

**MINUTES
VILLAGE OF INDIAN HEAD PARK
PLANNING AND ZONING COMMISSION
PUBLIC HEARINGS**

“Pursuant to 5 ILCS 120/2.06 (3) minutes of public meetings shall include, but need not be limited to: a general description of all matters proposed, discussed, or decided, and a record of votes taken.”

Tuesday, March 6, 2007

7:30 P.M.

I. CALL TO ORDER -DENNIS SCHERMERHORN, CHAIRMAN

A public hearing was hosted by the Village of Indian Head Park Planning and Zoning Commission on Tuesday, March 6, 2007, at the Municipal Facility, 201 Acacia Drive, to consider Petition # 159 for a rear yard variation to allow for the addition to the residence at 6532 Blackhawk Trail. The meeting was called to order at 7:30 p.m. by Chairman Dennis Schermerhorn.

II. ROLL CALL: PRESENT (AND CONSTITUTING A QUORUM):

Chairman Dennis Schermerhorn
Commissioner Brian Bailey
Commissioner Noreen Costelloe
Commissioner Denise Ingram
Commissioner Earl O’Malley
Commissioner Jack Yelnick

NOT PRESENT:

Commissioner Diane Andrews

ALSO PRESENT:

Carol Coleman, Zoning Trustee

III. PLEDGE OF ALLEGIANCE TO THE FLAG

Chairman Dennis Schermerhorn and the Planning and Zoning Commission members led the audience in reciting the Pledge of Allegiance to the Flag as follows: *“I Pledge Allegiance to the Flag of the United States of America and to the republic for which it stands, one nation under God indivisible with liberty and justice for all”*.

IV. PUBLIC HEARINGS HELD BEFORE THE VILLAGE OF INDIAN HEAD PARK PLANNING AND ZONING COMMISSION (PUBLIC COMMENTS RECEIVED AFTER DISCUSSIONS BY THE PLANNING AND ZONING COMMISSION MEMBERS AND PRIOR TO VOTES)

ZONING AGENDA ITEMS:

1. **Petition #159 – A Request for a Rear Yard Variation for an Addition to the Residence Located at 6532 Blackhawk Trail, Indian Head Park.**

Chairman Schermerhorn noted that an application for a zoning variation was filed with the Village regarding a petition for a variation from *Title 17, Zoning*, of the Municipal Code to allow for the construction of an addition to the residence for the property located at 6532 Blackhawk Trail, Indian Head Park. The zoning of the property is R-1 Residence District. Chairman Schermerhorn noted that Mr. & Mrs. Nick Guardino, the property owners, are present this evening to discuss the proposed plans. Chairman Schermerhorn stated that Mr. & Mrs. Guardino have decided to discuss their plans for an addition to their residence informally before the Commission this evening in the form of a workshop meeting. The public hearing that was published for a rear yard encroachment into the rear yard setback of the subject property will be deferred for discussion by the Commission to a later date.

Chairman Schermerhorn noted that the following exhibits were presented and reviewed by the Commission members concerning Petition #159: (1) the Commission was presented with a zoning petition by Mr. & Mrs. Nick Guardino, the owners of the property located at 6532 Blackhawk Trail. The zoning petition form dated February 6, 2007, was signed by Nick Guardino; (2) a certificate of publication of the legal notice that appeared in the Suburban Life Newspaper on Wednesday, March 6, 2007; (3) a copy of the letter sent to adjacent property owners within two-hundred feet (200') of the subject property dated February 16, 2007; (4) a list of adjacent property owners; (5) a memo to the Public Works Department dated February 14, 2007, regarding posting of the zoning sign; (6) a building and zoning code report dated February 5, 2007 prepared by Tim Halik, the Village's plan review consultant; (7) a Certified Plat of Survey of the subject dated November 27, 1996 and architectural design plans dated November 30, 2006 prepared by Lance Weber Architects.

