.3 of the Homewood Zoning Ordinance to retain a pergola that encroaches into the required side yard at 18410 Aberdeen Street.

Chairman Sierzega introduced the case, and stated that a legal notice was published in the *Daily Southtown* on February 5, 2017, and letters were sent to property owners within 250 feet. He stated the following were submitted for review by the Commission: a copy of the zoning application dated 1/10/2017, a plat of survey with the location of the pergola, the same plat of survey modified by staff to show the setback lines, two letters from the building inspector, and a letter from a neighbor at 1115 Birch Road stating no opposition to the case.

Chairman Sierzega swore in Mr. & Mrs. Nakamura, 18410 Aberdeen Street, Homewood and John Algozzini, representing K&D Landscape, 2128 Gould Court, Rockdale.

Chairman Sierzega stated that on December 9, 2016, the building inspector found a pergola had been constructed on the property at 18410 Aberdeen Street without a building permit. The

property owner was contacted and a plat survey was submitted showing that the location of the pergola encroaches on the required side yard.

Mrs. Nakamura stated that she would like to request to keep the pergola as it has been constructed.

Chairman Sierzega asked how long the petitioners have lived in the house. Mrs. Nakamura stated that they moved into the house in 1992. Chairman Sierzega asked if they were aware that a building permit was required to put up a pergola.

Mr. Algozzini stated that it was his company's fault; they failed to apply for the permit.

Chairman Sierzega asked how long Mr. Algozzini has been in the business. Mr. Algozzini stated that K&D has been operating for 20 years, and he has been doing residential design and construction for 36 years.

Mr. Algozzini stated that the pergola was installed inside of an existing fence, and he was not aware that there was a required setback on the north side.

Chairman Sierzega noted that the pergola is encroaching on the side yard setback by 3' 5". Mr. Algozzini confirmed that measurement.

Mr. Algozzini requested that the Commission provide a variance for the Nakamura family, so that they can keep the structure in the garden, which is designed as an Asian representation of family that is very spiritual. He stated that the boulders in the garden represent the petitioners, their children and the grandparents overseeing the balance of the family.

Member Planera asked about the permit process. Mr. Algozzini stated that when they secure residential contracts, K&D has administrative staff that handles the permitting. He also stated that Homewood requires that a license is on file for the company owner, and the owner of K&D had an expired driver's license at the time that he went for a permit. The owner went out of town and by the time the job started, the permit was forgotten.

Member Planera asked if there had been any discussion on a building permit. Mr. Algozzini stated that he told the petitioners that the company would take care of it. He further stated that he assumed that it was taken care of and it was not.

Mr. Nakamura stated that they had used K&D in the past and assumed that the same procedure of getting the permit would have taken place.

Member Planera stated that, in most cases, the fence line is a good indication of the property line. Mr. Algozzini stated that the fence line shown on the plat is inside of the property line by a couple of feet and the pergola is slightly inside that line.

Member O'Brien requested clarification from staff on a part of the letter from the building inspector that stated, the addition of the pergola on the principal structure resulted in the

encroachment on the 6-foot required side yard setback, and asked if the principal structure would be the house. Acting Staff Liaison Marino confirmed that it is the house. Member O'Brien further asked if the pergola is part of the principal structure, because of the statement on page 2 of the memo provided by staff that that the structure is not attached to the house; it is located approximately 7 inches away. Acting Staff Liaison Marino replied that he would have to check with the building inspector.

Chairman Sierzega said that the memo stated that a pergola is not defined in the zoning ordinance, so in the past like structures have been reviewed as porch covering/decks.

Member O'Brien asked what would be a remedy that would meet the ordinance. Mr. Algozzini stated they the pergola could be disassembled and reduced in size by 2'7". Chairman Sierzega stated that it would be 3'5".

Member O'Brien stated that it would dramatically require the relocation of the stones. Mr. Algozzini stated that it would require significant effort by K&D to deconstruct, rebuild, and reposition part of the garden.

Member Bransky stated that there were a lot of postholes dug and asked if J.U.L.I.E. was contacted to mark the utilities running through the property. Mr. Algozzini stated that the site was marked prior to the excavation.

Member Alfonso had no questions.

Member Planera stated that the issue is the extension into the side yard. He asked if the screen and the last bay had to be moved how would that affect the symmetry between columns. Mr. Algozzini stated that if they had to move all the six posts 3'5", the structure would look imbalanced.

There being no further questions, a motion was made by Member O'Brien for the approval of Case 17-02 for an administrative variance from Section 4.3 of the Homewood Zoning Ordinance to permit a pergola that encroaches 3 feet 5 inches into the side yard on its northern end on the property located at 18410 Aberdeen Street and incorporating the Findings and Fact into the record. Seconded by Member Alfonso.

