

MEETING MINUTES



Village of Homewood
Planning and Zoning Commission
Wednesday, May 13, 2021
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 attended: Alfonso, Bransky, Cap, Johnson, O'Brien, Planera, and Chairman Sierzega; Present from the Village was Economic and Community Development Director Angela Mesaros, Building Department Secretary Darlene Leonard, and Village Attorney Chris Cummings. There were five people in the audience.

APPROVAL OF MINUTES:

Chairman Sierzega asked if there were any corrections or changes to the minutes of May 5, 2021.

Member Bransky stated that on page 4 in the second paragraph, the second sentence should be struck.

Member O'Brien stated that on the first page about the zoom guidelines the word "added" should be changed to "created."

A motion was made by Member O'Brien to approve the minutes of May 5, 2021, as corrected; seconded by Member Bransky.

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

NAYS: None

ABSTENTIONS: None

ABSENT: None.

Case No. 21-10 – Administrative Variance to allow a fence in the front yard at the property located at 18657 Marshfield Avenue:

Chairman Sierzega introduced the case and swore in the petitioner, William Uher, who explained his application.

Chairman Sierzega asked Mr. Uher about the reasons for putting up the fence. Mr. Uher stated that his wife, Isabelle, does a lot of gardening and they want to frame it. Mr. Uher stated that it would be 6 feet in height and be a scalloped picket fence with one-inch pickets that can be seen through. The fence would be made of cedar and stained a dark brown to match the color of the room addition. Mr. Uher stated that the fence will go from the corner of the room addition along the side to the bushes at the back. Mr. Uher stated it is not a long run and it is just to frame the yard.

Chairman Sierzega asked if it would be made out of cedar. Mr. Uher stated yes, western cedar because they cannot get the brown vinyl they originally wanted.

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Member Alfonso stated that it is a beautiful yard and asked if the fence will go from the house to the lot line and then around to the back. Mr. Uher stated yes, but not at a right angle at the back (showing the Commissioners a picture on a tablet). Mr. Uher showed that the fence will go along the edge outside to the bushes and end at the back. Mr. Uher stated they do not want to cut down the bushes.

Chairman Sierzega asked how far the fence would be located from the neighbor's garage. Mr. Uher stated approximately 10 feet.

Member Alfonso stated if the bushes are on the property then they would not be encroaching on the neighbor's property. Member Alfonso stated she has no problem with it then.

Member Bransky asked if the fence would be 6 feet in the middle of 4 feet and stated that if the fence goes out past the house line there are 2 things to consider for the variance.

Mr. Uher stated that the term "front yard" in the Village Code is misleading. Members Alfonso and Planera stated that it is a universal term for zoning codes.

Member Bransky stated that he appreciates the scalloped top and that the gaps make the 6-foot height less of an issue.

Member Bransky stated that it is a good-sized yard, but he has more of an issue with the location than the height of the fence. Mr. Uher stated the fence will come out 4-5 feet from the house. Member Bransky stated that 4-feet is not much of an encroachment given the size of the yard.

Member Cap stated that the drawing could be amended to better describe the location. Member Cap stated that, to clarify, the property line does not extend to the curb/gutter. Mr. Uher stated that they are aware of that.

Member Cap stated that the plat should be updated to better show that the fence stops short of the property line. Mr. Uher asked how he should submit it. Staff Liaison Mesaros stated it can be submitted with the building permit.

Member Planera stated that it is good to know what the intention is – that the fence will go diagonally off the corner of the house 4-5 feet.

Member Planera stated that the trees are outside the fence line. The fence goes towards the neighbor's house and then cuts back at about 45°.

Mr. Uher stated that the fence will start and end at the bushes.

Member Planera stated that the line of the fence is in the public utility easement which is not an issue, but if it has to be dug up the utility companies would not fix the fence.

Member O'Brien stated that all of his questions have been answered.

Member Johnson stated that he had no questions.

Chairman Sierzega stated he had no questions, everything had been explained.

