

MINUTES OF THE SPECIAL MEETING OF THE ZONING PLANNING & APPEALS COMMISSION OF THE VILLAGE OF METTAWA, LAKE COUNTY, ILLINOIS, HELD AT THE HOUR OF 7:00 P.M. ON TUESDAY JANUARY 17, 2018 IN THE COTTONWOOD 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 PM.

II. ROLL CALL

Upon a Call of the Roll, the following persons were:

Present: Commissioners Clark, Leonard, Meluso, Murphy, Pickell and Chairman Krusinski

Absent: Commissioner Hirsch

Chairman Krusinski declared a quorum present.

Also present: Village Attorney, Gregory T. Smith of Klein, Thorpe & Jenkins, Ltd; Village Administrator, Bob Irvin; Village Clerk, Sandy Gallo

III. APPROVAL OF MINUTES:

The ZPA meeting minutes for December 5, 2017 were reviewed. Commissioner Murphy provided changes to the meeting minutes. Commissioner Clark provided a word change on page 3. It was moved by Commissioner Leonard and seconded by Commissioner Murphy that the minutes of the ZPA meeting be approved and be placed on file.

Upon a call of the roll the following voted:

Aye: Commissioners Clark, Leonard, Meluso, Murphy, Pickell and Chairman Krusinski

Nay: None

Absent: Commissioner Hirsch

Chairman Krusinski declared the motion carried and placed the minutes on file.

IV. CALL OF CASES:

Chairman Krusinski said today's agenda includes an application for a variation from the seventy-five-foot front yard setback requirement at 14805 Old School Road in docket 17-V-S-1. Chairman Krusinski said the Commission will now open the public hearing docket number 17-V-S-1.

Upon a Call of the Roll, the following Commission members were:

Present: Commissioners Clark, Leonard, Meluso, Murphy, Pickell and Chairman Krusinski

Absent: Commissioner Hirsch

Chairman Krusinski declared a quorum present.

Chairman Krusinski said the Case Number 17-V-S-1 arises from an application filed by Amy Weiland. The Applicant seeks a variation of seventeen feet from the seventy-five-foot front yard setback requirement for a shed on the property at 14805 Old School Road to allow an existing shed to remain in its current location in the R-1 single family residence district. Case No. 17-V-S-1 was published in the Daily Herald on January 2, 2018 in the manner required by law. The Secretary has the newspaper certification of publication it was admitted as **Exhibit 1**. Chairman Krusinski said the Applicant submitted evidence that notices were sent to all real property owners lying within 1,000 feet of the property which is the subject of the hearing. The proof of mailings was admitted as **Exhibit 2**.

Amy Weiland said when she bought the parcel, she had decided to tear down the existing house. The plans consisted of tearing down some surrounding trees too. Permits were sought in accordance to the Village code. A permit for the shed was applied for after the initial request for the principal structure permit. Ms. Weiland said at that time, she was not aware a permit was required to build a shed. The existing shed was smaller yet removed. The new shed turned into a small house which included a cement slab and electricity. Ms. Weiland said upon receiving the permit, stakes were placed to mark the location of the new shed. Ms. Weiland said the timeframe between when the stakes were placed to when the cement slab was poured was approximately 6 months. Unfortunately, two stakes were knocked out and later placed incorrectly causing the shed to be built north of where it was supposed to have been placed. Ms. Weiland said she built the shed to match the house siding and placed landscaping to beautify the location. Ms. Weiland's added she cannot explain why her contractor did not attend this meeting to explain his side of the error.

Chairman Krusinski said today the Commissioners received the original submittal for the permit from James Anderson Company. The permit indicated where the shed should have been placed at the seventy-five-foot setback. Subsequently, we also have the current location of the shed and its seventeen feet encroachment setback. Chairman Krusinski said Ms. Weiland provided documentation representing the facts that the current shed does meet the Village's zoning standards.

Ms. Weiland said her goal was to build her shed following the Village's zoning standards. Ms. Weiland stated the Commissioners should also note her surrounding neighbors also have structures close to the street.

Commissioner Leonard said she is curious where in our inspection process was the cement slab noticed that it was placed incorrectly. Village Administrator Irvin said an inspector is not available at every facet of construction. Village Administrator Irvin said a shed this size, one inspection would be performed upon completion. It was during the final inspection that the shed was noted to be incorrectly placed.

