

**MINUTES OF THE REGULAR 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 OCTOBER 3, 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 7:05 PM.

**II. ROLL CALL**

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

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

Absent: Commissioner Meluso

Chairman Krusinski declared a quorum present.

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

**III. APPROVAL OF MINUTES:**

The ZPA meeting minutes for September 5, 2017 were reviewed. Commissioner Hirsch made a word change on page 3. It was moved by Commissioner Leonard and seconded by Commissioner Clark that the minutes of the ZPA meeting be approved and be placed on file.

Upon a call of the roll the following voted:

Aye: Commissioners Clark, Leonard, Hirsch, Murphy, Pickell and Chairman Krusinski

Nay: None

Absent: Commissioner Meluso

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

**IV. CALL OF CASES:**

Chairman Krusinski said Case No. 17-SU-S-3: 102 Indian Ridge Road application submitted by applicants Robert D. Cole and Elaine Cole for a Special Use Permit to allow for a guest house.

Chairman Krusinski opened the public hearing on Case No. 17-SU-S-3 to order.

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

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

Absent: Commissioner Meluso

Chairman Krusinski stated the guest house will be built in a R-1 district. For the record, notice of the hearing on Case No. 17-SU-S-3 was published in the Daily Herald on September 15, 2017. The Secretary has the newspaper certificate and it will be admitted as Exhibit 1. Proof of the Mailing to the surrounding residents will be admitted as Exhibit 2. Chairman Krusinski asked if anyone in the audience wishes to file an appearance as an Objector please stand. No Objectors were present.

#### Presentation of the Applicant's Case

Josh Obert, Representative from Cleary Building Corporation presented on behalf of Robert and Elaine Cole's application for a guest house. Mr. Obert provided the Commissioners a new guest house map reflecting the height measurements of the structure. The new map has been admitted as Exhibit 3.

Mr. Obert said the material for the siding will need to be changed.

Chairman Krusinski stated the Commissioners should have received the memo draft by Village Engineer Yamin listing the recommendations for the Cole's SUP dated September 22<sup>nd</sup>. This memo states the Cole's will be removing the existing shed on the property as well as working with the Health Department to secure approval of the reconstruction of the existing septic system to accommodate the guest house.

Chairman Krusinski asked the Cole's how this structure will be utilized. Mr. Cole replied the guest house will be used for family and the garage will contain collectable cars of which both my children and I collect. Mr. Cole mentioned the collectable cars are currently being stored in trailers on the property.

Commissioner Pickell said the structure is a pole barn style building. Commissioner Pickell questioned if a single family resident house can be built as a pole barn. Commissioner Pickell added the guest house should not look like a guest house yet a reflection of the main residence. This structure is a metal building labeled guest house.

Commissioner Leonard stated this guest house can only be used for domestic use. The guest house cannot be used for commercial use or to be rented out. The Cole's confirmed the guest house will not be used for commercial use.

Commissioner Clark said given the structure size would the accessory building account as two accessory buildings on the parcel. Commissioner Clark asked the Cole's if they would consider a smaller guest house.

Chairman Krusinski stated this structure is significantly different from the house; however, it will be adequately screened from the neighbors due to the existing

landscaping creating a barrier. Chairman Krusinski said the final selection of materials used will be confirmed by the Village Engineer.

Commissioner Pickell asked the Cole's if they would consider building two buildings instead of one larger structure. Mr. Cole said two buildings would create a larger footprint; therefore, the cost to build two structures would be substantial higher too.

Mr. Obert mentioned having two buildings would also impact the septic system.

Mr. Cole stated we are building to the allowable square feet for our guest house based on the Village's calculations.

Commissioner Pickell stated guest houses are not allowed without an approved SUP. The Village has rules on structure sizes to prevent a resident from building an 11,000 square foot building without considering their neighbor.

Commissioner Hirsch stated the building has a big footprint but it's the owner's discretion to construct on their property.

Commissioner Murphy stated she saw no problem with the structure as long as it met the Village's codes for construction.

Commissioner Pickell stated Mr. Cole should consider different materials to reduce some of the rough look the guest footprint has compared to their home.

