

**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, September 4, 2007

7:30 P.M.

I. CALL TO ORDER -COMMISSIONER NOREEN COSTELLOE

A public hearing was hosted by the Village of Indian Head Park Planning and Zoning Commission on Tuesday, September 4, 2007, at the Municipal Facility, 201 Acacia Drive. Commissioner Costelloe noted that the Commission will discuss Zoning Petition # 167, a petition for variances from the rear yard setback requirements of the Village’s Municipal Code to allow for an addition to the residence for the property located at 6349 Blackhawk Trail. The meeting was convened at 7:30 p.m. by Commissioner Noreen Costelloe as Chairperson.

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

Commissioner Diane Andrews
Commissioner Noreen Costelloe
Commissioner Denise Ingram
Commissioner Jack Yelnick

ALSO IN ATTENDANCE:

Debbie Anselmo, Zoning Trustee
Brian Bailey, Zoning Trustee

NOT PRESENT:

Chairman Dennis Schermerhorn
Commissioner Earl O’Malley

PETITIONER AND REPRESENTATIVES PRESENT:

Mr. & Mrs. John Adams, owners of the property at 6349 Blackhawk Trail

III. PLEDGE OF ALLEGIANCE TO THE FLAG

Commissioner 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”.***

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

None

IV. 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 #167 – A Request for a Rear Yard Variance for an Addition to a Residence at 6349 Blackhawk Trail, Indian Head Park.**

Commissioner Costelloe noted that a ***“Zoning Petition for Variations”*** was filed with the Village by Mr. & Mrs. John Adams, the owners of the property, regarding a request for a rear yard variance from ***Title 17, Zoning***, of the Municipal Code to allow for the construction of an addition to the residence at 6349 Blackhawk Trail. Commissioner Costelloe noted the following exhibits that are part of the public hearing this evening before the Commission: (1) a Zoning Petition for Variation form submitted by Mr. & Mrs. John Adams (2) a Certificate of Publication and notice of public hearing that appeared in the August 18, 2007 *Suburban Life Newspaper*; (3) a copy of the letter that was sent to adjacent property owners within two-hundred feet (200') of the subject property; (4) a list of the adjacent property owners; (5) a memo to the Public Works Department regarding posting of the zoning sign on the subject property; (6) a plan review report dated August 14, 2007 prepared by Tim Halik, the Village’s Plan Review Consultant; (7) a Certified Plat of Survey for the subject property dated December 15, 2006; (8) a letter from Mr. & Mrs. Adams to Frank Alonzo dated July 24, 2007; (9) a legal opinion letter from Village Counsel to Mr. & Mrs. Adams regarding non-conforming structures; (10) letters received from adjacent property owners regarding the requested variances; (11) a project summary and proposed plans provided by Mr. & Mrs. Adams dated August 15, 2007.

John Adams stated that he is present this evening as well as his wife Sandy who are the owners of the property located at 6349 Blackhawk Trail.

Mr. Adams thanked the Commission for the opportunity to meet with the Commission members to discuss the proposed plans for an addition to the residence. Mr. Adams noted that he is also a co-owner of a construction business based in Hinsdale and that he and his wife currently have a building permit that was issued on July 13, 2007 for structural renovations to the home that meet Village code requirements. Mr. Adams stated that the home at 6349 Blackhawk Trail was built in 1952 prior to zoning regulations being established, the home is a mid-century modern house that was designed by Chicago Architect's Keck and Keck, a garage addition to the residence and in-ground swimming pool was added in approximately 1956. He added that the work of Chicago Architect's Keck and Keck is widely recognized as quite innovative for its time and there is an active movement to preserve and maintain the character of their houses not only in the Chicagoland area but throughout the Midwest. Mr. Adams stated that there is a Website up and running and a book that has been written about the work of Keck and Keck Architects and there are approximately one hundred of the Keck and Keck structures in the Chicagoland area. Mr. Adams stated that Keck and Keck homes are characterized by several things including: strong rectilinear lines, strong modular designs, flat roofs and large expansive areas of glass that connect inside and outside of the homes. Mr. Adams stated that the design of these homes have very innovative features such as passive solar techniques and radiant floor heat, which at the time was quite unusual for the 1950's. Mr. Adams stated that he and his wife were attracted to the property because of its architectural character, the quiet wooded neighborhood and it is close to the areas of their jobs.