Village Administrator Irvin said it was noticed when the southern stakes fell down and the front stakes were used as the rear during the installation. Village Administrator Irvin added at the final inspection was when the error was caught. Internal discussions on how to handle this mishap were occurring during this period. Ownership to the error was being determined between the builder and Ms. Weiland. Village Administrator Irvin said a few surrounding neighbors by Ms. Weiland also have structures which are of concern.

Commissioner Pickell said inspections are normally completed prior to pouring the concrete slab to catch these types of errors. Commissioner Pickell said other municipalities would not allow this type of violation and they would require the slab to be moved.

Commissioner Clark said the concrete slab was not poured straight either.

Ms. Weiland said she understands the decision the Village needs to make. Ms. Weiland stated the Board has bigger issues to address throughout the Village regarding structures having been built with violations.

Commissioner Leonard said perhaps the Village is not completing enough inspections as required during construction.

Chairman Krusinski said in his experience of building his home in Deerpath Farm, several criteria needed to be met for each inspection to be approved. Chairman Krusinski said the inspections completed on his home was commending. Chairman Krusinski stated Ms. Weiland shed was completed significantly after the house was built; which could be one reason it was not inspected. Chairman Krusinski asked Village Administrator Irvin if the inspection process for indoor structures is the same as outdoor structures. Village Administrator Irvin said yes, some residents have even complained to which to many inspections are being completed.

Commissioner Pickell said inspections are crucial to construction; however, they are thought of primarily as costly. Commissioner Pickell said the Village should consider not returning the bond to the contractor due to his error.

Chairman Krusinski stated for the records no objectors and no further testimony on this matter was present.

Village Board Administrator said the Zoning recommendation will be deliberated at the Village Board on February 20th and the final ordinance would be voted on at the March Board meeting.

The public hearing was closed at 8:50 pm.

Commissioner Pickell said if the average street setback was considered, Ms. Weiland is within the average setback on that street. Commissioner Pickell said the

Village needs to determine on how to handle cases such as this one and either fine the contractor or not return their bond money until the issue is resolved.

Chairman Krusinski said he believes a more stringent inspection needs to be completed during construction.

Commissioner Clark asked if it was typical that all associated fees are paid prior to the Village Board voting on this matter.

Village Administrator Irvin said Ms. Weiland made a deposit on the estimated expenses for her application. All of the expenditures are paid once the process is completed. The last expense is the Lake County recording fee. The building permit is not issued until all expenses are paid.

Village Attorney Smith said the motion would read that the ZPA recommends to the President and the Board of Trustees of a variation for the existing shed from the front yard setback requirements in Section 15.12.04(b) of zoning ordinance of seventeen (17) feet as requested in the application. The motion was made by Commissioner Leonard and seconded by Commissioner Murphy.

Upon a Call of the Roll, the following persons were:

Aye: Commissioners Clark, Leonard, Meluso, Murphy, Pickell and Chairman Krusinski

Nay: None

Absent: Commissioner Hirsch

Chairman Krusinski said the motion carries.

Chairman Krusinski asked for a motion to authorize the Chairman to draft and sign a report of the ZPA Findings of Facts to the President and Board of Trustees. The motion was moved Commissioner Leonard and seconded by Commissioner Clark.

Upon a Call of the Roll, the following persons were:

Aye: Commissioners Clark, Leonard, Meluso, Murphy, Pickell and Chairman Krusinski

Nay: None

Absent: Commissioner Hirsch

Chairman Krusinski said the motion carries.

V. **COMMUNICATIONS:**

Chairman Krusinski said there will be no ZPA meeting on February 6th. The Committee of Whole meeting to discuss the text amendments will be on Wednesday, February 7th. Chairman Krusinski asked the Village Clerk to send the

Commissioners the finalized text amendment document from KTJ for the upcoming meeting.

VI. REVIEW OF REPORTS OF COMMISSION COMMITTEES:

None

VII. OLD BUSINESS:

None

VIII. NEW BUSINESS:

None

IX. ADJOURNMENT:

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

With unanimous consent, Chairman Krusinski declared the motion carried and the meeting adjourned at 8:05 pm.

Sandy Gallo,
Village Clerk