

Village of Lemont
Planning and Zoning Commission
Regular Meeting of July 20, 2011

A meeting of the Planning and Zoning Commission of the Village of Lemont was held at 6:30 p.m. on Wednesday, July 20, 2011, in the second floor Board Room of the Village Hall, 418 Main Street, Lemont, Illinois.

I. CALL TO ORDER Meeting was called to order at 6:40 p.m.

A. Pledge of Allegiance

Chairman Schubert led the Pledge of Allegiance.

B. Verify Quorum

Upon roll call the following were:

Present: Maher, Murphy, Spinelli, Schubert

Absent: Erber

Planning & Economic Development Director Jim Brown was also present

C. Approve Minutes

Commissioner Murphy made a motion, seconded by Commissioner Spinelli to approve the minutes of the May 18, 2011 meeting with no changes. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

II. CHAIRMAN COMMENTS None

III. PUBLIC HEARINGS

A. Case #11-10: St. Matthew's Rezoning. Public hearing requesting rezoning of property from R-4 Single Family Detached Residential District to INT Institutional District.

Commissioner Murphy made a motion, seconded by Commissioner Spinelli to open public hearing for Case #11-10. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Mr. Brown stated that Kathy Henrikson was here on behalf of St. Matthew's Church. He said that Lemont's zoning regulations allows religious institutions in R-4 zoning as a special use or as a permitted use in Institutional zoning. He stated that back in 1995 when the property was annexed there was a special use approval for the religious

activities there. Mr. Brown stated that there is now the question of whether or not to go through with the zoning. He said that he recommends seeking the Institutional zoning because it eliminates a potential variation request in the future. Mr. Brown said that the R-4 zoning has a standard that no more than 60% of the lot, for non-residential usage, can be covered by impervious surfaces. He said if they are going to have a couple of structures and a large parking area they might exceed that and have to come back for a variation. Mr. Brown stated that the Institutional zoning district, which is designed for areas that might have bigger parking lots and many buildings, does not have any impervious surface requirements.

Mr. Brown stated that the property was acquired in 1995 and was annexed in 1995. He stated that it has been vacant since. He said that the Comprehensive Plan does not have any designated areas for religious usage. Mr. Brown stated that the property adjacent is the Police Station which is zoned Institutional. He stated that this has been an ongoing plan by St. Matthew's and the Village has been aware of the plans. He said that the Village has made agreements with St. Matthew's for the sharing of parking with the Police Station. Mr. Brown stated that Ms. Henrikson was present for any questions that the Board might have.

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

Kathy Henrikson, 12945 Silver Fox Drive, Lemont, stated that when they purchased the property in 1995 they thought that they would be moving along with their plans quicker. She stated that they are hoping to start phase one with the approval of the congregation this fall. Ms. Henrikson stated that they would like to break ground this fall or early next spring. She stated that at this time they are seeking the rezoning as Mr. Brown had stated. She asked if the Board had any questions.

Chairman Schubert asked how many members were in the parish.

Ms. Henrikson stated 300.

Chairman Schubert asked with the shared parking is the Police Department allowing them to park in their facility.

Ms. Henrikson stated that they own the back south parking lot of the Police Station currently. She said that when they constructed the Police Station they had requested more parking on their property. She stated that it was part of their shared agreement. Ms. Henrikson stated that they have three services and about 70 to 80 people attend at a time.

Commissioner Murphy asked if they allowed for Institutional zoning when would any building beginning.

Ms. Henrikson said that there is a master plan of the whole building.

Commissioner Murphy asked if there was a timeframe.

Ms. Henrikson stated that with the economy there is not. She said that the original plan was to sell the current facility and take that money to build everything. However, the property has been on the market for two years and it is not an easy sell. She stated that if they are going to get a new building then they are going to have to do it in phases. Ms. Henrikson stated that they are trying to move forward and have at least a new facility that has air conditioning or some other comforts.

Chairman Schubert asked if anyone else would like to come up and speak in regards to this particular case. None responded.

Commissioner Murphy asked Mr. Brown if the plans today could move forward with the existing zoning.

Mr. Brown stated that yes it could. He said that the plans to build could move forward provided that they are not exceeding 60% limit of the impervious surfaces.

