

**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 FEBRUARY 16, 2017 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 7:04PM.

**II. ROLL CALL**

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

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

Absent: Commissioner Busscher

Chairman Krusinski declared a quorum present.

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

**III. APPROVAL OF MINUTES:**

None

**IV. CALL OF CASES:**

**V. COMMUNICATIONS:**

The next ZPA meeting is schedule on March 7<sup>th</sup>. The March 7<sup>th</sup> agenda includes the Corporate Way application following the continuing discussion of the text amendments. The April 4<sup>th</sup> ZPA meeting will include the Farmer's continuum plan to be presented.

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

None

**VII. OLD BUSINESS:**

None

**VIII. NEW BUSINESS:**

Chairman Krusinski said the workshop will follow Attorney Smith's memorandum for each amendment.

**1. Residential Lot Coverage:** Chairman Krusinski said at the December 6<sup>th</sup> workshop the Committee consensus was to keep the 15% lot coverage as stated in the ordinance.

Commissioner Pickell said there are other ways to control the number of structures

built on a parcel. Commissioner Pickell suggested a large stable be classified as an accessory building.

Commissioner Leonard said the 15% is a limitation on impervious structure.

Chairman Krusinski said we do have some building code limitations.

Attorney Smith said the building codes by state 15% by impervious structures. The state also has a 5% limitation on accessory structure. However should an accessory structure measure over 2,000 square feet, a request will need to be submitted for a special use permit. Attorney Smith said the Zoning Administration was questioned if a large stable was considered an accessory structure and the answer is yes. Attorney Smith said an amendment can be proposed to clarify the language around a large stable classified is an accessory building.

Commissioner Leonard total building area at 15% on a 5 acre would result in 9,000 square feet.

Chairman Krusinski said the impervious area limits structure sizes. The 15% is not only building it also includes impervious area. The 5% limitation is part of the calculation for an accessory building. The square feet will differ on the lot parcel size.

Attorney Smith said the Committee could consider imposing a limit on accessory buildings. Once the residents exceed the number of accessory building they will need to come before the ZPA for further approval.

Tom Heinz (27157 N St. Marys Road) said the 15% is a county percentage. This village is based on horses. Mr. Heinz said the Village needs to differential between horse buildings and the need for accessory buildings.

Administrator Irvin said the county does not dictate the percent. The impervious percent is driven by the municipal. Mettawa reduced their percent from 30% to 15%. Every municipality has their own requirements for zoning.

Tom Lys (25300 N Nektosha Way) said 2,000 square feet for a barn is not feasible. Mr. Lys is permitted to have 40 horses on his property; however, he is not allowed to have 40 stables. Accessory buildings are needed to maintain horses. You need an auxiliary barn for the hay for a large number of horses. Mr. Lys said setting an absolute number is a limitation in what you are able to build for a horse community. Factors of storing hay among others need should be considered when determining the square footage for a structure.

Tim Towne (14388 W Riteway Road) said as of 2012 Mettawa has 43 barns without special use barns. These barns are less than 2,000 square feet.

Commissioner Pickell said he is concern with the number of buildings that can be built under the 5% of accessory buildings.

Chairman Krusinski said we approved a number of 5 horse barns. The 2,000 square foot barn work well for 5 horses and necessary storage space. We need a better definition of out buildings to determine accessory buildings. The consensus for impervious area is 15% is appropriate. The 5% limitation of out buildings and accessory buildings needs further clarification.

Dr. Rich Fantus (14253 W Riteway Road) said if our Village was a rural area the number of buildings would not be an issue. However, Mettawa has surrounding residents and having large buildings is not eye appealing. The issue is the special use for accessory buildings has been misinterpreted .

Chairman Krusinski has requested from Attorney Smith to create a schedule percentage based on lot sizes. However we will still retain the 15% impervious for building.

Jess Ray (350 Little Melody Lane) said this conversation has only included the size of barn which can be built on a 5 acre lot. However, when determining the percent/square feet building for a 5 acre lot, properties less than 5 acre and PUD residents should also be considered. Mr. Ray's experience included PUD residents which surpassed the 15% threshold within the code.