Chairman Schermerhorn stated that the following additional exhibits were presented to the Commission this evening:(1) letters of support signed by six neighboring property owners as follows: (Joanne Phebus, 6524 Blackhawk, Bonnie Hampton, 6516 Blackhawk Trail, Jerome Cihak, 6517 Blackhawk, Tom Hinshaw, 6575 Shabbona, Noel Johnson, 6577 Shabbona, Brian Brazda, 6577 Shabbona, : *"I am not opposed to the Guardino's request for an addition on the back of their home. I do not believe it harms us or damages the property values in the area."* (2) A letter from Mr. & Mrs. Guardino: *"We are requesting a variance for an encroachment of 16.42 feet into our rear yard setback leaving approximately fifty-three feet (53')."*

The variance would allow construction of a first floor addition with one bedroom and one bathroom which will be used as living space for our 87 year old father. The addition was

designed with the following considerations and features, unique to our family needs, existing home and landscape preservation. The addition will be handicapped accessible with wider ways, walk in shower and no stairs. There is an opening in three of the outside walls to allow preservation of three existing trees and water/sewer access is located directly adjacent to the additional bathroom.” A letter from Mohsen Javadi, an adjacent property owner, dated February 20, 2007, which states in part: *“Granting a variation to the rear yard setback for 6532 Blackhawk Trail impacts my property to the south at 6540 Blackhawk Trail as follows: (1) restricts views to the north; (2) takes away backyard privacy; (3) may cause a redesign of my proposed new home (currently working on the house plan) which meets all Village codes. A brief summary of the proposed plans for the addition was presented by Mr. & Mrs. Guardino’s architect reflecting existing living areas as well as proposed additional space footage for the new addition.*

Chairman Schermerhorn noted that Nancy and Nick Guardino are present this evening as well as Lance Weber their architect. Mrs. Guardino stated: (1) the purpose of the main floor addition to the residence is to accommodate her father who is 87 years old; (2) several design plans were considered that were presented by their architect and the plan that was selected for the main floor addition best suits their needs; (3) the plans for the main floor addition was designed to accommodate her elderly father as well as working with the architecture of the existing structure; and (4) the proposed addition extends into the rear yard of the property beyond the requirements of the rear yard setback; therefore a variance would be needed in order to construct the addition. Mr. Guardino added that all doorways in the new addition would be wheelchair accessible and a walk in shower and one bedroom on the main floor would be constructed to accommodate his father-in-law who is 87 years old. Lance Weber, Mr. & Mrs. Guardino’s architect, stated that the existing residence is a split-level home with low windows about five feet off the ground so the plan for the addition was designed so that those windows would not be covered. He noted that almost the entire length of the back of the house has windows with the kitchen area, sunroom and dining room and a small section of wall at the back corner of the house is the area that would be best suited for an addition to the home because there are existing utilities that could be accessed at that point. Mr. Weber pointed out that the bathroom with a walk-in shower was designed to accommodate a wheelchair; the bedroom was designed to accommodate a convalescent bed; if needed and the addition into the rear yard was designed to preserve existing trees on the property.

Lance Weber stated that the rear property line runs on an angle and the positioning of the new addition would create an encroachment into the rear yard setback of the property. Mr. Guardino noted that the front of the existing residence is set back ten-feet (10') more than required by the Village’s zoning code. Chairman Schermerhorn noted: (1) the front yard setback requirement for R-1 Residential Zoning is forty-feet (40') (the front yard setback of the subject property is fifty-

feet (50'); (2) the rear yard requirement is forty percent of the average lot depth (the existing lot depth is 173.54', the required rear yard setback distance calculates to 69.42').

The proposed rear yard setback distance is approximately 54', which does not comply with the rear yard setback requirement of the zoning district; (3) the side yard requirement for the R-1 Zoning District is a minimum of ten-feet (10') or a total combined side yard not to exceed twenty-five feet (25'); (4) the proposed new addition would create a rear yard encroachment of 16.42 feet outside of the buildable area of the property or a (23.65% variation that would be needed). Mrs. Guardino stated that a portion of the side yard was considered for the addition but the bathroom was designed to allow access to that area from the new bedroom area. Lance Weber stated that the rear yard addition was designed to preserve the existing window areas at the back of the home as well as preserving two existing trees.

