

CITY OF COUNTRYSIDE

*803 Joliet Road
Countryside, IL 60525
www.countryside-il.org*



Meeting Minutes

Regular Meeting of the Plan Commission

Zoning Board of Appeals

Tuesday, October 4, 2022

7:15 P.M.

City Hall

Board Members

**Chairman Robert Schwarz, Secretary Tina Grotzke,
Bryan White, Marco Gutierrez, Ronald Ward, Steve Kehr,
Tom Geraghty, Danielle Edenfield, Jonathan Gertsmeier**

Meeting called to order at 7:15 p.m. by Chairman Schwarz

Roll Call: Secretary Grotzke called the Roll of Members physically present as follows:
Present: Robert Schwarz, Ronald Ward, Danielle Edenfield, Steve Kehr, Tina Grotzke, Marco Gutierrez, Tom Geraghty, Bryan White
Absent: Jonathan Gertsmeier
Also Present: Attorney Erik Peck, Planning Manager Richard Trent, Recording Sec. Prokop

Approval of Minutes -- The Regular Meeting Minutes of August 2, 2022 were previously distributed to Board Members. There being no corrections or additions to the minutes, motion made to approve the minutes as presented.

A motion was made by Mr. Gutierrez, seconded by Ms. Edenfield that this matter be APPROVED as presented. The motion carried by the following vote:

Aye: 8 Schwarz, Kehr, Ward, White, Edenfield, Grotzke, Gutierrez, Geraghty
Nay: 0
Absent: 1 Gertsmeier

Chairman's Comments

Chairman Schwarz asked the audience to silence their cellphones. As this is the first meeting for the new Chairman, he asked for patience and forbearance from the Board and the audience.

Action Items

1. CASE #PZV22-0003: Consideration of a Variance

- a. To consider granting a Variance to reduce the lot width from the minimum required 65' to 14.45' in the R-3 Zoning District for the construction of a new single-family residence at the subject property – 9738-9740 W. 58th Street.**

Ms. Grotzke moved to open the Public Hearing in this matter, seconded by Mr. Gutierrez and carried by unanimous voice vote. The required Proof of Notice has been received by the Building Department. Ms. Caryn Shaw, on behalf of the Petitioner, and members of the audience were sworn in *en masse* by Chairman Schwarz. PM Mr. Trent presented the Staff Report.

This matter is a variance request by Aissatou and Abdoulaye Diallo, represented by Attorney Caryn Shaw, to reduce the lot width from 65 feet to 14.45 feet in the R-3 Zoning District at 9738-9740 W. 58th Street (Vacant Land). The property is considered a "flag lot" with a long strip leading to Lots 3 and 4, known as the Morrissey & Belcastro Resubdivision, which took place in 1968, with three (3) PIN numbers and three (3) individual lots. The two (2) parcels directly north of 58th Street are Lots 1 and 2, 9738 and 9740 W. 58th Street, which were built on after the resubdivision, leaving a strip of land and Lots 3 and 4. At that time, it was understood that the back lots (3 & 4) would have access to a new road to be constructed; but that never happened. The easement was left to serve as a mean of gaining access to Lots 3 and 4 for maintenance and upkeep. The easement is approximately 15' wide; Lots 3, 4, and the strip of land combined are approximately 19,685 sq. ft. or .45 acres in size. The property size requirements certainly meet the R-3 Zoning District. Photos of the site were taken from the north, south, east and west elevations. There are no plans to build a road anytime in the future. Utility poles

stand in the middle of the flagpole portion and elsewhere on site; a child's swing set and a shed encroach on Lots 3 and 4.

The 2004 Comprehensive Plan does not include this area as one of the 6 Subarea Plans but there is a designation under the Land Use Plan that identifies single-family residential. Pages 16 & 17 of the Comprehensive Plan provide one (1) goal and three (3) objectives that are relevant: the Goal is *to provide housing inventory and living environment . . . that maintains the overall quality and character of the City*. Objective #2 - *states to protect residential areas from encroachment by incompatible land uses ... and adjacent activities*. Objective #7 - *states to encourage new development and infill development that is complementary to the scale and character of surrounding residential areas*. Objective # 10 - *states to strictly enforce all building, zoning and fire codes that prevent overcrowding, unsafe conditions and misuse of residential dwellings*.