Chairman Krusinski said the difference in square feet has a correlation to the lot size. However, we are trying to deal with the ordinary R-1 lots. We are discussing the majority average lots in Mettawa, this is not only for the existing lots but this would pertain to new construction. The goal of this text amendment is not to restrict anyone from requesting a special variance but to establish criteria.

**2. Minimum House Size:** Chairman Krusinski said this topic was discussed at our prior workshop as well. The ZPA did make a recommendation to the Village Board; however, the Village Board did not pass our recommendation.

Attorney Smith said the prior zoning ordinance stated one story dwelling shall have no less than 3,000 square feet. On December 2013, the Village Board removed the minimum house size requirement. The question at hand is should the requirement be reinstated.

Commissioner Hirsh asked Chairman Krusinski do we know when the minimum square footage was entered into the text amendment.

Administrator Irvin said there was a large zoning review completed in 1984.

Chairman Krusinski said the size of your house does not equate to the value of the house. The criteria that determines your true house value is on your property tax bill. The tax bill determines the house value based on property size and the square footage of your home improvements. The reason this amendment is being discussed is due to residents requesting establishment to maintain property value within Mettawa.

Commissioner Leonard said she recalls the ZPA recommended there be a minimum size house to the Village Board. She recalls the minimum requested was 2,400 square feet including the garage.

Attorney Smith said he can provide a copy of the recommendation that was made by the ZPA 3 years ago.

Tom Heinz (27157 N St. Marys Road) said the surrounding towns do not have limitation on square footage for a home. Mr. Heinz added to allow the architect and the resident to determine the square footage of the home.

Adam Lyons (735 N Bradley Road) said a limitation on the square feet does impact the home value. The material cost used to build a home can be preserved at a higher quality for a small or big home.

Commissioner Leonard said a new homeowner can purchase a 5 acre parcel and choose to build a large accessory building with no primary home requirement. If the ZPA does not place a minimum home square foot requirement, the new home owner can just build a large barn with no home.

Chairman Krusinski asked the Commissioners is there was a consensus

Rick Phillips (14704 W Il Route 60) said he has been in the architectural business for the last 40 years; to impose a minimum home size is superficial. Mr. Phillips does not want to forego quality versus quantity to meet the Village's requirement. Mr. Phillips made mention if we looked at the Deerpath Farm homes their square footage compared to their value you would find many homes have no correlation.

Chairman Krusinski said the size sets a benchmark. The Commissioners can make a recommendation and the Village Board can endorse it or overrule it. The recommendation the square footage being made to the Board is 2,400. The 2,400 square feet includes 400 square feet for a garage. A guest house has a separate provision and this will be drafted carefully. This recommendation will be for all vacant lots and new construction.

**3. Short Term Residential Rental Regulations:** Chairman Krusinski asked Attorney Smith to speak to this matter of short term regulation.

Attorney Smith said websites like AIRBNB among others allow homeowners to place their home for rent for a short-term period. Communities across the country have taken different positions on how they would like to regulate these types of uses. Attorney Smith provided a definition for short-term rental. Within the definition it states mobile homes are no longer allowed to be used in the Village, however, they are excluded as the residential structure. The full definition can be found on page 4 and 5 of Attorney Smith's memo.

Chairman Krusinski said when the Commissioners come to a consensus; this will be published followed by a public hearing before making a final recommendation to the Village Board.

Tim Towne (14388 W Riteway Road) asked how it can be determined on prefabricated homes when various home configurations are pre-constructed at their facility.

Chairman Krusinski said a prefabricated home would need to submit a special use request since they are listed under not permitted uses dwellings.

Attorney Smith said there is a definition that has been approved for prefabricated home standards.

Attorney Smith said the Commissioners next step is to determine the number of days in which they consider a short-term rental would be defined.

Chairman Krusinski recommended 90 days as the set number listed for Mettawa's short-term rental agreements. The Commissioners all agreed on the 90 days.

**4. Amortization of Non-Conforming Uses:** Chairman Krusinski asked Attorney Smith to speak to this matter.

Attorney Smith said this amendment was word smithing to an ordinance that no longer exists. Chairman Krusinski said there is no action item for this amendment this is only a language clean-up to the removal of this section.

