

CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

MINUTES

Development Committee

August 9, 2010

APPROVED WITH CHANGES AT OCTOBER 11, 2010 MEETING

1. Call to order, Roll Call and Establishment of a Quorum.

Chairman Pineda called the meeting to order at 7:00 p.m.

Roll call found Aldermen James Beifuss, Nicholas Dzierzanowski, Joseph Gianforte, H. Ronald Monroe, Alan Murphy and Rebecca Stout present.

Also in attendance was Community Development Director Joanne Kalchbrenner.

2. Approval of Minutes.

A. Development Committee, July 12, 2010. Alderman Gianforte made a motion, seconded by Alderman Stout, to approve the minutes of the July 12, 2010 Development Committee Meeting with changes as noted by Alderman Beifuss. Voting yea: Aldermen Pineda, Beifuss, Dzierzanowski, Gianforte, Monroe, Murphy and Stout. Voting Nay: 0. Motion carried.

3. Public Participation

Aaron Reinke spoke as a legal representative of Tomasz Szacilowski regarding the property at 1108 Elizabeth Street. On July 20, 2010, he appeared before the Plan Commission with regards to Mr. Szacilowski's application for two variances regarding his property:

1. Maximum lot coverage of forty (40%) percent.
2. Maximum lot coverage for a driveway of twenty (20%) percent.

Mr. Reinke provided background information regarding Mr. Szacilowski's application for the variance requests. Mr. Szacilowski purchased his home in 2003, which was uninhabitable after a fire. Mr. Reinke provided several photographs which were presented to committee members.

Exhibit A – Before photos demonstrating burned-out home

Mr. Reinke continued by stating that Mr. Szacilowski applied for a building permit to replace a two-car garage with a two and one-half car garage on March 7, 2005. He applied for this permit using a survey from the purchase of his home two years previous.

The City issued a permit on July 13, 2005. Mr. Szacilowski spent approximately \$25,000 to build the new, brick garage in accordance with the plans he provided to the City.

Exhibit B - City issued building permit on July 13, 2005

1. The Plan Commission claimed that the construction was never finalized out. There is a notation at the bottom of the permit stating that it was issued July 13, 2005, final April 14, 2006. City staff represented to the attorney that the building failed the final inspection in February 2006. He thinks it contradicts the notation on the permit itself. The attorney noted that he highlighted the notes on the document distributed to committee members, but did not change the document in any other way.
2. Because the footprint of the garage was expanded, there is a note on the Plat of Survey that the applicant is to remove three and one-half (3 ½') feet by twenty (20') feet of patio to meet the lot coverage requirements. This information does not appear on the permit – only on the Plat of Survey. The attorney cannot demonstrate that that was an actual condition of the permit. It seems to be a side agreement and is nothing that he can prove.
3. On March 30, 2006, one year later, Mr. Szacilowski applied with the building department to repave his driveway. The permit was issued on April 5, 2006, which was approximately four business days to process the application. Mr. Szacilowski reused the same plat as when he purchased his home, which does not show the enlarged footprint of the garage, admitting Mr. Szacilowski's error. On April 14, 2006, the garage permit was finalized. Therefore, the City was looking at this property when they issued the driveway permit, even though the original permit for the garage was still outstanding. The City was very much watching what was going on at the property at the time.

Exhibit C – Permit for driveway construction

This permit was issued while the garage permit was still pending. Mr. Reinke noted that there are no plans or specifications attached to the permit, only a Plat of Survey. The City issued the permit without any specifications as to how wide the driveway needed to be. Mr. Reinke stated that he suspects that this is why the City had never cited Mr. Szacilowski because they could not prove what the standard was.

