

# VILLAGE OF HOMEWOOD



## MEETING MINUTES

DATE OF MEETING:

May 11, 2023

## PLANNING AND ZONING COMMISSION

7:00 pm

Village Hall Board Room  
2020 Chestnut Street  
Homewood, IL 60430

### CALL TO ORDER:

Chair Pro Tem Bransky called the meeting to order at 7:02 pm.

### ROLL CALL:

In attendance were members Alfonso, Cap, Johnson, O'Brien, Castaneda, and Chair Pro Tem Bransky. Chair Sierzega was absent. Present from the Village was Director of Economic and Community Development Angela Mesaros and Building Division Secretary Darlene Leonard. There were three people in the audience. The public was able to watch the meeting via Zoom webinar.

### APPROVAL OF MEETING MINUTES:

Chair Pro Tem Bransky asked if there were any changes or corrections to the minutes of April 27, 2023.

Chair Pro Tem Bransky stated on Page 5 in the motion to continue Case 23-09, the date should be May 11. Member O'Brien stated on Page 6 his vote was No to continuing the case for the Map Amendment.

A motion was made by Member O'Brien to approve the minutes of April 27, 2023, as corrected; seconded by Member Cap.

AYES: Members Cap, O'Brien, Johnson, Castaneda, Chair Pro Tem Bransky

NAYS: None

ABSTENTIONS: Member Alfonso

ABSENT: Chair Sierzega

### OLD BUSINESS:

#### CASE 23-09 – Continued Public Hearing for Special Use Permit for a Spa at 18350 Kedzie, Suite 200

Chair Pro Tem Bransky summarized the case, explained the steps, added a summary from Staff, and asked Staff Liaison Mesaros if she had any updates.

Staff Liaison Mesaros stated the State of Illinois had provided information on the license requirements and that as long as there was a cosmetology, esthetician, or massage license from the State they can operate. Staff Liaison Mesaros added that the Village Attorney confirmed the information from the State.

Chair Pro Tem Bransky recalled the applicant, Sekia Garrett, and asked if she had a license. Ms. Garrett stated she had an esthetician license. The information was confirmed through the State of Illinois Department of Professional Regulation license verification website.

Chair Pro Tem Bransky revised the Finding of Fact #5 to be confirmed. Member Johnson moved to recommend approval of Case 23-09, to grant a Special Use Permit for a Spa in B-3 General Business District for "Glamour 1 Productions" at 18350 Kedzie Avenue, Suite 200 and incorporate the findings of fact into the record; seconded by Member O'Brien.

AYES: Members Alfonso, Cap, O'Brien, Johnson, Castaneda, Chair Pro Tem Bransky.

NAYS: None

ABSTENTIONS: Chair Sierzega

ABSENT: None

### **CASE 23-12 – Continued Public Hearing for Map Amendment to Rezone Limited Properties from R1 to R2**

Chair Pro Tem Bransky summarized the case and asked Staff for any updates.

Staff Liaison Mesaros stated she had spoken to the Village Attorney and added that a vote must occur using one of the three recommended options. If there is no motion or a motion and no second it is a no vote. And added that the applicant for the parking pad is in the audience if there are any questions for him.

Member Johnson asked if there was a question about the notice and the original applicant. Staff Liaison Mesaros stated it was not a full applicant. They did not apply or pay the fee, there was no publication. It was an email with the form attached and added there was no official application submitted.

Chair Pro Tem asked Member Cap if he would be participating in the discussion as a Commission Member or as a resident as he is the owner of one of the properties included in the proposed zoning amendment. Member Cap stated he will be recusing himself from the deliberation and will join in the discussion as a resident.

Chair Pro Tem Bransky swore in the parking pad applicant, Chris Kalvig from 17915 Riedle Court, and asked the Commission Members if they had any questions for him.

Member O'Brien asked where the parking pad would be located and requested a summary of the submittal from Mr. Kalvig. Mr. Kalvig stated the plan for the pad is for it to be placed in the front yard, summarized the procedure of applying for the parking pad permit and his conversation with Village Planner Berstene about the parking pad, his submitted draft to rezone, and the potential plan by the Village to rezone multiple properties.

Chair Pro Tem Bransky asked if it was denied as a building permit. Staff Liaison Mesaros stated it was a building application and it was denied because of the R-1 zoning maximum lot coverage had been reached.

Mike Cap, a resident of 2147 Ridge Road was sworn in. Mr. Cap read from a written statement and submitted a copy that is attached.

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Member Johnson asked several questions of Mr. Cap regarding his concerns of the proposed rezoning.

Mr. Cap stated that he believes that the proposed change would gut or lead to the elimination of the R-1 classification and if it is approved that he would expect to hear that the other 300+ nonconforming lots would be changed, and added that the zoning requirements have changed over time.

