

**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, OCTOBER 5, 2021 THROUGH ZOOM**

**I. CALL TO ORDER:**

Chairman Krusinski called the meeting to order at 7:08 PM.

Welcome Village Administrator Florip and Commissioner Witten.

The Village President has made the determination that an in-person meeting is not practical or prudent because of COVID-19 pandemic. As the head of this public body, the Village President has the authority to act on the Board's direction, based on the September 17, 2021, Disaster Declaration made by Governor Pritzker. The Village President has based this determination on the current trending cases.

**II. ROLL CALL:**

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

Present: Commissioners Fantus, Leonard, Meluso, Pelech, Pickell, Witten and Chairman Krusinski

Absent: None

Chairman Krusinski declared a quorum present.

Also, on the call: Village Attorney, Jim Rhodes of Klein, Thorpe & Jenkins, Ltd; Village Administrator, Mandi Florip; Village Clerk, Sandy Gallo

**III. APPROVAL OF MINUTES:**

The ZPA Special meeting minutes for January 5, 2021 were reviewed. It was moved by Commissioner Leonard and seconded by Commissioner Pickell that the meeting minutes of the January 5, 2021 be approved and be placed on file.

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

Aye: Commissioners Fantus, Leonard, Meluso, Pelech, Pickell, Witten and Chairman Krusinski

Absent: None

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

**IV. CALL OF CASES:**

Chairman Krusinski indicated that for the information of everyone who is attending the virtual meeting, the work of the Zoning, Planning, and Appeals Commission consists of reviewing matters brought before us that affect zoning and planning in the Village. The Commission is a fact-finding body and has no final authority. As a result, the Commission makes no final decisions regarding any matter, but only makes recommendations to the President and Board of Trustees of the Village of Mettawa based upon the testimony presented.

a. Chairman Krusinski called the public hearing for Case Numbers 21-V-S-1 to order

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

Present: Commissioners Fantus, Leonard, Meluso, Pelech, Pickell, Witten and Chairman Krusinski

Absent: None

Chairman Krusinski declared a quorum present.

Chairman Krusinski indicated the applicant Case Numbers 21-V-S-1 is seeking a variation to Section 15.1204 (D) minimum rear side yard for the property at 101 Indian Ridge Road in Mettawa, Illinois. Section 15.1204 (D) provides rear yard, any building or structure hereafter erected or relocated in any R-1 single-family residence district in the Village of Mettawa shall be set back from the rear lot line and shall have a rear yard of at least 75 feet. The petitioner is seeking a variation to allow a garage to be built 50 feet from the rear lot line.

Chairman Krusinski indicated the petitioner is seeking a variation to allow his garage to be built 50 feet from the rear lot line. The following standards govern the approval of a variation:

1. The property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations of the zoning district in which it is located;
2. The plight of the owner has a unique circumstance and the proposed variation will not merely serve as a convenience to the petitioner but will alleviate some demonstrable and usual hardship which will result if the strict letter of the regulations of this chapter were carried out as a particular hardship or particular difficulty is not generally applicable to property within the same zoning district;
3. The alleged hardship has not been created by any person presently having a proprietary interest in the subject property;
4. The proposed variation will not materially be detrimental to the public welfare or injurious to other property or improvements in the neighborhood;
5. The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire or endanger public safety;
6. The proposed variation will not alter the essential character of the neighborhood;
7. The last variation is in harmony with the spirit and intent of the zoning ordinance.

The notice of the public hearing was published in the Daily Herald on September 17, 2021, in the manner required by law. This publication will be entered as **Exhibit 1**.

No objections were filed with the Village Clerk prior to the meeting. Chairman Krusinski asked if any objectors were present at this meeting. No objectors were present at the meeting. All of the attendees were sworn into the meeting to provide their testimony.

The applicant Rocco Fiore and Drew Johnson (employee of Rocco Fiore and Sons) were in attendance for this variance. Mr. Johnson indicated the variance is being sought for a 50-foot setback as it was originally allowed when the subdivision was approved. This property does not fit within the new zoning code setback change due to the dept of the lot. The request is to retain the original zoning setback granted to Mr. Fiore when he purchased the property to allow Mr. Fiore the ability to

construct a garage.

Chairman Krusinski indicated the applicant has sent notice of this hearing to all owners of real property of 1,000 from the property being heard. The proof of service of the notices will be entered as **Exhibit 2**.

