

# CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

## CITY OF WEST CHICAGO PLAN COMMISSION/ZONING BOARD OF APPEALS August 21, 2007

### MINUTES

#### Approved with changes at the September 5, 2007 meeting

1. **Call to Order, Roll Call and Establishment of a Quorum** - Commissioner Banas called the meeting to order at 7:00 p.m. Roll call found Commissioners John Warbiany, Jeffrey Posadzy, Vickie Barber, Janet Hale, Bob Lemon and John Banas present. Commissioner Steve Jarolin was absent.

Also in attendance were City Planner Jeff Harris and Planning Assistant David DeGroot.

2. **Pledge of Allegiance** – Everyone in attendance participated in the pledge.

3. **Chairman's Comments** – Chairman Banas announced that he will not be in attendance at the next scheduled Plan Commission meeting on Wednesday, September 5<sup>th</sup>.

4. **Minutes** – Commissioner Warbiany made a motion, seconded by Commissioner Posadzy, to approve the August 7, 2007 Minutes with no changes. The Commissioners unanimously agreed. Motion carried.

5. **Public Hearing Case PC 07-15 – 363 Fremont Street, Setback Variances.**

Mr. DeGroot read the request in for the record and gave a brief overview. He explained that the applicant is requesting the front and rear yard setback variances as part of a plat of resubdivision. He commented that the subject property has a total area of 14,615 square feet and is zoned R-5, Single-Family Residential District. He added that the minimum lot size in the R-5 district is 6,500 square feet. Mr. DeGroot stated that with the given area of 14,615 square feet, there is enough area to create to buildable lots. He added that there is an existing residence on the property that would remain as part of the plat of resubdivision. He explained that the residence currently does not meet the required front or rear yard setbacks for the R-5 district. He stated that all existing structures in a subdivision are required to be in compliance with the City's Zoning Code and that is the reason the applicant is requesting a variance to reduce the required front yard setback from twenty-five (25) feet to eighteen (18) feet and a variance to reduce the required rear yard setback from thirty (30) feet to twenty-two (22) feet. Mr. DeGroot commented that the house was built in 1952, prior to the City's current zoning requirements and is considered legally nonconforming. He stated that the subdividing of the property would result in a lot coverage violation as well. He added that the applicant is willing to remove a shed and portions of the patio on the property to achieve compliance. Mr. DeGroot stated that staff recommends denial of the requested variances to reduce the required front yard setback from twenty-five (25) feet to eighteen (18) feet and to reduce the required rear yard setback from thirty (30) feet to twenty-two (22) feet for property located at 363 Fremont Street based on the fact that that the variances requested do not meet all of the necessary standards for the approval of a variance. He commented that if the Plan Commission should choose to approve the requested variances, staff recommends that approval be subject to the two (2) conditions listed in the report. He added that staff also recommends denial of the proposed two (2)-lot plat of subdivision because approval of the plat of resubdivision cannot be given without the approval of the requested variances.

PLAN COMMISSION/ZONING BOARD OF APPEALS  
MINUTES OF AUGUST 21, 2007

Antonio Ceja, 363 Fremont Street, was sworn in. Mr. Ceja stated that he would like to subdivide the property so that he could sell the lot in the future and is requesting approval of the variances and subdivision.

Steve Treudt, 357 Arbor Avenue, was sworn in. Mr. Treudt stated he has concerns about overcrowding given that the existing residence on-site appears to have many people living in it and assumes the same will occur if a new residence is built on the proposed corner lot.

John Schwab, 354 Arbor Avenue, was sworn in. Mr. Schwab agreed with Mr. Treudt's comments and felt that a new residence on the corner would not be good for the neighborhood.

Commissioner Lemon asked the petitioner if the property was originally sold to him as being two buildable lots.

Mr. Ceja replied that is exactly what he was told when he purchased the property.

Commissioner Lemon asked if the property was consolidated under one tax bill.

Mr. DeGroot responded that there is currently only one tax bill for the subject property and that occurred when the property was consolidated from two lots into one lot.

Commissioner Lemon stated that the existing residence has a Fremont Street address, but actually faces Grandlake Boulevard and was done so by design.

Commissioner Warbiany asked City staff which street frontage for the property is considered the front yard.

Mr. DeGroot responded that the City Code does not specify which street frontage is required to be the designated front yard for a corner lot such as this.

Merle Burleigh, 366 Arbor Avenue, was sworn in. Ms. Burleigh stated that the house was built on the southern portion of the lot in order to preserve a pond that formerly existing on the north half of the property. The pond has since been removed and filled in.

