

AGENDA

MEETING
OF THE HIGHWOOD
PLANNING AND ZONING COMMISSION

Wednesday, April 12, 2017

6:30 p.m. Meeting

Meeting will be held at Highwood City Hall

17 Highwood Avenue - Highwood, Illinois

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF MINUTES
 - i. December 14, 2016
- IV. SCHEDULED BUSINESS
 - i. 501 Bank Lane – Zoning Variations
 - 1. Section 11-6-2C Special Use
 - 2. Section 11-6-2D Recommending an Allowance of Any Similar Use
 - 3. Section 11-8-5 Number of Required Parking Spaces
- V. ADJOURNMENT

CITY OF HIGHWOOD
PLANNING and ZONING COMMISSION
17 Highwood Avenue
Highwood, Illinois

December 14, 2016
6:30 O'Clock P.M.

RE: 107 Burtis Avenue
Zoning Variations

MEMBERS PRESENT:

FERGUSON MILLS, Chairman

ROMAN BELUCH, Commissioner

FRANK CAMPOREALE, Commissioner

PAUL FABBRI, Commissioner

PETER BIAGI, Commissioner

CHRIS MEYER, Commissioner

CAROLINE MEAD, Commissioner

STAFF PRESENT:

SCOTT COREN, City Manager

HOWARD JABLECKI, City Attorney

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INDEX

WITNESS:	PAGE
Nicholas Rumas	3
Daniel Kovacevich	28

EXHIBIT:

There were no additional exhibits entered into the record.

Motion	39
Second	39
Vote	39

1 CHAIRMAN MILLS: Motion to open the
2 public hearing.

3 COMMISSIONER MEYER: I motion to open up
4 a public hearing.

5 CHAIRMAN MILLS: All in favor?

6 (Whereupon there was a
7 unanimous chorus of ayes.)

8 CHAIRMAN MILLS: Do you have a presenta-
9 tion that you wish to make?

10 MR. RUMAS: My name is Nicholas Rumas,
11 my wife is Sheena Conn (phonetic). And we
12 will be very very quick on this.
13 Essentially, you have everything in the
14 packet, so I will go ahead and talk through
15 it.

16 There is one image here that's
17 a bit unique to the -- kind of a sketch of
18 what the final structure would be. So
19 basically this being it, I will start right
20 here then.

21 And so the idea is -- well,
22 first of all, my wife and I have a tremendous
23 amount of affection for the City of Highwood

1 in the years that we have lived on the North
2 Shore. We rent in Wilmette right now at 5th
3 and Linden. I come from Indiana originally,
4 my wife from Korea. We have really fallen in
5 love with the area and especially with the
6 City of Highwood and with the neighborhood.

7 When we found the lot, we
8 immediately recognized that it was in a
9 neighborhood that we could truly truly love
10 and feel at home in.

11 And obviously, the lot is
12 spatially challenged, that it requires
13 variances due to lot size, to begin with. So
14 when we started to design a house we wanted
15 to design something that would fit within the
16 designated setbacks.

17 In doing that, essentially,
18 the footprint of the house we designed to set
19 within the setbacks, and it ended up with
20 kind of like rectangular, but kind of like an
21 SD card shape with one corner kind of shaved
22 off, the southeast corner.

23 So in working with an

1 architect, the unfortunate thing we came to
2 was that the roof overhang would exceed the
3 setbacks. And so that's the variance,
4 obviously, that we are applying for regarding
5 setbacks.

6 And then the lot size
7 variance, because it is not buildable unless
8 a lot size variance is obtained.

9 And the floor area ratio. We
10 have gone very modest. We have gone striven
11 to create something that would be discreet,
12 that would add to the neighborhood and not
13 take away from anything, that wouldn't draw
14 any undue attention to itself.

15 The plan is for a very simple
16 structure wrapped in stucco, a shed roof,
17 facing south. And on the roof to implement
18 solar, to the extent that it is possible, and
19 to go actually for a zero net energy goal.

20 The rather small size of the
21 house, the fact that we have good exposure to
22 sunlight and so forth, has, with different
23 consultants we have spoken with -- and we

1 have the fortunate kind of donated backing of
2 a company called Innovation Partners and a
3 company called Clean Tech Group with whom I
4 fortuitously happen to be acquainted. So
5 they have pitched in some thinking and some
6 work on it and said that for the two of us,
7 with our rather low energy consumption, they
8 think it is very realistic for us to go for a
9 zero net energy goal using solar, since we
10 are starting from scratch implementing
11 energy-saving methods of -- features in the
12 house.

13 So the idea then also is for
14 the driveway to go out to Burtis Avenue here.
15 And we really don't know if -- I guess we
16 really don't know if it is Summit Avenue or
17 Burtis Avenue. The lot is being sold as 107
18 Burtis Avenue. I have heard from different
19 sources that it might be something else.

20 So in the presentation plan I
21 designed to show you I simply named it Fiores
22 Presentation Number 10. I will pass these
23 around so you can see the different views of

1 the house from each side. I think that will
2 be better than me trying to show you here.

3 Essentially, it is a split-
4 level design with a basement that is more
5 than 50 percent submerged, so that the
6 basement would not count against floor area
7 ratio. However, we did still exceed floor
8 area ratio.

9 And it is the sincerest hope
10 of my wife and myself that we are looked upon
11 our exceeding of the allotted floor area
12 ratio was really due to necessity, as were
13 the other variations that we are applying
14 for. Really all necessity based, and
15 certainly not trying to build anything that
16 would grossly go outside the setbacks or
17 grossly offend the Highwood zoning code in
18 any way, but rather to do something discreet
19 and reasonable. And any variation that we
20 would be requesting we would hope would be
21 seen as reasonable.

22 So that is essentially the
23 extent of what I wanted to talk about. I

1 didn't want to take too much of your time.
2 And I hope that I have addressed the basics
3 of the design and so forth as best I could
4 without being able to show you the
5 presentation. So again, apologies on that.

