

MINUTES OF THE SPECIAL MEETING OF THE ZONING PLANNING & APPEALS COMMISSION OF THE VILLAGE OF METTAWA, LAKE COUNTY, ILLINOIS, HELD AT THE HOUR OF 7:30 P.M. ON TUESDAY, SEPTEMBER 13, 2022 IN THE COTTONWOOD ROOM

I. CALL TO ORDER:

Chairman Krusinski called the meeting to order at 7:30 PM.

II. ROLL CALL:

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

Present: Commissioners Fantus, Leonard, Pelech, Witten and Chairman Krusinski

Absent: Commissioners Meluso and Pickell

Chairman Krusinski declared a quorum present.

Also, present were: Village Attorney, Jim Rhodes of Klein, Thorpe & Jenkins, Ltd; Village Administrator, Mandi Florip; Village Clerk, Sandy Gallo

III. APPROVAL OF MINUTES:

The ZPA Special meeting minutes for October 5, 2021 were reviewed. It was moved by Commissioner Fantus and seconded by Commissioner Leonard that the meeting minutes of the October 5, 2021 be approved and placed on file.

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

Aye: Commissioners Fantus, Leonard, Pelech, Witten and Chairman Krusinski

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 indicated the work of the Zoning, Planning, and Appeals Commission consists of reviewing matters brought before us that affect zoning and planning in the Village. The Commission is a fact-finding body and has no final authority. As a result, the Commission makes no final decisions regarding any matter, but only makes recommendations to the President and Board of Trustees of the Village of Mettawa based upon the testimony presented.

- a. Chairman's Report on the Application for a Lot Consolidation by Impact Networking LLC to consolidate Lots 2 and 4 in Oasis Business Center Subdivision into one lot.

A report has been provided to the Commissioners regarding Impact Networking LLC lot consolidation. Section 16.301 of the Mettawa Code of Ordinance provides that one-lot subdivision which require no bonded improvements, no variations from the subdivision or zoning regulations and otherwise meeting the requirements of the subdivision code may be approved by the Chairman as a minor subdivision. The Chairman's report also included the James Anderson Engineering memo indicating that the lot consolidation meets the criteria for a minor subdivision approval.

Resident, Dr. Richard Fantus (14253 W Riteway Road) asked if this the lot consolidation allowed for taller buildings to be constructed. Chairman Krusinski replied no, this is only for the lot

consolidation. All building matters will be constructed under the permit requirement. Dr. Fantus added during the winter season their lighting illuminates the area.

A motion was made to accept the Chairman's report for the lot consolidation by Impact Networking LLC to consolidate Lots 3 and 4 in Oasis Business Center Subdivision into one lot by the ZPA. It was moved by Commissioner Leonard and seconded by Commissioner Pelech.

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

Aye: Commissioners Fantus, Leonard, Pelech, Witten and Chairman Krusinski

Absent: Commissioners Meluso and Pickell

Chairman Krusinski declared the motion carried.

- b. Chairman's Report on Application for a Minor Subdivision by Joseph Massarelli for a Minor Subdivision to Consolidate of Lot 14 (vacant), 15 (existing residence) and 16 (vacant) in Deerpath Subdivision into one lot.

A report has been provided to the Commissioners regarding Joseph Massarelli's requested lot consolidation of three lots into one. Chairman Krusinski added the Massarelli's will be seeking a special use permit to construct a garage that exceeds 2,000 square feet. However, that matter is not before the Commission at this time. No variances are being sought by the applicant. The construction of this garage is subject to the CCRS of Deerpath Farms regulations as well as the Village's building permit requirements. Tonight's approval is solely the lot consolidation.

A motion was made to accept the Chairman's report for the lot consolidation for minor subdivision by Joseph Massarelli consolidating lot 14 (vacant), 15 (existing residence) and 16 (vacant) in Deerpath Subdivision into one lot. It was moved by Commissioner Witten and seconded by Commissioner Fantus.

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

Aye: Commissioners Fantus, Leonard, Pelech, Witten and Chairman Krusinski

Absent: Commissioners Meluso and Pickell

Chairman Krusinski declared the motion carried.

- c. CASE No: 22-V-1 The Applicant seeks a modification from Section 9.1004 (C) of the Village of Mettawa Fence Ordinance, which provides that except as set forth in the Subsection, no fence shall be located within the front yard, side yard or rear yard of any lot unless: the fence is an open fence no higher than eight (8) feet.

Chairman Krusinski called the public hearing for Case Number 22-V-1 to order.

Chairman Krusinski indicated the applicant Case Number 22-V-1 is seeking modification from Section 9.1004 (C) of the Village of Mettawa Zoning Ordinance, which provides no fence shall be located within the front yard, side yard or rear yard of any lot unless: the fence is an open fence no higher than eight (8) feet. The Commission is a fact-finding body and has no final

authority. As a result, the Commission makes no final decisions regarding any matter, but only makes recommendations to the President and Board of Trustees of the Village of Mettawa.

The public hearing on Case No: 22-V-1 was opened.

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

Aye: Commissioners Fantus, Leonard, Pelech, Witten and Chairman Krusinski

Absent: Commissioners Meluso and Pickell

Chairman Krusinski declared a quorum present.

Chairman Krusinski stated Case No: 22-V-1 arises from an application filed by Robert Price and Sarah Daehnert. The applicants are seeking a modification of the code provision that indicates no fence shall be located within the front yard, side yard or rear yard of any lot unless the fence is an open fence no higher than eight (8) feet.