Chairman Krusinski added the following documentation has also been received and entered as exhibits: the application for a variation, **Exhibit 3**; Letter from Rocco Fiore dated June 8<sup>th</sup>, **Exhibit 4**; survey of the property from 2014, **Exhibit 5**; the survey of the property from 2015, **Exhibit 6**; the site plan for the proposed garage dated June 25, 2021, **Exhibit 7**; the proposed garage elevation drawing A2.0 and A2.1, **Exhibit 8**; garage floor detail drawing A1.1 and A1.2, **Exhibit 9**; the Mettawa estate plat of subdivision, **Exhibit 10**; two aerial photographs from Lake County GIs, **Exhibit 11**; two aerial photographs from Lake County GIs, **Exhibit 12**; the report James Anderson Engineering, Zoning Request, **Exhibit 13**.

Mr. Fiore stated he purchased his property on Indian Ridge Road in the early 80's. The foundation was already poured based upon a 50-foot yard setback when he purchased the property. Mr. Fiore indicated he would like to build a three-car garage with the 50-yard setback. He has a nonconforming lot. Mr. Fiore stated he would not be able to build the garage in the back yard with a 75-foot limitation. Mr. Fiore has spoken to his neighbors regarding his construction and they have expressed no objections with a 50-yard setback. Mr. Fiore will replace the buckthorn that is removed with evergreens to create a screening for the neighbors from the new structure. Village Attorney Rhodes ask if Mr. Fiore would agree that the new plantings be a condition to granting the variation. Mr. Fiore confirmed yes. Mr. Fiore stated he would like to be granted approval of the 50-foot yard setback as it was detailed when he built his home. Mr. Drew added Mr. Fiore is being a good neighbor with the new construction being considered. Commissioner Pickell asked Mr. Fiore when he purchased his home. Mr. Fiore replied he purchased the home from the bank in 1985. Commissioner Pickell said the zoning change occurred in 1984, which means your architect plans were submitted and construction began prior to the setback change. Village Attorney Rhodes indicated the house is currently set at a 75-foot rear yard. The house is conforming. The issue is only the garage location. The site plan location of the detached garage. Village Attorney Rhodes asked if the garage could be built closer to the house. Mr. Fiore replied that to place the garage closer to the house would not create a flow with the construction of the house, the driveway would also require additional hardscapes for the drainage. Commissioner Pickell asked if he would be able to save the three evergreens currently located in the new garage area. Mr. Fiore replied the evergreens would not be saved but additional ones would be planted. Chairman Krusinski asked the Village Attorney if this property was a non-conforming lot. Village Attorney Rhodes replied this property is a flag lot given the access to Bradley Road. Village Attorney Rhodes indicated the current home meets all of the setback's requirements. Village Attorney Rhodes added he did not see any non-conformities for this property. In addition, James Anderson Company building report did not report any non-conformities as part of their review of the application. Mr. Drew commented the zoning requirement is 300 and Mr. Fiore's lot is 363 in depth. Village Attorney Rhodes said the only requirement is the front yard width of 300.

Commission Pelech asked if the garage is a detached garage. Mr. Fiore replied it is a detached garage. Commissioner Leonard asked Mr. Fiore what he planned on building behind the garage. Mr. Fiore

replied a blue stone patio leading to the yard. Commissioner Leonard stated that the interior designs include a bathroom and a hearth. Mr. Fiore confirmed he would like to build a fireplace in the garage. Mr. Fiore added the bathroom is a necessity. Chairman Krusinski asked Mr. Fiore if he had a sprinkler system in his home. Mr. Fiore indicated no. Village Attorney Rhodes stated a condition can be added to the approval of the garage, stating it cannot be used for living quarters. Village Attorney Rhodes added the living quarters condition would apply to any future homeowners. Chairman Krusinski asked what the mezzanine area would be used for. Mr. Fiore indicated he is collector of many items and it would be an area to display his memorabilia. Chairman Krusinski stated in order to satisfy the 75-foot setback instead of the 50-foot, the building could be slid over to accomplish the necessary setback. Mr. Fiore said if the garage was moved forward, the nine-inch oak tree which is 1 of 5 in Lake County, would need to be cut down. Mr. Fiore indicated he does not want to cut down this tree. Mr. Fiore added the drainage would be another issue due to the additional hardscape needed for the three-car garage. Commissioner Witten asked if the current vehicles on the driveway would be placed into the garages. Mr. Fiore confirmed all the vehicles would be, the trailer would not. Mr. Fiore's final comment was that his garage will not have a negative character for the five neighbors on Indian Ridge Road. The new garage will blend with his existing home.

Commissioner Fantus commented she walked the property prior to the meeting. She has no issues with request. Commissioners Fantus added she agrees that the additional trees should be planted to create a screen for the neighbor's view of the additional structure.

