

CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

CITY OF WEST CHICAGO PLAN COMMISSION/ZONING BOARD OF APPEALS November 6, 2012

MINUTES

Approved at the November 20, 2012 meeting.

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

Vice Chairman Van-der-Mey called the meeting to order at 7:07 p.m. Roll call found Commissioners Hannemann, Van-der-Mey, Lannes, Warbiany, Posadzy, and Laimins were present. Commissioner Mireault arrived at 7:15 p.m.

Also in attendance was City Planner Jeff Harris.

2. Pledge of Allegiance.

Everyone in attendance participated in the Pledge of Allegiance.

3. Chairman's Comments.

None.

4. Minutes.

Commissioner Warbiany made a motion, seconded by Commissioner Posadzy, to approve the minutes of August 21, 2012 as presented. Voting Aye: Commissioners Van-der-Mey, Lannes, Laimins, Posadzy and Warbiany. Voting Nay: None. Commissioner Hannemann abstained. Motion carried.

5. Public Hearing Case PC 12-11, Variance.

Mr. Harris provided an overview. The applicants and property owners, Gary and Andrea Purpura, are requesting approval of a lot coverage variance for their single family residence located at 540 Fieldcrest Drive in Prairie Meadows Subdivision. The variance, if approved, would allow the applicants to replace an existing patio located in their rear yard. The applicants made significant improvements to their property in 2001 that included installing an in-ground pool, fencing in and landscaping the backyard and installing a brick paver patio. The deck was constructed in conjunction with the residence in 1997 by the subdivision developer as one of the model homes. The required building permits were obtained for all of these improvements except for the paver patio and landscaping. A permit is not needed to install landscaping, but is needed to install a patio. According to the applicants, contractors were used to install all of the improvements completed in

Plan Commission/Zoning Board of Appeals

November 6, 2012

Page 1 of 5

475 Main Street
West Chicago, Illinois
60185

T (630) 293-2200
F (630) 293-3028
www.westchicago.org

Michael B. Kwasman
MAYOR
Nancy M. Smith
CITY CLERK

Donald F. Earley
CITY TREASURER
Michael L. Guttman
CITY ADMINISTRATOR

2001. The landscape contractor installed the brick paver patio. The existing brick paver patio is approximately 330 square feet in area. The applicants desire to remove it in its entirety and replace it with a new concrete patio approximately 310 square feet in area. Prairie Meadows Subdivision is zoned R-3, Single Family Residential. City Code allows a maximum lot coverage of 40% in the R-3 zoning district. The subject property's 40% lot coverage maximum is 4,032 square feet. The total square footage of all of the improvements on-site, including the proposed 310 square foot patio, is 4,888 square feet (48% lot coverage). The subject property would exceed the 40% lot coverage maximum by 856 square feet, which is 21% over the permitted maximum. City staff recommends denial of the requested lot coverage variance because it does not meet the standards to warrant approval. Also, the patio was installed in 2001 without obtaining the required building permit, including obtaining the necessary zoning approvals.

Anthony Schwarz of AIS Construction, the homeowners current contractor, stated that the applicants had no idea the landscape contractor did not obtain a permit back in 2001 when the patio was installed. They are currently rebuilding the deck and cannot complete the stairs of the deck until the patio situation is resolved.

Gary Purpura, the homeowner, was concerned that if the variance is not approved then there would be no hard surface to connect the pool patio with the deck.

Andrea Purpura, the homeowner, stated that the landscape contractor that installed the patio in 2001 is no longer in business so she could not confirm with them if they obtained a permit.

Krystyna Lesny, 511 Meadowview Drive, stated that she supported her neighbors with this zoning request.

Commissioner Laimins asked if the homeowners ever submitted any paperwork in 2001 to that showed the patio.

Jeff Harris stated that there is no evidence in any of the permit files of the patio.

Andrea Purpura stated that the landscaping went in after the pool was completed.

Commissioner Lannes stated that the homeowner is responsible for making sure their contractors follow all City Codes.

Andrea Purpura stated that she acknowledges that obtaining a permit is their responsibility and that it was an honest mistake back in 2001.

Commissioner Van-der-Mey asked if any other options have been considered by the applicants.

Mr. Purpura stated that they have already purchased all of the materials for the new patio.

Jeff Harris stated that the applicants would be able to install a small landing at the base of the stairs and a sidewalk from the landing to the pool patio without the need to obtain a permit and that this

option was presented to Mr. Schwarz. Mr. Harris indicated that the property is approximately 500 square feet over the lot coverage maximum even without factoring in the patio.

Commissioner Warbiany asked if the City has any provisions about replacing legal non-conforming improvements.

Mr. Harris stated that the existing patio is not considered legal non-conforming because a permit was never issued for it in the first place. This is considered an illegal patio.

Commissioner Laimins asked how could the homeowners make the patio legal.

Jeff Harris stated that approving the variance and obtaining a building permit would make the patio legal.

No one else from the audience spoke in favor of or against the petition.

Commissioner Warbiany made a motion, seconded by Commissioner Laimins, to approve the lot coverage variance for Case PC 12-11 as requested by the petitioners. Voting Aye: Commissioners Posadzy and Laimins. Voting Nay: Lannes, Van-der-Mey, Mireault, Warbiany and Hannemann. The motion failed by a (2-5) vote.