Mr. Adams further stated: (1) the home was an existing non-conforming structure due to an encroachment into the rear yard setback of the property; (2) R-1 Zoning requires that the rear yard be 40% of the average lot depth which would be approximately one hundred and sixty-seven feet (166') -- the required rear yard setback would be approximately sixty-seven feet (67') (3) the existing structure encroached into the rear yard setback by approximately nineteen-feet (19') and the non-conforming portion of the home was removed to bring the structure into compliance with Village codes; (4) the structure is very elongated from east to west to maximize the solar features of the home which extends into the rear yard; (5) the current zoning regulation does not allow for expansion of existing non-conforming structures unless the structure is first brought into compliance with the zoning code and; (6) the code also does not allow for a zoning variance process to expand a non-conforming structure unless the property is first brought into conformance with the zoning code.

Mr. Adams stated that in order to build the addition to the home, a portion of the existing structure, approximately nineteen-feet (19') that was non-conforming, needed to be demolished.

He noted that the in-ground swimming pool also was demolished as well as a deteriorated garage section and greenhouse structure that was not in very good shape. Mr. Adams stated that he hoped to preserve the nineteen-feet of the house into the rear yard that was non-conforming but there was no option available to be able to expand, maintain and preserve the non-conforming section of the home without first bringing the structure into compliance with Village code.

Mr. Adams stated that the petition before the Commission this evening is to allow for a variance for an addition into the rear yard of the property to build back part of the section of the home that was removed. Mr. Adams further stated that the rationale for a request for a variation is to preserve as much of the original structure and design of the home as possible while updating and modernizing the structure with an addition. Mr. Adams stated that the rear yard variance requested is 10' 9" which would allow the reconstruction of one full module section of the Keck and Keck original design and the floor plan is cramped with the section that needed to be removed. Mr. Adams stated that in terms of the criteria for granting a variance, the situation is somewhat unusual in that the structure has historic value with an elongated structure from east to west in order to maximize the solar orientation of the house that now encroaches into the rear yard setback. Mr. Adams stated that if the variance were to be granted, there would be no discernable change from the street and very little change from either the north or the south and letters from adjacent neighbors have been submitted to the Commission supportive of the request for a variance.

Mr. Adams stated that slightly more than half of the portion removed would be reconstructed if the variance is granted, the allowable floor area ratio for this property is 7,454, with the approved addition, the floor area ratio was 6,246 and with the variation requested, 288 in floor area ratio would be added. Mr. Adams further stated that the total floor area ratio would be 6,534 which would still be 920 square feet under the maximum allowable floor area ratio according to Village codes. Mr. Adams stated that the intent is not to make money out of the property but to live in the home when the renovations are completed. Mr. Adams added that if the petition for the variance is successful, the project will be over budget because the concrete and excavation work under the current permit has been finished and new excavation work and concrete will need to be scheduled. Mr. Adams stated that the addition to the residence will not be detrimental to the surrounding properties, the encroachment would be nine feet less than the original structural encroachment and some of the items that may be viewed as undesirable aspects have been removed such as the in-ground pool and greenhouse that was not in very good shape.

Commissioner Costelloe inquired if the addition to the residence could be accommodated within the buildable area of the property. Mr. Adams referred to the plan submitted to the Commission and discussed the plan that reflects the current scope of work under a building permit that is taking place as well as the proposed addition that is shown on the plans. Mr. Adams reviewed the floor plan designs with the Commission and noted the following: (1) a three car garage is on the lower level as well as a foyer and garden storage area;

(2) in the lower level of the existing structure was originally the garage and an art studio room is planned; (3) a basement and mechanical room is located below grade; (4) the home is slab on grade and the area of the home that was removed was previously a portion of the living/kitchen/dining area; (5) there are three bedrooms in the existing structure and a bridge that links the living area to the sleeping areas through an inner courtyard.

Sandy Adams stated that because the floor plan space was opened up to remove a section of the home, the plan was designed to allow for additional passive modular solar space because the project was moved forward due to setback requirements. She noted that some beautiful trees were lost to make room for the addition and due to the setback requirements. Mr. & Mrs. Adams reviewed the entire floor plan of the existing structure as well as the new addition with the Commission members. Mr. Adams stated that he was able to obtain a copy of the original design floor plans when the home was first built in 1952 showing the existing interior details and exterior elevations. He noted that the modular sections of the home with the ventilation system and louvers are very unique. He noted that the existing windows are not operable and the windows are airtight with a ventilation system with louvers that allow fresh air to circulate throughout the house. Mr. Adams stated that all of the floors are radiant heat and the new section would also have radiant heat in the floors.

