



Village of Lemont
Planning and Zoning Commission

418 Main Street · Lemont, Illinois 60439
phone 630-257-1595 · fax 630-257-1598

PLANNING & ZONING COMMISSION
Regular Meeting
Wednesday, November 17, 2010
6:30 p.m.

**Planning and Zoning
Commission**

Dennis Schubert,
Chairman

Commission Members:

Tony Armijo
Kerry Erber
David Maher
Katherine Murphy
William O'Malley
Anthony Spinelli

I. CALL TO ORDER

A. Pledge of Allegiance

B. Verify Quorum

C. Approval of Minutes: October 20, 2010

II. CHAIRMANS COMMENTS

III. NEW BUSINESS

A. Case 10-16: 13154 Kinsale Court. Public hearing for a requested variation to place a fence within the required corner side yard setback at 13154 Kinsale Court.

IV. GENERAL DISCUSSION

V. ADJOURNMENT

**Community Development
Department Staff**

James A. Brown, **Director**

Charity Jones, **Planner**

Village of Lemont
Planning and Zoning Commission
Regular Meeting of October 20, 2010

A meeting of the Planning and Zoning Commission of the Village of Lemont was held at 6:30 p.m. on Wednesday, October 20, 2010, in the second floor Board Room of the Village Hall, 418 Main Street, Lemont, Illinois.

I. CALL TO ORDER

A. Pledge of Allegiance

Chairman Schubert led the Pledge of Allegiance.

B. Verify Quorum

Upon roll call the following were:

Present: Armijo, Erber, Maher, O'Malley, Spinelli, Schubert

Absent: Murphy

Village Planner Charity Jones and Village Trustee Ron Stapleton were also present.

C. Approve Minutes

Commissioner Maher made a motion, seconded by Commissioner O'Malley to approve the minutes of the September 15, 2010 meeting with no changes. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

II. CHAIRMAN COMMENTS

Chairman Schubert asked the audience to stand and raise his or her right hand. He then administered the oath.

III. NEW BUSINESS

A. Case #10-14: Lemont Village Square Sign Plan Amendment.

Review of request to amend the Lemont Village Square Annexation Agreement to revise the sign plan for the shopping center.

Mrs. Jones stated that the application before the Board is to amend the annexation agreement. She said the sign plan for the Lemont Village Square was incorporated when the property was annexed in 2005. Mrs. Jones stated that as tenants have moved in there have been some issues with the sign plan. She then presented to the Board and the audience, via power point, a drawing of the building and how it is laid out on the property. Mrs. Jones stated that Starbucks, who is a tenant on the property, did have a problem with the sign plan. Starbucks pursued and received a variation for their

signage. She stated that signage on the east or north-facing façade of the building was not allowed according to the UDO and sign plan. Mrs. Jones then presented pictures, via power point, showing the variation for Starbucks. Mrs. Jones stated that another example that was deemed appropriate was Verizon Wireless. She said that the sign plan states that wall signs will not include tag lines. Verizon Wireless has the words “premium retailer” under their name. She stated that Verizon’s sign meets the square footage. However, the tag line could be an issue with another tenant. She said that another example would be Jimmy John’s who has not yet opened. Mrs. Jones did not have an photo of their sign. She said based on their application submitted, the size of the sign was fine, however the sign height was too tall. She stated that the sign would be similar to the Coldstone sign that was there.

Mrs. Jones stated that the requirements to the monument sign would stay the same as were adopted in ordinance 0-71-07. She said the amendment would mostly affect wall signage. She said for the main building, staff is proposing one retail sign per unit. Mrs. Jones stated that if a tenant had three retail units then they could have three signs. She said that tenants in corner units would be allowed one sign per façade. She stated that a façade would be anything facing a parking lot or pedestrian walkway in the shopping center. Mrs. Jones stated that normally in the UDO a façade is defined as only a street facing façade, which often causes issues in shopping centers. She stated that as far as maximum allowable sign area, the signs would have to be consistent with the UDO. She said that the amendment would allow corner units to transfer the allowable signage from one facade to the other. She stated that this would only apply to a couple of units. She stated that where Slammers is going in, it is tucked back in the corner of the shopping center. She said that this would allow them some sign flexibility with their signage. She said that the size that would be allowed, based on the linear footage, would be about 60 square feet.

