

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, DECEMBER 3, 2019 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 7:00 PM.

II. ROLL CALL:

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

Present: Commissioners Clark, Fantus, Leonard, Murphy and Chairman Krusinski

Absent: Commissioners Meluso and Pickell

Chairman Krusinski declared a quorum present.

Also, present: Village Attorney, Jim Rhodes of Klein, Thorpe & Jenkins, Ltd;
Village Administrator, Bob Irvin; Village Clerk, Sandy Gallo

III. APPROVAL OF MINUTES:

The ZPA meeting minutes for November 5, 2019 were reviewed. Commissioner Murphy provided a few minor changes. It was moved by Commissioner Murphy and seconded by Commissioner Fantus that the meeting minutes of the November 5, 2019 be approved and be placed on file.

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

Aye: Commissioners Clark, Fantus, Leonard, Murphy and Chairman Krusinski

Nay: None

Absent: Commissioners Meluso and Pickell

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

IV. CALL OF CASES:

Chairman Krusinski remarked today's public hearing will be for Case No. 19-SU-S-1, the applicant located at 27555 N. Penny Lane is requesting a special use permit for their guest house. Chairman Krusinski then advised the attendees that the work of the Zoning, Planning, and Appeals Commission consists of reviewing matters brought before them that affect zoning and planning in the Village. The Commission is a fact-finding body and has no final authority. The ZPA can only make recommendations to the President and Board of Trustees of the Village of Mettawa.

Chairman Krusinski opened the public hearing for Case No. 19-SU-S-1.

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

Present: Commissioners Clark, Fantus, Leonard, Murphy and Chairman Krusinski

Absent: Commissioners Meluso and Pickell

Chairman Krusinski declared a quorum present.

Chairman Krusinski stated Case No. 19-SU-S-1 arises from an application of the owner of 27555 N. Penny Lane, the Magdalena D. Hirata revocable Trust, to allow a guest house in the R-1 district. Notice of the hearing was published in the Daily Herald on November 15, 2019 in the manner required by law. The certification of the newspaper has been entered as **Exhibit 1**. Chairman Krusinski asked the audience if any objectors were in attendance. No objectors were present. The applicant submitted proof of mailings of notification as **Exhibit 2**. A resident's letter received from Marylou Levin dated December 2, 2019 was entered as **Exhibit 3**.

Resident Hirata's daughter, Irene McMullen who resides at 9744 Sherman Road, Munson, Ohio attended this meeting. Ms. McMullen said she grew-up in the Lake County area. While living in Ohio with her mother, they hired a developer to build the house and the garage on Penny Lane. Ms. McMullen expectations were the structures were being built with permits in accordance to the zoning code by her brother. This fact was indeed incorrect.

Resident, Tom Heinz (27157 N. St. Marys Road) stated he has been hired as the architect to finish Ms. Hirata's basement. Mr. Heinz validated the guest house work had not commenced. Ms. Hirata was not aware of the construction violations until she had moved into the house. Ms. Hirata had previously owned a house in Mettawa on Riteway Road. Mr. Heinz indicated Ms. Hirata's 3-car garage was built with the same material to mirror the principle dwelling. Commissioner Fantus remarked the garage did not resemble the home's color scheme nor its front brick. Mr. Heinz indicated the permit for the house and the garage was issued at the same time. Village Administrator Irvin made a correction that the garage was issued a second permit as a detached garage with an empty attic space and no living quarters. Village Administrator Irvin added the building was inspected as a garage. The construction of the residential area above the garage was built after the inspection and it was done without a permit. Village Administrator Irvin added if the Board approves this special use permit for the guest house, it will require a building permit, all inspections would also need to be completed and a few walls may need to be removed due to the furnace and heater ventilating issues.

Commissioner Leonard questioned if the living area construction had been completed. Village Administrator Irvin added the construction is just about finished; however, no certificate of occupancy has been issued.

