

**Village of Indian Head Park  
201 Acacia Drive  
Indian Head Park, IL 60525**

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

*“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 4, 2014**

**7:30 P.M.**

**CALL TO ORDER – CHAIRMAN DENNIS SCHERMERHORN**

A public hearing was hosted by the Village of Indian Head Park Planning and Zoning Commission on Tuesday, March 4, 2014, at the Municipal Facility, 201 Acacia Drive. Zoning Petition #179 was presented to the Commission by Michael J. Castellino, counsel on behalf of Chestnut on the Green Association, Phase 2. The petitioner is requesting an amendment to the previously approved Chestnut on the Green, Phase 2, P.U.D. to allow for walkout patios for certain buildings to extend fourteen feet (14') from the outermost rear wall and to allow limited rear yard encroachments for the affected buildings for seatwalls and pillars. The meeting was convened at 7:30 p.m. by Chairman Dennis Schermerhorn.

**ROLL CALL: PRESENT (AND CONSTITUTING A QUORUM):**

Chairman Dennis Schermerhorn  
Chairperson Noreen Costelloe  
Commissioner Diane Andrews  
Commissioner Timothy Kyzivat

PZC Minutes  
March 4, 2014

**ALSO PRESENT:**

Tom Hinshaw, Zoning Trustee

**NOT IN ATTENDANCE:**

Commissioner Earl O'Malley  
Commissioner Robert Tantillo  
Commissioner Jack Yelnick

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Chairman Dennis Schermerhorn and the Planning and Zoning Commission members recited 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"***.

**ZONING AGENDA ITEM: (discussion and a possible vote may take place)**

**PUBLIC HEARING 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)**

**1. Petition #179** - A petition for an amendment to the Chestnut on the Green Phase 2 Planned Unit Development to allow for walkout patios for certain buildings to extend fourteen feet (14') from the outermost rear wall and to allow limited rear yard encroachments for the affected buildings for seatwalls and pillars.

Chairman Schermerhorn noted a zoning petition was filed with the Village by Michael J. Castellino representing Chestnut on the Green Association, Phase 2. The following exhibits were presented and reviewed by the Commission concerning this zoning petition: (1) a zoning petition form dated January 31, 2014 submitted by Michael J. Castellino on behalf of Chestnut on the Green Phase 2 Association; (2) a copy of the approval from Chestnut on the Green Association dated February 5, 2014; (3) a zoning report dated February 7, 2014 from Don Morris Architects regarding proposed plans; (4) a memo to public works regarding posting of the zoning sign on the subject property;

(5) a certificate of publication notice in the Suburban Life newspaper on February 12, 2014; (6) a copy of the letter that was sent to the adjacent property owners; (7) a copy of Chestnut on the Green, Phase 2 P.U.D. Plat; (8) a list of adjacent property owners.

Michael Castellino, from DelGaldo Law Group, representing Chestnut on the Green Phase 2 Association addressed the commission. He stated Jeff Buti, one of the homeowners in Phase 2 had submitted an application for a permit to be able to build a patio that extends into the rear yard setback of his property with seatwalls and pillars. It was determined that a zoning process would be necessary in order to consider the request to amend the Planned Unit Development. Mr. Castellino stated the property was annexed to the Village in about 1999, the underlying R4 P.U.D. zoning district was approved on 2000 and the P.U.D. was approved in 2003 to allow for walkout patios, decks, and awnings for buildings in the development. He noted one of the restrictions for the decks and walkout patios allowed in the P.U.D. amendments was that for buildings that had a second floor deck the walkout patio had to be no more than ten feet out from the rear wall of the building. Mr. Castellino stated there are four buildings that do not have walkout basements so those buildings do not have second floor decks, the buildings are highlighted in color on the plans submitted showing Buildings 7,8,9 and 1 and because of the way these buildings are constructed without walkout basements, they have a problem complying with the approved P.U.D. and ten foot limitation. Mr. Buti lives in Building 7 and would need a zoning amendment to build his patio with seatwalls as proposed.

Mr. Castellino stated the four buildings have limitations because of the configuration of their rear outermost wall, they have window wells and ac units so they need a little more room to build out to get beyond those window wells and ac units. Mr. Castellino stated the petition submitted is requesting two minor amendments limited to the four buildings (1) to allow those four buildings a walkout patio to extend a total of fourteen feet from the outermost rear wall. The patio itself will only be ten feet long as many of the other patios with the landscaping buffer and beyond the window wells and ac units and (2) to allow seatwalls and pillars not to exceed 30" that would be part of the patios.