Exhibit D – Plat of Survey #1

Jeff Harris provided this Plat of Survey to Mr. Reinke and to the Plan Commission. Mr. Reinke provided two identical copies to the Development Committee, indicating that the first copy shows two, small blue lines where Mr. Szacilowski was supposed to have ended his driveway as indicated by Mr. Harris. Mr. Reinke highlighted the blue lines on

the second page to indicate where they were located. This Plat of Survey was not attached to the driveway application and was a separate item that was produced at the Plan Commission meeting.

Exhibit E – Building permit application for shed

On March 17, 2010, Mr. Szacilowski applied for a building permit for a shed, which was denied based on lot coverage issues.

Exhibit F – after photos

Mr. Reinke provided photos of the brick house and driveway made from brick pavers in a herringbone design as they currently stand to demonstrate the work and money invested in the home since the fire. The property has remained in this state for the last four (4) years and there has been no catastrophic flooding.

Mr. Reinke concluded that Mr. Szacilowski legally obtained permits from the City and did not wrongfully submit erroneous documents. He feels it would be unnecessarily harsh for the City to require Mr. Szacilowski to tear out part of his driveway.

4. Items for Consent.

A. West Chicago Historical Society – 527 Main Street, Façade Grant

B. Tomasz Szacilowski – 1108 Elizabeth Street, Denial of Lot Coverage Variances

Alderman Beifuss removed items 4A and 4B for discussion.

4A. West Chicago Historical Society – 527 Main Street, Façade Grant

Alderman Beifuss removed this item from the Consent agenda because he is a director on the board and cannot vote on the item.

Alderman Dzierzanowski motioned to bring the item to a vote. Alderman Murphy seconded the motion. Voting yea: Aldermen Pineda, Dzierzanowski, Gianforte, Monroe, Murphy and Stout. Alderman Beifuss abstained. Motion carried. Item 4A will be available for discussion at the August 16, 2010 City Council meeting.

4B. Tomasz Szacilowski – 1108 Elizabeth Street, Denial of Lot Coverage Variances

Alderman Beifuss asked Mr. Reinke if he had seen the calculation sheet attached to Exhibit B and the notations at the bottom, indicating that John Fincham had met with the owner on July 12, 2005 and noted that the owner shall remove a three and one-half (3 ½') foot by twenty (20') foot section of patio to comply. Mr. Reinke indicated that he had seen the notation and that he believed it to be a modified condition of the building permit. Alderman Beifuss also noted that the total allowable square footage for coverage on the lot, the driveway, the garage and all structures was indicated on the worksheet. Mr. Reinke stated that he did not believe Mr. Szacilowski received this document with his

building permit and did not understand through verbal conversation that the removal of the patio was a condition of the permit.

Alderman Dzierzanowski questioned the occupation of Mr. Szacilowski, who replied that he was a construction equipment mechanic. Chairman Pineda questioned Mr. Szacilowski on whether or not he was involved with the permit process in his occupation and understanding the required final permit process for all municipalities.

Mr. Reinke indicated to Alderman Dzierzanowski that he had some, but not all, of the names and addresses of the neighbors in favor of the variances.

Alderman Stout asked for a staff's report of events. Joanne Kalchbrenner replied that in July 2005, the applicant did apply for a permit and as a condition of approval he needed to remove a section of patio, as indicated on the worksheet. When a permit is issued, the City provides a copy of the permit as well as copies of the plat of survey to the applicant. Ms. Kalchbrenner stated that she would need to research documentation regarding the final permit. She also stated that the plat of survey was erroneous, whether it was intentionally or unintentionally submitted. The driveway permit was issued based on a plat of survey which indicated a smaller garage than what was currently on the property. There was never a call for a final inspection. When the shed permit application was received, Jeff Harris reviewed aerial photos and discovered that the patio had not been removed, that the driveway was larger than what was shown on the approved driveway permit and that the garage was larger than what was shown on the plat of survey. The shed permit was denied. Code enforcement is separate from permit applications. Mr. Harris advised Mr. Fincham of the code violation, who then sent a letter to Mr. Szacilowski that the property needed to be brought into compliance with the code. The property owner then hired an attorney, who has met with Ms. Kalchbrenner on multiple occasions. Ms. Kalchbrenner and Mr. Fincham have since visited the property to review the various options presented to the property owner on how to comply with the code. The applicant has since chosen to apply for a variance.