Chairman Krusinski said an updated drawing and measurements will be submitted to the Village Engineer to be reviewed. The applicant had no further comments. The public hearing was closed at 8:25 pm.

A motion was moved to approve the SUP for the Cole's with the following recommendations; demolish the existing 12x24 shed, modification to the footprint required, the guest house to comply to the zoning ordinance, no portion shall be rented, the elevation specification be updated for the Village Board meeting, the land east and south should be maintained with a 20 foot landscape buffer. The motion was moved by Commissioner Leonard and seconded by Commissioner Clark.

Chairman Krusinski will entertain a motion that the Chair be authorize to draft, sign and forward to the Village Board and Board Trustees a report of the ZPA Findings and Facts and recommendation regarding this case. The motion was moved by Commissioner Leonard and seconded my Commissioner Hirsch.

Upon a call of the roll the following voted:

Aye: Commissioners Clark, Leonard, Hirsch, and Murphy

Nay: Commissioner Pickell

Absent: Commissioner Meluso

Chairman Krusinski stated he would like to call the continued Public Hearing in case Case No 17-TA-1 to order.

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

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

Absent: Commissioner Meluso

We have a quorum present.

Chairman Krusinski stated we are going to do a final draft of the amendments for recommendation in our next meeting on November 7<sup>th</sup>. The amendment changes have been reflected with a strikethrough for deletions and underlined for additions. The process will consist in reviewing Greg's memo dated September 25<sup>th</sup>.

*1. Resident Lot Coverages and Accessory Structures Requirements;*

Chairman Krusinski said no additional changes were made in this section.

*2. Minimum Dwelling Size;*

Chairman Krusinski said this amendment had the additional words "livable floor" to be included in the dwelling measurements.

*3. Short Term Residential Rentals;*

Chairman Krusinski said no additional changes were made in this section.

*4. Amortization of Non-Conforming Uses;*

Village Attorney Smith said there is an allowance in Section 15.306 where the Board members can extend the time requirements as long as it is made within a timely manner.

*5. Zoning Application Fees;*

Village Attorney Smith said the section of audio-visual payments was moved from Section 9.01 professional fees to section 9.03 zoning application fees. The ZPA wanted to pass along the cost of the audio-visual equipment to the requestor which can be the applicant or the objector.

*6. Time Limit Appeal from Zoning Administrator's Decision;*

Chairman Krusinski said no additional changes were made on this amendment.

*7. Variation For Places Of Public Assembly With Existing Special Use Permits;*

This matter has been tabled.

*8. Horse and Large Stable Requirements;*

Chairman Krusinski said an email was received from Trustee Towne regarding the handling of manure dated September 20<sup>th</sup>. This email will be entered as Exhibit 1. Trustee Towne requested a survey to be completed in order to understand the extent of the Village's current practice for manure. Village Administrator Irvin provided a report from the Illinois EPA requirements for stockpiling manure, this report will be entered as Exhibit 2. Village Administrator Irvin added the Illinois EPA is who regulates for Lake County and in their report their disposal and stockpiling terms are indicated for unincorporated counties. Chairman Krusinski replied the IEPA regulations are very stringent with their requirements. Commissioner Clark provided a memo to the Commissioners listing composite guidelines. Commissioner Clark said composting properly requires a concrete floor or packed lime stone flooring.

Commissioner Pickell asked if Commissioner Clark questioned if spontaneous combustion can occur within a dumpster. Commissioner Clark said some residents did express concern of this occurring; however, a dumpster would need to be sealed airtight to create this type of reaction.

Chairman Krusinski said this is a complex issue which creates a question of how do we police this matter in the best interest of the residents.

Commissioner Clark suggested on page 8 we remove, "except as otherwise allowed within this Code." Modifying this statement will than allow composting to occur in the Village and further discussion can continue.

Commissioner Leonard said the criteria for composting needs to be set to provide guidelines for the residents.