Commissioner Andrews asked what will be constructed in the buildable area space on the property. Mr. & Mrs. Adams stated that the courtyard, a walk-out wood deck at grade and brick paver patio area will be constructed in the buildable area of the property as approved by the Village's plan review consultant and Village engineer. Mrs. Adams stated that she is also a landscape designer and the back areas of the property will be maintained as natural surroundings including trees. Commissioner Andrews inquired about the location of the retaining wall to be reconstructed. Mrs. Adams stated that she spoke with the Village offices as well as the Village engineer regarding the proposed plans for the retaining wall. She added that in the event a variance were to be granted that would allow for a slightly different plan for the retaining wall with a stepped down grade with a natural slope. Mr. Adams stated that he is not formally requesting a variance for a retaining wall and he noted that was an existing retaining wall about two feet high and the ordinance reads that there can be no structure more than one-foot above existing grade that encroaches into the rear yard setback. Mr. Adams stated that the existing grade will be followed and the retaining wall will be stepped down to the natural slope of the property. Commissioner Andrews stated that there is an overhang on the south side of the residence but not on the north, west and east sides of the home. Mr. Adams stated that the overhang on the south side of the residence was a solar shade or screen that serves a technical purpose to provide screening from the sun during the summer months when the sun is high on that side of the house where most of the glass is and the intention is to restore the solar screen that is deteriorated.

Commissioner Andrews stated that the three-foot (3') solar screen overhang extends into the rear yard setback; therefore, the three-foot needs to be added to the rear yard variance being requested.

Commissioner Costelloe stated that variances are typically designed to be used for hardships and history has been that unless very compelling evidence has been presented; the Commission generally tries to keep variances granted within ten-percent (10%).

Commission Costelloe asked Mr. & Mrs. Adams if they would be in favor of a 10% variance of the required setback -- (a variance of seven- feet (7') for an addition to the residence).

Mr. Adams stated that he would have to consult with his architect about how to stay with the modular design of the house with a seven-foot variance. He added that from a functional standpoint, the inside floor plan would work with a seven-foot variance. Commissioner Costelloe stated the structure has some unique characteristics that the property owner is trying to preserve. The Commission members reviewed the plans and discussed the variance being requested as well as the additional three-feet for the solar shade overhang that would encroach into the setback. The Commission members asked Mr. & Mrs. Adams if they are agreeable to a seven-foot (7') variance to the east (29' 9" in width for the addition) and to allow a three-foot overhang to the south for the solar shade replacement. Mr. & Mrs. Adams responded, yes. Commissioner Andrews asked if the gutters on the new addition would be tied into the existing drainage system. Mr. & Mrs. Adams responded, yes.

Commissioner Costelloe and the Commission members reviewed the following Findings of Fact with regard to the residential property at 6349 Blackhawk Trail to evaluate evidence presented in response to the following criteria before recommending a variation(s), 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);

*PZC Minutes
September 4, 2007*

(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 (4/0/2).

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

Commissioner 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 Yelnick, to submit a recommendation to the Village Board for approval to grant the following variance for the subject property at 6349 Blackhawk Trail:(1) to allow for a rear yard variance of seven-feet (7') that extends to the east into the rear yard setback for an addition to the residence with a width of 29' 9" with a condition that appropriate drainage will be addressed. Carried by unanimous roll call vote (4/0/2).

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

Commissioner Costelloe stated that a report and recommendation regarding this zoning matter will be presented to the Board at the next meeting.

**REVIEW AND APPROVAL OF PLANNING AND ZONING COMMISSION
MEETING MINUTES (DISCUSSION AND A POSSIBLE VOTE MAY TAKE
PLACE)**

**★ *Minutes of the Planning and Zoning Commission Meeting held August 7 ,
2007***

Upon review of the minutes presented from the meeting held on Tuesday, August 7, 2007, Commissioner Andrews moved, seconded by Commissioner Yelnick, to approve the August 7, 2007 meeting minutes, as presented. Carried by unanimous voice vote (4/0/2).

PZC Minutes
September 4, 2007

VI. ADJOURNMENT

There being no further business to discuss before the Commission, Commissioner Andrews moved, seconded by Commissioner Yelnick, to adjourn the meeting at 8:35 p.m. Carried by unanimous voice vote (4/0/2).

Respectfully Submitted,
Kathy Leach, Recording Secretary
Planning and Zoning Commission