AYES: Members Alfonso, Bransky, Planera, O'Brien, and Chairman Sierzega

NAYS: None

ABSTENTIONS: None

ABSENT: Members Cap and Johnson

Motion passed.

PUBLIC HEARING – CASE NO. 17-04 – A request filed by Catherine Myers, 18441 Stewart Avenue (South ½ of Property) for a zoning variance from Section 4.3 of the Homewood Zoning Ordinance to allow a lot that is substandard in width and area.

Chairman Sierzega introduced the case and stated that a legal notice was published in the *Daily Southtown* on February 5, 2017, and letters were sent to occupants within 250 feet of the property. The Commission received a plat of survey and a copy of the Sidwell map of the area within 500 feet of the subject property.

Chairman Sierzega swore in Catherine Myers, 18441 Stewart Avenue, Homewood.

Ms. Myers stated that she has owned the subject property and the lot next to it on which her house is constructed since 1966. Ms. Myers stated that she would like to sell Lot 10, because she has been maintaining the property and paying taxes on it, but she is not using it.

Chairman Sierzega stated that the lot does not meet the minimum requirements for lot area and width and that is why a variance is being requested. Chairman Sierzega noted that when the area was first platted the substandard lots were allowed by the Village. Ms. Myers added that the other lots on the block are also 50 feet in width.

Member Planera had no questions.

Member O'Brien had no questions.

Member Bransky stated that the adjacent residence is shown on the plat of survey but with no indication of its distance to the property line. He asked if the intent is to potentially construct a house on the vacant lot in the future, will the location of that house pose a problem later. Acting Staff Liaison Marino stated that if the purchaser of the lot wants to build on the lot, they would need to meet the required setbacks for the structure or request a variance; however, they will not need to apply for a variance for the substandard lot if it is approved at this time

Member Alfonso asked if the required setbacks are the same on substandard sized lots that have been approved by the Village. Acting Staff Liaison Marino responded yes.

There being no further questions, Member Alfonso made a motion for approval of Case 17-04 for a variance from the minimum width and minimum lot area requirements of Section 4.3 of the Homewood Zoning Ordinance and Section 98-102 of the Homewood Municipal Code to allow a lot that is 50' in width and 6,513 square feet in area located on the south half of 18441 Stewart Avenue, Lot 10, Property Index Number 31-01-207-010-0000, and incorporating the Findings and Fact into the record. Seconded by Member O'Brien.

AYES: Members Alfonso, Bransky, Planera, O'Brien, and Chairman Sierzega

NAYS: None

ABSTENTIONS: None

ABSENT: Members Cap and Johnson

Motion passed.

PUBLIC HEARING – CASE NO. 17-05 – A request filed by Dan and Kristen Ryan, 1305 Meyer Court, for an administrative variance from Section 4.3 of the Homewood Zoning Ordinance to construct a screened porch and deck encroaching into the required rear yard.

Chairman Sierzega stated that a legal notice was published in the *Daily Southtown* on February 5, 2017, and letters were sent to property owners within 250 feet of the property. The Commission was provided with a plat of survey with the proposed location of the screened porch/deck dated 12/21/16; the same plat of survey modified by staff to show the setback line; letters from neighbors at 1301, 1313, 1321, and 1324 Meyer Court; and photos of the rear yard.

Chairman Sierzega swore in Dan and Kristen Ryan, 1305 Meyer Court, Homewood.

Mrs. Ryan stated that the land in the backyard is sloped, so when they bought the house, they built up a portion of it with pavers for a swing set when the children were young, and now that they are older, the swing set has been removed. Mrs. Ryan stated that it is difficult to go on vacation with their daughter, so they would like to create a place where their daughter could spend time outside. The proposed deck and screened porch would provide that access.

Discussion ensued regarding the scaled drawings for the entry from the side yard and the screen and porch location and design.

Member Bransky asked if the screened porch would be built over a concrete slab. Mrs. Ryan responded yes.

Chairman Sierzega asked if there would be any way for their daughter to be able to get off of the deck and screened porch level. Mrs. Ryan responded yes, into the side yard.

Chairman Sierzega asked how long the petitioners have lived in the house. Mrs. Ryan stated since they built the house.

A discussion ensued between Member O'Brien and Mrs. Ryan regarding the back property line and the location of the telephone box.

Member Alfonso had no questions.

Member Bransky asked if the red line shown on the plat was the location of the rear setback line. Mrs. Ryan responded yes. She said that if the deck were constructed in compliance with the required rear yard setback it could be only 7' deep.

Member Bransky asked if a variance was needed for the hot tub. Mrs. Ryan stated that they already obtained a permit for the hot tub and no variance was needed.

Member O'Brien had no questions.

Member Planera asked for clarification on the location of the retaining wall in relation to the deck. Mrs. Ryan stated that it will come around the deck, and the deck will be set into it.