The zoning code interpretation was that the seatwalls and pillars were over one foot and therefore considered an encroachment so an amendment was needed. He noted the rear yard setback in R4 is 50', there is not fifty feet in the rear yard and the petition submitted is not asking for a global variance but just an amendment for the four buildings. Mr. Castellino stated the amendment would not affect the property values but might enhance the property values for these four buildings.

Commissioner Kyzivat asked if there are any patios constructed for these buildings under the old rules when the previous P.U.D. was approved. Mr. Castellino stated he was not aware of any. Chairman Schermerhorn asked if all of the building owners would have the same design plan. Mr. Castellino stated he did not know if the other property owners in the four buildings would want to take advantage of the amendment and this request was triggered by Mr. Buti's application for a patio and the denial would also apply in the future to the four buildings. Therefore, an amendment would also help those homeowners should they wish to add a patio in the future without a zoning process. Chairman Schermerhorn asked if the pillars are decorative or part of the patio. Mr. Buti stated seating walls and the pillars are part of the patio design structure, the patio would be constructed at grade and would be constructed of either brick pavers or concrete.

Chairman Schermerhorn asked if there would be any conflicts with any easements in the rear yards. Mr. Buti stated he was not aware of any conflicts with any easements. Commissioner Kyzivat stated there is a four foot space from the home to where the edge of the patio would start. He asked if that would be required or up to someone how they want to put their patio in place. Mr. Castellino stated there would be uniformity so the four buildings would follow the same guidelines. Commissioner Kyzivat stated there should be some uniformity across the rear yards with the patios. Mr. Castellino stated the homeowners association may also have some requirements for screening that you have to put a foot of mulch in between the window wells and the patio and the request for the patio is to allow a maximum length of fourteen feet from the outermost rear wall to the end of the patio. The association may also set forth requirements as well. He noted a property owner may decide that want a smaller patio.

Commissioner Andrews asked what is off the back of the units now and if there would be any change in grading. Mr. Buti stated there is a stoop off the sliding door now, the patio would be constructed at grade and the seatwalls would be on each side of the patio. Commissioner Andrews asked about lights on the pillars. Mr. Buti stated the lights would be low lighting and the association would also set guidelines as well.

Denise Whitting, of Flagg Creek Drive, stated she has concerns with drainage and where the water will drain if areas are filled in with concrete. Commissioner Kyzivat stated there is a pitch in the land designed for drainage purposes. Mr. Buti stated an at grade patio will not cause water to collect in that area and the drainage will not be affected. Mr. Castellino stated a homeowner will still need to obtain a permit and the Village will inspect it to make sure it is constructed according to the plan and there will be a space between the home and patio. After discussion about drainage with the petitioner, Denise Whitting withdrew her concerns that the drainage would be impacted by installation of the patio.

Commissioner Andrews moved, seconded by Commissioner Costelloe, to accept the petition as presented. Carried by unanimous voice vote (4/0/3). Since the property is located within a Planned Unit Development Findings of Fact were not reviewed in this zoning matter. Chairman Schermerhorn noted the petitioner upheld their burden of proof that there is no adverse economic impact by granting this zoning amendment.

Chairman Schermerhorn entertained a motion to submit a recommendation to the Village Board to accept the petition as presented for approval. Commissioner Andrews moved, seconded by Commissioner Costelloe, to submit a recommendation to the Village Board for approval of the amendment to the Chestnut on the Green, Phase 2 P.U.D with the following conditions: (1) that any conflicts with easements or utilities will be at the risk of the property owner; (2) the patios will remain open and not enclosed. Carried by unanimous roll call vote (4/0/3).

*Aye: Chairman Schermerhorn  
Commissioners: Andrews, Costelloe and Kyzivat  
Nay: None  
Absent: O'Malley, Tantillo, Yelnick*

Chairman Schermerhorn stated that a report will be presented to the Village Board at the next Board meeting and a recommendation will be provided consistent with the petition submitted to the Commission.

**2. Commission Discussion Regarding Revisions to Title 17, Zoning and the Village's Comprehensive Plan**

Chairman Schermerhorn deferred the review of Title 17, Zoning to the next scheduled meeting.

**PUBLIC COMMENTS FROM THE AUDIENCE**

There were no public comments from the audience.

**APPROVAL OF PLANNING AND ZONING COMMISSION MEETING MINUTES**

The February 4, 2014 Zoning minutes were distributed for review. However, since three members are absent, the minutes will be deferred for approval to the next meeting.

**ADJOURNMENT**

There being no further business to discuss before the Commission, Commissioner Costelloe moved, seconded by Commissioner Kyzivat, to adjourn the meeting at 8:10 p.m. Carried by unanimous voice vote (4/0/3).

Minutes prepared and submitted by,  
Kathy Leach, Recording Secretary  
Planning and Zoning Commission

PZC Minutes  
March 4, 2014