Chairman Sierzega asked if there were any concerns from the audience or other questions. No questions.

Mr. Uher asked if the variance would be needed if the fence were 4 feet tall and to the property line. Member Bransky stated that the 4-foot fence would be allowed in the front yard, but it must be 6 inches off the property line.

The motion was made by Member Bransky to approve Case No. 21-10 for an Administrative Variance from Section 22.95(e) of the Homewood Municipal Code to allow a fence 6 feet in height in the front yard at the property located at 18657 Marshfield Avenue and incorporating the Findings of Fact into the record with the amended plat and that the fence not be positioned more than 5 feet off the house into the south front yard; seconded by Member O'Brien.

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

NAYS: None

ABSTENTIONS: None

ABSENT: None

Case No. 21-09 –Variance for the front yard and minimum ground floor area per dwelling unit on the property located at 18462 Dixie Highway:

Chairman Sierzega introduced the application and swore in the petitioner, Daniel Warning, who presented the application.

Chairman Sierzega stated that Mr. Warning proposes to construct a house on a small lot.

Mr. Warning stated that he chose to build a house on the property because it is a great location, especially for a young family, with the school up the street and a park a couple of blocks away.

Chairman Sierzega stated that it is going to be a smaller house. Mr. Warning stated that the idea is to preserve as much open yard space as possible, especially for little kids, and the house still has all the amenities and can be affordable. Mr. Warning stated that the first floor would also have the attached garage space.

Chairman Sierzega stated that it would save the trees also. Mr. Warning stated that there is a mature oak tree on the southwest corner and per IDOT regulations, the driveway access has to have a 100-foot setback, which also determined the location of the house.

Member Johnson stated the house being constructed is not for Mr. Warning to live in himself. Mr. Warning stated no he would not live in it.

Member O'Brien stated, to staff, to clarify in the Findings of Fact item 6 states to reduce 196 square feet, but 850 – 924 is 226 square feet. Staff Liaison Mesaros stated that is correct and would revise the findings.

Member O'Brien stated that the plan indicates a deck on the rear. Mr. Warning stated that there is no room for the deck. However, he plans to make double door access to the east side to give an option of a deck for the future owner.

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Member Planera stated that for clarification, the lot is 50 feet wide and some of the design plans might be changed somewhat, for instance to turn the garage and give access off of Willow Road. Mr. Warning stated that the house would face Willow and the garage access would also be on Willow.

Member Planera stated that the depth of the garage is 26 feet and that the plans show the house is smaller, like a townhouse, but it is not a townhouse. Mr. Warning stated that is correct.

Member Cap stated that other stock plans could have incorporated the garage space or the garage space could have been transferred to usable house space, which would eliminate the need for the variance. Mr. Warning stated that it is a possibility and if needed, he could reduce the garage to 25 feet, but he was trying to give storage space in the garage.

Mr. Warning stated that looking at the second floor, all the bedrooms are workable, but if they were made smaller they would be cramped.

Member Cap stated that you do not want to narrow the depth (width) of the house because it is a compact house. Member Cap asked if plans with an attached garage that is not a part of the core of the house were considered. Mr. Warning stated that he found three plans that would meet the size, but would still need extensive modifications whereas these plans fit well as drawn.

Member Cap stated that housing styles change over time and Mr. Warning should try to maximize the usable area of the house – maybe eliminate the garage from the core and move it to one side or the other. Member Cap stated that the point is that would increase the usable space for habitation, which would then relieve the need for a variance.

Mr. Warning stated that he found plans for a couple of houses, but they were mostly ranches and they would limit the yard space. Mr. Warning stated that he intended to maximize the yard space for children to play.

Member Cap stated that someone might want to put in a 6-foot privacy fence and that would create a situation for a double set of variances.

Member Bransky stated that he knows this portion of Dixie tends to flood, especially that corner. Mr. Warning stated that he is aware that grading changes would have to be done.