Ms. McMullen indicated due to her mother's age, her goal is to hire someone to assist and live in the guest house. Commissioner Fantus questioned why would the hired help not live in the house instead.

Commissioner Leonard commented the only people who could live at this location would include a domestic servant or family member. This location could not be rented out. Commissioner Leonard added this garage is over 2,000 square feet and it is considered an accessory building which requires a special use permit. Ms. McMullen said she understands this construction was not done according to the zoning code and they would like to comply now. Commissioner Leonard indicated her issues include this construction was completed with no permit and the square foot exceeds the limitation of a guest house.

Village Attorney Rhodes questioned what the final square footage was for this building. Village Administrator Irvin estimates that the building is 3,400 square feet. Commissioner Clark asked why does the living space need to be so large. Ms. McMullen commented they could consider reducing the bedroom numbers if need be. Village Administrator Irvin added a guest house has no limitations except that it cannot be rented out.

Chairman Krusinski commented a special use permit would not be issued until all of the conditions have been agreed upon. Mr. Heinz mentioned he has applied for the residential area permit above the garage. Village Administrator Irvin said no paperwork has been submitted for the residential area in the garage.

Village Attorney Rhodes questioned why the living space required 9 rooms when reviewing the layout. Mr. Heinz mentioned the three corner areas within the printout are the attic empty spaces not rooms. Village Administrator Irvin added during the walk-through it appeared this location was occupied given it was fully furnished. Ms. McMullen mentioned her nephew stayed overnight awhile back. Mr. Heinz stated he has been working on Ms. Hirata's basement and no one has been occupying the guest house since March. Chairman Krusinski said the layout of the rooms is not the issue, but the construction of the area without a special use or building permits.

Resident, Marylou Levin (27550 Penny Lane) said she was not aware the following construction was done without a permit. Ms. Levin commented she is not sure why such a large building is necessary for Ms. Hirata. Our subdivision does have an HOA, did the HOA approve this size accessory building. Village Administrator Irvin commented the developer was contacted and he did not express any concerns with the building proposed.

Village Attorney Rhodes questioned Ms. Levin's comments regarding parking on this property. Ms. Levin stated the property has a garage along with a large accessory building which can be used for parking. Village Attorney questioned if the

issue at hand was the number of cars that were being parked outside consistently. Ms. Levin added the number of cars does increase in the summer months.

Resident, Dr. Richard Fantus (14253 W Riteway Road) asked if a guest house was required to be built of similar material as the principal dwelling. Village Administrator Irvin replied the only limitation is what material is not allowed. Dr. Fantus asked if the septic fixtures were built to accommodate the extra living area. Village Administrator Irvin said the system has not been inspected to answer that question.

Chairman Krusinski commented the construction of the area will need to be reviewed extensively by our engineers to be approved. If the approval is issued, conditions will be included. The special use permit would only be granted after all of the conditions have been carried out.

Village Administrator Irvin said the special use permit will be issued with conditions required to be followed. Should the conditions not be fulfilled, the permit can be revoked. Dates for completion can be included for the construction. Ms. McMullen said the only time limitation was having the contractor work according to their schedule. Ms. Levin asked if the special use permit could include the guest house only be used by caregivers and family members.

Chairman Krusinski asked if Mr. Heinz would be considered the point person for this project. Ms. McMullen confirmed he has been hired for this project.

Village Administrator Irvin commented the current zoning code indicates a guest house can be occupied by an acquaintance, family member and live-in help. However, a guest house cannot be rented out. Chairman Krusinski added only family acquaintance, family member or caregivers can use the guest house can be one of the conditions to Ms. Hirata's guest house.

Chairman Krusinski closed the public hearing at 7:56 p.m.

Chairman Krusinski stated the recommendation for the following guest house special use permit will include conditions. Village Attorney commented he would like to add to condition #1, that the permit is subject to engineering and building code review and approval. The guest house may only be used for family acquaintances, family and caregivers and cannot be rented. Construction must be finalized within 12 months.

