

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

**MINUTES
PLANNING AND ZONING COMMISSION
PUBLIC HEARING
PETITION #153
MR. & MRS. MILAN SIMICH
26 STONEHEARTH LANE/ACACIA DEVELOPMENT
DECK CONSTRUCTION**

“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, August 1, 2006

8:00 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, August 1, 2006, at the Municipal Facility, 201 Acacia Drive, and was called to order at 8:00 p.m. by Chairman Dennis Schermerhorn.

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

Chairman Dennis Schermerhorn
Commissioner Diane Andrews
Commissioner Noreen Costelloe
Commissioner Earl O’Malley

NOT PRESENT:

Commissioner Brian Bailey
Commissioner Denise Ingram
Commissioner Jack Yelnick

ALSO PRESENT:

Richard Andrews, Zoning Trustee Liaison

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 HEARING REGARDING A PETITION FOR AN AMENDMENT TO THE ACACIA PLANNED UNIT DEVELOPMENT AND VARIATIONS TO ALLOW FOR THE CONSTRUCTION OF A DECK AT 26 STONEHEARTH LANE, INDIAN HEAD PARK

Chairman Schermerhorn convened the public hearing regarding a petition for an amendment to the Acacia 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 26 Stonehearth Lane within the Acacia Townhome Development. The zoning of the property is R-3 P.U.D. Chairman Schermerhorn noted that Mrs. Simich, the property owner, is present this evening to discuss the proposed plans.

V. PUBLIC COMMENTS

Chairman Dennis Schermerhorn noted that one letter was received from Marsha Keller, who resides at 17 Cherrywood Court with regard to this petition for a variation as follows: *“I personally do not think that the deck that is in question should be allowed to be built. We all have to abide by the Acacia Association rules. Letting one person slide is not the right thing to do. P.S. I have a concrete patio in the smallest unit here that is in need of desperate replacement, how about letting me put in a hot tub on it when I repair it. Those are not allowed either”*. The following exhibits were presented and viewed by the Commission members concerning Petition #153: (1) a zoning petition form dated July 10, 2006, signed by Milan Simich, the owner of the property located at 26 Stonehearth Lane in Indian Head Park;(2) a certificate of publication of the legal notice that appeared in the Suburban Life Newspaper on Saturday, July 15, 2006; (3) a copy of the letter sent to adjacent property owners within two-hundred feet (200') of the subject property dated July 13, 2006; (4) a list of adjacent property owners; (5) a memo to the Public Works Department dated July 11, 2006 regarding posting of the zoning sign; (6) plan review consultant’s report dated June 26, 2006 including an approval letter from the Acacia Association dated June 8, 2006; (7) preliminary construction plan specifications ; (8) a plat of survey of the subject property dated May 18, 2006; (9) Village of Indian Head Park code reference *“Decks and Related Structures”* and (10) a letter from Marcia Keller, of 17 Cherrywood Court regarding this zoning petition.

Mrs. Joann Simich, the property owner of 26 Stonehearth Lane, stated she is present this evening to discuss the proposed plans for the construction of a new deck. Mrs Simich noted: (1) she and her husband Milan are the original owners of the property located at 26 Stonehearth Lane; (2) the plan is to improve the exterior of the property and to construct a new deck on the back of the unit and to abide by the rules of the Acacia Association;

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(3) the plans for the deck submitted to the Village was previously approved by the Acacia Association Board of Directors; (4) the deck will be constructed of a durable material "Trex"; (5) initially the plan was to cover the window well with an acrylic cover but a metal grate is preferred to allow air flow and to provide safety.

Mrs. Simich stated that commissioners from the Planning and Zoning Commission visited the property and there were questions about the dimensions and measurements of the deck. After review, the dimensions presented by the contractor were as indicated on the initial plans submitted to the Village. Mrs. Simich stated that the proposed deck will not be taller than 12" in height.

Commissioner Andrews suggested that the Acacia Association could possibly modify the existing approval form that is utilized by the Association to include more detail for administrative clarity. Chairman Schermerhorn inquired if the deck would be extended out from the edge of the house to the end of the existing patio. Mrs. Simich stated that the deck would be constructed to meet the dividing wall and covers will be placed over the existing window wells. Commissioner Andrews requested that the plans to be submitted for a permit will have dimensions. Mrs. Simich stated that her contractor will prepare a fully dimensioned plan for permit approval.

Trustee Richard Andrews stated that he visited the property at 26 Stonehearth Lane. He referred to Exhibit #7, page 2, and noted that the drawing on the plat of survey does not indicate the dimensions of how far out the deck will be built from the building. Trustee Andrews stated that the rear yard faces to the north so the dimension of the deck from the rear wall of the building out will be fifteen-feet (15') except for the triangular part that goes around the gas meter. On the east side, the deck will extend to the wall of the building and this is the reason a window well grate is being suggested in that location. Trustee Andrews stated that the dimension of the deck on the east side is 13' 6", on the west side the deck will be fifteen-feet (15') and the deck will be less than 12" above grade.

Chairman Schermerhorn noted for the record: (1) the interior side yard requires a ten-foot (10') minimum; (2) there is no specific reference section in the code that defines these dimensions for the Acacia Planned Unit Development (Village code defines this zoning district as a total combined side yard setback of twenty-five feet (25') and not less than ten-feet (10')); (3) he noted that there is a zero lot line due to the property being located within a Planned Unit Development. Chairman Schermerhorn entertained a motion to accept the zoning petition as presented. Commissioner Costelloe moved, seconded by Commissioner O'Malley, to accept the petition. Carried by unanimous roll call vote (4/0/3).

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

Chairman Dennis Schermerhorn and the Commission members reviewed the following Findings of Fact with regard to the residential property at 26 Stonehearth 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 disagree); (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 Andrews moved, seconded by Commissioner Costelloe, 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 (4/0/3). Commissioners Bailey, Ingram and Yelnick were absent.

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

Commissioner O'Malley asked Mrs. Simich if there are any intentions to install permanent benches or flower boxes on the deck structure. Mrs. Simich responded, no.

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Commissioner Andrews moved, seconded by Commissioner O'Malley, to make a favorable recommendation to the Village Board to grant an amendment to the Acacia Planned Unit Development and variance from ***Title 17, Zoning***, of the Village of Indian Head Park Municipal Code to allow for the construction of a new deck at 26 Stonehearth Lane with the following conditions: (1) the installation of a grate over the window wells level with the deck structure will be required to allow access; (2) the deck must remain open, unroofed and unscreened; (3) existing utility meters must remain accessible to meter readers; (4) a plan reflecting complete dimensions to scale of the deck must be submitted to the Village for review prior to the issuance of a building permit. Motion carried by unanimous roll call vote (4/0/3).

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

Mrs. Simich agreed to comply with all requirements set forth by the Planning and Zoning Commission and the Village Board.

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.

VI. ADJOURNMENT

There being no further business to discuss before the Commission, Chairman Schermerhorn entertained a motion to adjourn the public hearing. Commissioner Costelloe moved, seconded by Commissioner Andrews to adjourn the public hearing at 8:20 p.m.. Carried by unanimous voice vote (4/0/3).

Respectfully Submitted,
Kathy Leach, Recording Secretary

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