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Community Development Department

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Village of Westmont Planning & Zoning Commission May 08, 2019 - Minutes **DRAFT**

The Village of Westmont Planning and Zoning Commission held its regular meeting on Wednesday, **May 8th, 2019 at 7:00 p.m.**, at the Westmont Village Hall located at 31 W. Quincy Street, Westmont, Illinois 60559.

Chair Gregg Pill led in the following:

1. **Call to Order**
2. **Roll Call**

In Attendance: Chair Gregg Pill, Commissioners Wallace Van Buren, Doug Carmichael, Craig Thomas, Thomas Sharp, Chris Lavoie, Janis Bartel, Village Attorney John Zemenak, Community Development Director Bruce Sylvester, Village Planner Nalini Johnson

3. **Pledge of Allegiance**
4. **Swearing-in of testifying attendees**
5. **Reminder to silence all electronic devices**
6. **Reminder to sign-in for any public testimony**
7. **Approval of the Minutes of the April 10th, 2019 regular meeting**

MOTION to approve April 10th, 2019 minutes.

Motion by: Van Buren

Second by: Carmichael

Voting A

Van Buren: Yes

Carmichael: Yes

Thomas: Yes

Lavoie: Yes

Pill: Yes

Sharp: Yes

Bartel: Yes

Motion Passed

8. **Open Forum - None**
9. **Review of Public Hearing Procedures**
10. **Open Hearing**



New Business

PZ 19-010 Request from Napleton Westmont Imports, owner, regarding the property located at 301-311 East Ogden Avenue, for the following:

- (A) An amendment to the special use permit that was granted via Ordinance 17-079 to allow the sale of used automobiles.

Presentation: Rick Brandstatter, Director of Real Estate for Napleton Auto Group discussed the conditions of a special use permit granted in 2017 for the property. Brandstatter asked the committee to consider removing one of the requirements of the special use which was that the “applicant shall only park Porsche vehicles in the front row, closest to Ogden Avenue”. Brandstatter stated that this location would now be utilized for luxury pre-owned vehicles and that it is no longer their main Porsche location. Request for signage and exterior improvement approvals would be forthcoming.

Staff Comment: Community Development Director Bruce Sylvester summarized the ordinance and specifically the condition the petitioner is requesting to be removed. Village Attorney John Zemenek explained why that condition was necessary at the time but due to the change in business model, the condition would no longer be plausible. Zemenek also stated that there is an approved site plan for that property which includes striping, and that the petitioner would need to remain consistent and comply with the approved site plan.

Public Comment: None

Commissioner Comments:

Lavoie : No questions or comments, supportive of the amendment.

Carmichael : Asked the petitioner how many spaces there were in the front row along Ogden. Brandstatter replied there were probably 25. Carmichael commended the main Porsche location after attending a tour of the facility.

Thomas : No questions or comments, supportive of the amendment.

Sharp : Did not believe removing the requirement would damage the original intent. Sharp was appreciative of the significant investment put into the main Porsche location. Sharp was fully supportive of the amendment.

Bartel : No questions or comments, supportive of the amendment.

Pill : No questions or comments, supportive of the amendment.

Van Buren : No questions or comments, supportive of the amendment.



MOTION A

Motion to recommend to the Village Board of Trustees to approve an amendment to the special use permit that was granted via Ordinance 17-079 to allow the sale of used automobiles in the front row.

Motion by: Bartel

Second by: Sharp

VOTING A

Van Buren: Yes

Carmichael: Yes

Thomas: Yes

Lavoie: Yes

Pill: Yes

Sharp: Yes

Bartel: Yes

Motion Passed

PZ 19-011 Request from Michael Lynn, owner, regarding the property located at 102 South Lincoln, for the following:

- A) A Zoning Code variance request for a proposed 6-foot high fence along the side yard adjoining a street.

Presentation: Petitioner Michael Lynn presented to the committee a 6-foot fence for a new construction home on a corner lot in order to achieve a workable, livable backyard to the house. Lynn stated that one of the hardships and challenges that corner lots face is lack of privacy. Lynn plans to install a white PVC fence to add to the aesthetic of the upscale home.

Staff Comment: Village Planner Nalini Johnson discussed the potential of using a different color for the fence. Johnson also mentioned some traffic concerns with regard to the alleyway and sight line. Johnson suggested cutting the corner of the fence to promote visibility and provide landscaping.

Zemenek believed there was a line of site triangle requirement for any right of way corner lot including alleys and sidewalks.

Public Comment: Resident John Gergit had safety concerns in relation to visibility and the sidewalk traffic.

Commissioner Comments:

Carmichael : Had questions about the gate entry locations.

Van Buren : Was supportive of the color and height. Van Buren did feel it necessary to provide the triangle for visibility and safety.