Mrs. Jones stated that the outbuildings would be allowed one sign per façade. She stated that this means that the units on the ends could have signage on all three sides. That is what Starbuck’s was allowed to have. She said that those units would not be allowed to transfer allowable square footage from one façade to another. Mrs. Jones stated that awning signs are prohibited and that would remain the same. She stated that they would be subject to all the other requirements of the UDO that were not conflicting with the revisions of this plan.

Chairman Schubert asked Mr. Byarski if there was anything else he would like to add.

Brad Byarski, OS Lemont Development, LLC, owner of the subject property stated that Slammers is the reason this all came about. He said because of lettering, how the square footage is measured, and the design of the storefront he figured it was time to have it amended.

Mrs. Jones stated that allowing the signage on the non-street facing façade of the outbuilding would be consistent with what was allowed in the plaza by Target and Kohl’s.

Chairman Schubert stated that allowing signage on the back of businesses in circumstances like this makes it easier for customers to know that these businesses are there.

Chairman Schubert asked if there were any questions or comments. None responded.

He then read the Findings of Fact:

1. The current sign plan is unduly burdensome and vague. A revised sign plan would expedite sign approvals and be in the best interest of the shopping center's tenants and the Village.
2. The proposed sign plan provides adequate signage for businesses and includes proper controls to ensure an attractive environment for residents and customers.

All Commissioners agreed.

Commissioner Spinelli made a motion, seconded by Commissioner Armijo to recommend approval of Case #10-14. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

IV. GENERAL DISCUSSION

Chairman Schubert stated that Palos is trying to annex property by the forest preserve, Mid-Iron and then continue right on thru to Glen Eagles, Cog Hill and so on. He said that the Village is working hard to not let this happen.

Mr. Stapleton stated that Mayor Reeves is working hard and is sitting down with as many people as he can. He said that Mayor Reeves is very upset with the Mayor of Palos. Mr. Stapleton stated that in December Palos passed their Comprehensive Plan and it states right in the plan that they were going after 2,000 acres of Lemont Township.

Mr. Stapleton then provided to the Board a map showing the properties that Palos might try to annex. He stated that Palos is planning on zoning the property that is annexed as commercial.

Discussion then continued as to how Palos would get water and sewer out to the area and what areas they are looking to annex.

Commissioner Spinelli asked when they were going to hear the Judge's decision on the billboard case.

Mr. Stapleton stated that on Thursday, October 21st at 11:00 a.m.

Mrs. Jones stated that she gave the Board some fliers on the Canal Corridor Association. She stated they are looking for some public input at their workshops so if anyone would like to attend they are welcome to.

V. **ADJOURNMENT**

Commissioner Armijo made a motion, seconded by Commissioner Erbert to adjourn the meeting. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Minutes prepared by Peggy Halper



Village of Lemont
Planning & Economic Development Department

418 Main Street · Lemont, Illinois 60439
phone 630-257-1595 · fax 630-257-1598

TO: Planning & Zoning Commission #131-10
FROM: Charity Jones, Village Planner
THRU James A. Brown, Planning & Economic Development Director
SUBJECT: Case 10-16 13154 Kinsale Court Variation
DATE: November 9, 2010

SUMMARY

Sonny Mondia, owner of the subject property, is requesting a variation to place a fence in the required corner side yard setback at 13154 Kinsale Court. The required corner side yard setback is 25 feet; the applicant is requesting no setback, an encroachment of 25 feet. Staff recommends approval of the requested variation.



PROPOSAL INFORMATION

Case No. 10.16
Project Name 13154 Kinsale Court

General Information	
Applicant	Sonny Mondia
Status of Applicant	Owner of the subject property
Requested Actions:	Variation to allow placement of a fence along the subject site’s west property line, a 25 foot encroachment into the required corner side yard setback.
Site Location	13154 Kinsale Court (PIN 22-35-203-001)
Existing Zoning	Lemont R-4, Single-Family Detached Residential
Size	12,783.27 sf; approx. .29 acres
Existing Land Use	Single-family residential (under construction)
Surrounding Land Use/Zoning	North: Vacant, Lemont R-4 South: Recreation – public park, Lemont R-4 East: Residential, Lemont R-4 West: Residential, Lemont R-4
Comprehensive Plan 2002	The Comp Plan calls for this site to low density residential.
Zoning History	The site is currently under construction; a single-family home is being built.
Special Information	
Public Utilities	The site is serviced with Village water or sewer.
Transportation	Traffic impact study not required.
Physical Characteristics	Site has no unusual topography or plant materials.
Other	The covenants and restrictions for the Glens of Connemara only allows black wrought iron or aluminum fences, style “Jerith Classic Design #202”. The maximum fence height allowed by the covenants is five feet.

