

**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, May 7, 2013

7:30 P.M.

CALL TO ORDER – CHAIRPERSON NOREEN COSTELLOE

A public hearing was hosted by the Village of Indian Head Park Planning and Zoning Commission on Tuesday, May 7, 2013, at the Municipal Facility, 201 Acacia Drive. Zoning Petition #178 was presented to the Commission by Mr. Kent Walczak and Kristen Hlavacek, owners of the property at 11341 Hiawatha Lane. The property owners are requesting a side yard variance to allow for the construction of a new single family home. The meeting was convened at 7:30 p.m. by Chairperson Noreen Costelloe.

ROLL CALL: PRESENT (AND CONSTITUTING A QUORUM):

Chairperson Noreen Costelloe
Commissioner Diane Andrews
Commissioner Timothy Kyzivat
Commissioner Earl O’Malley
Commissioner Robert Tantillo
Commissioner Jack Yelnick

ALSO PRESENT:

Debbie Anselmo, Zoning Trustee
Dennis Schermerhorn, Zoning Trustee

PLEDGE OF ALLEGIANCE TO THE FLAG

Chairperson Noreen Costelloe 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”.*

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)

ZONING AGENDA ITEM:

- 1. Petition #178 – A petition for a side yard variance to allow for the construction of a new single family home at 11341 Hiawatha Lane, Indian Head Park.**

Chairperson Costelloe noted a zoning petition was filed with the Village by Kent Walczak and Kristen Hlavacek requesting a side yard variance to allow for the construction of a new single family home at 11341 Hiawatha Lane. The following exhibits were presented and reviewed by the Commission concerning this zoning petition: (1) a zoning petition form dated April 12, 2013 signed by Kent Walczak; (2) a topographical survey dated March 18, 2013; (3) a copy of the preliminary design 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; (6) a plat of survey of the property showing the location of the proposed new single family home (7) a copy of the letter that was sent to the adjacent property owners; (8) a plan review report prepared by the Village’s plan review consultant and; (9) a list of adjacent property owners.

Kent Walczak and Kristen Hlavacek, owners of the property at 11341 Hiawatha Lane addressed the Commission. Mr. Walczak stated as owners of the property on Hiawatha Lane they are excited to be moving from North Riverside to Indian Head Park and look forward to building a new home on Hiawatha Lane. Mr. Walczak noted: (1) a five-foot (5') side yard variance is being requested to be able to build a new single home at 11341 Hiawatha Lane; (2) the lot size of the subject property is sixty six feet wide (66') by two hundred and eighty eight feet (288') in depth; (3) the R-1 Single Family Residence District regulation of the Village's zoning ordinance calls for a ten-foot side yard setback and a combined side yard total of twenty-five feet (25'); (4) a five-foot (5') variance is being requested to allow for a total combined side yard setback of twenty-feet (20'); (5) the overall house width is forty-six feet (46'); (6) a scaled down set of drawings were provided to the Commission of the new proposed residence and a full size set of drawings are available for review as well and; (7) the plans and site plans are in compliance with all other applicable Village ordinances and regulations. Mr. Walczak stated he is a licensed, insured and bonded contractor that will be building the home as their primary residence in Indian Head Park. He asked that the Commission to please consider granting the requested variance. Mr. Walczak stated he and Kristen have already met many of the new neighbors on Hiawatha Lane and look forward to being a part of the community.

Chairperson Costelloe stated all Commission members received documents relative to the request for the side yard variance. She noted there is a precedent established that this type of variance has been previously granted in the past in this area of the Village as well as other areas. Commissioner Kyzivat inquired if Hiawatha Lane is an area with many narrow lots. Chairperson Costelloe stated many lots on Hiawatha have the square footage for building purposes but not the width of many R-1 zoned lots in other areas. Commissioner Kyzivat stated the plan review report reflects the lot at 11341 Hiawatha Lane is an existing non-conforming lot of record. Commissioner Andrews stated she visited the property and asked if two trees west of the existing driveway will be removed or any other trees on the property. Mr. Walczak stated the two existing trees would not be removed and there are no plans to remove any other trees unless they are diseased or declining.