Commissioner Lemon stated that the existing residence most likely conformed to the required setbacks at the time it was built and now those setbacks will be altered because of the change in the front yard from Grandlake Boulevard to Fremont Street.

Commissioner Warbiany stated that the approval of the variances and subdivision request along with the construction of a new residence on the corner lot would most likely decrease the value of the existing residence.

Pat Schwab, 354 Arbor Avenue was sworn in. Mrs. Schwab stated that the existing residence does not have a front door that faces Fremont Street and that the front door actually faces Grandlake Boulevard. If a new residence were built on the corner lot then the existing residence would be facing the new residence instead of the street, which is the traditional design of a house.

PLAN COMMISSION/ZONING BOARD OF APPEALS  
MINUTES OF AUGUST 21, 2007

Claudia Ceja, 363 Fremont Street, was sworn in. Mrs. Ceja stated that they have no intentions of selling the lot or building a new residence in the immediate future if the variances and subdivision are approved.

Mr. Ceja stated that he was told previously by City staff that the lot was subdividable.

Mrs. Schwab stated that there is no valid justification for the approval of these variances and subdivision.

Commissioner Warbiany made a motion, seconded by Commissioner Posadzy, to close the public hearing for case PC 07-15. The Commissioners unanimously agreed. Motion carried.

**6. Review of Case PC 07-15 – 363 Fremont Street, Setback Variances and Ceja’s Minor Subdivision.**

Commissioner Lemon *asked* what the current setbacks were for the subject property and if the property is currently in compliance.

Mr. Harris responded that the City Code does not specify which street frontage is the actual front yard therefore, the setbacks and the residence’s compliance will vary depending on whether Grandlake Boulevard or Fremont Street is used as the actual front yard. The required front yard setback for this property is twenty-five feet. The required cornerside yard setback is fifteen feet. The required interior side yard setback is ten percent of the lot width. The required rear yard setback is thirty feet. If Grandlake Boulevard is used as the front yard then the existing residence is in conformance with all of the required setbacks except the rear yard. If Fremont Street is used as the front yard then the existing residence does not comply with the front yard, rear yard, and interior side yard setbacks. Mr. Harris stated it is therefore, more advantageous to utilize Grandlake Boulevard frontage as the front yard. Mr. Harris also noted that the existing address of 363 Fremont Street is irrelevant in determining which street frontage is to be utilized as the front yard.

Commissioner Lemon stated that the variance requests do not meet the established variance standards and therefore, should not be approved.

Commissioner Warbiany stated he is not in favor of the request due to the existing and proposed non-conformatities associated with the property and the request.

The Commission members all agreed that the requested variances and subdivision do not meet the established standards and should not be approved.

Commissioner Lemon made a motion, seconded by Commissioner Posadzy, to approve the setback variances for Case PC 07-15. Voting Yea: 0. Voting Nay: Commissioners Banas, Barber, Hale, Lemon, Posadzy and Warbiany. Motion failed.

Commissioner Warbiany made a motion, second by Commissioner Lemon, to approve the minor subdivision for Case PC 07-15. Voting Yea: 0. Voting Nay: Commissioners Banas, Barber, Hale, Lemon, Posadzy and Warbiany. Motion failed.

PLAN COMMISSION/ZONING BOARD OF APPEALS  
MINUTES OF AUGUST 21, 2007

Mr. Harris informed the petitioner that his request will be considered by the Development Committee on Monday, September 10<sup>th</sup> at 7:00 p.m. at City Hall. Mr. Harris also stated that a super majority vote would be required at the City Council in order to receive approval because the petition received a negative recommendation by the Plan Commission.

**7. Other Commission Business.**

Mr. Harris reminded the Commission that the next Plan Commission meeting will again be held in the Fine Arts Center at Wheaton Academy High School on Wednesday, September 5<sup>th</sup> at 7:00 p.m. Mr. Harris also noted that the meeting date was changed from Tuesday, September 4<sup>th</sup> to the 5<sup>th</sup> because of the holiday on the 3<sup>rd</sup>. Mr. Harris asked if there were any known absences at this time for September 5<sup>th</sup> meeting other than Chairman Banas. The Commissioners responded no.

Mr. Harris also stated that the previous petitions considered by the Plan Commission for Forming America, Kipling Woods, Stahelin Business park, Gloria's Jewelry, Habitat for Humanity, and Pressalite were all approved by the City Council on Monday, August 20<sup>th</sup>.

**8. Adjournment** – Commissioner Warbiany made a motion, seconded by Commissioner Lemon, to adjourn. The Commissioners unanimously agreed. The meeting adjourned at 7:44 p.m.

MIN082107/dd