Commissioner Fantus asked since this construction was completed without any inspections or approval, would the repairs require inspections to be done more frequently. Village Administrator Irvin said the inspections will be completed at the normal level of construction. Village Attorney Rhodes stated a condition could be added that no occupancy should occur until all of the conditions have been satisfied.

A motion was made to approve the ZPA's recommendation for a special use permit subject to the following five conditions; the applicant must apply for a building permit within 30 days; updates are completed accordingly to the zoning code and construction of the guest area subject to engineering and building review; guest house living quarters will only be used for family members of the owner, or family acquaintances and live-in help and it will not be rented for short time use; the construction will be completed within 12 months of when the permit has been issued and no occupancy certification will be issued until all conditions have been met. The motion was moved by Commissioner Leonard and seconded by Commissioner Murphy.

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

Aye: Commissioners Clark, Fantus, Leonard, Murphy and Chairman Krusinski

Nay: None

Absent: Commissioners Meluso and Pickell

Chairman Krusinski declared the motion carried.

The Chairman would also like to entertain a motion to be authorized to draft, sign and forward to the President and Board of Trustees a report of the Zoning, Planning, and Appeals Commission containing the Findings of Fact and the ZPA's recommendation regarding this case. The motion was moved by Commissioner Leonard and seconded by Commissioner Murphy.

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

Aye: Commissioners Clark, Fantus, Leonard, Murphy and Chairman Krusinski

Nay: None

Absent: Commissioners Meluso and Pickell

Chairman Krusinski declared the motion carried.

Village Administrator Irvin said the Board will review the ZPA's recommendation at their December 17th meeting. If the Board approves their recommendation the Village Attorney will be directed to draft a special use ordinance for the special use. The 30-day period begins once the Board approves the ordinance in January. Mr. Heinz asked if B&F can be told the special use was approved and they can complete their inspection. Village Administrator Irvin said no inspection will occur until plans have been submitted and a building permit has been issued.

Village Administrator Irvin commented the ZPA's recommendations for the comprehensive amendment's ordinance, fines and fee schedule along with the animal regulations will be discussed at the December 17th Board meeting. No pending applications have been received for a January ZPA meeting. We are currently waiting on St. Basil's Church application requesting a variation to their text amendment.

Commissioner Leonard stated she would like reduce the occurrences of residents building without a permit. Commissioner Leonard said she would like to propose some type of consequence to the Board. Village Administrator Irvin said the Village currently has a stop work order. Fining a resident for a violation will need to be administered through the court.

Commissioner Leonard suggested maybe the Board would consider doubling the special use permit cost as a consequence for submitting after the fact the construction was done. Village Administrator Irvin said issuing the permit is part of the processing cost. The applicant pays for any associated expenses the Village acquires during the special use permit process. Village Administrator Irvin said a stop work order is set at \$500. The Village would incur a higher expense going to court to pursue an offender. Village Attorney Rhodes said a citation can be issued and the violator would go to court.

Chairman Krusinski said some communities require the building permit to be posted on the front lawn to ensure the work being completed has been approved.

Chairman Krusinski added this matter can be presented to the Board to determine how to handle construction violators. Another option, is to have Howe Security make note of the various construction locations occurring and authenticate the building permit that was issued to the property owner. Chairman Krusinski replied having a building permit issued is in the best interest and protection for the resident.

Chairman Krusinski asked Village Administrator Irvin to address this matter at the next Board meeting.

V. COMMUNICATIONS:

VI. REVIEW OF REPORTS OF COMMISSION COMMITTEES:

VII. OLD BUSINESS:

VIII. NEW BUSINESS:

IX. ADJOURNMENT:

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

With unanimous consent, Chairman Krusinski declared the motion carried and the meeting adjourned at 8:32 pm.

Sandy Gallo, Village Clerk