Commissioner Lannes made a motion, seconded by Commissioner Laimins, to close the public hearing for case PC 12-11. Voting Aye: Commissioners Lannes, Van-der-Mey, Mireault, Warbiany, Posadzy, Hannemann and Laimins. Voting Nay: None. Motion carried.

6. Review of Case PC 12-11, Variance.

The review of Case PC 12-11 was conducted under the public hearing.

7. Review of Case PC 12-06, Plat of Consolidation.

Mr. Harris provided an overview. The Jel Sert Company is requesting approval of a plat of consolidation for the nine (9) parcels that are recently under unified ownership and development. The parcels are located on the west side of the former Sycamore Avenue (the right-of-way was recently vacated) between Spencer and Conde Streets. The total area of the subject property to be consolidated is 96,368 square feet (2.2 acres). Jel-Sert recently purchased all of these industrial properties, tore down the existing buildings and is now in the process of installing a new parking lot for their employees. Jel-Sert now owns the land on both sides of the former Sycamore Avenue, so the City agreed to vacate the right-of-way and deed the underlying land over to Jel-Sert. The property is zoned M, Manufacturing District. The proposed parking lot use on the subject property complies with the zoning regulations set forth for businesses located in the Manufacturing District. However, Section 6.10 of the City's Zoning Code requires developments involving multiple parcels to consolidate the parcels into one unified lot. Jel-Sert is requesting the plat of consolidation to bring the property into compliance with City Code. City staff recommends approval of the requested Jel-Sert Parking Plat of Consolidation as presented.

No one from the audience spoke in favor of or against this petition.

Commissioner Warbiany made a motion, seconded by Commissioner Posadzy, to approve the Jel-Sert Parking Plat of Consolidation for Case PC 12-06 as presented by staff. Voting Aye: Commissioners Warbiany, Hannemann, Mireault, Van-der-Mey, Lannes, Posadzy and Laimins. Voting Nay: None. Motion carried.

8. Review of Case PC 12-12, Plat of Resubdivision.

Mr. Harris provided an overview. The applicant, Aaron Hannemann, is requesting approval of a plat of resubdivision for the two (2) existing lots that are under unified ownership located at the northwest corner of Neltor Boulevard (IL Route 59) and Brown Street. The existing lots were originally platted in 1926. The existing single family residence located on the proposed Lot 2 was constructed in 1947. The proposed Lot 1 is currently undeveloped. The subject property is currently zoned R-5, Single Family Residence District. The total area of the subject property to be resubdivided is 16,332 square feet (0.37 acres). There are two (2) existing lots and two (2) lots are proposed. The proposed resubdivision consists of moving the shared side lot line approximately four (4') feet north. This side lot line is being moved so that the existing residence on the proposed Lot 2 will comply with the City's current side yard setback of 6.7 feet. City Code requires a side yard setback a minimum of ten (10%) of the lot width, measured at the front yard building setback line. At its closest point the northwest corner of the house measures 6.8 feet from the proposed side lot line and therefore complies with the required side yard setback. All other improvements on the proposed Lot 2 comply with the City's minimum zoning requirements. The minimum required lot area is 6,500 square feet. The proposed Lot 1 will be 7,172 square feet in area and Lot 2 will be 9,160 square feet in area. The proposed Lot 1 will only have street frontage on Neltor Boulevard. City staff recommends approval of the requested Plat of Hannemann's Resubdivision as presented.

No one from the audience spoke in favor of or against this petition.

Commissioner Mireault made a motion, seconded by Commissioner Lannes, to approve the Plat of Hannemann's Resubdivision for Case PC 12-12 as presented by staff. Voting Aye: Commissioners Warbiany, Mireault, Van-der-Mey, Lannes, Posadzy and Laimins. Voting Nay: None. Commissioner Hannemann abstained. Motion carried.

9. Other Commission Business.

Mr. Harris stated that Commissioner Boyer recently resigned her commission and formally introduced new Commission member Aaron Hannemann as her replacement.

Mr. Harris stated that Commissioner Van-der-Mey will formally be appointed the new Commission chairman by the City Council beginning calendar year 2013. Because Commissioner Van-der-Mey is the current vice chairman the Commission will have to appoint a new vice chairman in the upcoming months.

Commissioner Lannes stated that he will be resigning as a Commission member effective December 31, 2012.

Plan Commission/Zoning Board of Appeals

November 6, 2012

Page 4 of 5

Commissioner Warbiany stated that he would also like to resign when his current term expires in April of 2013.

Mr. Harris stated that the Commission will be conducting a meeting on November 20th to discuss a special use amendment for a church at 464-466 Ann Street. He also stated that the December 4th meeting was officially cancelled.

10. Previous Petitions and General Development Update.

Mr. Harris informed the Commission that the City Council approved Renaissance Square assisted living facility as presented that was discussed at the August 21st Plan Commission meeting.

11. Adjournment.

Commissioner Lannes made a motion, seconded by Commissioner Mireault, to adjourn the November 6, 2012 Plan Commission/Zoning Board of Appeals meeting at 8:44 p.m. The Commissioners unanimously agreed. Motion carried.

Respectfully submitted,

Jeff Harris, City Planner

PlanComm/ZBA.MIN110612/jh