6 COMMISSIONER BELUCH: I have a question.
7 Are there structures on either side of any
8 of the setback sides? Are there other
9 structures, other buildings, other -- Because
10 for some of these drawings I took a quick
11 peek, and --

12 COMMISSIONER BIAGI: 109 to the north
13 is right next door, and it looks like it is
14 about 5 feet away from the property.

15 COMMISSIONER BELUCH: So with the
16 setbacks here, if you are saying the rear
17 yard setback of 20 feet, you are encroaching
18 18, so there is only a 2 feet gap.

19 MR. RUMAS: No. That was the way that I
20 was instructed to write it. The encroachment
21 is 2 feet upon the 20 foot setback. And then
22 so the encroachment is a maximum of 2 feet on
23 each side.

1 We have also been informed by
2 our architect that that's essentially being
3 safe, saying 2 feet. Especially on the north
4 side where we are closest to Lot 9, I believe
5 it is, where that could be reasonably shrunk
6 to a 1 foot overhang, should that be allowed.

7 COMMISSIONER BELUCH: My only concern
8 was with regards to your overhangs, the
9 distance to the other structures and the
10 other properties, because we can have fires
11 and so forth, and that's why they set the
12 setback requirements as they did. If there
13 is more than 5 feet between the structures,
14 you are probably fine.

15 MR. COREN: On the north, that was the
16 closest setback area. And if you look at the
17 plat of survey on Page 12 of the packet, you
18 do have some, I will call them, structures,
19 but a concrete wall, concrete pavers, that
20 are slightly on the property itself. So they
21 have also been constructed there, so on the
22 back northwest corner.

23 But neither one I thought were

1 very significant, for some of the reasons
2 that you mentioned, fires jumping from
3 structure to structure. You would still have
4 what looks like about 9 feet or so.

5 CHAIRMAN MILLS: I have two questions
6 relative to storm water runoff, because you
7 are covering a substantial percentage of the
8 permeable surface with an impermeable
9 surface.

10 Number one, do you know where
11 runoff water drains to from this property?

12 And second is, do you know
13 where the storm water catch basins are
14 closest to it?

15 MR. RUMAS: Those are very good
16 questions. In preparing this over the last
17 few months, in preparing the application for
18 variance, we had discussed getting the entire
19 engineering survey done on the property that
20 would include the drainage for the property.
21 We were advised at that time by the City that
22 that likely would not be necessary at this
23 stage of the process.

1 That said, it is something
2 that certainly has been on our minds. And
3 considering the fact that we are, of course,
4 going with impermeable on what was permeable,
5 in all honesty, the best that I can say right
6 now, and it is very sincere, is that it will
7 be a real concern of ours going forward as we
8 get a proper thorough engineering survey done
9 on the property prior to getting a finalized
10 building plan. And we will also consider, to
11 the extent that it is possible with the
12 driveway itself, going with something that's
13 semi-permeable, perhaps to help in that.

14 COMMISSIONER MEYER: I have some
15 background questions. Maybe this has been
16 covered in prior things.

17 When did buy this piece of
18 property?

19 MR. RUMAS: We haven't actually bought
20 it yet. We are under contract with the
21 DePintos. So pending the zoning approval.

22 COMMISSIONER MEYER: Okay, I understand.

23 COMMISSIONER BELUCH: Right now it is

1 zoned --

2 MR. COREN: It is R-2.

3 COMMISSIONER FABBRI: Do we have any
4 issue with them having a shed roof on it?
5 The north side of this house, the highest
6 point of this house on the north side is the
7 side closest to the neighbor. They have half
8 the basement out of the ground, so they have
9 raised this structure.

10 COMMISSIONER BIAGI: There is a mismatch
11 of roof heights, 27 foot to one and a half
12 stories, which is 18 or something like that.
13 Not too far off, but there is a mismatch of
14 heights there.

15 COMMISSIONER FABBRI: So where I was
16 going, this basement could go down in the
17 ground, which would lower the house, also,
18 and bring down the total height, which the
19 neighbor then might see the sun when it comes
20 up. I don't know if that's --

21 MR. COREN: It is certainly something he
22 could look into.

23 MR. RUMAS: It actually is. It actually

1 has been a concern. So the -- now the word
2 is escaping me -- for a roof that is not an
3 even, not a gable, but rather is like, let's
4 say, like this, so that we would get more
5 sunlight for them. And my wife and I have
6 talked about that. We even drew that up at
7 different points as well.

8 Essentially, for simplicity's
9 sake, this is what we have gone with on the
10 drawings. But that's something we are very
11 much keeping in mind and something we would
12 be very much talking with the neighbor on and
13 so forth going forward.

14 Our architect, to begin with,
15 he had things higher. We kept lowering
16 things. And if we went in any direction, it
17 would be lower.

18 COMMISSIONER FABBRI: Because half of
19 the basement is out of the ground, it really
20 could go down probably 3, 4 feet.

21 MR. COREN: If that's one of the
22 conditions you wanted to place upon it,
23 that's certainly something we could do.

1 MR. RUMAS: That's definitely something
2 that we will consider. For us, my wife and I
3 having good relations with neighbors, that's
4 the kind of people that we are. We are very
5 much discreet, friendly, get-along-with-
6 everyone types. So we would certainly not
7 want to do things in a way that would make
8 life unpleasant for a neighbor.

9 COMMISSIONER FABBRI: On these drawings
10 there is no grade height shot in yet. So
11 that's why I can't tell exactly how much is
12 out of the ground or not. But looks like you
13 have 4 feet or so.

14 MR. RUMAS: The basement is just over 50
15 percent that's underneath.

16 COMMISSIONER BIAGI: What's the actual
17 square footage of the house?

18 MR. RUMAS: Let me just pull that up for
19 you. So it is in the application section,
20 which is probably toward the end of the
21 packet. And so our actual square footage is
22 3,425.

23 COMMISSIONER BELUCH: The floor area

1 ratio, is that correct?