PUBLIC COMMENTS

QUESTIONS AND/OR COMMENTS FROM INDIAN HEAD PARK RESIDENTS/PROPERTY OWNERS IN ATTENDANCE REGARDING ZONING AGENDA ITEMS

Joan Metz, of Arrowhead Court, stated she is an adjacent property owner to the property at 11341 Hiawatha Lane. She asked if all lots with a sixty-six foot width lot would require a variance no matter what because it does not fit the current zoning standards of the R-1 Zoning District. Chairperson Costelloe stated the R-1 Zoning requires a total combined side yard of twenty-five feet (25') with a minimum of ten-feet (10') in either side yard so it would be difficult for anyone to build a home on a sixty-six foot (66') wide lot. Joan Metz stated a neighbor to this property has a sixty-six foot (66') wide lot with a house that did not need a variance so it is possible to build without a variance. Joan Metz asked what variances have been allowed on Hiawatha Lane. Commissioner Andrews stated Mr. Lake was granted a variance in 1999 to build a new home and in the year 2000 another variance was granted on Hiawatha Lane for less than the variance requested under this petition. Chairperson Costelloe noted the following side yard variances that were previously granted for properties on Hiawatha Lane: (1) in 1994, a side yard variance of 6.42 was granted for 11205 Hiawatha Lane; (2) in 1999, an eight-foot (8') variance was granted at 11240 Hiawatha Lane; (3) in 2000, a variance was granted to allow a total combined side yard of 16' 6" at 11246 Hiawatha Lane; (4) in 2001, a variance to allow two side yards (6.6' on the east and 10' on the west) was granted for 11340 Hiawatha Lane; (5) in 2001, side yard variances of (6.6' west and 13.6' east side yard) for 11328 Hiawatha Lane; (6) in 2005, a variance to allow a total combined side yard width of twenty-feet (20') at 11225 Hiawatha Lane and 11323 Hiawatha Lane had numerous variances for a garage addition.

Joan Metz asked if these variances were granted for hardships. Chairperson Costelloe stated many of the lots on Hiawatha are existing lots of records that are long and narrow, many properties in the R-1 District areas have wider lots and many new homes and styles for new construction are different than fifty years ago when the zoning regulations were first established. She noted many people who have an existing home were able to build a home of modern quality on that lot and the variance being requested in minimal.

Joan Metz stated it is not that difficult to build a home within the requirements without a variance and there are many other houses on that street that may not have needed a variance.

Commissioner O'Malley stated he participated in the hearings on some of the properties that needed a variance on Hiawatha Lane in the past years. He added many of the lots on that street are long and narrow, sometimes a minimal variance is needed with that lot configuration to accommodate a new home to be constructed, a minimal height variance was granted previously also for another property on that street and the maximum height of twenty-five (25') up to the average median range in Indian Head Park is less than the height that is allowed in other communities. Commissioner O'Malley stated when he built his home he was able to work with the proper height range because he had additional space in other areas of the lot for the layout of his house. Commissioner O'Malley stated many homes have been demolished with many new beautiful homes that have been built on Hiawatha Lane over the years and it is sometimes difficult to work with the narrow lot.

A resident on Hiawatha Lane stated she was one of the first residents with a tear down on Hiawatha Lane years ago, she has a two story home that was built and did not recall needing a variance to build a new home, she has a ten foot (10') side yard on the west and a fifteen feet (15') side yard on the east. She asked if the five-foot (5') variance was being requested all on one side.

Kent Walczak stated his site plan for the new home has a ten-foot (10') side yard on either side yard. Tom Hinshaw asked if there is any thought that providing the variance causes a water run-off issue or impact on neighbors. Chairperson Costelloe stated at the Commission level drainage reviews are conducted by the Village Engineer during the permit process at the Building Department level. Joan Metz stated that she did not receive a letter by mail regarding the public hearing on this matter. A resident of 11345 Hiawatha also mentioned she did not receive a letter. Commissioner Kyzivat stated a letter was sent to the resident of 11345 Hiawatha Lane regarding the hearing, a legal notice was also published in the newspaper and the zoning sign has been posted on the property at least fifteen days prior to the public hearing date. Joan Metz stated she saw the zoning sign but there is no writing on both sides about the hearing and her property backs up to Hiawatha.

Chairperson Costelloe apologized if someone did not receive a letter that may have been an oversight but the Village makes every effort to notify someone of the hearing by three methods.

A resident on Hiawatha Lane stated she has some drainage concerns since some new homes have been built on Hiawatha. Commissioner Andrews stated there is a tributary that flows through the entire area and there are two big drain sewers to collect water to a point. Commissioner Andrews asked Mr. Walczak if he had any plans to store any items in the side yard of the property. Mr. Walczak responded, no.

A resident who lives directly across the street from 11341 Hiawatha stated she has concerns with an ordinance about height of the grading on the property. She noted there is a fairly new home on Hiawatha that she believes the height of the residence is too high and does not want that to be allowed again and asked if changing the grade is a variance. She noted the foundation should always originate close to the same grade. Commissioner Andrews stated many of the new homes are built higher but that is not a variance and the grade and topography is reviewed by the Village Engineer to insure it is at the proper level prior to permit issuance.

Chairperson Costelloe stated the Village's plan review consultant reviews the proposed architectural plans for building and zoning code compliance and the Village Engineer reviews the topography before a permit is issued and also the final grading. She added the Planning and Zoning Commission's responsibility is only to consider zoning matters that are proposed that do not comply with the zoning code. Joan Metz stated she just wanted to clarify the process for reviews of plans and grading.

