

# **MINUTES OF THE PLAN COMMISSION & ZONING BOARD OF APPEALS OF THE VILLAGE OF SOUTH BARRINGTON**

Held Monday, August 29, 2016

## **CALL TO ORDER**

The meeting was called to order at 7:30 p.m. by Chairman Mr. Michael McCombie. Roll call was taken.

**PRESENT:** Commissioners, Kwasek, Murarka, Decker, Gillis, White, and Chairman McCombie.

**ABSENT:** Commissioner Fox.

A quorum was present. Also in attendance were village Building Officer Michael Moreland, Village Engineer Natalie Karney, and Ms. Melissa A. Wolf of Storino, Ramello & Durkin, Village Attorney.

**PUBLIC COMMENT:** None.

## **APPROVAL OF MINUTES**

Chairman McCombie asked for a Motion from the Board to approve the Minutes of the meeting held Wednesday, April 27, 2016. Commissioner White made a Motion. Commissioner Decker seconded. By unanimous vote the Motion was passed.

## **AGENDA ITEMS**

Chairman McCombie stated that the next item on the agenda was the Public Hearing for a request for a side yard variance for 22 Liberty, South Barrington, IL. Chairman McCombie asked for a Motion from the Board to open the Public Hearing. Commissioner Gillis made a Motion. Commissioner Murarka seconded. Roll call was taken. Commissioner Kwasek - yes, Commissioner Murarka - yes, Chairman McCombie - yes, Commissioner Decker - yes, Commissioner Gillis - yes, Commissioner White - yes. By unanimous vote the Motion was passed.

Chairman McCombie asked all participants that will be giving testimony to please stand and be sworn in. Chairman McCombie asked that if the testimony they were about to give was the truth to the best of their knowledge. All parties answered yes. The secretary presented Chairman McCombie with the Proof of Notification for surrounding parties which were received by the Village for the Public Hearing.

Building Officer Moreland stated that the owner of 22 Liberty Drive recently purchased the home and has submitted all the necessary documents and drawings for a Remodeling Permit. During the review process it was discovered that the house was originally built over the side yard setback line. Building Officer Moreland stated that the foundation survey indicates that the nearest side yard building corner, the fireplace, is 22' 4 1/2 " from the side property line, thus requiring a variance of 2' 7 1/2" to be in compliance with the Village's 25.00' side yard setback requirements. Building Officer stated that he did not feel the variance would not have any significant impact.

Chairman McCombie asked if the Village had the original copy of the survey documents? Building Officer Moreland stated that the Village has the original documents for the property. Commissioner Kwasek asked if the Ordinance allows for encroachments for roof overhangs or bay windows? Building Officer Moreland stated that they do allow for roof overhang, but this is a foundation encroachment and that is the reason for the variance request.

Chairman McCombie asked for any comments from the audience. Mr. Bogdan Jarasimowicz, who is the homeowner of 22 Liberty, wanted to thank the Village and their staff for all their assistance in helping him resolve this issue. Chairman McCombie thanked Mr. Jarasimowicz and welcomed him to the Village.

Commissioner White asked if the neighbor on that side of 22 Liberty had any objection or concerns? Building Officer Moreland stated that all surrounding properties were notified of this evenings Public Hearing.

Chairman McCombie asked for a Motion from the Board to recommend to the Village approval of a variance from 25' to 22' 6" side yard setback on the north side of the existing building located at 22 Liberty Drive, South Barrington. Commissioner Kwasek made a Motion. Commissioner Gillis seconded. Roll call was taken. Commissioner Kwasek - yes, Commissioner Murarka - yes, Chairman McCombie - yes, Commissioner Decker - yes, Commissioner Gillis - yes, Commissioner White - yes. By unanimous vote the Motion was passed.

Chairman McCombie asked for a Motion from the Board to close the Public Hearing. Commissioner White made a Motion. Commissioner Decker seconded. Roll call was taken. Commissioner Kwasek - yes, Commissioner Murarka - yes, Chairman McCombie - yes, Commissioner Decker - yes, Commissioner Gillis - yes, Commissioner White - yes. By unanimous vote the Motion was passed.

Chairman McCombie stated that the next item on the agenda was the Public Hearing for an Amendment to the Planned Unit Development to allow The Arboretum a temporary lease sign. Chairman McCombie stated that the Village had not received the Notification of Surrounding properties for this evening's meeting and therefore could not open the Public Hearing. Ms. Cory Born, General Manager of The Arboretum stated that she had the Notifications at their office and she was not aware that the Board needed them for this evening's meeting. Attorney Wolf stated that the Board could conduct the Public Hearing, but that any recommendations would be dependent on the Village receiving the Notification of Surrounding properties.