2 MR. COREN: The 40 percent is. It's
3 65.4 percent.

4 MR. RUMAS: The floor area ratio is 65.

5 COMMISSIONER MEYER: That's without the
6 basement?

7 MR. RUMAS: 3,425 is without the
8 basement. So the floor area ratio being
9 65.4 percent, as opposed to the 40 percent
10 that is called for by the zoning code.
11 Again, obviously, due to the challenging
12 nature of the property.

13 COMMISSIONER BIAGI: That's a big house
14 for this property.

15 COMMISSIONER CAMPOREALE: Did you say it
16 was 3,200 square feet?

17 MR. RUMAS: 3,425.

18 COMMISSIONER MEYER: That wouldn't
19 include your garage, and that's a one-car;
20 right?

21 MR. RUMAS: It does include the garage.

22 COMMISSIONER MEYER: That's a big house,
23 not including the garage, the basement.

1 COMMISSIONER MEAD: It includes the
2 garage.

3 COMMISSIONER MEYER: Oh, it does include
4 the garage. Okay.

5 MR. RUMAS: Essentially, if you can
6 think of it as an SD card shape.

7 COMMISSIONER MEYER: I thought it was a
8 unique idea. I wish they would do that on
9 Highwood Avenue.

10 MR. COREN: It is a little strange. I
11 thought one of the positives in the previous
12 times we reviewed 107 Burtis, a lot of the
13 concerns that were brought up had to do with
14 some of the traffic and visibility around
15 that corner. And I think that the grades and
16 how it is designed this way really helps that
17 concern.

18 COMMISSIONER BELUCH: How many feet from
19 your garage door to the street?

20 MR. RUMAS: From the garage door to the
21 street, so the setback on that side, the best
22 way for me to say it here is the setback is
23 completely obeyed.

1 MR. COREN: It is between 35 and 42.

2 MR. RUMAS: Yes, it is quite a distance
3 there.

4 MR. COREN: The way that it is angled.

5 MR. RUMAS: So we started not from what
6 we wanted. We started from where are the
7 setbacks and how do we work within this.

8 COMMISSIONER BELUCH: Anybody want to
9 make any recommendations with regards to
10 anything?

11 COMMISSIONER MEYER: How many variations
12 do we have? We have one, two, three, three
13 straight variations; right?

14 MR. COREN: Seven. Three different
15 codes.

16 MR. RUMAS: Floor area ratio setbacks,
17 and then there is the basic for lot size.
18 Setbacks, again, only apply to the roof
19 overhang, which could be shrunk.

20 COMMISSIONER BIAGI: I don't have any
21 problems with the overhangs or the variations
22 or anything.

23 I do have a problem -- the

1 neighbor isn't here -- with the mismatched
2 heights, because it is so close to it, if
3 there is a possibility of sinking it a little
4 bit. And I would definitely make the
5 driveway permeable of some portion.

6 MR. RUMAS: Yes, we are completely for
7 that.

8 In terms of the height itself,
9 I think our first thing we would pursue in
10 that direction would be to look into the
11 other style of roof that would give them more
12 sunlight to begin with.

13 COMMISSIONER MEAD: The purpose of the
14 design on this angled roof was to be able to
15 take advantage of solar generation.

16 MR. RUMAS: Yes. However, even going
17 with the roof where it is slightly gabled, we
18 would still have significant enough exposure
19 to achieve the goal there as well. And
20 again, that's a goal. We hope for it. It is
21 not the -- we can't say with 100 percent
22 assurity that it is going to be accomplished.
23 But it certainly is a goal, and we think

1 there is a very good chance that we can
2 accomplish that.

3 COMMISSIONER MEAD: Because if it became
4 an issue -- I only say this because I am in
5 the solar industry -- you could look at less
6 tilted sort of roof angles, more higher
7 efficiency solar panel, that would allow you
8 to bring the angle down a little bit more and
9 potentially not have as much of an issue on
10 the actual height and it impacting shading.
11 I am sure you are looking at that.

12 MR. RUMAS: We are. That is very good
13 to hear. Thank you very much.

14 COMMISSIONER MEYER: I think we are
15 always going to have this lot size area, so
16 that kind of has to be either you build on
17 there or you don't build on it. It is what
18 it is. They didn't design this in the 30's
19 very well; right? All right.

20 And then the lot width, I am
21 going from A to B. What is the B part?
22 What is that trying to say? Isn't that the
23 same concept? It is too small of a lot,

1 basically?

2 MR. COREN: Yes.

3 COMMISSIONER MEYER: So it is no fault
4 of anybody's that the existing --

5 MR. RUMAS: All terminology I just took
6 directly from the zoning code.

7 COMMISSIONER MEYER: And setbacks, I
8 have had setbacks. I built some stairs. I
9 thought the sidewalks were wrong, so I didn't
10 beat it, because there was a fire and the
11 plat of survey was gone. So I had to pay a
12 fee for that. And now that seems to be
13 waived. But 30 feet from -- there is no
14 sidewalk there; right?

15 MR. RUMAS: Right.

16 COMMISSIONER MEYER: So they take it
17 from the road 30 feet.

18 MR. RUMAS: It is from the property line
19 which is set up a little bit from the road.

20 COMMISSIONER MEYER: Because the City
21 owns, yada yada, I found that out.

22 CHAIRMAN MILLS: Utility easements.

23 MR. RUMAS: So Lot 11 then had pipes

1 that were infringing, and they relocated
2 those via an agreement with the owners of the
3 lot to an easement. So they brought them
4 down south and then along the lengths of the
5 the property from the west to the east where
6 they empty into the street. So our access
7 then to the sewer and so forth will all be on
8 Burtis going straight east, which is downhill
9 essentially from the house.

10 CHAIRMAN MILLS: Given the challenges of
11 building anything on this particular lot, I
12 am sensing that our only real concern was the
13 height.

14 COMMISSIONER BIAGI: Permeability, maybe
15 the driveway. That's the only thing I -- I
16 don't know if that's an issue for anybody
17 else.

