

Public participation is invited on each agenda item prior to the Board's deliberation. **When called upon, please approach the microphone and state your name and the address where you live. Kindly limit your remarks to three (3) minutes.**

VILLAGE OF VILLA PARK
Village Hall, Board Room Chambers
20 S. Ardmore Avenue
Villa Park, IL 60181

Planning and Zoning Commission

November 12, 2020

7:30 PM

Chairman Jason Jarrett

Commissioners: Larry Calvert, Edward Hofstra, Kenneth Jackson, Eric Luedtke, Michael Orlowski, Dominick Romano, Justin Shlensky and Louis LeMieux

1. Call to Order - Roll Call

2. Amendments to the Agenda

3. Approval of Minutes

3.a Minutes

[General Minutes October 8, 2020.pdf](#)

[Minutes PZ-20-0014.pdf](#)

4. Business

Petition PZ-20-0017, 300 S. Cornell Avenue, variation to install an electronic message display panel in the RS 7.5 district. Petitioner, St. Alexander Catholic Church.

5. Public Hearing(s)

Please note that no further testimony on a matter can be considered after the close of the public hearing.

- a. Staff Input
- b. Presentation of Petitioner
- c. Public Participation and Questions
- d. Questions from the Commission
- e. Closing Comments of Petitioner
- f. Close Public Hearing
- g. Discussion by Commission Members
- h. Motion

6. Public Comments on Non-Agenda Items

The Village appreciates the public's patience and cooperation as we attempt reduce the spread of COVID-19 by observing healthy social distancing practices.

If members of the public are interested in attending the meeting in person, are are symptom free, social distancing and adorning a proper face covering will be utilized to mitigate the community spread of disease. Attendance will be monitored at the door.

7. Commissioner Comments

8. Village Board Liaison Comments

9. Village Staff Comments

10. Adjournment

Upcoming Hearings

The following item(s) may be considered at a future commission meeting.

The Villa Park Village Hall is subject to the requirements of the Americans with Disabilities Act of 1990. An elevator is operational at the north side entrance to the Village Hall during normal work hours and also during evenings. Individuals with special needs are requested to contact the Village's Compliance Officer at (630) 834-8500 so that reasonable accommodations can be made for those persons.

Planning and Zoning Commission Agenda Item Report

Meeting Date: November 12, 2020

Submitted by: Pat Boksha

Submitting Department: Planning and Zoning Commission

Item Type: Minutes

Agenda Section: Approval of Minutes

Subject:

Minutes

Suggested Action:

Attachments:

[General Minutes October 8, 2020.pdf](#)

[Minutes PZ-20-0014.pdf](#)

IN RE THE MATTER OF:)
)
Regular meeting minutes.)

PROCEEDINGS HAD and testimony taken before
the VILLAGE OF VILLA PARK PLANNING & ZONING
COMMISSION, taken at Villa Park Village Hall, 20
South Ardmore Avenue, Villa Park, Illinois, before
MARY E. FAILLO, C.S.R., qualified in the State of
Illinois.

Meeting Minutes
October 8, 2020

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1 BOARD MEMBERS PRESENT:

2 MR. JASON JARRETT, Chairman

3 MR. MIKE ORLOWSKI

4 MR. LARRY CALVERT

5 MR. JACK LANENGA

6 MR. DOMINICK ROMANO

7 MR. EDWARD HOFSTRA

8 MR. JUSTIN SHLENSKY

9

10 ALSO PRESENT:

11 MS. CONSUELO ARGUILLES, Director of Community
Development

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Meeting Minutes
October 8, 2020

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1 CHAIRMAN JARRETT: I call this regular
2 meeting of the Village of Villa Park Planning &
3 Zoning Commission to order. We'll start with roll
4 call.

5 Calvert.

6 COMMISSIONER CALVERT: Here.

7 CHAIRMAN JARRETT: Hofstra.

8 COMMISSIONER HOFSTRA: Here.

9 CHAIRMAN JARRETT: Jackson.

10 (Whereupon, there was no response.)