Commissioner Murphy asked what the difference would be by making it Institutional.

Mr. Brown said that the impervious surface would not apply and there are some minor differences with the setbacks. He stated that the religious use and religious institution are two defined terms in the zoning ordinance and would cover about everything that St. Matthew's would want to do.

Commissioner Murphy asked what else would be under the Institutional zoning.

Mr. Brown stated basically government.

Commissioner Murphy stated that if it is changed to Institutional zoning and nothing was built, it opens up the opportunity for possibly a prison, youth center, health care facility, or nursing home to be built there. She stated that the reason she brings this up is because it had been suggested for this area awhile back. She said if you leave it at R-4 then it is possible that it can not happen.

Mr. Brown stated that a prison might not be mentioned in the zoning code. He said as far as the health uses, they are a special use throughout the zoning code.

Commissioner Murphy stated that the reason why she is bringing it up is because it has not moved forward in 15 years. She said that the rezoning is not needed at this point and she is concerned that they are opening it up for something they do not want.

Mr. Brown stated that if there was any concern by this Board or the Village Board, then they could hold off with the zoning until they are ready to build.

Commissioner Murphy asked if the R-4 and special use go with the property or with the ownership.

Mr. Brown stated that it goes with the property.

Commissioner Spinelli asked if they will be providing detention whether they are R-4 or Institutional.

Mr. Brown stated that they would and it is shared with the Village.

Discussion continued about whether to zone the property Institutional now or to leave it R-4 with the zoning change done later.

Commissioner Spinelli asked Ms. Henrikson if the church was going to build this new facility regardless if they sell the old facility.

Ms. Henrikson stated that this is why they are going ahead with phase one. Their first intent was to sell the church and build everything. She said that they have enough money currently to do phase one and hopefully they can sell or possibly rent the old facility out.

Commissioner Spinelli stated that he felt more comfortable knowing that they are going ahead with their plans rather than get the zoning and sit on the property for another 10 years or possibly sell it.

Commissioner Murphy stated that she has no doubt they are going ahead with the church. She said that her concern is that they only need the Institutional zoning for phase two, three and four which may never happen.

Chairman Schubert stated that St. Matthew's could move forward with the current zoning. He said that when they go to put in phase two then they can come in and ask for the rezoning to Institutional.

Commissioner Murphy stated that if the zoning had to change for St. Matthew's to build there then she would not have a problem. She said that it does not have to be decided at this time.

Chairman Schubert stated that he understood what Commissioner Murphy was saying. He stated that he did not see it hindering St. Matthew's from moving forward. He stated that it is a perfect spot for them and would love to see them there.

Chairman Schubert asked if there were any other comments. None responded.

Commissioner Spinelli made a motion, seconded by Commissioner Maher to close the public hearing on Case #11-10. A voice vote was taken:

Ayes: All

Nays: None
Motion passed

Commissioner Spinelli made a motion, seconded by Commissioner Maher to recommend approval of Case #11-10. A roll call vote was taken:

Ayes: Maher, Spinelli
Nays: Murphy, Schubert
Motion denied

B. Case #11-11: 1026 Walter Street Pool Variation. Public hearing requesting a variation to allow for construction of a swimming pool in the side yard.

Commissioner Maher made a motion, seconded by Commissioner Murphy to open the public hearing for Case #11-11. A voice vote was taken:

Ayes: All
Nays: None
Motion passed

Mr. Brown stated that the request is for a pool to be built on a side yard and to exceed the maximum 30% impervious surface that is required on a yard. He stated that there are photos included in the packet and a map showing the layout of their yard. He said that there is currently a swing set in the area where the pool will be going. Mr. Brown stated that the plan they received is difficult to scale out, so it is hard to determine what percentage they would be at for the impervious surface. He stated that chances are they would be over based on past experience. Mr. Brown said that staff is recommending approval with conditions. He said that they would recommend installing landscaping along the side property line and the side facing Weimer Avenue. He said that if the Board does recommend the conditions he would like it stated that the landscaping plan must be submitted and approved. Also, that the landscaping would be installed, to the fullest content possible that it doesn't interfere with the construction of the pool, prior to the approval of the construction. Mr. Brown stated that during the public comments he has a letter from one of the adjacent homeowners. He said that the applicant is present if the Board had any questions.