Chairman McCombie asked for a Motion from the Board to open the Public Hearing. Commissioner Decker made a Motion. Commissioner Murarka seconded. Roll call was taken. Commissioner Kwasek - yes, Commissioner Murarka - yes, Chairman McCombie - yes, Commissioner Decker - yes, Commissioner Gillis - yes, Commissioner White - yes. By unanimous vote the Motion was passed.

Chairman McCombie asked all participants that will be giving testimony to please stand and be sworn in. Chairman McCombie asked that if the testimony they were about to give was the truth to the best of their knowledge. All parties answered yes.

Building Officer Moreland stated that the applicant is requesting approval for one leasing sign, 4 feet by 8 feet, not to exceed 12 feet above grade in height, double sided, to be in place for six months with an additional six month renewal which will be located on the out lot along Route 59.

Chairman McCombie asked what where the current Village zoning rules associated with temporary signage. Building Officer Moreland stated that temporary signage would be allowed to be displayed for 60 days. Signage sizes are listed in the residential district not the commercial district.

Attorney Wolf stated that the request for the signage is going to be an amendment to the PUD. The PUD for this property is the zoning for this property so the other Village regulations are not applicable to this property but can be used as guidelines. Attorney Wolf stated that the Board would be making an Amendment to the PUD. Commissioner Kwasek asked, that because the Board would just be amending the PUD, could any one else come back and ask for the same thing because they are not a PUD? Attorney Wolf stated that if someone were to come before the Village that was not a PUD, the Village could state that the PUD has separate regulations from the Village.

Chairman McCombie stated that The Arboretum is very important to the Village but felt that the sign was large and asked if they could reduce the size of the sign? Ms. Born stated that the company standard leasing sign is 8 feet by 8 feet and they have reduced this sign to 4 feet by 8 feet. Ms. Born further stated that anything below that size would be too small. Chairman McCombie stated that because temporary signs as usually done in 60 day increments, would they be willing to come back before the Mayor to get approval for an additional 60 days. Ms. Born asked if that request would require a Board meeting? Chairman McCombie stated that it would only require coming back before the Mayor for approval. Ms. Born agreed.

Commissioner White asked what material will be used for the sign? Building Officer Moreland stated that it would be plywood with a high quality sign board with proper paper cover. Commissioner Gillis stated that his only concern is that the sign be secured properly. Ms. Born agreed.

Chairman McCombie asked for a Motion from the Board to recommend approval for an amendment to the PUD to allow one two sided temporary lease sign measuring 4 feet high by 8 wide not to exceed 8 feet above grade, every 60 days there will be a request for approval from the Mayor, and subject to receipt of Notification of Surrounding properties to the Village. Commissioner Kwasek made a Motion. Commissioner Decker seconded. Roll call was taken. Commissioner Kwasek - yes, Commissioner Murarka - yes, Chairman McCombie - yes, Commissioner Decker - yes, Commissioner Gillis - yes, Commissioner White - yes. By unanimous vote the Motion was passed.

Ms. Born stated she will bring the Notification of Surrounding properties to the Village. Building Officer Moreland stated that the Village can use the packet that the applicant gave to the Village and the applicant will have to come in for a permit for the sign. Ms. Born agreed.

Chairman McCombie asked for a Motion from the Board to close the Public Hearing. Commissioner Kwasek made a Motion. Commissioner Murarka seconded. Roll call was taken. Commissioner Kwasek - yes - Commissioner Murarka - yes, Chairman McCombie - yes, Commissioner Decker - yes, Commissioner Gillis - yes, Commissioner White - yes. By unanimous vote the Motion was passed.

Chairman McCombie stated that the next item on the agenda was the request for approval of the Preliminary Plan for 57 Covered Bridge, Perisin Pointe Subdivision, CC&R's, rezoning and variances. The secretary presented Chairman McCombie with Proof of Notification of Surrounding parties received by the Village for the Public Hearing.

Chairman McCombie asked for a Motion from the Board to open the Public Hearing. Commissioner Gillis made a Motion. Commissioner Murarka seconded. Roll call was taken. Commissioner Kwasek - yes, Commissioner Murarka - yes, Chairman McCombie - yes, Commissioner Decker - yes, Commissioner Gillis - yes, Commissioner White - yes. By unanimous vote the Motion was passed. Chairman McCombie asked all parties who will be giving testimony to please stand and be sworn in. Chairman McCombie asked that if the testimony they were about to give was the truth to the best of their knowledge. All parties answered yes.