11 CHAIRMAN JARRETT: Lanenga.

12 COMMISSIONER LANENGA: Yes.

13 CHAIRMAN JARRETT: Keskic.

14 (Whereupon, there was no response.)

15 CHAIRMAN JARRETT: Orłowski.

16 COMMISSIONER ORŁOWSKI: Here.

17 CHAIRMAN JARRETT: Romano.

18 COMMISSIONER ROMANO: Here.

19 CHAIRMAN JARRETT: Shlensky.

20 COMMISSIONER SHLENSKY: Here.

21 CHAIRMAN JARRETT: I too am present. With
22 that, we have a quorum.

Meeting Minutes
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1 First item of business will be approval
2 of minutes from September 10th, 2020. Do we have
3 a motion?

4 COMMISSIONER ORLOWSKI: I'll make a motion.

5 COMMISSIONER SHLENSKY: Actually, motion to
6 just amend page two of the meeting minutes, the
7 general. My name was spelled just, J-U-S-T, as
8 opposed to Justin. I'd like to make a motion to
9 amend those minutes.

10 CHAIRMAN JARRETT: Okay. Motion to amend the
11 minutes. Is there a second?

12 COMMISSIONER ORLOWSKI: Second.

13 CHAIRMAN JARRETT: All in favor.

14 (Whereupon, there was a collective
15 aye response from the Commission.)

16 CHAIRMAN JARRETT: Motion passes.

17 Okay. So motion to approve those
18 minutes, including the amended minute from
19 September 10th, 2020. Do we have a motion?

20 COMMISSIONER ORLOWSKI: I'll make a motion.

21 CHAIRMAN JARRETT: If we make a motion and
22 second, can we raise a hand? Because the court

1 reporter can't read lips. Motion. Is there a
2 second?

3 COMMISSIONER HOFSTRA: Second.

4 CHAIRMAN JARRETT: All in favor.

5 (Whereupon, there was a collective
6 aye response from the Commission.)

7 CHAIRMAN JARRETT: Minutes are approved.

8 So first order of business will be to
9 continue PZ-20-0011, 0012, and 0013. Those are
10 the District 45 projects that were before us last
11 month. We're going to continue those to a date
12 certain of -- that would be November 12th, 2020.
13 Is there a motion?

14 COMMISSIONER LANENGA: So moved.

15 COMMISSIONER ROMANO: Second.

16 CHAIRMAN JARRETT: All in favor.

17 (Whereupon, there was a collective
18 aye response from the Commission.)

19 CHAIRMAN JARRETT: Any opposed?

20 (Whereupon, there was no response.)

21 CHAIRMAN JARRETT: All right. That will be
22 continued to next month's meeting. We anticipate

1 that being before us.

2 (Whereupon, the public hearing was
3 held.)

4 CHAIRMAN JARRETT: Any public comments on
5 non-agenda items?

6 MR. MOHAMMED: I've got a question.

7 CHAIRMAN JARRETT: Could you just state your
8 name and address for the record, because we've got
9 a court reporter here.

10 MR. MOHAMMED: I'm Hamed Mohammed. I live at
11 1125 East Cambria Lane, Lombard 60148.

12 When I was here at the last meeting on
13 application PZ-20-0012, and it was forwarded to
14 the next meeting, any reason for that?

15 CHAIRMAN JARRETT: It's my understanding that
16 they're continuing to revise the documentation,
17 and that's the continuation. I can't speak for
18 the applicant, but that is my understanding, that
19 they're revising the plan based on comments they
20 got from us and from Traffic & Safety. I do know
21 that it's their intention to present at the
22 Traffic & Safety meeting, which is -- is Traffic &

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1 Safety the first Monday of the month?