Thomas : Stated he was supportive of the fence color matching the house, and agreed that the line of sight was important.

Sharp : Stated he felt the line of sight triangle should be a requirement.

Bartel : Stated she was in agreement with the line of sight triangle. Bartel asked if any neighbors had objections. Lynn replied that there have not been any and that his neighbor to the South is working with him on the fence they share.

Lavoie : Commented that the fence being white and close to the sidewalk could promote graffiti. Lavoie also commented on solar lighting and illumination. Lavoie suggested having a 2 ft. buffer to preserve the integrity of the fence over time.

Pill : Stated he's not a fan of white PVC fencing but agreed it was the best choice for the house. Pill also addressed two other concerns regarding garbage can location obstructing the alleyway and the fencing potentially being right on the property line along the sidewalk. Lynn replied the fence location is not final and that he is willing to work with the commissioners. Pill stated he was in full support and agreement that there should be a line of sight triangle requirement.

MOTION A

Motion to recommend to the Village Board of Trustees to approve a Zoning Code variance request for a proposed 6-foot high fence along the side yard adjoining a street.

Motion by: Thomas

Second by: Bartel

VOTING A

Van Buren: Yes

Carmichael: Yes

Thomas: Yes

Lavoie: Yes

Pill: Yes

Sharp: Yes

Bartel: Yes

Motion Passed



MOTION B

Motion for the applicant, Michael Lynn, to work with staff to form a sight line triangle on the Northwest corner of the property where the alley and Richmond meet as well as to pay special attention to the spacing between the alley and the fence, as well as the public sidewalk and fence for landscaping and public safety.

Motion by: Sharp
Second by: Bartel

VOTING B

Van Buren: Yes
Carmichael: Yes
Thomas: Yes
Lavoie: Yes
Pill: Yes
Sharp: Yes
Bartel: Yes

Motion Passed

PZ 19-012 Request from Colette Ruich, owner, regarding the property located at 255 North Wilmette, for the following:

- A) A Zoning Code variance request for a proposed covered porch encroachment into the front yard setback.

Presentation: Peter Lakowski of Cobblestone Development spoke on behalf of owner Colette Ruich, asking the committee to consider allowing the owner to replace her current front porch without expanding the current footprint but extending the existing roofline. Lakowski stated that in doing so, this would increase curb appeal.

Staff Comment: Johnson discussed the zoning code encroachment requirements and differences between what is considered a landing and a structure. Johnson stated that residents she's spoken with are favorable of covered porches and some feel that removing this requirement of needing a variance should be considered.

Public Comment: None

Commissioner Comments:

Van Buren : Stated he was supportive of the variance and did not think it would change the character of the neighborhood

Thomas : Stated he was supportive of the variance and improvement.

Sharp : Was resistant to allow an already encroaching stoop to be enclosed so close to the sidewalk. Sharp felt that this project could set a precedent for closing existing stoops in front yard setbacks. Overall Sharp was favorable of the variance with the understanding that stoops that already encroach on the set back will not encroach further if a roof covering is added.



Bartel : Stated she was supportive of the variance considering the age of the house, the current condition of the porch, and the neighborhood character.

Lavoie : Asked for clarification from staff that the porch would be no less than 20 ft. from the front yard lot line. Lavoie asked staff if there have been any variance approvals in the past for this same type of request, because if not, he wanted to know if they were setting a precedent. Zemenek replied that there have been similar variances in the recent past and similar comments in relation to streetscape enhancement.

Carmichael : Stated he was supportive of the variance.

Pill : No questions or comments.

MOTION A

Motion to recommend to the Village Board of Trustees to approve A Zoning Code variance request for a proposed covered porch encroachment into the front yard setback.

Motion by: Carmichael

Second by: Van Buren

VOTING A

Van Buren: Yes

Carmichael: Yes

Thomas: Yes

Lavoie: Yes

Pill: Yes

Sharp: Yes

Bartel: Yes

Motion Passed

PZ 19-013 Request from Jason and Roxanne Engstrom, owners, regarding the property located at 933 Oakwood Drive, for the following:

- A) A Zoning Code variance request to allow the construction of a patio in the side yard; and,
- B) A Zoning Code variance request to allow the construction of a shed in the rear yard with a reduced separation from the principal structure.

Presentation: Jason and Roxanne Engstrom reside on a corner lot and would like to propose a side yard patio due to limiting space in their rear yard. As well as promoting an open and neighborly community. They would also like to install a shed in their rear yard but within 10 feet of their house, again, due to the lack of space in their rear yard. The Engstroms do not have space for storage in their garage for things like bikes and tools currently and feel a shed would be most appropriate and aesthetically pleasing in the rear yard.