Mrs. Marie DiLullo of 15 Buckthorn stated that they have been South Barrington homeowner's since the 1960's and are opposing the setbacks that are being requested for 57 Covered Bridge Road. Mrs. DiLullo further stated that she would agree to allowing a rezoning for two residences on the parcel instead of three. Mrs. DiLullo stated that she felt the setbacks should not be altered.

Representing the petitioner was Mr. Pete Perisin who is part owner of the parcel located at 57 Covered Bridge Road, South Barrington. Mr. Perisin stated that he is a resident of South Barrington and thanked the Village and staff for all the assistance they have given to the petitioners. Mr. Perisin displayed an overlay of the property at 57 Covered Bridge Road for the Board. Mr. Perisin stated that the property is just over 4 acres in size and located within the Sunset Ridge subdivision. Mr. Perisin stated that he has been a Village resident for 15 years and has worked as a real estate agent in the area for 20 years. Mr. Perisin stated that Sunset Ridge does not have a Homeowner's Association but they do have a non for profit club that the residents created in which he serves as treasurer along with being a Park District Commissioner.

Mr. Perisin stated that they have brought in Continental Engineering who has worked in the South Barrington area for years and the builder also lives in South Barrington. Mr. Perisin stated thus far they have had topography and surveys done along with engineering to check if what they are proposing for the property for well and septic will work and it does. Mr. Perisin further stated they are requesting a rezoning of the property from A-1 single family residential to A-2 single family residential, to subdivide the property into no more than 3 lots, to reduce the required lot area from two and one half (2.5) acres to one and one third (1.3), to reduce the required front yard setback from one hundred feet to sixty feet, and to reduce the required lot width from two hundred feet to one hundred seventy-six feet. Mr. Perisin displayed a graphic showing the core of South Barrington that was developed at the same time and they are keeping with what was developed during that time in the Village. Mr. Perisin stated that surrounding neighbors have 60 foot front yard setbacks. Mr. Perisin further stated that they had a letter from their neighbor stating that he would prefer the front yard setback to be at 60 feet.

Mr. Perisin stated that they have done a landscape plan and are planning on removing much of the evasive species and keeping as many of the existing trees as possible. Mr. Perisin displayed the preliminary landscape plan for the Board. Mr. Perisin further stated that the garage doors of the homes will be facing one another and that for the most part, most of the neighbors approve of the plan. Mr. Perisin stated that they will actually be improving drainage issues for one of the neighbors.

Chairman McCombie asked what would the square footage be for the proposed homes on the property? Mr. Perisin stated that they would be 5 - 6,000 square feet. Commissioner Decker asked if they will be comparable to the other homes in the subdivision? Mr. Perisin stated that they may be slightly larger.

Chairman McCombie asked if the current homes in this subdivision have septic fields and if these homes will have a mound septic system. Village Engineer Karney stated that the current homes do have septic fields and the proposed homes will have a mound system due to soil testing and new Village regulations. Chairman McCombie asked what would happen if the system failed. Engineer Karney stated that if there was a failure, there is an expansion area for the system and if that fails there are current technologies that can be implemented. Engineer Karney stated that these systems require aeration and pretreatment to increase longevity.

Chairman McCombie asked if they were restricting the size of the homes? Mr. Perisin stated that they will need to conform with neighborhood.

Commissioner Gillis asked if there would be any drainage issues? Mr. Terry Cahill from Continental Engineers stated that for drainage for 63 Covered Bridge which is next to lot 3, they are proposing to have a storm sewer going in on each side of the lot with a couple of inlets to take the water out to the front of the property. Mr. Cahill stated that between lots 1 and 2 they will also have a storm sewer going to the front ditch line. Mr. Cahill stated that they are also under the requirements of the NWRD. Mr. Cahill stated that they really do not have any drainage issues on the property.

Chairman McCombie asked when will they start working on the lots? Mr. Perisin stated that they would like to take the existing house down first and then they would clean the entire site before building. Commissioner White stated that he walked the property and that there was a gravel area west of the existing house. Mr. Perisin stated that the area was previously a cobblestone patio which had the stone removed. Chairman McCombie asked what they will be doing after house is removed? Mr. Perisin stated that they will fill it in.