Member Bransky asked what would be done to alleviate flooding and would it be close to the house to the north because he is concerned about water pooling between the houses. Mr. Warning stated that he would have a civil engineer review the drainage.

Mr. Warning stated that the sidewalk on Willow Road needs to be reset. He would make sure no flooding issues on the lot impact the neighbor's property. Mr. Warning stated the last thing he wants to do is have flooding issues.

Member Bransky stated it could affect the location of the house. Member Bransky stated that he sees that Mr. Warning did his homework and barring flooding complications he does not see a problem with the house.

Member Alfonso stated she had no questions.

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Staff Liaison Mesaros stated she had five telephone calls about the proposed house, plans were sent to two inquiries, comments were received stating “it looks like a nice house and I have no problem with it.” One neighbor is concerned about drainage and flooding.

Staff Liaison Mesaros stated that she asked Village Engineer Max Massi to look at the plans

Chairman Sierzega asked if Mr. Warning had spoken to the neighbor to the north. Mr. Warning stated he had not yet spoken to the neighbor – it is a rental house, so he is not sure who the owner is or who he should talk to.

Member Planera stated he does not have an issue that the house is not 26 feet deep, but the garage is 26 feet deep. Also, it looks to have the master suite and bedroom 3 over the garage, and the south wall in bedroom 3 may not have an 8-foot ceiling it may be a gabled ceiling. Mr. Warning stated yes.

Member Planera stated that essentially the garage is encroaching not the house. Member Planera stated that either the second-floor cantilevers or a foot can be taken out of each.

Mr. Warning stated that the garage has space for storage eliminating the need for a shed.

Member O’Brien asked the height of the house. Mr. Warning stated that plans do not indicate the height of the house, but from the top of the foundation, it is approximately 25 feet.

Motion was made by Member Bransky to approve Case No. 21-09 for a Variance from Section 4.3, Reference Table 4.2, front yard and minimum ground floor area per dwelling unit of the Homewood Zoning Ordinance to allow construction of a single-family dwelling on the property at 18462 Dixie Highway and incorporating the Findings of Fact into the record; seconded by Member Planera.

AYES: Members Alfonso, Bransky, Cap, Johnson, O’Brien, Planera, and Chairman Sierzega.

NAYS: None

ABSTENTIONS: None

ABSENT: None

Discussion:

Village Attorney Chris Cummings discussed the information provided about updating the zoning ordinance. Attorney Cummings. The Village has not had a comprehensive update since 2002, just a lot of tweaks over the years. Attorney Cummings stated that the Village Board approved having a consultant update the code.

Attorney Cummings stated that the Department of Justice is looking into the Village’s Zoning Ordinance regarding religious uses. Religious and secular, similar uses, cannot be treated in a different manner. Attorney Cummings stated that religious uses are currently subject to a special use permit in all districts, but movie theaters are allowed in the commercial districts.

Attorney Cummings stated the purpose of the discussion tonight is to inform the Commission and to get feedback. The long term goal may be to remove the distinction of “places of worship” and add “places of public gathering” or something similar.

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Attorney Cummings stated Angela will be gathering information for the response to the Department of Justice for several months. At the same time, it would be beneficial to do tweaks to the ordinance while in this process.

Chairman Sierzega asked if houses could be purchased to meet a minimum lot size requirement. Attorney Cummings stated that yes they can if they meet the other requirements.

Member Planera stated that the code should require that the use be on contiguous properties and not allow uses to jump houses to create parking lots.

Member Johnson stated the response is a 60 day return date. Attorney Cummings stated that the timeline is 60 days to respond and Staff will try to talk with the consultant earlier rather than later regarding this issue.

NEW BUSINESS: None.

OLD BUSINESS: None.

ADJOURNMENT: Chairman Sierzega asked for a motion to adjourn the meeting. Member O'Brien moved to adjourn the meeting at 9:05 p.m., seconded by Member Cap. Motion passed by voice vote.

Respectfully submitted,

Angela Mesaros

Angela M. Mesaros
Staff Liaison