Staff Comment: Johnson recommended permeable pavers so that the stormwater runoff would be minimal. Zemenek commented that the Fire Department could potentially have some concerns with an accessory structure being so close to a home. Johnson replied that these items have been considered and reviewed by the Village's Building Commissioner.

Public Comment: None

Commissioner Comments:

Thomas : Stated he was supportive of the variance requests.

Sharp : Commented that due to the masonry of the house, he did not think it would be as concerning for the Fire Department but that it would still need to be reviewed. Sharp had concerns related to the slope of the yard and the design for a retaining seat wall but was overall supportive of the variance requests. Sharp felt there were unique conditions for the lot which justified the variance requests.

Bartel : Stated she was pleased that permeable pavers were being utilized and stormwater concerns were being addressed. She stated she was supportive and happy to see a welcoming community.

Lavoie : Stated he was supportive of the variance requests.

Carmichael : Stated he was supportive of the variance requests.

Van Buren : Stated he was supportive of the variance request.

Pill : Had recommendations related to the patio final design. Pill stated he was supportive of the variance requests.

MOTION A

Motion to recommend to the Village Board of Trustees to approve a Zoning Code variance request to allow the construction of a patio in the side yard.

Motion by: Sharp
Second by: Thomas

VOTING A

Van Buren: Yes
Carmichael: Yes
Thomas: Yes
Lavoie: Yes
Pill: Yes
Sharp: Yes
Bartel: Yes



Motion Passed

MOTION B

Motion to recommend to the Village Board of Trustees to approve a Zoning Code variance request to allow the construction of a shed in the rear yard with a reduced separation from the principal structure.

Motion by: Bartel

Second by: Lavoie

VOTING B

Van Buren: Yes

Carmichael: Yes

Thomas: Yes

Lavoie: Yes

Pill: Yes

Sharp: Yes

Bartel: Yes

Motion Passed

PZ 19-014 Request from the Community Development Department for the following:

- A) Proposed Zoning Ordinance text amendments to the Village of Westmont Code of Ordinance, Appendix "A", Zoning, Article XIII, Administration and Enforcement, regarding zoning application escrow deposits, zoning certificates and miscellaneous corrections.

Presentation: Community Development Director Bruce Sylvester discussed the Planning and Zoning case review process in past years and how changes in staffing, and restructure of the department have lead to using third party consultants. Due to the changes and restructure, the fees incurred for third party reviews need to be reimbursed. In order to do so, Sylvester suggested collecting funds in escrow. The other text amendment Sylvester suggested was in relation to Zoning Verification Letters. Zoning verification letters require a substantial amount of staff research and time to review therefore, like many other communities, a fee would be collected for such requests.

Staff Comment: Zemenek stated that one of the text amendments included changing the Departments previous name from Economic Development to Community Development.

Public Comment: None

Commissioner Comments:

Sharp : Had questions related to smaller scale residential projects and if their application fees would be affected. Sylvester replied that with many projects, it will be obvious if they need to be outsourced. For others that are not so obvious, Sylvester is hopeful that Westmont's Village Engineer will provide guidance.



Bartel : Asked for clarification on how the fee schedule will be established and policy on reimbursement. Bartel stated she had no objections to the text amendment.

Lavoie : Suggested a standardized structure for the fee schedule. Lavoie believed the fees should be in the ordinance so that they will not be challenged. Zemenek replied that the ordinance would reference the fees as established by the Community Development Director. To avoid accusations of arbitrary decisions from staff, there could be an appendix that could be updated from time to time.

Van Buren : No comment.

Pill : Requested surrounding community comparison fees for a frame of reference. Pill was understanding and supportive of the text amendment.

Carmichael : Asked for clarification with the fee rates.

Thomas : No comment.

MOTION A

Motion to recommend to the Village Board of Trustees to approve proposed Zoning Ordinance text amendments to the Village of Westmont Code of Ordinance, Appendix "A", Zoning, Article XIII, Administration and Enforcement, regarding zoning application escrow deposits, zoning certificates and miscellaneous corrections.

Motion by: Carmichael

Second by: Van Buren

VOTING A

Van Buren: Yes

Carmichael: Yes

Thomas: Yes

Lavoie: Yes

Pill: Yes

Sharp: Yes

Bartel: Yes

Motion Passed

11. Miscellaneous Items - Sylvester discussed the commission's meeting scheduled for June and July and the possibility of combining the two with one meeting held on June 26th, 2019. Sylvester stated there are two cases that will not be ready for the June meeting. The Committee had no objections.

Sylvester asked the committee if they were supportive of drafting a front porch text amendment encouraging residents to construct open front porch additions, even if in the front yard setback. The Committee was supportive.

12. Adjourn

Motion by: Thomas

Second by: Sharp



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Meeting adjourned at 9:00 p.m.