Commissioner Jack Yelnick inquired if the addition could be reconfigured by utilizing existing easements and setbacks to minimize the encroachment into the rear yard setback. Mr. Chesloe, a representative of Mr. & Mrs. Guardino, stated that if the addition is moved closer to the house and extended into the side yard to the north at the back of the property, there are existing windows and sliding glass doors that would need to be removed to build the addition. He added that all features of the existing residence as well as natural surroundings were taken into account when the plan for the new addition was designed. Lance Weber stated that the proposed addition was designed to keep the structure at grade without increasing the height while maintaining the existing roof line to match the house. Commissioner Yelnick stated that the bathroom area part of the plan can be reconfigured utilizing the existing space at the back of the residence to decrease the depth of the addition. Lance Weber stated that the addition was designed to allow the best access at that point at the back of the house while preserving existing window space at the back of the house and to maintain the existing structure. Mr. Chesloe, an attorney representing Mr. & Mrs. Guardino, stated that the addition to the residence was designed to utilize the existing structure without inhibiting the current design of the home and taking into consideration impact to adjacent neighbors.

Mr. Mohen Javadi, an adjacent property on Blackhawk Trail, stated that he is in the process of finalizing plans for a new residence to be constructed on his vacant lot on Blackhawk Trail and his neighbors proposed addition may impact his plans. Commissioner O'Malley asked Mr. & Mrs. Guardino if they had considered going up with the addition and possibly adding a lift for wheelchair access to the second floor.

Mrs. Guardino stated that it would be much more costly to renovate the house in that manner. Commissioner O'Malley suggested that the addition could possibly be redesigned along the length of the back of the house to minimize the rear yard depth encroachment. Lance Weber stated that the plan was designed to meet light and ventilation codes. Gary Novak, an adjacent owner at 6587 Shabbona, stated that he is not opposed to Mr. & Mrs. Guardino's addition. He asked if drainage issues have been taken into consideration with the new proposed addition since

he is in a lower area where drainage problems become an issue at times. Mr. Novak stated that due to different elevations of homes he is on the low end with water draining from all areas to his property and he asked if there would be changes to current elevations when the addition is built on the Guardino property as well as the new home to be constructed on Mr. Javadi's vacant lot on Blackhawk Trail.

Mr. Novak asked the Commission to consider any effect the addition would have on drainage issues. Lance Weber stated that the proposed addition will be at grade and there are no changes in contours of the property that would affect adjacent properties. Mr. Mohsen Javadi stated he purchased his property on Blackhawk Trail eighteen years ago, the previous home on the lot was demolished about three years ago, he has plans to build a new home on the lot, the drawings are almost complete for the new house and he made drainage improvements east of his property to the street many years ago. Mr. Guardino stated that he is not adding on to his home to increase the value of the house but to build an addition on the main floor of the house to accommodate his father-in-law who is elderly.

Commissioner Noreen Costelloe asked Mr. & Mrs. Guardino if they had considered reconfiguring the existing residential structure by utilizing some of the existing interior space that might work for the in-law space. Lance Weber stated that there is a very small powder room and a small study on the first floor but the space is too small of an area and the proposed new addition would allow better access to the plumbing on the interior first floor. Mrs. Guardino stated the existing powder room on the main floor is too narrow of a space and there is not a lot of room for interior expansion without losing garage space or other existing rooms that are being utilized. Chairman Schermerhorn stated that the zoning ordinance is in place as a guideline and is intended to preserve the environment; however, not every proposed plan will meet all of the criteria of the zoning regulations. Chairman Schermerhorn asked Mr. & Mrs. Guardino and their architect if there is any way to reach a happy median to reduce the percentage of the encroachment into the rear yard setback. Lance Weber stated that nothing extravagant is being proposed, there are no walk-in closets and a bathroom vanity and other fixtures are of a certain size and cannot be reduced. Mrs. Guardino stated that if the addition were reduced to comply with the zoning regulations; there would be only ten-feet of usable space. Mr. Novak, an adjacent property owner stated that he still has concerns with drainage issues as it relates to the new addition.