J Nicholas Parish, attorney from Faloon & Kenney, Ltd, 5 6th Avenue, La Grange, stated that he has spoken with Village staff and his clients in regards to the conditions. He said that they have no objections to those conditions. He stated that they would like to have a safe and fully compliant pool that is not a problem with any of the neighbors.

Chairman Schubert asked the owners if the swing set was going to be removed.

Mr. Difoggio stated that it would be removed and the landscaping around it would be removed. He said along the side of the easement a retaining wall would be put in with landscaping in front of the wall. He stated that he had landscaped into the easement because it was swampy and he did this with the approval of the neighbor.

Chairman Schubert asked if he paid for the fence along east side of the property that goes from his home to the home next to it.

Mr. Difoggio stated that he did pay for it.

Chairman Schubert asked if he was still going to put a wrought iron fence around the pool

Mr. Difoggio stated that it is going to continue on the retaining wall around the rear gate. He said it would totally be enclosed. He stated that he was going to have a landscape architect submit drawings.

Chairman Schubert asked if the heater and filter would be enclosed to muffle the sound. He stated it would have to be landscaped due to the covenants of the subdivision.

Commissioner Spinelli stated that they might be able to put solid panels for the pool equipment because it is not a perimeter fence.

Mr. Difoggio stated that he has talked to the homeowners association and other neighbors have done the same thing with air conditioners.

Chairman Schubert stated that it would have to be approved by the homeowners association though.

Commissioner Spinelli asked if the retaining wall had to stay outside of the easement.

Mr. Brown stated that they have approved them on a case by case basis depending on what the grading technician states.

Chairman Schubert asked if anyone in the audience would like to come up and speak.

Ellen Pearson, 1031 Walter Street, Lemont, asked if there was going to be fence all around the pool and how high was the fence.

Chairman Schubert stated that there would be and it would be five feet.

Ms. Pearson asked if the fence would be locked and if the police ever had a problem with people climbing the fences.

Chairman Schubert stated that the fence would lock and did not know of any problems.

Ms. Pearson asked what the size of the pool was and would the landscaping be in the front.

Chairman Schubert stated that the pool was 14 feet by 28 feet and the landscaping would be in the front.

Mr. Brown stated that he had a letter that he would like to read from one of the neighbors.

It stated that as the homeowner of the property next door, 1036 Walter Street, he would like to cast a vote of opposition to this request for the following reasons. First, it is a violation of the covenants of the existing homeowners association. It stated that the reason why he chose his home was because of the aesthetics of larger lot separation between homes and especially, without the separation caused by fencing property lines. The installation of this pool will then give rights to all other households to have the same option, which will greatly change the existing look and feel of the subdivision. Secondly, the location of the pool would be located directly outside and within a very close proximity to two of the most important rooms to the house at 1036 Walter Street; these being the master bedroom and the downstairs office. Both of these rooms require an environment that is peaceful for sleep and quiet for concentration. Even with the limited activities that currently take place on the existing playground area it can get very disruptive. By adding a pool, it will encourage an even greater level of activity by both the children, as well as the adults, and only cause more disruption. Third, it can potentially cause further home devaluation. For reasons stated above, he does not think the addition of a pool would do anything to enhance the home values and will in fact hurt them. He states it comes from research performed by two separate professional real estate appraisal entities that perform market value assessments. He apologizes for not being able to attend the meeting this evening and hope that his expressions would be duly noted. The letter is signed Curt Montalto.

Chairman Schubert asked if it was inground or above ground.

Mr. Difoggio stated that it was inground.

Mr. Parish stated that he and his clients are sensitive to the items one and two that were mentioned. He said that he would like to object to item number three and stated that it was hearsay. Mr. Parish stated that there were not any brokers or agents present to question in this matter. He asked the Board to disregard item number three only.

Mr. Maher asked if the side yard setback was 15 feet.

Mr. Brown stated that for a swimming pool and deck area it was seven and half feet from lot line.

Mr. Difoggio stated that Mr. Montalto does not even live in the house and that it was going into foreclosure. He said that Mr. Montalto rented the house out with no lease or agreement given to the homeowners association. He stated that Mr. Montalto is going through a divorce and that he knows all this because his wife is friends with Mrs. Montalto. He said that he is not talking about the gentleman, but that he is just stating facts.