Chairman Sierzega asked if fencing is required around the hot tub. Mrs. Ryan stated that the ordinance requires a locking cover.

Chairman Sierzega asked if any children would be able to access the hot tub with the proposed deck and if the cover is locked when no one is using it. Mrs. Ryan stated that the children would not be able to get access and that the hot tub has already been approved by the village. Mrs. Ryan stated that the access to the hot tub is the same with or without the deck, because it still has the same two exposed sides.

There being no further questions, Member O'Brien made a motion for an approval of Case 17-05 for an administrative variance from Section 4.3 of the Homewood Zoning Ordinance to permit a screened porch that encroaches 4 feet into the required rear yard and a deck that encroaches 17 feet into the required rear yard on the property at 1305 Meyer Court and incorporating the Findings and Facts into the record. Seconded by Member Planera.

AYES: Members Alfonso, Bransky, Planera, O'Brien, and Chairman Sierzega

NAYS: No

ABSTENTIONS: No

ABSENT: Members Cap and Johnson

Motion passed.

PUBLIC HEARING – CASE NO. 17-01 A request filed by the Village of Homewood to amend Section 9, Use Standards, of the Homewood Zoning Ordinance related to home-based business permit requirements.

Acting Staff Liaison Marino stated that this has been an issue discussed at the staff level, raised by the Fire Chief because of the number of inspections that they have to do. As explained in the memo, the Fire Department completes inspections of home-based businesses. The question that has been raised is whether they have to inspect every home-based business, as most of them are home offices. There are about 70 home-based businesses, about 50 of those are offices and 20 are other types of business in which their use is more intrusive. There may be some clientele going into the home, so there is an access issue. Out of 70 home-based business, 50 do not have clientele so the question was asked whether or not there needs to be inspections of these types of home-based businesses. Acting Staff Liaison Marino further stated that it is somewhat of a burden on staff and the Fire Department to spend time doing needless inspections. Some additional clean-up language has also been recommended by staff, such as designating a physician or dentist as a Class 2 permit, because of the more intense use. Acting Staff Liaison Marino also stated that the addition of child care homes should be added to the home-based businesses and adding the word "environmental" before the "standards" to clarify what standards are being referenced in the text.

Chairman Sierzega asked if the annual fee would be eliminated. Acting Staff Liaison Marino responded yes.

Member Bransky asked where a business would fit into the definition that has no foot traffic, but someone is selling and storing product within their house and as a result there is an increase in UPS deliveries. He asked if there would be an application process where these types of things would be investigated. Member Bransky stated that even though there is no clientele going in

and out of the house, the business could still be a nuisance to the neighbors. Acting Staff Liaison Marino stated that was a good point, and each business would be looked at on a case-by-case basis. Acting Staff Liaison Marino stated that if it comes to staff attention that there is a home-based business, it has to be determined what type of business it is.

Member Alfonso asked how a person starting up a business knows that they have to comply.

Chairman Sierzega asked does this omit or change any administrative procedure that would require the home-based business to inquire about a permit. Acting Staff Liaison Marino stated that it does not omit it, and a problem is that many residents do not know that they need to get a permit.

Member O'Brien inquired about Section 9.24, which states that "Class II permits shall be temporary in nature" and asked if that means that Class 1 permits are permanent in nature and what does the word temporary mean. He asked if Class 1 permits are temporary in nature and granted to a designated person who resides at the address. Member O'Brien requested that staff assist with understanding the distinction in "shall be temporary in nature." Acting Staff Liaison Marino stated that it is the current language, and he does not know the original intent when it was drafted that way.

Member O'Brien stated that would it be accurate to take the language out and just let it run the same as Class 1. He said he did not understand why they have to be temporary. Chairman Sierzega stated that the text in question means that if that person moves the permit does not go with them to a new address. Acting Staff Liaison Marino stated that it is temporary, because it only applies to that particular resident that lives at that address.

Member Bransky stated that there is some language regarding transfer of permit, fees, and annual inspections, and it should be clarified if it applies to both Class 1 and Class 2.

Acting Staff Liaison Marino stated that staff can reevaluate and come back with changes.

There being no further questions, a motion was made by Member O'Brien to defer consideration of a text amendment for home-based business permit requirements to a future date. Seconded by Member Planera.

AYES: Members Alfonso, Bransky, Planera, O'Brien, and Chairman Sierzega

NAYS: None

ABSTENTIONS: None

ABSENT: Members Cap and Johnson

Motion passed.

NEW BUSINESS:

OLD BUSINESS:

ADJOURNMENT: Member Alfonso moved to adjourn the meeting at 8:50 p.m.; seconded by Member O'Brien. Motion passed by voice vote.

Respectfully submitted,

Jim Marino
Acting Staff Liaison