Commissioner Leonard said she approves of the construction plans. She has no issue with the 50-foot setback request, if this does not become an issue for future residential desires. Commissioner Leonard added she would like to ensure this garage not be used as a living space. Chairman Krusinski added a livable space requires a permit and the engineers view that type of construction differently.

Commissioner Meluso commented Mr. Fiore purchased his home prior to the zoning codes being modified and his request should follow the regulations that were in place in the purchasing year. Commissioner Meluso indicated he had no issue with Mr. Fiore's request.

Commissioner Pelech stated she approved that the new garage was going to mirror the existing garage details. Commissioner Pelech added she also agreed that evergreens should be planted for additional screening from the new structure.

Commissioner Pickell added this project meets the criteria needed to be approved. The garage could be brought closer by 30 feet to the house but it would not be appealing to the eye. Commissioner Pickell said the structure will look great and approves of the request.

Commissioner Witten commented he too walked the property with Mr. Fiore. He agrees the mirror garage is aesthetically pleasing for the neighbors. The property owner is a landscaper. Mr. Fiore will add the necessary trees and foliage to make it eye appealing.

Chairman Krusinski asked if there were any other issues that needed to be addressed. Village Attorney Rhodes indicated no; the current house meets the 75-foot setback requirement. No other

matters need to be addressed. Mr. Fiore has testified that his hardship would include removing a rare species tree that only five are found in Lake County, additional impervious surface area would need to be constructed if the garage was moved towards Indian Ridge Road and the drainage area would also need to be considered if the submitted plans were altered. Village Attorney Rhodes added Mr. Fiore has stated his hardship to his lot. Village Attorney Rhodes stated he reviewed the Indian Ridge Road subdivision aerial photos, and he sees no issue with granting this variance and it having any precedential value with respect to other lots within the subdivision. Village Attorney Rhodes said the Commissioners comments can be used as conditions for the recommendations.

The motion would indicate, if a variation was to be granted it would include; Section 15.1204 (d) to allow a garage to be built 50-foot from the rear lot line, subject to the conditions that the buckthorn within the rear setback area be removed and evergreens be installed to provide screening from the adjacent property and the second condition, that the building will not be used for living quarters.

The motion was moved by Commissioner Pickell and seconded by Commissioner Meluso.

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

Aye: Commissioners Fantus, Leonard, Meluso, Pelech, Pickell, Witten and Chairman Krusinski

Nay: None

Chairman Krusinski declared the motion carried.

A motion was made to allow the Chairman to draft the Findings of Fact on this matter and report the recommendations to the Mayor and Board of Trustees.

The motion was moved by Commissioner Leonard and seconded by Commissioner Fantus.

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

Aye: Commissioners Fantus, Leonard, Meluso, Pelech, Pickell, Witten and Chairman Krusinski

Nay: None

Chairman Krusinski declared the motion carried.

**V. COMMUNICATIONS:**

**VI. REVIEW OF REPORTS OF COMMISSION COMMITTEES:**

**VII. OLD BUSINESS:**

**VIII. NEW BUSINESS:**

a. Chairman's Report on the Application for a Minor Subdivision by Barry MacLean for a Minor Subdivision to Consolidate Three Lots into Two Lots in the Alfred Mac Arthur's Subdivision

Chairman Krusinski indicated the Commissioners received a report for a minor subdivision from Barry MacLean to consolidate three lots into two in the Alfred Mac Arthur's Subdivision within Section 16.301. The consolidation requires no bonded improvements, no variations from the subdivision or zoning regulations for the requirements of this section. The Commissioners had no questions regarding this consolidation. Commissioners Leonard and Pelech were recused from voting on this matter.

A motion was made to approve the report received from the Chairman regarding the minor subdivision by Barry MacLean for a minor subdivision consolidation of three lots into two in the Alfred Mac

Arthur's Subdivision.

The motion was moved by Commissioner Fantus and seconded by Commissioner Pickell.

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

Aye: Commissioners Fantus, Meluso, Pickell, Witten and Chairman Krusinski

Nay: None

Abstain: Commissioners Leonard and Pelech

Chairman Krusinski declared the motion carried.

Village Attorney Rhodes added a minor subdivision for the Grainger land purchase is a case to be heard by the Commissioners in the near future.

**IX. ADJOURNMENT:**

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

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

Aye: Commissioners Leonard, Fantus, Meluso, Pelech, Pickell, Witten and Chairman Krusinski

Nay: None

Chairman Krusinski declared the motion carried and the meeting adjourned at 8:22 pm.

Sandy Gallo, Village Clerk