18 COMMISSIONER MEAD: I think the
19 challenge of the lot size, given the lot
20 itself, working within that framework, I
21 think the design has been done very
22 thoughtfully to try and mitigate some of the
23 impacts that you would see.

1 So, I mean, frankly, I think I
2 had the storm water thought. I don't know
3 what that would look like. But it sounds
4 like that will potentially be part of the
5 next round of the engineering plans.

6 MR. RUMAS: Absolutely.

7 MR. COREN: That will be part of the
8 building permitting process. So before he is
9 able to build, he will require storm water
10 engineering submission, a grading plan, and
11 our engineer will approve that. And then
12 during the inspection process they will shoot
13 the grades to make sure those are done
14 correctly.

15 One of the positives in terms
16 of storm water for this, although it is a
17 vacant parcel, it does meet lot coverage, it
18 does meet impervious surface codes,
19 especially with the permeable driveway.

20 COMMISSIONER BIAGI: They don't have
21 water issues over in that part of down; do
22 they?

23 MR. COREN: There are some, and they are

1 really very specific. What's nice about that
2 area is it really is the highest area between
3 Wisconsin and Chicago. So you are really at
4 the top of a giant hill over there. But you
5 have some localize the issues on some
6 properties.

7 COMMISSIONER MEYER: Wasn't it on that
8 property that there was a pond at one time?

9 MR. COREN: I am not sure. We have had
10 some a little further west on Michigan and
11 High. But going further upstream people were
12 building all of these homes before people
13 considered storm water. So those are all
14 existing. You will have some ponding or
15 pooling in different back yards. But because
16 they are so high, it is more nuisance ponding
17 as opposed to flooding.

18 COMMISSIONER BELUCH: Have the other
19 Commissioners had any issues with regard to
20 the height of the building and the shading of
21 the neighbor? We can make it as a recommen-
22 dation or we can make it as a condition to
23 lowering the first floor where the garage is.

1 So it is up to us.

2 COMMISSIONER MEYER: I defer to my
3 zoning people.

4 CHAIRMAN MILLS: If we get a conditional
5 recommendation based on permeable driveway,
6 reducing the overall height of the home by --
7 what percent or how many feet?

8 COMMISSIONER FABBRI: Well, that's why
9 I asked Scott. I didn't see it on our
10 variances. So he is obviously in the -- he
11 is okay with the height by code because he is
12 not asking for a variance there. So it is
13 more of just being kind to your neighbor, I
14 guess, or however you want to --

15 MR. COREN: We are able to put a
16 condition on because of the other variations.
17 So don't feel like you can't make those
18 recommendations.

19 I would probably ask the
20 petitioner, too, because it sounds like you
21 have done some research on that.

22 Do you know how much you could
23 potentially reduce either by doing a gabled

1 roof or going down? I know going down tends
2 to increase building costs. Is that the
3 primary concern?

4 MR. RUMAS: The whole project has been
5 basically trying to strike a balance, trying
6 to find a minimally acceptable size for
7 comfortable living here on out for us. Not
8 doing it as a starter home, but doing it as a
9 home. So that's essentially where the height
10 came from. I believe we could drop it a bit.
11 I don't think it would be a big problem.

12 I would prefer to probably
13 keep the maximum height, where the maximum
14 height is currently. I would prefer to slide
15 that over with a partially gabled roof. That
16 would be my preference.

17 And we could certainly speak
18 with the neighbor regarding that going
19 forward as we come up with a going plan and
20 so forth to make sure that things are
21 acceptable to all parties.

22 COMMISSIONER MEYER: I am assuming there
23 is a sandwich board or something out there.

1 Those neighbors, if they had a problem or
2 wanted to discuss it, this would be the
3 forum.

4 COMMISSIONER FABBRI: They came to the
5 last one, but this one they didn't.

6 MR. COREN: If that's a reasonable
7 solution to the Commission, you could have
8 that as a condition, that it is a partially
9 gabled roof with an allowance for under what
10 the maximum height is shown.

11 COMMISSIONER BIAGI: Just a recommenda-
12 tion. You have come to us with very
13 thoughtful plans and a very nice layout.
14 And we applaud you for doing that. So I
15 would just say a recommendation.

16 COMMISSIONER MEYER: I think they want a
17 motion.

18 MR. COREN: Recommendation to review the
19 overall height of the structure.

20 MR. JABLECKI: An attempt to reduce it.

21 COMMISSIONER FABBRI: Possibly lowering
22 the structure to reduce the height.

23 COMMISSIONER BIAGI: And just a

1 recommendation for --

2 COMMISSIONER FABBRI: Right now,
3 bringing 4 or 5 feet of the basement out of
4 the ground, they get some natural light.
5 They don't have to window well it. But they
6 could drop it down and probably bring it down
7 4 or 5 feet, actually.

8 MR. COREN: So two items, condition to
9 construct with a permeable material for the
10 driveway, and a recommendation to review the
11 overall height of the structure and attempt
12 to reduce the impact upon the neighboring
13 property.

14 COMMISSIONER BIAGI: Sounds good.

15 MR. RUMAS: And permeable driveway,
16 my wife is actually the one who designed
17 everything in detail, and the architect
18 took it and made it an architectural design.
19 And that's something she brought up at first.
20 We really like permeable driveways, to begin
21 it. It might not have been shown on the
22 architectural plan, but that was in our
23 minds.

1 MR. JABLECKI: You need to open it up
2 for any public comment.

3 MR. KOVACEVICH: Daniel Kovacevich, 110
4 Summit Avenue. I have some comments. I have
5 an objection about this house.

6 This is going to be the
7 biggest house on an unbuildable lot. It
8 would affect our driveway. I am going to
9 tell you right now it is going to flood. All
10 our water, all our snow melt, all our water
11 goes right down. We are above them. Our
12 neighbors on 109 Burtis, they flood. Their
13 neighbors, they flood. We don't flood. I
14 can tell you that right now. We are dry. We
15 are on top.