The Site Plan provided by the Petitioner shows access via the 14.45 foot driveway. The City has certain requirements re: driveways and how close they can be to neighboring property lines. The color renderings show the proposed residence, an approximate 4,500 sq. ft. 2-story house (all side elevations were shown). The floor plan includes the first floor, second floor and finished basement; a side loading garage and driveway on the west side of the property through the easement.

Mr. Trent received a letter from the Pleasantview Fire Protection District which he read aloud -- portions reproduced here: – *“minimum width on driveway access would be 20 feet per Code Section 503.2.1 – Dimensions, Section 503.2.2 – Authority and Section 503.2.5 Dead Ends.”* They noted that while we have driveways this length in our jurisdiction we do not have structures in front of other addresses. This poses significant emergency access issues for the department and noted the problems inherent in the turning radius for fire apparatus -- signed by Arthur Peters, Fire Marshal. Mr. Trent stated that if the PC/ZBA considers approval to grant the Variance, then the six (6) conditions, as outlined in the Staff Report dated October 4, 2022, would be recommended for consideration.

Mr. White asked who maintains the lot. Mr. Trent stated that Mr. William Morrissey is maintaining the grass – per Mr. Matt Satre, realtor/broker with ERA. The shed has been there since 2009. Mr. Gutierrez asked how close the home to the east would be to the proposed driveway. The minimum side yard setback requirement for the R-3 Zoning District is five (5) feet. The new home must have sprinkler service. Ms. Edenfield asked about utilities. Currently, all utilities are along 58th Street. It is preferable to have utility lines under grass, not a hard surface. Chairman Schwarz asked about the length of the proposed driveway – at least 165 feet – discussing the “dead end provision” of the Code re: turning radius for fire apparatus.

Attorney Caryn Shaw, on behalf of Petitioner, acknowledged the inherent difficulties in developing a home on this lot. This land has been vacant and unused for over 50 years. Once the home is built, it will generate tax revenue; the architect is present and will follow all requirements and Permit provisions necessary for building this home. This is just Step 1 – they will engage an engineer to properly assess the type of home. One proposed solution, which needs to be explored, is looking at the northern

portion of Lots 3 and 4 – this is an easement held by the State. Heavy utility vehicles have driven over the area for maintenance purposes; she believes fire apparatus could use the same point to access the property. This would resolve those issues. Step 2 is to have a discussion with the Fire Marshal to devise appropriate plans to quell any concerns.

Mr. James Pavlecic is an architect in Countryside for 12 years in partnership with his father. He addressed the hardship issue with regard to shape – there is an east-west easement at the top of the flagpole that was planned for a road that was never built. The hardship is lack of a road creating this 14.45' of frontage to the south (along 58th Street). Without access through the easement, Lots 3 and 4 could not be used in any meaningful way. The use is consistent with a single-family residence in a residential district and would not disrupt the character of other homes; no setbacks are required and there would be no adverse effect on the neighboring community. The intended use for this property is residential; there is no commercial aspect proposed. They will work with Staff to comply with all permit requirements; utilities will be under light asphalt pavement. The intended use for the “check-marked” area of their photo would have been a paved roadway; it is listed as utility easement now. Utility vehicles must access the area at present. Storm water could be dealt with by using TOPO grades and eliminating any additional paved areas; there is a solution to minimizing storm water issues. Chairman Schwarz discussed the approximate 11 ½' driveway bisecting the two homes between 9740 and 9760 W. 58th Street; he suggested that this area is more of a drainage swale that is lower so water from both properties drains into the swale. Putting an impervious surface in place of the swale would certainly impact the two neighboring lots. Mr. Pavlecic stated that a well-designed storm water system could mitigate that effect; engineering is important. Alternate utility placement routes are being considered. He is not entirely familiar with what utilities are under the street.