Chair Pro Tem Bransky stated the exercise was introduced to modify lots to accommodate for new construction and that was the intent of the study. It was not a way to clean up nonconformities.

Staff Liaison Mesaros stated the size was changed in the R-2 District and the nonconformities in it were corrected, but it was decided not to make any changes in the R-1 District.

Member O'Brien stated he reached out to the Public Works Department and summarized his conversations with the Public Works Director and the Village Engineer. Member O'Brien provided a printout of an email sent to the Staff Liaison Mesaros, which he read from, and it is attached.

Member Castaneda stated the proposed change could set a precedent that could result in more areas being changed, which she is unsure if it would be a bad thing, and this is the first of these and probably not the last. Member Castaneda stated they would have spent 10 years updating the code and not foreseen all of the changes.

Chair Pro Tem Bransky summarized his thoughts on the proposal and stated there needs to be a plan in place to do all of the changes at once in a formal process, and added that spot rezoning is a bad idea.

A motion was made by Member O'Brien to deny Case 23-12 for a map amendment to rezone the subject properties from R-1 Single Family Residence District to R-2 Single Family Residence District and incorporate the findings of fact into the record; seconded by Member Alfonso.

Staff Liaison Mesaros stated that a vote in the affirmative is a vote to deny it.

AYES: Member O'Brien, Alfonso, and Chair Pro Tem Bransky

NAYS: Member Johnson and Castaneda

ABSTENTIONS: Member Cap

ABSENT: Chair Sierzega

Staff Liaison Mesaros stated it is a split vote, and it will be sent to the Village Board for their consideration.

## **ADJOURN:**

Chair Pro Tem Bransky asked for a motion to adjourn the meeting. Member O'Brien moved to adjourn the meeting at 8:09 p.m., seconded by Member Alfonso.

AYES: Member Alfonso, Cap, Castaneda, Johnson, O'Brien, and Chair Pro Tem Bransky

NAYS: None

ABSTENTIONS: None

ABSENT: Chair Sierzega

Respectfully submitted,

*Angela Mesaros*

**Angela Mesaros**

Director of Economic and Community Development

I imperfectly raised questions at the prior meeting that did not concisely and adequately convey my concerns. This is a more cogent summary

1. What are the impetus and purpose of this rezoning petition?
  - a. To allow a single petitioner to build garage & apron without variance?
  - b. Only 6 months into our "test drive/shakedown cruise" of new zoning ordinance are we now to start to ferret out all nonconformities in our new ordinance?
  - c. Are such non-conformities bad?
2. Weren't we alerted to the likelihood of such non-conformities persisting even with the adoption of the new ordinance? Did we fail to exert our due diligence in exploring these ramifications? Doesn't this reaction create the impression that we ignored or were oblivious to these ramifications when we explored this matter in our discussions about the new ordinance?
3. Angela M reminded us that our consultant did indeed examine this matter. One of the purposes was to identify the potential for infill development opportunities.
4. Refer to the exhibit our consultant prepared that summarized the "**....APPROPRIATENESS ANALYSIS. (21 September 21).**" This examined different percentages of non-conformity vis-à-vis different dimensional parameters (i.e. lot size, lot width, etc.) of the different zoning classes.
  - a. Our consultant identified that up to 40% non-conformity would remain, especially in the R 1 class, even with minor changes to dimensional parameters. These occur throughout the village west of the railroad. These include other parts of the Ravisloe neighborhood (e.g. Tipton) besides this cluster currently under this consideration. They also occur in the neighborhoods west of Governors Highway.
  - b. I recall therefore that we concluded that this level of non-conformity was acceptable or to be tolerated. In a mature community with established development, not many changes requiring variances are expected.
  - c. These currently non-conforming properties were presumably conforming to their zoning class in effect when their subdivisions were approved and platted.

The answers to these questions reveal the reasons I am opposed to this rezoning. There is another way to accomplish that single petitioner's need for a (dimensional) variance to permit the construction of a garage/apron on a "substandard" lot. The matter of 2143 Ridge is a more convoluted issue. I am not opposed to the possibility of an infill development to construct a new single family house on this larger, consolidated lot. We can rezone this lot now or let the property owner subsequently petition for a variance or rezoning to permit it.

Michael J Cap 7 May 23

## Mesaros, Angela

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**From:** William G. O'Brien <70879806181@comcast.net>  
**Sent:** Thursday, May 11, 2023 10:59 AM  
**To:** Mesaros, Angela  
**Subject:** Case No. 23-12

**External Sender:** Use caution with links/attachments. Use caution when replying. If you are unsure please contact IT.

Angela – This case, which will be heard for the third time on May 11, 2023 (previously 4/13 and 4/27/23), has experienced a number of mis-directions, as chronicled, from the materials we have received. I would like to review with you my thoughts about this case and how we should simply resolve the issues and approve it.