Lance Weber stated that the addition as proposed has a minimum impact on the lot and; if necessary, a civil engineering review of the drainage on the property could be conducted as it relates to the proposed addition. Mr. Weber further stated that Mr. & Mrs. Guardino should not be required to rectify drainage problems on Mr. Novak's lot because he may be in a low area. Mr. Novak stated that structural improvements on adjacent properties may have an adverse affect on

drainage onto his property. Mr. Guardino stated that he will address any drainage issues pertaining to his property as it relates to an addition to his home.

Chairman Schermerhorn stated that the purpose of the meeting this evening is to review the particulars of the property owned by Mr. & Mrs. Guardino as it relates to an addition to the residence. He noted that Mr. & Mrs. Guardino's house is positioned back fifty-feet instead of forty-feet as required by the zoning code; the rear yard setback is so close to the back of the house and it is difficult to stay within the rear yard setback requirement.

Chairman Schermerhorn stated that the Commission must determine if there is rationale for a variance, and if so, how much of a variance would be supported by the Commission without establishing a precedent that would hold the Commission to recommendations in other zoning matters. Commissioner Costelloe stated that there is so much room at the back of the house that could accommodate an addition while minimizing an encroachment into the rear yard setback. Commissioner O'Malley pointed out that any new air-conditioning unit would need to be placed in the rear yard setback to comply with applicable Village codes. Chairman Schermerhorn stated that there is precedent that a ten to fifteen percent variance has been granted for rear yard encroachments in other zoning matters. Mr. Guardino stated that he obtained copies of ordinances granting rear yard variations for various properties in the Village as follows: *Ordinance #06-16*, *Ordinance #03-11* and *Ordinance # 05-15*.

Commissioner Jack Yelnick stated that some of the existing space at the back of the house can be utilized while taking into consideration the extended setback, the plan can be reconfigured, some window space may need to be moved and other areas at the back of the house can be opened up to accommodate an addition to minimize any variance that may be needed. Commissioner Denise Ingram concurred with Commissioner Yelnick's suggestion to reconfigure the addition by utilizing some of the existing space at the back of the house. Mr. Guardino stated that he will review the plans with his architect and the plan will be reconfigured as suggested by the Commission members and the plan will be presented to the Commission at a future meeting. Commissioner Yelnick stated that his suggestions are based on his personal experiences in the building industry and the plan can be redesigned to possibly minimize any variance that may be needed by utilizing some of the existing space.

Chairman Schermerhorn stated that Mr. & Mrs. Guardino will have their plans for the addition redesigned, the new plan will be submitted to the Village for building and zoning review and the plans will be distributed to the Commission members to continue this zoning matter to a future meeting. Commissioner Ingram moved, seconded by Commissioner Costelloe, to enter and continue Mr. & Mrs. Guardino's public hearing process to the April zoning meeting. Carried by unanimous voice vote (5/0/1).

2. Petition #160 – An Amendment to the Ashbrook Planned Unit Development for an Addition to the Residence at 6195 Glenbrook Lane, Indian Head Park.

Chairman Schermerhorn convened the public hearing regarding a petition for an amendment to the Ashbrook Planned Unit Development to allow for a change to the previously approved *P.U.D. for an addition to a single family residence located at 6195 Glenbrook Lane, Indian Head Park*. The zoning of the property is R-3A P.U.D. The existing structure complies with all other applicable building and zoning codes. Chairman Schermerhorn noted that Mr. & Mrs. Andrew Bartucci, the property owners, are present this evening to discuss the proposed plans for an addition to their residence at 6195 Glenbrook Lane.

The following exhibits were presented and viewed by the Commission members concerning Petition #160: (1) a zoning petition form dated February 12, 2007, signed by Andrew Bartucci;(2) a certificate of publication of the legal notice that appeared in the Suburban Life Newspaper on Wednesday, February 14, 2007; (3) a copy of the letter sent to adjacent property owners within two-hundred feet (200') of the subject property dated February 15, 2007; (4) a list of adjacent property owners; (5) a memo to the Public Works Department dated February 13, 2007 regarding posting of the zoning sign; (6) a building and zoning code report dated January 20, 2007 prepared by Tim Halik, the Village's plan review consultant; (7) a copy of the Certified Plat of Survey of the subject property; (8) architectural design plans dated January 12, 2007; (9) Final Planned Unit Development Plat showing Lot #61 (6195 Glenbrook Lane); (10) Chapter 17.48 R3A General Residence District Zoning District of the Municipal Code.