Chairman Krusinski said his concern in setting standards is that there are many factors in regards to manure disposal. Chairman Krusinski suggested putting the onus on the Village Board and letting the Board determine what type of resources they see fit to monitor and set-up the criteria for this issue. The Village's Comprehensive Plan also includes the wording regarding environmental standards.

Village Attorney Smith asked if on page 11, the same change would be made in section 15.1209 removing, "except as otherwise allowed within this Code." Commissioner Clark confirmed the change.

Chairman Krusinski opened the Public Hearing for public comments.

#### *9. Definition of Commercial Use and Regulations On Commercial Use In Residential Districts'*

Chairman Krusinski said the Village received a letter from Kristen and Ed Casas' dated September 27<sup>th</sup> and a document from Holland and Knights Law Firm dated September 26<sup>th</sup> which will be entered as Exhibit 3.

Ed Casas, 855 N. Bradley Road, Always Faithful Stable said the two pieces of correspondence were submitted. The original draft amendments with the outcome of the meeting he had with Knights and Holland draft dated September 25<sup>th</sup>. Mr. Casas' said his observations of the public hearing was no clarity has been set for the intent to grandfather and safe harbor existing commercial stables operating as they are today. The clarity should include legally conforming and nonconforming structures. Mr. Casas' said he would like to preserve the value in terms of the community and feel he can be reassured his investment into his stable will continue to be allowed. Mr. Casas' addressed his safe harbor in regards to the Village shouldn't take away the right of rebuilding a structure when it is lost. In addition, the regulations the Village places on the residents will have a direct impact on property value.

Chairman Krusinski said the ZPA does not want to prohibit an existing and approved special uses from proceedings. The goal of reviewing these text amendments is to review the language and create clarity.

Mr. Casas' said he would like to confirm an approved SUP is grandfathered as existing legal conforming or nonconforming structure. Mr. Casas' would like clarity that he can continue to operate his stable as it has been for the last six decades.

Dr. Richard Fantus (14253 W. Riteway Road) said he would like to comment on the putrescible waste. Dr. Fantus added if a resident would like to compost they should be required to get a permit under the IEPA. IEPA would provide the inspection. I would like some standards to be placed regarding manure in a container. Corporate Way had to provide some type of screening for their manure structure, why shouldn't the residents be held to the same standards.

Chairman Krusinski said some type of screening the manure container can be an addition to the amendment. Chairman Krusinski added the IEPA standards are not only meant for commercial stables but residents who have horses on their property.

Village Attorney Smith said the ZPA can make a recommendation to have the Board study this amendment and act upon as deemed appropriate.

Commissioner Leonard stated the ZPA is discussing the manure standards only because we have received several complaints from the residents.

Mr. Casas' said his stable has effectively recycled their manure and it has not created any issues with the surrounding neighbors.

Commissioner Leonard said the ZPA is trying to create standards to hold everyone with the same accountability.

Chair Krusinski said we aim to clarify the text amendments. The Committee's

objectives are to create policies to continue maintaining our rural residential environment as stated in the Mettawa Comprehensive Plan.

Bob Price from Pegaso Farm said on page 11, the ZPA recommends the Village Board adopt a licensing operator for routine inspections. Mr. Price asked whose idea was that.

Commissioner Leonard said there are some cases where a special use permit is not followed as approved and it is creating some issues.

Doug Boyd, Sapphire Riding Academy said the inspections should be clarified on how they are going to be handled. Mr. Boyd said the inspector should have professional horse experience in which they understand the industry and the operation of running a large stable.

Chairman Krusinski said he would like to adjourn the meeting.

Commissioner Clark made a motion to continue the public hearing in case 17-TA-1 to November 7<sup>th</sup> at 7:00 pm, the motion was seconded by Commissioner Leonard and passed unanimously.

**V. COMMUNICATIONS:**

None

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

None

**VII. OLD BUSINESS:**

None

**VIII. NEW BUSINESS:**

Chairman Krusinski said the December 5<sup>th</sup> meeting is currently scheduled to hear a case.

**IX. ADJOURNMENT:**

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

With unanimous consent, Chairman Krusinski declared the motion carried and the meeting adjourned at 9:47 pm.

Sandy Gallo,  
Village Clerk