16 That hill you were speaking of
17 in between Milwaukee and Chicago, we are the
18 precipice. We are the very top. 109 Burtis
19 had a fire in 2012. The setbacks they
20 wanted, his house would have started on fire.
21 It is on record. 109 Burtis had a fire in
22 2012. The firefighters crossed that lot and
23 connected to this fire hydrant on this plot

1 of survey. With this house here, both houses
2 probably would have been destroyed.

3 Our driveway is right on the
4 west side above. I would either run the risk
5 of hitting someone, hitting people that walk
6 down the street, or inching out my car ever
7 so slowly to see where people are coming
8 from, which is totally unsafe.

9 And I don't know if you know,
10 but these streets come into confluence, like
11 rivers, very unsafe. There is a park right
12 there that kids go.

13 This should be a park itself.
14 There is a reason in 1930 they made this
15 unbuildable. They knew what they were doing.
16 Why would you put a house on 5,000 square
17 feet? There is a lot for sale on Wrendale a
18 block north where his house should be
19 located. That's a better lot to build on.
20 This lot right here is unbuildable. The one
21 on Wrendale isn't unbuildable. I don't know
22 if he knows it that. Just drive your car 100
23 feet and you will see it.

1 And then the setbacks, too
2 close to the property line. They pose a
3 safety risk. I don't want a house encroach-
4 ing on my front yard.

5 Other than the safety aspect
6 and the people that are essentially going to
7 move into Lot 10, they are probably going to
8 face some horrible flooding issues and sewage
9 back-ups.

10 Other neighbors aren't here
11 right now, but they could probably testify to
12 this. And that's all I have basically.

13 CHAIRMAN MILLS: Okay, thank you.

14 COMMISSIONER BIAGI: Thank you.

15 MR. KOVACEVICH: Thank you.

16 CHAIRMAN MILLS: Any other comments?

17 (No response.)

18 CHAIRMAN MILLS: Motion to close the
19 public comments.

20 COMMISSIONER MEYER: I second.

21 CHAIRMAN MILLS: All in favor?

22 (Whereupon there was a
23 unanimous chorus of ayes.)

1 CHAIRMAN MILLS: Do we want to close the
2 public hearing before we have the motion?

3 MR. JABLECKI: If you have any other
4 questions for the petitioner, you can ask it
5 now. If there is nothing further to discuss,
6 you can close the public hearing and discuss
7 what actions you want to take.

8 COMMISSIONER MEYER: Well, what would be
9 your comments to that reaction?

10 MR. RUMAS: With all due respect to the
11 neighbor who voiced the objections, it is a
12 short amount of time for me to formulate a
13 response in accurate detail.

14 However, one thing to say,
15 that due to the situation of our proposed
16 house on the property, and due to the rather
17 great distance between it and the neighbor's
18 driveway, and due to the fact that it does
19 not jut out to the south, the objection
20 regarding to having to inch out of the
21 driveway is rather unfounded, I would say.

22 I might need some time to
23 formulate a detailed and accurate response

1 to the rest of the objections.

2 COMMISSIONER MEYER: Sounds good.

3 MR. COREN: A few of those specific
4 items, like the storm water, that's addressed
5 during the permitting phase. And he could be
6 correct in how storm water flows right now,
7 but there are always ways to engineer storm
8 water.

9 In terms of needing to hook up
10 the hydrants or how close the buildings are,
11 this is -- whenever you have anything -- it
12 is always better to be further apart. But
13 having 8 feet or so between structures is
14 certainly not uncommon and it is part of
15 the reason why they have so much fire hose
16 when they go out to respond. It is in case
17 one hydrant doesn't work. They do have
18 contingencies on there.

19 COMMISSIONER MEYER: Zoning covers --
20 regarding the fire that happened, there is no
21 Fire Department saying, oh, my God, this
22 would be a nightmare to control?

23 MR. COREN: We regularly have Fire

1 Department reviews.

2 COMMISSIONER MEYER: But they wouldn't
3 review an individual building going up;
4 right?

5 MR. COREN: They do review many of them.
6 In this certain situation I didn't have them
7 review it because I didn't have any concerns
8 to it. With current building codes you can
9 go very close because you are required to
10 have certain materials, fire walls and so
11 forth. So if you have a two-hour rated wall
12 in a certain area, the Fire Department should
13 be able to get there in two hours to mitigate
14 it before it spreads.

15 COMMISSIONER MEYER: Is that why
16 Highwood has a higher rating? When I
17 constructed my house, my contractor was very
18 upset, I had to go up above, I think it was
19 an hour and a half burn time or something
20 else.

21 MR. COREN: We have some single-family
22 homes that were constructed with sprinklers,
23 which is incredible cost for likely little

1 benefit. But currently, the problem and the
2 reason why we will see fires sometimes isn't
3 because of necessarily our codes or what's
4 happened in the last 20 years, but houses
5 that were built 50, 60, 70 years ago.

6 COMMISSIONER MEYER: No, I am just
7 saying our codes went above like Lake Forest.
8 He had to return it and buy new stuff.

9 COMMISSIONER BELUCH: I had a question
10 regarding the site. Is the area where the
11 proposed project is closest to the neighbor,
12 is that a side setback?

13 MR. COREN: Yes.

14 COMMISSIONER BELUCH: So our code says 5
15 feet; right?

16 MR. RUMAS: My overhang --

17 COMMISSIONER BELUCH: So we are talking
18 roof overhang. The roof overhang to the next
19 overhang is within this 9 foot section;
20 correct?

21 MR. COREN: Approximately.

22 COMMISSIONER MEYER: Or it is his roof
23 overhang to the next property line. Maybe

1 not the next property's roof, but the next
2 property line.

3 COMMISSIONER FABBRI: But he did mention
4 they could shorten the roof overhang.

5 MR. RUMAS: That's something we have
6 spoken with our architect all along.
7 Essentially, his going with the 2 foot
8 overhang was to be just better safe than
9 sorry.