Chairman Pineda stated that if the applicant had called for a final inspection, as indicated on the original permit, the City would have known that the patio had not been removed. The property owner is out of compliance by a large amount.

Alderman Stout motioned to bring the item of denial of the variances to a vote. Alderman Monroe seconded the motion. Voting yea: Aldermen Pineda, Beifuss, Dzierzanowski, Monroe, Murphy and Stout. Voting no: Alderman Gianforte. Motion carried. Item 4B will be available for discussion at the August 16, 2010 City Council meeting.

5. Items for Discussion

A. City of West Chicago – Text Amendment, Play Sets

Ms. Kalchbrenner reminded committee members that staff had been instructed to additionally research guidelines for play sets in other communities. Surrounding communities allow play sets in rear yards. Staff was hard pressed to arrive at a set of rules that would be appropriate for the entire town to address those few lots where there is little rear yard. The setback from the property line in other communities was typically between three (3') feet and ten (10') feet to keep children from trespassing on adjacent property while using the play set.

Alderman Beifuss feels it would create a hardship for those property owners that have large front yard setbacks. He does not favor requiring permits and cannot support the ordinance as written.

Alderman Dzierzanowski clarified that the contour of his property is what would determine the close proximity of the play set location to the lot line.

Ms. Kalchbrenner stated that play sets already in front yards would be grandfathered if the ordinance is passed.

Alderman Murphy stated that he would not vote for the ordinance.

Chairman Pineda responded that he wants to prevent unsafe play structures.

Ms. Kalchbrenner suggested several possible options. The committee responded by recommending denial of the text amendment.

Alderman Monroe motioned to deny the text amendment. Alderman Murphy seconded the motion. Voting yea: Aldermen Beifuss, Dzierzanowski, Gianforte, Monroe, Murphy and Stout. Voting no: Alderman Pineda. Motion carried.

B. City of West Chicago – Text Amendment, Driveway Expansion, Conceptual Review

Ms. Kalchbrenner clarified that the regulations for driveways to an attached garage can only be as wide as the garage door. Staff has previously approved driveways with a bump out wider than the garage. This was brought to the attention of City staff by a resident interested in a similar driveway at their residence. It was not reasonable to ask for the driveways to be removed but could not approve new driveways with bump outs. Staff is asking the Development Committee if it would be appropriate to amend the code to allow driveways to have a bump out based on lot coverage.

Resident Rita Berger spoke regarding her family's need for a bump out for additional parking.

Alderman Stout was in favor of the proposal. Alderman Murphy agreed.

Alderman Beifuss suggested a variation based on the size of lots in residential zoning districts so that neighborhoods do not become overly paved.

Ms. Kalchbrenner agreed with Alderman Dzierzanowski that there should be some setback in some residential districts. With the committee's direction, staff will prepare a text amendment to send to Plan Commission.

C. City of West Chicago – Fence Height in Corner Side Yard, Conceptual Review

Ms. Kalchbrenner stated that there have been issues regarding fences in corner side yards where visibility becomes a problem regarding exiting adjacent driveways and alleys. Current regulations allow a six (6') foot fence. Staff is recommending reducing the fence to four (4') feet for future fence applications. If the committee thinks that this is worth pursuing amortizing existing fences, staff would need to survey the community to locate the number of affected properties. The committee would then need to determine whether or not to amortize existing fences. City code usurps rules for homeowner's associations and Ms. Kalchbrenner recommended to Alderman Dzierzanowski that advance notice to homeowner's associations would be beneficial. The current regulations mostly affect the older sections of the community along alleys. Ms. Kalchbrenner suggested using the "vision triangle" as a way to determine fence height.