### April 13, 2023 PZC Meeting

**We were told, after much discussion, near the end of the meeting, that a resident, on March 4, 2023 had actually filed a variance request form** for a change in zoning from R-1 to R-2 to provide compliance with the R-2 60% impervious coverage to accommodate a parking pad which is now allowed in the updated Zoning Code. Staff, at this point, should have discussed with the resident a change in the variance form from a change in zoning to that of a variance for a parking pad that would exceed the impervious coverage allowance. This would have been a straight-forward accommodation to the resident leaving the administrative policy amendment for another discussion. The idea to co-mingle a resident variance request with an administrative policy amendment only served to confound the case. That decision is, in my opinion, the principal reason this case has been delayed, because it was not clear. This is a mis-direction.

I requested additional background information of the pending applicant because, unlike all other cases, the name of the applicant and the specific address were not identified. Your email to me the next day, with the applicant's address and the administrative steps in preparation of the case were clear. I thanked you for the information which I stated made eminent sense. It would have changed the character of the conversation at the meeting. The lack of communication and transparency was misleading, a mis-direction.

The applicant, in the application information section of the Memorandum was identified as The Village of Homewood. This is another mis-direction. The obvious question is – what happened to the resident as an applicant when it is stated that a resident filed a variance form? We, on the Commission, would naturally conclude when told that a resident had filed a variance request form that the resident paid the usual fee for the processing of a variance which would include an appearance before the PZC. The resident did not appear, apparently, because his variance request had been bundled with the policy administrative amendment.

In a March 28, 2023 email, staff apprised the resident “**if we hit significant opposition, we may** bring it to the Planning & Zoning Commission to consider”.

In your April 14, 2023 email to me the opposite was stated by staff “**If staff did not receive opposition** to the request, we **would** take the rezoning request to the Planning & Zoning Commission.

It appears that either way it would, more than likely, be forwarded to the Planning & Zoning Commission. However, the contradictory staff perception of the same situation is a concern.

### April 27, 2023 PZC Meeting

Very little discussion of the case. It was continued to the May 11, 2023 Meeting because two (2) members of the Commission were absent. The resident who we were told had actually filed a variance form did not appear. This is the second meeting the resident has been absent.

The materials of the case included new information since the 4/13/23 memorandum that was bolded. Reference is made to a building permit application that was denied in 2022. Was it a building permit or a variance request? "Staff determined to bring forward this requested **rezoning for all parcels with similar conditions**". This statement is qualified on the next page with "**At this time, Staff does not have other limited areas of parcels flagged for consideration of a rezoning such as those proposed herein**". There are 346 lots out of 882 (39%) in the R-1 Residence District that are non-conforming and 2,630 lots out of 5,505 (48%) in the R-2 Residence District that are non-conforming. These numbers are taken from the Lot Area and Width Appropriateness Analysis prepared by the consultant managing the Zoning Code update. That is a total of 2,976 lots that are non-conforming in the two principal residential zoning districts in the village. The conclusions drawn by the staff on page 38 that are bolded are not practical or effective.

### **May 11, 2023 PZC Meeting**

In the materials for the third meeting to hear this case we are told that the resident "never filed an official application and paid no fee to the village". The obvious question is why were we told in the first two meetings and references made to a resident having filed a variance request form? The change in the narrative is another mis-direction that again speaks to a lack of communication and transparency. I, for one, find this unacceptable. What information can we trust in reviewing and voting on a case. Are we really making an informed decision?

The inclusion of the section – Process to Move Forward - should be a look inward, for the delay as I stated at the beginning of this email, is with the staff.

### **Solutions to resolving this case and Moving Forward.**

First, since we now do not have to consider an application from a resident, the Village becomes the applicant. I would recommend that the Village change this case to an application for a variance for the installation of a parking pad that will exceed the impervious coverage at 17915 Riedle Ct.

Second, I would pause any action on Limited Map Amendment Rezoning to be an agenda item of another meeting for a full discussion of the reason and approach to such action. With the number of non-conforming properties referenced earlier I would recommend that the Commission discuss how this should be done going forward for the benefit of the Village as a whole. No one is interested in wasting the time that this case has taken in a mis-placed sense of righting a wrong to achieve some sense of paperwork consistency. Again, no one would want to be burdened with this experience in the future when the circumstances may seem acceptable to enjoin surrounding properties with a case that has been filed. **There has to be a known plan or approach with a review beforehand so that time and expense are not wasted in processing anything to be heard by the Commission.**

It is a propitious time to review with staff the obvious problems with co-mingling resident applications with administrative applications, providing more communication to ensure a level of transparency that is needed and how to work with a separate body that is the Commission.

I would appreciate your thoughts.