

Village of Hawthorn Woods
Meeting Minutes for:

- Plan Commission Zoning Board of Appeals
Date/Time: 9/3/2009 @ 7:37 p.m
Minutes Recorded By: P. LaGro

I. CALL TO ORDER AND ROLL CALL

Commission Members in Attendance:

- Chair Susy Rein Devlin Endres Jim Kaiser John Kosik
 Phil LaGro Dave Lindquist Mike Salvi

Other Village Representatives/Consultants in Attendance:

- Village Board Trustee Liaison _____
 Donna Lobaito

II. APPROVAL OF PRIOR MEETING MINUTES

Prior Meeting Date: 7/9/2009
Motion By: P. LaGro
Second By: J. Kaiser

Discussion: Add Larry Goebel and Tony Mancini's names to all Roll Call vote sections under the category "Absent and not voting." (This change brought to attention of the Board by Mr. LaGro.)

Commissioners in Favor:

Rein Endres Kaiser Kosik LaGro Lindquist Salvi

Commissioners Opposed:

Rein Endres Kaiser Kosik LaGro Lindquist Salvi

Commissioners Abstaining/Recused:

Rein Endres Kaiser Kosik LaGro Lindquist Salvi

III. GENERAL OPENING COMMENTS/REMARKS

Ms. Rein introduced Devlin Endres as a new member of the Board, and also noted that prior, long-term member, Dave Lindquist has also rejoined the Board. Although Ms. Lindquist is absent this evening, both new members were welcomed by all other Commissioners present.

Ms. Rein noted that Robert's Rules of Order will now become a more essential element of all Committee meeting proceedings. Mr. Salvi questioned which version of "Robert's" will be employed, as there are occasional updates. Ms. Rein is to review this question with staff to obtain clarification.

Ms. Rein advised Commissioners that, ^{there must be a} ~~as a result of recent administrative review, all agenda items~~ must be "approved" in order to be passed along to the Village Board for consideration. ~~Items not approved will not move on to the Village Board.~~ For items recommended to the Village Board for approval, a "Findings of Fact" document must be completed.

Positive
Recommendation
on tonight's
Public hearing

IV. AGENDA ITEMS

Recording of individual agenda item details and actions begin on the attached pages. Please use a separate, generic documentation set for each agenda item.

V. ADJOURNMENT

Motion By: Kaiser
Second By: Endres

Discussion: _____

Commissioners in Favor:

Rein Endres Kaiser Kosik LaGro Lindquist Salvi

Commissioners Opposed:

Rein Endres Kaiser Kosik LaGro Lindquist Salvi

Commissioners Astaining/Recused:

Rein Endres Kaiser Kosik LaGro Lindquist Salvi

Time of Adjournment: 9:35 p.m.

Susan K. Rein

Dona Sparto

Public Hearing

AGENDA ITEM # 1

Subject: Variance Request - Reduction of Front Yard -
1 Lisa Lane - Wally Valimohammad

Presenter Comments: Wally Valimohammad stated that he has been owner of the property at 1 Lisa Lane for 22 years - since 1987. He said they considered certain home remodeling, but decided they would prefer to build a gazebo to enjoy some outdoor living on their property. He testified that he talked with the Lake County Health Dept., and received their approval of the gazebo location with respect to the septic field. He feels their greatest hardship is the Holmes Road traffic directly behind the home, and that the traffic is constant and has increased over the years. He also stated that once in the past a car had gone off Holmes Road and crashed into the trees in their backyard. Traffic noise is back in their back yard, and not significantly different in the side yards. There is also a septic system issue with using the east side yard. Their remaining option is the front yard location, which has an attractive wetland view but is plagued with mosquitos.

Public Comments: None - no members of the general public are present at tonight's meeting.

Presenter Comments cont'd.:

Mr. Valimohammad says he is seeking a variance approval to allow a reduction in what is technically considered to be his front yard. He believes such a reduction would allow his proposed gazebo location to be considered to be in the side yard. He states that only one neighbor could possibly see the gazebo in the proposed location, and they have told Village staff that they do not object. He indicated that the proposed Route 530 extension right of way is on his east side and a wetland on his south (front) side. There are no neighbors in these two locations to object. He admits constructing the currently framed gazebo without a building permit and apologizes for that error.

Commissioner Comments: Commissioners expressed mixed feelings about the variance request. While some favor the staff recommendation by Ms. Lobaito, others favor the more strict views and recommendation by Ms. Newton. At least one commissioner had split feelings about the two staff positions. Commissioners questioned Mr. Valimohammad about all aspects of the gazebo project, including traffic, septic system, land scaping, property lines and possible future adjacent development, views of neighbors and the insect problem due to the adjacent wetland. One commissioner noted to Mr. Valimohammad that he did knowingly purchase his property located on the busy Gilmer roadway with its traffic noise, and that the wetland was always clearly evident to the front of the home. Some commissioners did agree that the constant traffic is annoying and even a hardship, others noted that it is to be expected when purchasing a home in such a location and tolerated.

NOTE: Motion to close Public Hearing by Kosik, second by Endres. All Commissioners present (except Ms. Rein) vote AYE to closing at 9:02 p.m.

Motion:

Mr. Kosik made the motion to follow the staff recommendation by Ms. Lobaito in her staff memo to the Zoning Board dated 9/1/2009, page 2. In addition to Ms. Lobaito's two points of recommendation Mr. Kosik added a third point. That third condition of approval being that, the variance being requested would allow for a gazebo to be located only where indicated on the Plat of Survey of the property provided by the owner.

Motion By:

Kosik

Second By:

Salvi

Agenda Item # 1 cont'd.

Discussion: Commissioners generally agreed that traffic and traffic noise behind the Validunhammad home (on Myrae Road) is a substantial issue. With respect to location, the proposed gazebo on the property, some believe the traffic situation presents a definite hardship, while others feel it is a situation to be tolerated in such a location. No Commissioner felt that the proposed location presents any problem as to aesthetics or possible views of the gazebo by current or future neighbors. Nearly all Commissioners personally visited the subject property to evaluate views of neighbors, traffic, and landscaping, etc. Some Commissioners felt strongly that the proposed gazebo location was ideal for the circumstances, and that it would likely add value to the property overall.

Commissioners discussed and debated the Standards 1a, 1b and 1c in Section E (Standards) of Title 9, Chapter 16-7 of the Village Code. While Commissioners understand the specific wording of the three Standards, and that a variance is permitted only if the evidence sustains all three, it is noted that other factors can be taken into consideration in deciding the outcome of a variance request.

Mr. LaGro stressed to others that the variance being sought is a "Reduction of Front Yard." It was presented to Commissioners that such a reduction would allow the proposed gazebo location to be considered as in the side yard where gazebos are allowed.

Commissioners in Favor:

Rein Endres Kaiser Kosik LaGro Lindquist Salvi

Commissioners Opposed:

Rein Endres Kaiser Kosik LaGro Lindquist Salvi

Commissioners Abstaining/Recused:

Rein Endres Kaiser Kosik LaGro Lindquist Salvi

Date of Action: 9/3/2009