Dennis Schermerhorn, Zoning Trustee, stated all plans are sent to the Village's plan review consulting firm who provides a report on building and zoning compliance and some projects require a review by the Village Engineer based on the scope of the project. He added the Village Engineer determines if there is a drainage impact on the neighborhood and will point those concerns out in a report that some grading modification may be needed. Dennis Schermerhorn stated that the Zoning Board only considers requests for variances to the zoning code.

He noted if a home is built within the buildable area of the property, there is no variance needed and the Village relies on the Village Engineer to review drainage matters and plan review consultants through the building permit process. Joan Metz stated the last house built on that street caused a drainage problem and she asked why those issues are not part of the approval process before the zoning board. George Matook, of Hiawatha Lane, stated one new home on Hiawatha was built too high, there is a considerable amount of water, he never had water on his property till that home was built and where was the engineer at that time when the house was being built. A resident on Hiawatha stated to prevent this drainage problem from happening again, the Village Engineer needs to review the plans for approval before a permit is issued.

Chairperson Costelloe stated there are other procedures in place for drainage and engineering to be reviewed by Village representatives before a building permit is granted. A resident on Hiawatha stated she believes the property owner of 11320 Hiawatha Lane may have changed the grade after a permit was obtained. Chairperson Costelloe stated she did not recall any variances being granted for 11320 Hiawatha Lane, a preliminary engineering report is provided to the Commission for information only based on the type of project and final engineering is also approved by the Village Engineer before the project is completed.

Commissioner Yelnick pointed out the purpose of the hearing tonight is to only discuss the zoning petition and request before the Board as it relates to a request for a side yard variance for 11341 Hiawatha Lane. He noted there is not one person in this room that should not be appreciative of the property owners that want to come to Indian Head Park to bring their family into the community. Commissioner Yelnick stated we all just need to move forward and consider the matter this evening, if there was a previous problem with another property to bring it to the attention of Village Administration and there is a nice family waiting for approval to build their home in the community who is asking for a minimal variance. Commissioner Yelnick stated we all want to welcome someone into the community to build beautiful homes to enhance the property values in town and to pay taxes to the schools and help the entire community. He added the Commission members are just trying to do the best job and let's all work together.

Joan Metz stated she was only trying to find out the process for reviews and approvals and wants to be sure homes are being built according to codes in place. She further stated that she was not aware engineering was reviewed at a different level through the permit process and thanked the Commission for the clarification. Kent Walczak stated the plan for his new home is to build a 2,800 square foot home, he previously spoke to the Village Engineer about drainage when the plans were being prepared and those suggestions were incorporated, he also asked some of the neighbors on Hiawatha if they tied their gutters into the drainage storm system and some were not sure, he asked the Village Engineer Dave Vandervelde if that was allowable and he said have your surveyor show the storm sewer on the proposed drawings and he would provide a report if it was feasible or not. Kent Walczak stated he is a builder by profession and is all about being a good neighbor and he will shoot the grade up to two houses on either side of his property to maintain the grade.

The Commission members reviewed the following Findings of Fact with regard to the residential property at 11341 Hiawatha 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 agree); (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 O'Malley moved, seconded by Commissioner Kyzivat, 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 (6/0/0).

Aye: Chairperson Costelloe,

Commissioners: Andrews, Kyzivat, O'Malley, Tantillo, Yelnick

Nay: None

Absent: None

Chairperson Costelloe 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 O'Malley, to submit a recommendation to the Village Board for approval of a five-foot (5') side yard variance to allow for the construction of a new single family home at 11341 Hiawatha Lane with the condition that there will be no storage of any kind in the side yard of the property. Carried by unanimous roll call vote (6/0/0).

Aye: Chairperson Costelloe,

Commissioners: Andrews, Kyzivat, O'Malley, Tantillo, Yelnick

Nay: None

Absent: None

Chairperson Costelloe stated that a report will be presented to the Village Board at the next meeting and a recommendation will be provided to approve granting a side yard variance for the property located at 11341 Hiawatha Lane consistent with the plans submitted to the Commission.

PUBLIC COMMENTS FROM THE AUDIENCE

There were no public comments from the audience.

APPROVAL OF PLANNING AND ZONING COMMISSION MEETING MINUTES

After review of the October 2, 2012 meeting minutes, Commissioner Andrews moved, seconded by Commissioner Yelnick, to approve the October 2, 2012 meeting minutes, as amended. Carried by unanimous voice vote (6/0/0).

ADJOURNMENT

There being no further business to discuss before the Commission, Commissioner Yelnick moved, seconded by Commissioner O'Malley, to adjourn the meeting at 8:25 p.m. Carried by unanimous voice vote (6/0/0).

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