

**MINUTES OF THE REGULAR MEETING OF THE ZONING PLANNING & APPEALS
COMMISSION OF THE VILLAGE OF METTAWA, LAKE COUNTY, ILLINOIS,**

**HELD AT THE HOUR OF 7:00P.M. ON TUESDAY, MAY 7, 2013
IN THE MAPLE ROOM OF THE HILTON GARDEN INN,
26225 N. RIVERWOODS BOULEVARD, METTAWA, ILLINOIS**

I. CALL TO ORDER

Chairman Krusinski called the meeting to order at 7:00 P.M.

II. ROLL CALL

Upon a call of the roll, the following persons were:

Present: Commissioners Leonard, Hirsch, Meluso, Miller, Pickell and Chairman
Krusinski

Absent: Commissioner Busscher

Chairman Krusinski declared a quorum present.

Also present: Commission secretary, Cathy Nelson and Village Attorney Gregory T.
Smith of Klein, Thorpe & Jenkins, Ltd.

III. APPROVAL OF MINUTES

Minutes of the regular meeting of April 2, 2013

It was moved by Commissioner Leonard, seconded by Commissioner Meluso to approve
the minutes from April 2, 2013 and place them on file.

The Following voted:

Aye: All

Nay: None

Commissioner Krusinski declared the motion carried.

IV: CALL OF CASES:

**PUBLIC HEARING: CASE NO. 13-TA-1: Mettawa Zoning Ordinance Text
Amendments**

Chairman Krusinski called the Public Hearing on Case No. 13-TA-1 to order at 7:08 P.M.

Upon a Call of the Roll, the following were:

Present: Commissioners Hirsch, Leonard, Meluso, Miller, Pickell and Chairman
Krusinski

Absent: Commissioner Busscher

Chairman Krusinski declared a quorum present.

Verbatim minutes of the Public Hearing have been taken by Cynthia Pavesich certified court reporters of Chicago, Illinois, a transcription of which shall be placed in file in the Village Clerk's office

Chairman Krusinski made opening remarks stating that the Case arises from an application filed by the Village President and Board of Trustees of the Village of Mettawa and seeks findings of fact and recommendation on text amendments related to the following items:

1. Area standards for structures in the R-1 Single Family Residence District;
2. Nonconforming use provisions in Sections 15.301 – 15.310, *et.seq.*,
3. Distances used to determine who shall receive notice of zoning petitions and
4. Whether special use permits granted by the Village of Mettawa shall run with the land and the procedures to be used for violations of special use permits.

The text amendments, if adopted, would affect property in the entire Village, and the amendments, if adopted, are not limited to a certain parcel, or parcels of property in Mettawa.

Chairman Krusinski also stated for the court reporters record , notice of the hearing on Case No. 13-TA-1 was published in the Daily Herald on April 15, 2013, in the manner required by law. The Secretary has the newspaper's certificate of publication, which is admitted as the Commission's Exhibit Number 1.

Chairman Krusinski then asked if there was anyone in the audience wishing to file an appearance as an objector. No one responded.

The Court Reporter then swore in two residents wishing to testify in this matter:
Mr. Thomas Heinz of 27157 Saint Marys Road, Mettawa and
Mr. Rick Phillips of 26403 N. Farwell, Mettawa.

Attorney Gregory T. Smith representing the applicant then presented his case.

Mr. Smith presented the four items for consideration by the commission. Questions were asked by the commissioners and then asked by the audience. After all questions were asked and answered; and Attorney Smith stated that he had no final remarks, Chairman Krusinski declared the Public Hearing closed at 8:30 P.M.

V. DELIBERATION AND RECOMMENDATION:

Deliberation began on the four items up for consideration

1. **Area Standards: for R-1**

- a. **Accessory buildings area.** Chairman Krusinski directed the Commissioners to their packets which contained some language recommendations.

Commissioner Pickell felt that a reduction to a 2000 foot ground floor area was acceptable. He does have a problem with the codes' acceptable height limits, and feels not only the pad but the overhang area needed addressing.

Attorney Smith stated that the Commission can ask the Board as part of their referral to send back for consideration at a later date, height and second floor standards. He reminded the commissioners that any area over 2000 feet would then go into a special use permit situation.

Discussion ensued. Commissioner Leonard suggested a change to add "ground floor area" to the amendment with the stipulation that the rest be referred back to the Commission so that all areas can be clarified.

Attorney Smith stated that the Commission can ask engineering for research and statistics to help in deliberation.

b. Percentage of lot occupied by buildings and structures, including accessory buildings

The current ordinance states that not more than 15% of the lot may be occupied by buildings and structures.

Discussion ensued regarding smaller lot regulations. PUD's need to be looked at to see how they address the issue. Chairman Krusinski asked if the commission wants to put area restrictions in effect for smaller lots. The question of whether smaller lots were at issue for the Board was discussed.