**5. Zoning Application Fees:** Chairman Krusinski asked Attorney Smith to recap the December's 6<sup>th</sup> workshop outcome.

Attorney Smith said the Village currently has a range of zoning fees between \$100-\$250. The request is being made to standardize the cost to \$250 per application. This cost would be used for standard and special meetings not including professional fees.

The Village requires reimbursement for professional fees by the applicant.

Chairman Krusinski said the Village currently pays for any audio visual equipment needs for a Regular and Special ZPA meeting. Chairman Krusinski said standardizing the application fee to \$250, with the minor revision to include reimbursement by the application for the professional fee ordinance.

**6. Time Limit For Appeal From Zoning Administrator's Decision:** Attorney Smith said the Zoning Administrator interprets the zoning ordinances rendered decisions by applicants to be applied within 45 days. The State law states the applicant has 45 days from the action of the Zoning Administrator decision declining the permit request. A request has been made in which the Zoning Administrator and the Village Clerk post zoning application and/or notices of public hearings on the Village website and/or emailing them. However should the website or the failure to receive or send communication, this shall not invalidate the public hearing.

Attorney Smith asked if there are any follow-up on this amendment. Attorney Smith will do a write-up the text amendment changes to be included.

**7. Variation For Places of Public Assembly with Existing Special Use Permits:** Chairman Krusinski said a member of St. Basil was going to be present at this meeting to make their case.

Administrator Irvin said St. Basil is interested in submitting an addition to their church. The current Village Code does not allow St. Basil's to submit for a variation. In 2016, the Village imposed strict requirements for places of public assembly. Prior to 2016, no variations, no alterations or an expansion of their uses of their land was included in the code. Administrator Irvin stated the issue is St. Basil cannot apply for a variation due to the current Village code.

Attorney Smith said the Village Board has not received a formal application from St. Basil for their addition.

Commissioner Pickell asked does St. Basil have a right to make this request.

Attorney Smith said there is a law called Religious Land Use Act. This act protects the use of churches land. The Village can control the religious uses because the text amendment was written carefully to address any concerns.

Chairman Krusinski said the committee will table further discussion of this amendment too.

Attorney Smith said in order for St. Basil's Church to submit for structure improvements they will need to submit for a text amendment as well as request a variation. St. Basil could present the ZPA with a combination application to address both matters.

Chairman Krusinski said the Committee consensus is to take no action. As a result, this text amendment will not be listed on the agenda for public hearing.

**8. Large Stable Requirements:** Chairman Krusinski said the committee views this text amendment as part of our community.

Attorney Smith said there has been a request to review the text around large stable on how they are handled under the zoning ordinance. The discussion also includes the commercial use as boarding horses.

Administrator Irvin provided the Committee a listing of large stables. The list is only special use stables.

Chairman Krusinski asked Attorney Smith to elaborate on R-1 and R-2 stables.

Attorney Smith said R-1 includes the large stable which requires a special use permit; R-2 has an allowance for semiprivate stables. A semiprivate stable is defined as a stable at which the operator provides for a fee.

Adam Lyons (735 N Bradley Road) said the Village should consider boarding horses as a commercial use in the residential district.

Chairman Krusinski said we need to specifically define what it means to board a horse.

Commissioner Pickell said residents do have the space within their barn to board horses. However, once the resident begins to accept money from boarding the horse this transaction becomes a commercial business.

Commissioner Leonard said we know there are residents throughout the Village that are boarding friend's horses even though they are not permitted.

Attorney Smith said to the Commissioners, they should consider what the state of the law should be on the text amendment. The Commissioners should bring their ideas to be discussed and/or drafted into this text amendment. Attorney Smith said he can provide the legal support to implement these changes.

Attorney Smith will provide an updated memo on the following text amendments prior to the March 7<sup>th</sup> meeting.

Chairman Krusinski said the next ZPA meeting is dated March 7<sup>th</sup>. This meeting will include the hearing of Corporate Way application. The Commissioners have received all of Corporate Way's documentation.

## IX. ADJOURNMENT

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

With unanimous consent, Chairman Krusinski declared the motion carried and the meeting adjourned at 9:50 PM.

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Sandy Gallo, Village Clerk