10 COMMISSIONER BELUCH: So if you have met
11 the 10 foot rule, there would be no issue.

12 MR. COREN: He would not --

13 COMMISSIONER BELUCH: I am just say-
14 ing, if I have a lot and my lot is 5 feet
15 and the next lot is 5 feet, and if I meet
16 that requirement on both sides, I meet the
17 requirement for our code.

18 MR. COREN: Right.

19 COMMISSIONER BELUCH: Okay.

20 CHAIRMAN MILLS: Other questions?

21 COMMISSIONER FABBRI: The neighbor that
22 spoke, on the back side, is the roof overhang
23 encroaching on the setback there, too?

1 MR. COREN: Yes, and that's 18 foot.

2 MR. RUMAS: It is a 20 foot setback.

3 COMMISSIONER FABBRI: That's the rear
4 setback; right?

5 MR. RUMAS: And it is only to the
6 driveway. And I agree with you that the
7 house is set back in the corner so there
8 should be no issue of creeping out in the
9 driveway. I don't see a problem with it.

10 CHAIRMAN MILLS: Other questions?

11 (No response.)

12 CHAIRMAN MILLS: Motion to close the
13 public hearing?

14 COMMISSIONER BIAGI: I will motion to
15 close it.

16 COMMISSIONER CAMPOREALE: Second.

17 CHAIRMAN MILLS: All in favor?

18 (Whereupon there was a
19 unanimous chorus of ayes.)

20 MR. JABLECKI: Any further discussion
21 amongst the committee?

22 COMMISSIONER FABBRI: I would like to
23 add a recommendation to lessen that roof

1 overhang on the north elevation, instead of
2 being a 2 foot overhang, being a 1 foot
3 overhang or as little as they can get away
4 with.

5 MR. RUMAS: We are in complete agreement
6 with that.

7 COMMISSIONER MEYER: I recommend gutter
8 guards.

9 COMMISSIONER FABBRI: And the City has
10 to obviously review storm water management.

11 MR. RUMAS: We are water phobic, so
12 trust me, we will be very very careful.

13 MR. JABLECKI: General conditions that
14 are always put on these is the petitioner
15 comply with all applicable City codes and
16 regulations and all recommendations from City
17 engineers and consultants, managers. And
18 then, obviously, that they pay all the costs
19 of the zoning proceedings.

20 COMMISSIONER MEAD: Those are automatic.

21 MR. JABLECKI: We include those in all
22 the recommendations.

23 COMMISSIONER MEYER: I was just

1 wondering if the water engineers are as
2 strict as the fire codes.

3 MR. JABLECKI: If there is no further
4 discussion, somebody could make a motion to
5 recommend approval of the requested variation
6 subject to the conditions that Scott can
7 enumerate.

8 MR. COREN: Condition to construct the
9 driveway with permeable materials, a
10 condition to reduce the north setback for the
11 roof overhang to 1 foot.

12 COMMISSIONER BELUCH: By 1 foot.

13 MR. COREN: Petitioner must produce a
14 storm water management plan approved by the
15 City of Highwood to mitigate storm water
16 concerns.

17 So those first three are
18 conditions.

19 And then this fourth item is a
20 recommendation, not a condition, to review
21 the overall height of the structure in an
22 attempt to reduce the impact upon the
23 neighboring property.

1 COMMISSIONER BELUCH: I motion.

2 COMMISSIONER BIAGI: Second.

3 CHAIRMAN MILLS: The Commission may do a
4 roll call vote.

5 COMMISSIONER BELUCH: Beluch, yes.

6 Mead.

7 COMMISSIONER MEAD: Aye.

8 COMMISSIONER BELUCH: Mills.

9 CHAIRMAN MILLS: Aye.

10 COMMISSIONER BELUCH: Biagi.

11 COMMISSIONER BIAGI: Yes.

12 COMMISSIONER BELUCH: Camporeale.

13 COMMISSIONER CAMPOREALE: Yes.

14 COMMISSIONER BELUCH: Fabbri.

15 COMMISSIONER FABBRI: Aye.

16 COMMISSIONER BELUCH: Meyer.

17 COMMISSIONER MEYER: Aye.

18 CHAIRMAN MILLS: Thank you very much,
19 folks.

20 MR. RUMAS: Thank you very much.

21

22 (End of hearing.)

23

1 STATE OF ILLINOIS)
2)
3 COUNTY OF L A K E)
4
5

6 I, RANDY BARINHOLTZ, a Certified
7 Shorthand Reporter, so certified by the State
8 of Illinois, do hereby certify that on the
9 14th day of December, 2016, I reported in
10 shorthand the hearing of the above-entitled
11 matter at 17 Highwood Avenue, Highwood,
12 Illinois, and that the foregoing is a
13 true and correct transcript of my shorthand
14 notes so taken at said hearing.

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Randy Barinholtz,
Certified Shorthand Reporter

CITY OF HIGHWOOD – PETITION FOR A VARIATION

GENERAL INSTRUCTIONS

1. Please type or print legibly;
2. If more room is required for any answer, attach an Exhibit;
3. **Include twelve (12) copies of all “required documents.” Required documents include: a lease (if you are a tenant), a deed or title policy, a site plan, a current plat-of-survey and plans showing elevation(s) and/or floor plan;**
4. Include a check payable to the City of Highwood in the sum of \$600.00 (3 or less units) or \$900.00 (4 or more units and Commercial) being the application fee;
5. If applicable, include a copy of the Lake County Soil and Water Conservation District application. Please indicate the date of filing of said application.

APPLICATION

1. Name, address, telephone number(s) (home, work, fax, pager, and cellular) and e-mail address of applicant.

Carrie Callas, Executive Director
Family Service of Lake County (Nuestro Center)
777 Central Ave. Suite 17
Highland Park, IL 60035
ccallas@famservice.org Office: 847-432-4981 Ext. 104

2. Name, address, telephone number(s) (home, work, fax, pager, and cellular) and e-mail address of attorney for applicant.