Chairman Krusinski added the following documentation are being entered as exhibits: the notice of the public hearing posted in the Daily Herald on August 20, 2022 in the matter required by law as **Exhibit 1**; the applicant provided proof of mailing as **Exhibit 2**; the zoning application as **Exhibit 3**; the conveyance history as **Exhibit 4**; plat of subdivision as **Exhibit 5**; plat of survey as **Exhibit 6**; two photos of the fence as **Exhibit 7**; the notice of violation as **Exhibit 8** and plat of survey showing all fences and colored coded by James Anderson as **Exhibit 9**. Village Attorney Rhodes stated Mr. Price's application did not list two property PIN numbers of the property which is the subject of today's hearing. However, the publication published in the Daily Herald and the notice of hearing sent to the property owners surrounding Mr. Price's did include the two property addresses and PIN numbers for this case. A violation notice had been sent to Mr. Price for constructing a fence without a permit. The fence constructed was a solid fence which is not allowed in the setback area of the property and constructed with the smooth side be facing outward. The applicant is requesting a modification from the requirement that only open fences may be constructed within the front, rear or side yards. No modification request was made for the construction of the smooth side facing outward and that matter is not before the Commission. In that regard, Chairman Krusinski stated the application is incomplete in perspective to addressing the fence violations that were issued by the Village Engineer.

Mr. Vanselow appeared on behalf of the Applicant and indicated that Exhibit 9 did not reflect the property correctly. Mr. Vanselow also objected to the map submission by Objector Robert Dobeus. He stated that the blue highlighting map is incorrect. Village Attorney Rhodes stated a chain link fence indicated on the map was not Mr. Price's property.

Objectors sworn in included; Dr. Richard Fantus, Libertyville residents; Robert Dobeus, Ron and Linda Muller

Dr. Richard Fantus (14253 W Riteway Road) asked if applicant would have requested a permit for this solid fence to James Anderson would the permit have been issued. Village Attorney Rhodes replied no. Dr. Fantus indicated approving this variance would allow other residents to continue to build with violations and request for pardon afterwards.

Robert Dobeus (1251 Oak Trail Drive in Libertyville) asked for the company name who did the installation and if they were a fence company. Mr. Vanselow replied M3 Builders and they are not a fence company.

Robert Dobeus submitted a document during the meeting with pictures. This submission has been recorded as **Objectors Exhibits 1-10**. Mr. Dobeus read his objection statement. Mr. Dobeus asked that his objection letter be entered as an exhibit to this case. Mr. Dobeus object letter has been recorded as **Objectors Exhibit 11**.

Linda Muller (1291 W Oak Trail Drive) indicated she has lived at her current location since 1996. Mrs. Muller stated the wire fence was installed by the current property owner Mr. Price.

Mr. Vanselow stated Mr. Price is the only property in Mettawa that borders another village. Mr. Vanselow indicated he constructed a fence around the perimeter of Mr. Price's property and partially adjacent to the Libertyville neighbors of Oak Trail Drive. A six-foot solid stockage fence was installed. The fence was placed for security and to keep Mr. Prices' dogs on his property and to keep coyotes out. Chairman Krusinski asked Mr. Vanselow if he obtained a permit for the fence installation. Mr. Vanselow replied no.

Robert Price (27823 N. St. Marys Road) indicated he owns approximately 60 acres within Mettawa. Mr. Price indicated this matter is a Mettawa issue not a Libertyville matter. Mr. Price stated he felt his dogs were endangered from the coyotes, along with the recent robberies that have been occurring. Mr. Price felt he was vulnerable being the last house along the edge of Mettawa. The fence was installed for security matters and protection for his dogs.

The full meeting was transcribed. Please see the full transcript for additional details of the hearing.

A five-minute recess was taken 8:55pm. Reconvened at 9:00 pm.

Commissioner Witten stated the applicant is familiar with the permitting process. The violation should be addressed and the variance should be denied.

Commissioner Leonard added two code violations were committed with the fence installation. A solid fence was installed and it was installed facing the wrong direction. Commissioner Leonard stated she does not approve the applicant's request.

A motion was made that the ZPA not recommend the approval to the President and Board of Trustees a modification of provisions of Section 9.1004(C) for the property commonly known as 27823 and 27825 St. Marys Road.

The motion was moved by Commissioner Leonard and seconded by Commissioner Witten. Upon a Call of the Roll, the following persons were present:
Aye: Commissioners Leonard, Pelech, Witten and Chairman Krusinski
Nay: None

Abstain: Commissioner Fantus
Absent: Commissioners Meluso and Pickell
Chairman Krusinski declared the motion carried.

A motion was made to authorize the Chairman to draft the Findings and Facts on this matter and report the Zoning, Planning and Appeals recommendations to the Mayor and Board of Trustees of the Zoning.

The motion was moved by Commissioner Leonard and seconded by Commissioner Witten.
Upon a Call of the Roll, the following persons were present:

Aye: Commissioners Leonard, Pelech, Witten and Chairman Krusinski

Nay: None

Abstain: Commissioner Fantus

Absent: Commissioners Meluso and Pickell

Chairman Krusinski declared the motion carried.

Chairman Krusinski stated the October 4th meeting will not be held.

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 Fantus that the meeting be adjourned.

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

Aye: Commissioners Leonard, Fantus, Pelech, Witten and Chairman Krusinski

Nay: None

Chairman Krusinski declared the motion carried and the meeting adjourned at 9:10 pm.

Sandy Gallo, Village Clerk