Mr. Kehr stated that no fully loaded fire truck could go into the grass in Lots 3 and 4; elimination of the swale would be a concern. Ms. Shaw will discuss this with the Fire Marshal re: using the easement that was designed for vehicular use. Right now this property can't be used for anything; it was designed for residential use. Without access, it cannot be used. The paved road distance would be about 260 feet. Relocating the driveway would not be feasible. Mr. Gutierrez brought up storm water and snow removal – these issues were not adequately addressed and they would deeply impact both neighbors. Ms. Shaw requested that the Board CONTINUE this matter to give her additional time to discuss the entire situation with the Fire Marshal; if there is no solution at all, they will advise their client. Ms. Edenfield lives on a “flagpole” lot and urged the Petitioner to reconsider this project due to drainage issues and many other unforeseen circumstances. Petitioners sought a brief recess. Chairman Schwarz entered into evidence the Petitioner's documents and Staff Report dated 10-4-22, without objection.

(Whereupon a brief recess was had.)

Mr. Satre is the real estate broker representing the owner, Mr. Morrissey. This is their third attempt to sell this property; it has been for sale for ten years. The owner believes this is the highest and best use of this property; the plan is fabulous and it will be a benefit to the neighborhood. They will do whatever is required to satisfy the utility companies, drainage issues, etc. Since 1968, the City sought to make this property residential; the neighbors do not want anything there but are unwilling to get together and

purchase the property. The encumbrances on the property are overlooked; the neighbors have maintained the grass for years. More recently, they decided not to continue and complained to the City; the City has fined the owner and he has since taken over maintaining the land. The neighbors may feel it's not what they want, but if someone comes in and pours money into the neighborhood, it ends up benefiting everybody. The owner has paid property taxes every year; without granting a variance, the owners cannot sell or build on this land. The land is useless. He has seen drains in the middle of alleys with sloping pavement to direct water into the storm sewer; it's expensive but these owners are willing to bear that burden. Chairman Schwarz asked why these two (2) lots were created behind these homes with no access to streets. Mr. Satre stated that the property belonged to Mr. Morrissey's brother, who is deceased, and he is not familiar with what transpired at that time.

Chairman Schwarz sought comments from Interested Parties: Michael Wilson, 9710 W. 58th Street, enjoys the scenery and the large lots and doesn't want to see another house; it would adversely affect all the neighbors on that block. He spoke of Mrs. Helen Lynch who had the original house in Countryside. During heavy rains that entire easement at the rear was a raging river; there is a storm sewer that runs along the easement down 58th Street to catch storm runoff. His backyard still floods two (2) feet above the top of the storm sewer when it rains. While utility trucks do use the easement, they are not the same as one fully loaded fire truck; Mr. Wilson is a fireman. Fire apparatus must be on completely paved surfaces; the gross weight of the fire truck with water is impossible to contemplate in that area. It can't be done any way you look at it.

Marie Hodges, 9740 W. 58 Street, is very concerned about this building behind her house. Her father has maintained the grass on the lot for the last 20 years; Mr. Morrissey allowed her father to put the swing set on the land and to maintain the land. In August 2021, a tree fell onto the swing set and the utility pole in the wooded area. They had to move the pole behind her garage; it still goes through the wooded area; she is also concerned about flooding issues; it is odd to have one house behind another.

Tomei Bato, 9738 W. 58 Street, moved there in 1989 and took care of the land for 20 years; they assumed that nothing would be built back there. There are other lots on 57th Street for sale; they want to see nature, not a house in their backyard. It would disrupt at least six homes.

Judy Williams, 9760 W. 58 Street, moved there in 1989; they built their house in 1994 on a floodplain; they had to buy flood insurance; Countryside filled in the trench and they were finally able to remove the floodplain designation; they don't want to risk a new flooding issue with another house in the rear. They want their privacy; all that would be gone; they maintain the "flagpole" section, cutting trees and grass. The swing set is back there; they have an adult blind person living there who uses the back yard and with vehicles moving to and fro in the driveway it is a huge concern. There were no other comments from the audience or Board members. Mr. Geraghty moved to CONTINUE this matter to the next meeting, seconded by Mr. Gutierrez; motion carried by unanimous voice vote.