Bill Braithwaite
1250 Larkin Ave., Suite 100
Elgin, IL 60123
Phone: 847-742-8800
Email: jwbraithwaite@bazosfreeman.com

3. Name, address, telephone number(s) (home, work, fax, pager, and cellular) and e-mail address of owner of property (fee holder). If the property owner is different than applicant please specify why applicant is legally authorized to present this petition. **Include written proof of such authority (e.g. Power of Attorney). Include a copy of the deed or title insurance policy showing title in the property owner.**

See attached lease, and copy of the deed. Property Owner: BME
Apartments, LLC c/o Larry Bowers, Little Fort Six -1954 First St, #122
Highland Park, IL 60035 Phone: 847-727-9632 Email: lmbowers@gmail.com
*note that lease will be signed with a contingency for the Special Use
Variance being approved.

4. Indicate when and how the property owner acquired title to the property for which a variance is sought. If you are not the property owner, state your interest in the property and be prepared to provide documentation of your interest at the hearing.

See attached lease reflecting our intent to lease property at 501 Bank Lane. Our interest is to relocate our existing programming to this new facility.

5. Provide the legal description, common address and parcel identification number of the property.

See attached Plat Survey

6. State the Zoning District in which the property is located.

The current property zoning is B2

7. State the scope of the work and indicate the specific variation you are requesting. Attach such diagrams, drawings or other information as may be useful to the Planning and Zoning Commission in understanding your variation. You must indicate the specific sections of the Highwood Zoning Code for which the variation is sought.

Variance is sought for Section 11-6-2 (Special Use) of the Highwood Zoning Code. Variance is also sought for Section 11-8-5 (Parking Spaces) *4 spaces are designated specifically for our use and will be sufficient for staff. There is also parking available short term in front of the building for parents to pick up children, and if necessary 2 hour city parking is available across the street.

8. Explain why the proposed variation or use is in harmony with the surrounding construction or use.

External appearance will be unchanged. Special Use will not impact parking as there will be three employees; program participants, i.e. children will be dropped off by District 112 school buses, Seniors will use PACE, carpool, walk or be dropped off by the Moraine Township senior van.

9. Explain why the variation or use is not objectionable to the surrounding residents.

The Nuestro Center (Family Resource Center) has been part of the Highwood community since 1997 and has operated continuously. It is currently housed at 742 Sheridan Road, Unit 1 in Highwood, IL

10. Explain why strict application of the provisions of the Highwood Zoning Code would deprive you of any reasonable use of the land. Remember, mere loss in value will not justify a variation; there must be a deprivation of beneficial use of the land.

Without special use approval, the Nuestro Center could not relocate to the 501 Bank Lane location, which will allow for a better location to serve Highwood residents.

11. Explain why the variation or special use is only a minor deviation of the provisions of the Highwood Zoning Ordinance.

This special use request will not negatively impact parking nor density in the area. The planned use is consistent with the size of the property and will not over tax the physical plant.

12. Describe in detail the current use(s) of the property (for example, single-family, duplex, multi-family, type(s) of business use). As applicable, describe the number of residential units, layout of the property, layout of each unit, size (square footage), and occupancy of the units of same and/or whether the property is used for residential or business purposes. Also, indicate the parking plan, number of parking spaces and vehicles used by occupants of the property. Use an attachment, if necessary.

The 4,000 square foot property including garage and basement had been occupied by a plumbing supply wholesaler and is currently vacant. Three employees will use the property and their vehicles will occupy 2 spaces in the garage and 1 in the rear of the building. The vast majority of users of the Nuestro Center will be dropped off by school bus, utilize PACE, the Moraine Township senior van, or will be able to walk to the Center. Most volunteers are dropped off by parents or by school buses.

13. Explain any other relevant factors which should be considered by the Planning and Zoning Commission. (Such as the hardship that will occur if the variation is

not granted). If your application is for a Special Use Permit, include an explanation as to your compliance with the requirements for same.

See attached

*If the Permit is not granted, Family Service of Lake County and Nuestro Center will be unable to provide programs and services for the Highwood residents currently served.

14. Please note any dates on which you cannot attend a Planning and Zoning Commission meeting, as your attendance is required to present the petition. Note: these are traditionally scheduled weekday evenings at the Highwood City Hall, 17 Highwood Avenue, Highwood, Illinois, 60040.

Any available date will be acceptable.

15. State the name, address and telephone number of any witness you intend to use. Further, if your neighbors do not object to the variation, try to obtain and include written statements from them.

None

City of Highwood – Petition for a Variation (March 2, 2017)

Property Address: 501 Bank Lane Unit 1 N.

Petitioner: Family Service of Lake County (Nuestro Center)

Question 13: This request will not deviate from the Special Use Standards, Section 11-3A-4 of the Highwood Building Code. Specifically:

Standard A: The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.

Answer: The Nuestro Center (Family Resource Center) will add to the general welfare through providing an after school tutoring program for children in a supervised setting, assisting children to succeed in their school work. Nuestro Center also provides Senior and adult education programs.

Standard B: The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

Answer: Activities provided by the Nuestro Center will be indoors and include such activities as computer training, individual tutoring, and educational classes. Additionally, there is no outdoor recreational area so the impact on the immediate vicinity and property will be minimal. The Center operates during regular business hours Monday through Friday. Some early evening activities are held at the Center as well.

Standard C: The nature and intensity of the activities involved and the size, placement and design of any structures proposed will be so planned that the special use will be compatible with the existing development and will not impede the normal and orderly development and improvement of surrounding property.

Answer: There will be no changes in the external structures and special use will have a minimal impact on traffic as the younger children will be dropped off by bus, teens will walk or ride their bikes, and most adults, seniors citizens, and families will either walk, carpool, utilize the Moraine Township senior van, or can take PACE.

Standard D: The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools or the applicant will provide adequately for such services.

Answer: Yes, the existing property's services and parking will accommodate users of the Nuestro Center.