Commissioner Spinelli stated that in response to the letter and needing the peace and quiet, these homeowners are entitled to the use of their property just like that gentleman is. He said that if noise becomes an issue he has recourse of calling the police department for a noise violation. Commissioner Spinelli stated that whether the pool is on the side or if the neighbor behind him puts a pool in, you are going to get the same noise.

Chairman Schubert asked if anyone else wanted to come up and speak in regards to this case. None responded.

Commissioner Maher made a motion, seconded by Commissioner Murphy to close the public hearing for Case #11-11. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Chairman Schubert then read the Findings of Fact:

1. The variation is consistent with the general purpose and intent of the Unified Development Ordinance in that it will not have a negative impact on surrounding properties, or the Village in general.
2. Strict enforcement of the UDO would pose a difficulty for the homeowner, due to the character of the lot.
3. The conditions for the planning and installation of landscaping should help mitigate the adverse effects of placing the swimming pool in the side yard.

All Commissioners agreed.

Commissioner Maher made a motion, seconded by Commissioner Spinelli to recommend approval of Case #11-11 with the following conditions:

1. The installation of the landscape will take place prior to the installation of the pool as long as it does not obstruct the construction of the pool.

A roll call vote was taken:

Ayes: Maher, Murphy, Spinelli, Schubert

Nays: None

Motion passed

- C. Case #11-09: 1229 Country Lane Variation. Public hearing requesting a variation to the Village's rear yard setback requirements in order to construct a sunroom and replace the existing deck.

Commissioner Maher made a motion, seconded by Commissioner Murphy to open the public hearing for Case #11-09. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Mr. Brown stated that the Mr. Mikrut has requested a variation to the Village's rear yard setback requirements in order to construct a sunroom. He stated that it will replace a deck that is currently there. He said that staff is recommending approval. Mr. Brown stated that the Village Engineer did not have any comments also.

Chairman Schubert asked if the applicant could please come up to speak.

Mark Mikrut, 1229 Country Lane, Lemont, stated that he had an updated sketch and submitted it to the Board. He stated that he had R-4 zoning which had a setback of 30 feet. He said that he was a licensed engineer and was in charge of the Construction Engineer Survey Department. He stated that he had a co-worker come out to establish a lot line. Mr. Mikrut then showed a sketch showing his property and the lot lines. He stated that the area in yellow was the proposed addition and there should be pictures in their packets. He said that the proposed contractor is present also. Mr. Mikrut stated that his neighbor's house was 10 feet from the lot line which is five over. That is consistent with their subdivision. He stated that the current deck is six and half feet from the lot line and was there when they bought the house 18 years ago. He said that they plan on staying there and have made many updates to the home. Mr. Mikrut said that the sunroom is substantially small and would be better than the deck.

Chairman Schubert asked about the sliding doors and the egress.

Mr. Mikrut showed him on the sketch where the doors and egress would be located.

Chairman Schubert asked if anyone else would like to come up and speak in regards to this case. None responded.

Commissioner Maher made a motion, seconded by Commissioner Murphy to close the public hearing for Case #11-09. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Chairman Schubert then read the Findings of Facts:

1. The requested variation will have no impact to the Village as a whole and the impact to the adjacent properties will be negligible, since the new sunroom will be of smaller dimensions and placement as the existing deck.
2. The variation request will not injure the public health, safety, and general welfare.
3. The current deck does not abide by the rear yard setback and has existed as such since the construction of the house by the previous owner. The proposed sunroom will be 10.25 feet from the rear yard property line opposed to the current deck which is currently 6.5 feet away.
4. Due to the parcel being a corner lot, practical placement of the sunroom is the rear yard and current location of the deck. The other three sides of the lot are restricted by (east) driveway, (south) front entrance and (west) basement window wells, gas meter, electric meter and phone service.

All Commissioners agreed.

Commissioner Murphy made a motion, seconded by Commissioner Spinelli to recommend approval for Case #11-09. A roll call vote was taken:

Ayes: Maher, Murphy, Spinelli, Schubert

Nays: None

Motion passed

IV. ADJOURNMENT

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

Ayes: All

Nays: None

Motion passed

Minutes prepared by Peggy Halper