Mr. & Mrs. Andrew Bartucci, the property owners of 6195 Glenbrook Lane, stated they are proposing to add eight-feet of living space into the rear yard of the property for an addition to the residence that complies with all applicable Village codes. Mr. Bartucci stated that patio work will also be completed as part of the plan and the Village's review of the drawings noted that the addition to the residence is in full compliance with all other codes. However, it was determined that an amendment to the previously approved Ashbrook P.U.D. would be required to allow for the addition. Commissioner Ingram asked if the property owner received approval from the Ashbrook Association.

Chairman Schermerhorn noted that the Ashbrook Association provided a letter approving Mr. & Mrs. Bartucci's request for an addition to the residence.

Chairman Dennis Schermerhorn and the Commission members reviewed the following Findings of Fact with regard to the residential property at 6195 Glenbrook Lane to evaluate evidence presented in response to the following criteria before recommending a variation, as required by the Village's Zoning Ordinance, *Title 17 Zoning, Section 17.23.060E*: (1) that the property in question cannot yield a reasonable return if permitted to be used only under the conditions

allowed by the regulations governing the district in which it is located (not applicable -- this reference pertains only to commercial properties); (2) the plight of the owner is due to unusual circumstances (all commissioners agree); (3) the variation, if granted, will not alter the essential character of the locality (all commissioners agree); (4) the particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out (all commissioners disagree); (5) the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification (all commissioners agree); (6) the purpose of the variation is not based upon a desire to make money out of the property (all commissioners agree); (7) the alleged difficulty or hardship has not been created by any person presently having an interest in the property (all commissioners agree); (8) the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located (all commissioners agree); (9) the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood (all commissioners agree). Chairman Schermerhorn noted that there were no adjacent property owners that expressed opposition to this zoning request.

Commissioner Bailey moved, seconded by Commissioner Ingram, to accept the findings of fact with regard to the zoning matter before the Planning and Zoning Commission this evening. Motion carried by unanimous roll call vote (5/0/1). Commissioner Andrews was absent.

Aye: Commissioners: Bailey, Costelloe, Ingram, O'Malley, Yelnick

Nay: None

Absent: Andrews

Commissioner Ingram inquired if the Ashbrook Association placed any conditions on the approval of the addition to the residence.

Mr. & Mrs. Bartucci stated that additional landscaping was installed when their home was built and the Ashbrook Association did not require any additional landscaping for the proposed addition which is designed to match the existing residence.

Commissioner Costelloe moved, seconded by Commissioner Bailey, to make a favorable recommendation to the Village Board to grant an amendment to the Ashbrook Planned Unit Development to allow for a rear yard addition that complies with all other applicable Village codes; as presented to the Commission. Motion carried by roll call vote (5/0/1).

Aye: Commissioners: Bailey, Costelloe, Ingram, O'Malley, Yelnick

PZC Minutes
March 6, 2007

Nay: None
Absent: Andrews

Chairman Schermerhorn stated that the recommendation for approval of this zoning request will be presented to the Village Board at the next Village Board meeting.

3. Petition #161 – An Amendment to the Planned Unit Development and Variation for the Property Located at 6419 Indian Head Trail, Indian Head Park.

Chairman Schermerhorn convened the public hearing regarding a petition for an amendment to the Planned Unit Development and variation from *Title 17, Zoning*, of the Municipal Code to allow for the construction of a deck for the property located at 6419 Indian Head Trail.

The zoning of the property is R-1 P.U.D. Chairman Schermerhorn noted that Brian McKenna, the property owner, is present this evening to discuss the proposed plans.