STANDARDS FOR VARIATIONS

UDO Section 17.04.150.D states that variation requests must be consistent with the following three standards to be approved:

1. The variation is in harmony with the general purpose and intent of the Unified Development Ordinance;

Analysis. The general purpose of the UDO is specified in UDO Section 17.01.050. Of the eight components listed, three are clearly not applicable to this variation request. The variation request is consistent with the remaining five components.

- *Promoting and protecting the general health, safety and welfare.* The proposed variation should have no impact on public safety, health or welfare. The proposed fence would be placed outside the vision triangle

identified in UDO Figure 17-12-01 and therefore, would not create a hazard for pedestrians or motorists.

- *Ensuring adequate natural light, air, privacy, and access to property.* The proposed variation would not negatively impact light or air to the property. The fence would improve privacy for the homeowners and limit access to the property by others who may walk on the site going to or from the adjacent park.
 - *Avoiding or mitigating the hazards to persons and property resulting from accumulation of runoff or flood waters.* The proposed fence variation will have no effect on runoff or flood waters.
 - *Protecting the character of established residential neighborhoods.* The neighborhood is still under construction is therefore not an established neighborhood.
 - *Conserving the value of land and buildings throughout the Village.* The proposed fence variation would have no impact on land or building values throughout the Village.
2. The plight of the owner is due to unique circumstances and thus strict enforcement of the Unified Development Ordinance would result in practical difficulties or impose exceptional hardships due to the special and unique conditions that are not generally found on other properties in the same zoning district;

Analysis. The applicant claims that the unique circumstance in this case is the fact that there are no homes immediately behind his lot. Instead, the space is occupied by a park; the applicant claims that unless the requested fence is installed people will be encouraged to walk across his property on their way to or from the park. He concludes that this creates a practical difficulty for him, one not present for other lots in the R-4 zoning district.

The circumstances of the applicant's lot are not typical. Usually, in evaluating corner side yard variation requests the Village is concerned with examining impacts to adjacent neighbors whose front yards are adjacent to a corner side yard variation. In this case there are no such neighbors.

Although this circumstance is unique, it is not without precedent. A corner side yard fence variation was approved for 12655 Thornberry Drive in 2006 which permitted a 22 ft encroachment into the required corner side yard setback (Case 26-23). 12655 Thornberry is situated on the corner of Thornberry Drive and Smith Road; to the rear of the site are a utility right of way and a detention pond. Across Smith Road is the Citgo refinery. Staff recommended approval of the variation based on the finding that that the property's location and its adjacent land uses created unique circumstances.

Consistent with past precedent, staff finds that there are unique circumstances related to this site that would not generally be applicable to other similarly zoned

properties. However, these unique circumstances must also cause strict enforcement of the UDO to impose practical difficulties or exceptional hardships for the homeowner.

As mentioned previously, the subdivision is still being constructed and the subject site itself is currently under construction. It is difficult to predict whether people will actually cross the subject site on their way to and from the adjacent park, as the applicant claims. Staff does not find this to be a practical difficulty or a hardship.

Since the proposed fence will be an open design as required by the subdivision covenants, it has minimal visual impact for passerby, neighbors across the street, or users of the park. The corner side yard fence setback protects homeowners adjacent to the rear of a corner lot. In this case there are no neighbors to the rear of the site to be impacted by the fence placement. Therefore, to require compliance with the corner side yard fence setback does create an undue burden; it limits the applicant's use of his property while not providing any offsetting benefit to the rest of the community. Staff finds that strict enforcement of the UDO does create an exceptional hardship for the applicant due to these unique circumstances related to the subject site.

3. The variation will not alter the essential character of the locality and will not be a substantial detriment to adjacent property.