Standard E: The location of the special use within the city will be such that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the special use, nor will it draw significant amounts of traffic through residential streets.

Answer: Little additional traffic will be generated as the property is located on Bank Lane and is zoned commercial. Transportation and drop off will be provided by School District 112, PACE, and

the Moraine Township senior van.

Standard F: Parking areas will be of adequate size for the particular use and properly located, and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.

Answer: Existing parking, entrances and exits exceeds needs for intended use.

Standard G: The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.

Answer: No natural, scenic or historical features will be impacted by this special use.

Standard H: The size of the lot will be sufficient for the use proposed.

Answer: Yes, parking is sufficient and 2,000 square feet of internal space is sufficient for program use. Note that there is an additional 2,000 square feet of basement and garage space which will be used for storage and parking.

Standard I: Adequate fencing and/or screening will be provided to ensure the enjoyment of surrounding properties, to provide for the public safety or to screen parking areas and other visually incompatible uses.

Answer: There are no external areas needing to be fenced off or screened.

Standard J: The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district in question were established and with the general purpose and intent of the official comprehensive plan.

Answer: The function of the Nuestro Center is in general harmony with the Business District.

Standard K: If a special use permit is granted, the petitioner, its successors and assigns are currently in compliance with governmental regulations, including city ordinances, and are likely to comply with governmental regulations, including city ordinances, in the future.

Answer: Understood

Standard L: A special use permit shall be denied where the zoning board finds that the special use, if granted, would impinge or retard other development within the city or the district.

Answer: Understood

Standard M: A special use permit shall be denied where the zoning board finds that the special use, if granted, does not demonstrate that it would exert a positive effect upon other development within the city or the district.

Answer: Understood

Standard N: A special use permit shall be denied where the zoning board finds that the special use, if granted, would not enhance revenue opportunities for the city.

Answer: The space which we are proposing to occupy is currently vacant; so the placement of the Nuestro Center in this location will not have a negative impact on sales tax dollars. The continued operation of the Nuestro Center within the City's business district will help the users of the Center make their necessary purchases locally.

Standard O: Where the district regulations authorizing any special use in a particular district impose special standards to be met by such use in such district, a permit for such use in such district shall not be recommended or granted unless the applicant shall establish compliance with such special standards. (Ord. 2003-O-15, 3-18-2003)

Answer: Understood

I, the undersigned being duly sworn on oath depose and state that I have read the above and foregoing petition by me subscribed, that the same is true in substance and in fact. Further, I am the owner of the property for which a variation is sought, or am otherwise authorized by law to present this petition.

Camie Callas
Signature of Petitioner

3/2/17
Date

CONSENT OF OWNER

I, the undersigned being duly sworn on oath depose and state that I have read the above and foregoing petition. Further, I am the owner of the property for which a variation is sought and consent to the hearing of this petition. I acknowledge that the costs of zoning proceedings may be assessed to the petitioner and/or property owner.

[Signature]
Signature of Petitioner

3/2/17
Date



**CITY OF HIGHWOOD
PLANNING & ZONING COMMISSION**

**Public Hearing
Wednesday, April 12, 2017**

Project Addresses:	501 Bank Lane Unit 1 N
Property Owner:	BME Apartments, LLC
Applicant / Petitioner:	Carrie Callas, Executive Director Family Service of Lake County (Nuestro Center)
Zoning:	B-2

Nature of Request:

The petitioners seek to relocate the Nuestro Center from its current location on Sheridan Road to 501 Bank Lane. The Nuestro Center provides an after school tutoring program for children in a supervised setting as well as providing senior and adult education programs. This use was not considered in the zoning code and would need approval as a ‘Special Use (where otherwise not permitted)’ according to the use matrix in 11-6-2 of the Highwood City Code.

The petitioner also requests a variance under 11-8-5 (A) “Required Parking Spaces; Assessment in Lieu.”

Current Use and Conditions

The property is currently a vacant space on Bank Lane. The building had previously been occupied by a plumbing business. The surrounding area is an eclectic mix of commercial, industrial and public uses. Across the street is a row of parking before the UPRR tracks; other uses in the vicinity include a laundromat, dry cleaner, furniture shop, gym and public works department. A brewery has received special use approval on this block and will be opening in the next few months.

The applicant is a non-profit organization serving local community members with tutoring and adult education programming. The City of Highwood and local school district have worked closely with the applicant for many years to assist community members who need educational programming. The applicant has been a good community presence in their location on Sheridan Road for many years.

Several properties in this area have been vacant for some time, though recent applications for the gym, brewery and this site indicate increased demand for business locations in the community. The eclectic mix of businesses is certainly more desirable than the vacant spaces that have blighted the area for years.

The property does not currently conform to the required parking spaces under the Highwood City Code. There is no guidance in the code for the required parking for this use, but the applicant’s description of limited parking needs due to the use of school buses and pickup/dropoff was compelling enough for Staff to recommend assessing the shortfall as the minimum required under the code.

Staff Recommendation

An ideal use in this location would be more commercially oriented, however the lack of interest for this use along with the organization's positive impact on the community impacted the Staff's recommendation to approve the special use. The additional occupancy, vehicular and pedestrian use of this area will have a positive impact on the downtown district.

The applicant acknowledges there will be use of the two hour parking in the Union Pacific Railroad right-of-way. According to the application the property is 4,000 square feet, which requires 14 parking spaces under the minimum required parking spaces. With four available parking spaces, the shortfall is ten parking spaces. Under section 3-2B-22 of the City Code, a shortfall of 1 to 20 spaces shall be assessed at \$150 per space, for a total of \$1,500 to be paid to the City's parking shortfall fund.

Staff recommends the approval of the Special Use permit and the variation to Section 11-8-5 (A), Minimum Parking Requirements; Assessment in Lieu, upon paying \$1,500 to the parking shortfall fund.

Attachments: Application from Nuestro Center

Staff Report Prepared By: Scott Coren, City Manager