Commissioner Pickell requested that the Commission ask the Board to ask the Commission to address small lots in non PUD areas in terms of area coverage. Chairman Krusinski stated that small lot owners would need to request a variance to build outside of the code restrictions.

Attorney Smith stated that this issue is not addressed in the PUD ordinance as it is a blank canvas and each is developed individually. The PUD allows for flexibility in the plans. The plans contain allowable structures, lot coverages, etc.

Chairman Krusinski recommended the Commission ask the Board for time to do the research and include R-2 in the research.

It was questioned why the Board sent this issue to the ZPA. Also that the 15% requirement was agreeable as is.

Attorney Smith stated that these issues can be addressed in workshop meetings with information from our engineering staff.

c. Total habitable ground floor area

Currently one story dwellings are required to have a total habitable ground floor area of not less than 3,000 square feet. It has been proposed to lower this minimum square footage.

Commissioner Miller questioned the Villages' right to restrict people who want to downsize their residence in order to have more natural areas to enjoy.

The esthetics of a smaller house next to a large house and the impact on property values were discussed.

Garage specifications and its inclusion in the square footage were discussed

Chairman Krusinski stated that if someone wanted to build a smaller size home, they can come before the Commission and request a variance.

After discussion it was agreed to recommend lowering that size to 2,500 square feet.

It was moved by Commissioner Leonard, seconded by Commissioner Miller to amend sections 15.1203L of the Zoning Ordinance by adding “ground floor” before the word “area” with a request that the Village Board refer to the Commission the height and bulk restrictions for accessory buildings present in the zoning ordinance for further consideration. The Commission also recommends an amendment to section 15.1204F at a future time along with a request that the Village Board refer to the Commission, section 15.1304F for findings of fact and a recommendation. Also, to recommend that Section 15.1204G be amended to decrease the total habitable ground floor area from 3,000 square feet to 2,500 square feet, for one story dwellings.

Upon a call of the roll, the following voted:

Aye: Commissioners, Hirsch, Leonard, Meluso, Miller, Pickell and Chairman Krusinski

Nay: None

Chairman Krusinski declared the motion carried.

2. **None Conforming Uses**

Consideration of revisions to specified portions of Section 15.301, et seq. was discussed.

Chairman Krusinski asked if there were any changes in the revisions as presented by Attorney Smith in his May 3, 2013 Memorandum to the Commission. None were set forth.

It was moved by Commissioner Pickell, seconded by Commissioner Miller that Section 15.301A be amended as set forth in the May 3, 2013 memorandum from the village attorney, that Section 15.304 be deleted and that Section 15.310 be amended as set forth in the May 3, 2013 memorandum from the village attorney.

Upon a call of the roll, the following voted:

Aye: Commissioners, Hirsch, Leonard, Meluso, Pickell and Chairman Krusinski

Nay: None

Chairman Krusinski declared the motion carried.

3. **Notice Standards**

The Board requested the Commission consider amendments to Sections 15.803(B) (Variations), 15.903(B) (appeals), and 15.1103(B) (special use)

Several options for amendments were presented by Chairman Krusinski and discussed regarding effect of lot size, radius and location.

At 9:30p.m. It was moved by Commissioner Miller, seconded by Commissioner Leonard to extend the meeting by 15 minutes.

The following voted: Aye: All, Nay: None
Chairman Krusinski declared the motion carried and the meeting extended

Commissioner Pickell felt that notice should go to all residents via email for any variance applications

After further discussion, it was moved by Commissioner Miller, seconded by Commissioner Pickell keep the standard as is which is 1,000 feet radius.

Upon a call of the roll, the following voted:
Aye: Commissioners Hirsch, Leonard, Meluso, Miller, Pickell and Krusinski
Nay: None
Chairman Krusinski declared the motion carried.

4. **Special Use Penalty Provision.**

Amendment to Zoning Ordinance, in Chapter 15 of the Village Code adding a new subsection 15.1104(D)

Discussion continued on giving a cure period of 14 days on any Special Use Permit Violation

It was moved by Commissioner Leonard, seconded by Commissioner Pickell to approve the language as presented in the May 3, 2013 Memorandum from the Village Attorney

Upon a call of the roll, the following voted:
Aye: Commissioners Hirsch, Leonard, Meluso, Miller, Pickell and Krusinski
Nay: None
Chairman Krusinski declared the motion carried.

VI. COMMUNICATIONS: There were no communications

VII. REVIEW OF REPORTS OF COMMISSION COMMITTEES: None Presented

VIII. OLD BUSINESS: No old business to be discussed

With no further business to discuss, it was moved by Commissioner Busscher, seconded by Commissioner Meluso that the meeting be adjourned.

With unanimous consent, Chairman Krusinski declared the motion carried and the meeting adjourned at 9:36 pm.

Cathy Nelson, Secretary