Alderman Beifuss recognized the need for safety, but also stated that he did not want to infringe upon people's privacy and property rights. *Alderman Beifuss suggested that the reduced fence height be required only in the vision triangle on the driveway side where the corner side yard fence interferes with visibility.*

Alderman Murphy suggested limiting fence heights within specified distances from a driveway.

Ms. Kalchbrenner clarified for Alderman Dzierzanowski where the four (4') foot fence would begin per the diagram in the committee packet. Alderman Dzierzanowski also questioned whether a four (4') foot fence would be adequately short enough to see over. Ms. Kalchbrenner reminded committee members that front yard requirements include decorative fences that drivers can see through. However, staff is not recommending decorative fences in the corner side yard.

Alderman Murphy, Stout and Beifuss recommended staff complete additional research.

D. Future Review of Zoning Relief Requests

Ms. Kalchbrenner discussed an option to eliminate the Plan Commission, which would decrease the review time and address issues related to the quality of decisions made by the commission. After training and repeated memos, the commission does

not always understand City Council's direction. Benefits could include streamlining the development review process. Public hearings would be conducted by the Development Committee and go directly to City Council. The downside would be the inability of staff to review comments derived from the Public Hearing for Development Committee members to review prior to the committee meeting, which could potentially table an agenda item for a month until the next Development Committee meeting.

Alderman Monroe is in favor of this proposal as he has heard from contractors throughout the years that they do not like to work in West Chicago because of the long approval process. Alderman Murphy agreed.

Alderman Beifuss reminded committee members that an attempt to help expedite the approval process has already been made by allowing conceptual reviews by the Development Committee. He commented that the problem with the Plan Commission is the decisions made against *outside its proper scope of review City Council direction*. He does like holding a public hearing in front of an appointed board. The Development Committee then has time to reflect on the results from those hearings and has a history of overturning ~~opposing~~ decisions *that it opposes*.

Alderman Dzierzanowski asked if the Development Committee could hold special meetings and if there was a ceiling on compensation? Ms. Kalchbrenner responded that she would need to investigate and reminded him that the committee would then need to meet more than once a month. Alderman Dzierzanowski also stated his division between offering volunteer opportunities to the community and the emotionally derived decision making of the commission members.

Ms. Kalchbrenner stated that it is not appropriate to automatically approve all proposals. However, in her work with area developers, inappropriate comments or a denial by the Plan Commission can have a negative impact on the City's pro-development image.

Alderman Murphy stated that what should have taken one month to approve took six months for the approval of the sign for his hardware store.

Chairman Pineda stated that the Plan Commission members stray from the facts and allow personal emotions to enter into the decision making. It is embarrassing to need a super-majority vote several times a year to overrule the City's own Plan Commission. His opinion was that it was worth holding more Development Committee meetings and to disband the Plan Commission and possibly expedite the approval process.

Alderman Beifuss suggested holding another meeting with Plan Commission members to re-establish the standards of the Plan Commission and discuss *how its review function differs from the difference of the legislative function of the*

Development Committee. He wants to try this process before disbanding the Plan Commission.

Ms. Kalchbrenner stated that the City attorney is researching if the Mayor can remove Plan Commission members. Chairman Pineda stated that he would like an answer to that question.

Ms. Kalchbrenner responded to Alderman Stout that if the committee chooses to eliminate the Plan Commission, it would require a text amendment to the zoning code which requires a Plan Commission recommendation. The City would need to advertise and hold a public hearing in front of the Plan Commission which would determine whether or not to dissolve.

Committee members directed staff to research the consequences of dissolving the Plan Commission and whether the Mayor can replace members and report the findings at the next committee meeting.

6. Unfinished Business - None.

7. New Business - None.

8. Reports from Staff – None.

9. Adjournment

Alderman Stout motioned to adjourn, seconded by Alderman Murphy. The members unanimously agreed. Motion carried. The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Krista Coltrin