The following exhibits were presented and reviewed by the Commission members concerning Petition #161: (1) a zoning petition form dated February 13, 2007, signed by Brian McKenna; (2) a certificate of publication of the legal notice that appeared in the Suburban Life Newspaper on Wednesday, February 17, 2007; (3) a copy of the letter sent to adjacent property owners within two-hundred feet (200') of the subject property dated February 15, 2007; (4) a list of adjacent property owners; (5) a memo to the Public Works Department dated February 13, 2007, regarding posting of the zoning sign; (6) a building and zoning code report dated January 20, 2007 prepared by Tim Halik, the Village's plan review consultant and; (7) preliminary construction and design plan specifications for the proposed deck and plat of survey.

Mr. McKenna stated that he is proposing to construct a new deck in the rear yard of the property over an existing small patio area and the deck would extend into the rear yard setback by about 6.6', which would require a zoning variation.

Commissioner Yelnick asked if there is a window well with a grate that would be covered by the deck. Mr. McKenna responded, yes. Commissioner Yelnick suggested that a metal grate be installed over the existing window well to allow access and to provide light and ventilation to meet code. He added if the deck will be constructed around that area, a removable section of the deck can be installed to allow access. Chairman Schermerhorn stated that a railing would be required based on the height of the deck.

Chairman Dennis Schermerhorn and the Commission members reviewed the following Findings of Fact with regard to the residential property at 6419 Indian Head Trail to evaluate evidence presented in response to the following criteria before recommending a variation, as required by

the Village's Zoning Ordinance, **Title 17 Zoning, Section 17.23.060E**: (1) that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located (not applicable -- this reference pertains only to commercial properties); (2) the plight of the owner is due to unusual circumstances (all commissioners agree); (3) the variation, if granted, will not alter the essential character of the locality (all commissioners agree); (4) the particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out (all commissioners disagree); (5) the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification (all commissioners agree); (6) the purpose of the variation is not based upon a desire to make money out of the property (all commissioners agree); (7) the alleged difficulty or hardship has not been created by any person presently having an interest in the property (all commissioners agree); (8) the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located (all commissioners agree); (9) the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood (all commissioners agree).

Commissioner Yelnick moved, seconded by Commissioner O'Malley, to accept the findings of fact with regard to the zoning matter before the Planning and Zoning Commission this evening. Motion carried by unanimous roll call vote (5/0/1). Chairman Schermerhorn noted that there were no adjacent property owners that expressed opposition to this zoning request.

Aye: Commissioners: Bailey, Costelloe, Ingram, O'Malley, Yelnick

Nay: None

Absent: Andrews

Commissioner Bailey moved, seconded by Commissioner Ingram, to make a favorable recommendation to the Village Board to grant an amendment to the Planned Unit Development and a 6.6' rear yard variation for the property located at 6419 Indian Head Trail to allow for the construction of a deck as presented to the Commission with the following conditions: (1) the deck must remain open, unroofed and unscreened; (2) existing utility meters must remain accessible to meter readers and; (3) a building permit must be obtained prior to the work commencing. Motion carried by roll call vote (5/0/1).

Aye: Commissioners: Bailey, Costelloe, Ingram, O'Malley, Yelnick

Nay: None

Absent: Andrews

PZC Minutes
March 6, 2007

Chairman Schermerhorn stated that the recommendations for approval of this zoning request will be presented to the Village Board at the next Village Board meeting.

V. REVIEW AND APPROVAL OF PLANNING AND ZONING COMMISSION MEETING MINUTES.

Minutes of the Planning and Zoning Commission held October 3, 2006

Upon review of the minutes presented from the meeting held on Tuesday, October 3, 2006, Commissioner Costelloe moved, seconded by Commissioner O'Malley, to approve the October 3, 2006 meeting minutes, as amended. Carried by unanimous voice vote (5/0/1).

VI. ADJOURNMENT

There being no further business to discuss before the Commission, Chairman Schermerhorn entertained a motion to adjourn the public hearings. Commissioner Costelloe moved, seconded by Commissioner Yelnick to adjourn the public hearings at 9:10 p.m. Carried by unanimous voice vote (5/0/1).

Respectfully Submitted,
Kathy Leach, Zoning Commission Recording Secretary