Chairman McCombie asked for any further comments from the audience. Mr. Robert Hergart of 55 Covered Bridge Road, South Barrington stated that there is another property in the subdivision to the west of his home that is approximately 3 acres and if the rezoning for 57 Covered Bridge is granted, can another developer come in and ask for the property west of him to be rezoned? Building Officer Moreland stated that the property to the west of his property has a flood plain issue and some of the property is not buildable which would limit the building area. Attorney Wolf stated that the A-2 zoning has a minimum 2.5 acre requirement and anyone who wanted to subdivide would have to come before the Village.

Mrs. Dillulo stated that she did feel that putting 3 large homes on this property would not be conducive with the rest of the subdivision. Mr. Perisin stated that these three homes are the same size as some of the other homes. Commissioner Kwasek asked who would be controlling the visual aspects of these homes? Would it be fall under the Architectural Control Committee because there is no Homeowner's Association? Mr. Perisin stated that they have added requirements to the CC&R's for the homes. Mr. Brian Fornek of Brian Fornek & Associates, P.C. attorney for developer stated that the requirements would be under the control of the developer, DeMonte Builders, Inc. Chairman McCombie stated that they may want to consider having approval from the Village Architectural Control Committee. Building Officer Moreland stated that the developer would then be issued an approval letter from the ACC that they would bring to the Village when applying for the building permit.

Building Officer Moreland asked in the CC&R's on page 3, paragraph 3.9 and page 4, paragraph 5.1 have the word fencing be stricken? Attorney Fornek stated that revision has been made. Chairman McCombie asked if this document has been modified? Mr. Fornek stated yes. Attorney Wolf stated that they will verify receiving a revised copy and asked Attorney Fornek if they will be adding language stating that the architectural approval for the homes will go through the Village's Architectural Control Committee for approval. Attorney Fornek stated that he felt it would be the logical place to add this requirement. Building Officer Moreland stated that they will have the design approved by developer first then it would go to the Architectural Control Committee. Commissioner Kwasek asked that this apply to all three homes. Attorney Fornek will make the revisions to include all three lots.

Commissioner White asked if any of the residents from Terra Vita had any comments? Building Officer Moreland stated that all the surrounding properties were notified of the Public Hearing.

Commissioner Kwasek stated that the three lots east of the proposed property have the same setbacks and are generally the same lot size so he supports this proposal. Mr. Perisin stated that the lot numbers actually have addresses which would indicate that this was initially the way this property was proposed to be subdivided.

Being no further comments, Chairman McCombie asked for a Motion from the Board to recommend to the Village to rezone the property from A-1 single family to A-2 single family with the following variations, under the A-2 Single Family Residence District to subdivide the property into three detached lots, to reduce the required lot area from two and one half (2.5) acres to one and one third (1.3) acres, to reduce the required front yard setback from one hundred (100') feet to (60') feet, and to reduce the required lot width from two hundred (200') to one hundred seventy-six (176') feet, and conditions upon the amendments to the CC&R's that adds the Architectural Control Committee as the homeowner's architectural review committee and includes that lots 1-3 must go through the approval process. Commissioner Kwasek made a Motion. Commissioner Decker seconded. Roll call was taken. Commissioner Kwasek - yes, Commissioner Murarka - yes, Chairman McCombie - yes, Commissioner Decker - yes, Commissioner Gillis - yes, Commissioner White - yes. By unanimous vote the Motion was passed.

Chairman McCombie asked for a Motion from the Board to recommend to the Village the approval of the Preliminary Plan for 52 Covered Bridge, Perisin Pointe Subdivision. Commissioner Kwasek made a Motion. Commissioner Gillis seconded. Roll call was taken. Commissioner Kwasek - yes, Commissioner Murarka - yes, Chairman McCombie - yes, Commissioner Decker - yes, Commissioner Gillis - yes, Commissioner White - yes. By unanimous vote the Motion was passed.

Chairman McCombie asked for a Motion to close the Public Hearing. Commissioner Murarka made a Motion. Commissioner Kwasek seconded. Roll call was taken. Commissioner - Murarka - yes, Commissioner Kwasek - yes, Chairman McCombie - yes, Commissioner Decker - yes, Commissioner Gillis - yes, Commissioner White - yes. By unanimous vote the Motion was passed.

**OLD BUSINESS** - None

**NEW BUSINESS** - None

Being no further business, Chairman McCombie asked for a Motion from the Board to adjourn the meeting. Commissioner Kwasek made a Motion. Commissioner White seconded. By unanimous vote the meeting was adjourned at 9:05 p.m.

Respectfully Submitted,

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Christine Latoria, Secretary

These Minutes were approved this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_.