Analysis. The requested fence variation will not alter the essential character of Lemont. There are two properties immediately adjacent to the subject site; the park to the south and the single-family home site to the east. The home to the east would not be impacted by the fence variation. The fence variation would not create any interference with public use of the park to the south.

CONCLUSIONS& RECOMMENDATIONS

Staff recommends approval of the requested variation.

FINDINGS OF FACT

If the Planning and Zoning Commission recommends approval of the variation, the following findings-of-fact might be considered among those appropriate, that:

- a. Since the fence is open in design and there are no adjacent homes to the rear of the subject site, the proposed variation will not be a substantial detriment to adjacent property.
- b. The variation will not have a negative impact on the general health, safety or welfare because it will be placed outside the vision triangle identified in the UDO.
- c. The rear of the subject site is not adjacent to any homes and the fence will be open in design. Compliance with the corner side yard fence setback requirement limits the applicant's use of his property while not providing any offsetting benefit to the rest of

the community. Therefore, strict enforcement of the UDO creates an exceptional hardship for the applicant due to the unique circumstances related to the subject site.

ATTACHMENTS

1. Site Photos
2. Applicant submittals



Subject Site – viewed from west



Subject Site – west side of lot



Subject site – south side of lot



South of subject site



West of subject site



North of Subject Site

Variation Application Form

APPLICANT INFORMATION

Applicant Name Sonny Mondia

Company/Organization

13154 Kinsale Ct Lemont, IL 60439

Applicant Address

630-935-6483

Telephone & Fax

MRDCK58@hotmail.com

E-mail

CHECK ONE OF THE FOLLOWING:

- Applicant is the owner of the subject property and is the signer of this application.
- Applicant is the contract purchaser of the subject property.
- Applicant is acting on behalf of the beneficiary of a trust.
- Applicant is acting on behalf of the owner.

PROPERTY INFORMATION

13154 Kinsale Ct Lemont, IL 60439
Address of Subject Property/Properties

Parcel Identification Number of Subject Property/Properties

Size of Subject Property/Properties

DESCRIPTION OF REQUEST

Fence Variation

Brief description of the proposed variation

Add 25 feet as opposed to the 5 Foot requirement on a corner lot home.

REQUIRED DOCUMENTS

See Form 500-A, Variation Application Checklist of Required Materials, for items that must accompany this application.

FOR OFFICE USE ONLY

Application received on: 10-25-10

By: C. Jones

Application deemed complete on: 10-26-10

By: C. Jones

Current Zoning: R-4 PUD

Fee Amount Enclosed: \$250

Escrow Amount Enclosed: \$500

Variation Criteria Worksheet

Unified Development Ordinance (UDO) Section 17.04.150.D.1 establishes the criteria that all applications for variations must meet. In addition, Section 17.04.150.D.2 of the Unified Development Ordinance requires that the Planning & Zoning Commission or Zoning Hearing Officer take the following conditions into consideration when determining whether a request qualifies for a variation. You may want to consider the following in your variation request:

- The particular physical surroundings, shape, or topographical condition of the specific property involved results in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations of the Unified Development Ordinance were fulfilled;
- The conditions upon which the petition for variation is based would not be applicable, generally, to other property within the same zoning classification;
- The alleged difficulty or hardship has not been created by any person presently having an interest in the property;
- 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 subject property is located; and
- The variation will not impair an adequate supply of light and air to adjacent properties, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Please describe below how your variation request meets the criteria of UDO Section 17.04.150.D.1. Attach additional sheets if necessary.

UDO Section 17.04.150.D.1.a

The variation is in harmony with the general purpose and intent of the Unified Development Ordinance;

Being that our fence would not back up to
another home, the request is in harmony with the
general purpose and intent of the UDO.

UDO Section 17.04.150.D.1.b

The plight of the owner is due to unique circumstances and thus strict enforcement of the Unified Development Ordinance would result in practical difficulties or impose exceptional hardships due to the special and unusual conditions that are not generally found on other properties in the same zoning district; and

Being that our fence backs up to a park and not another home, the request is in harmony of the UDO. The enforcement of the UDO would allow others to cut through our yard/grass to get to the park that sits behind our home. This would create practical difficulties that are not generally found on other properties in the same zoning district.

UDO Section 17.04.150.D.1.c

The variation will not alter the essential character of the locality and will not be a substantial detriment to adjacent property.

None whatsoever