A motion was made by Mr. Geraghty, seconded by Mr. Gutierrez that this matter be APPROVED as presented. The motion carried by the following vote:

**Aye: 8 Schwarz, Kehr, Ward, White, Edenfield, Grotzke, Gutierrez
Geraghty**

Nay: 0

Absent: 1 Gertsmeier

Ms. Edenfield suggested that Petitioners speak to the owner of the property directly NW – Mr. Trent stated that land belongs to the property owner on 57th Street. Staff is unclear about this strip behind Lots 3 and 4 and other lots that may have been vacated by the City. Some of these lots extend right through the easement area; over the years the City may have allowed the owners to extend their property. If that is the case, the property extends from 57th Street all the way through this easement area. The Petitioner would have to purchase land or subdivide land to gain access. Attorney Peck stated that a right-of-way may run adjacent to a number of properties that may be planned in the future for a road or for various purposes. These landowners may have come to the City and requested the City to vacate the right-of-way. The complicated part is that the City may vacate their rights, but easement rights still exist for utilities. Any formal action taken by the City would have been to vacate their right-of-way (speculation only). Chairman Schwarz thanked Attorney Peck and stated that this matter will be CONTINUED to November 1, 2022 at 7:15 p.m. Chairman Schwarz thanked the audience for attending.

Other Business

Upcoming Cases

November cases are 6525-35 Joliet Road – Special Use Request – a request to open up a daycare/nursery school in a vacant retail center; it has been vacant for at least two years; the landlord is eager to lease it. The second case is 9665 W. 55th Street – Special Use/Variance - Highline wishes to use a portion of the building and sublet a portion to an auto rental user. The variance involves parking lot improvements that would add more parking on the south end to connect with Highline Automotive (to the west) via a driveway.

Staff was asked to add a potential third item – 6420 Joliet Road, former Hyundai annex facility, vacant for the last year. The owner wishes to sell the property; he has an interested buyer that would like to establish a “high end” car rental facility; this may require a Special Meeting in November.

Comprehensive Plan Update

The Steering Committee met on September 7th and reviewed the Existing Conditions Memorandum (ECM), which is the first leg of the Comprehensive Plan. Comments and feedback were incorporated into a Final Draft. That document will be sent to you via email for your perusal. The next step is to establish a community-wide meeting to discuss additional Subarea Plans. Looking at the current six (6) Subarea Plans, the request was to take three (3) of them and really dissect and enhance them. We are hoping to schedule a meeting for late October or early November. The previous community and business workshops were light in attendance.

Parking Ticket Statistics

Regarding enforcement of the truck parking issue – Statistics from the Police Department show that during the months of August/September 2022 - 43 tickets issued for overnight parking for trucks/trailers in restricted areas (in August) and 26 tickets issued (in September); 8 tickets issued for parking, storing semi- tractors/trailers (in August) and 17 tickets issued (in September) – a total of 113 tickets were issued in August/September 2022.

The Zoning Case Log from 2018-2022 is included in the Board packets and updated monthly. This is a tracking document for Staff and for PC/ZBA members.

The Hearing Dates for 2023-2024 were reviewed and approved by the Clerk’s Office.

The IGA with Hodgkins was approved in 2020; they received two (2) extensions, expired, and were reinstated until 12-31-22 in order to submit a Building Permit/Plans for moving forward with the project.

Mr. Trent introduced Mr. Tom Geraghty, a newly-appointed member of the PC/ZBA. Board members welcomed him aboard.

Likewise, Attorney Peck introduced Courtney Willis, a member of his law firm who is handling municipal /governmental projects.

The next PC/ZBA Meeting is scheduled for November 1, 2022 at 7:15 p.m.

ADJOURNMENT

A motion was made by Mr. Gutierrez, seconded by Ms. Edenfield, that this Hearing be ADJOURNED. The motion carried by the following vote:

- Aye: 8 Schwarz, Kehr, Ward, White, Edenfield, Grotzke, Gutierrez Geraghty**
- Nay: 0**
- Absent: 1 Gertsmeier**

Chairman Schwarz declared the meeting adjourned at 9:10 p.m.

APPROVED:

Respectfully Submitted,



 ROBERT SCHWARZ, CHAIRMAN

/fp