2 MS. ARGUILLES: Yes.

3 CHAIRMAN JARRETT: So that would be the first
4 Monday in November. They are at this point
5 planning to present their changes to Traffic &
6 Safety.

7 MR. MOHAMMED: Okay. What time is that
8 meeting?

9 CHAIRMAN JARRETT: That I'm not sure. Is it
10 7:00, 7:30?

11 COMMISSIONER ORLOWSKI: So that would be
12 November 2nd.

13 CHAIRMAN JARRETT: Yeah.

14 MS. ARGUILLES: I'll pull up the schedule.
15 The most recent was cancelled, so I want to make
16 sure. And we can follow up if you want. You can
17 follow up with me.

18 COMMISSIONER SHLENSKY: You said Traffic &
19 Safety?

20 MS. ARGUILLES: Yes.

21 COMMISSIONER SHLENSKY: So the last meeting
22 would have been October 6th at 8:00 p.m., which is

1 a Tuesday. So probably the first Tuesday of every
2 month at 8:00 p.m.

3 CHAIRMAN JARRETT: We can verify that.

4 COMMISSIONER SHLENSKY: If you go online and
5 just Google Villa Park Traffic & Safety Commission
6 agenda, you should be able to have a link to all
7 of the Village Commission agendas for that
8 upcoming week. They generally post like a full
9 calendar week ahead. So you'll be able to
10 determine that from the website.

11 MR. MOHAMMED: Okay.

12 MS. ARGUILLES: I pulled up the web page from
13 our Village website. So the Traffic & Safety
14 Commission does meet at 8:00 p.m. on the first
15 Tuesday. So not the Monday, but Tuesday.

16 CHAIRMAN JARRETT: Thank you for that
17 correction on that.

18 MS. ARGUILLES: Keep in mind that generally
19 November and December could be alternate dates,
20 but we do advertise that, and you can contact me.

21 MR. MOHAMMED: Okay. So that's with the
22 Traffic & Safety.

1 CHAIRMAN JARRETT: Yes. And then the other
2 scheduled -- in case you want to come back, they
3 are scheduled to be back before us November 12th.
4 You know, whether or not they -- at this point
5 they haven't provided any additional information,
6 so it's continued to that date. Whether or not
7 they bring stuff to present to us, that's
8 hopefully on them. But it would either be heard
9 then or potentially continued again from that
10 date. But that will be the next time we discuss
11 it, at 7:30.

12 COMMISSIONER ORLOWSKI: So you're saying the
13 next meeting will be on the 3rd or the 2nd?

14 COMMISSIONER SHLENSKY: The 3rd.

15 MS. ARGUILLES: On the 3rd. November 3rd at
16 8:00 p.m.

17 MR. MOHAMMED: So does the Board here have a
18 say after this? Let's say they got an approval
19 from the Safety & Traffic of Villa Park. The
20 Board still can reject that vote?

21 CHAIRMAN JARRETT: Traffic & Safety would not
22 approve anything. They just offer advice on

1 recommendations on the way they would like to see
2 things done. In terms of the approval project,
3 the way that would work is -- we are also a
4 recommending body. We don't have final approval,
5 but our recommendation passes to the Village
6 Board, and that would be published as well. So
7 after we hear it, whether it's next month, or two
8 months out, or whatever, our recommendation,
9 whether it's to approve, to deny, whether we make
10 modifications, that passes to the Village Board,
11 and they can accept our recommendation or not.

12 MR. MOHAMMED: So it's ultimately in the
13 hands of the Village Board.

14 CHAIRMAN JARRETT: They will make the
15 ultimate, final judgment. Usually the way that
16 works with most projects though is that we kind of
17 hammer down the nails and sand down the edges, and
18 they can hear it in detail if they want and ask
19 detailed questions, but on a lot of projects,
20 that's not usually the case unless there's some
21 controversy or dispute. But, again, I wouldn't
22 want to speak for them, because I've also seen

1 special variances withheld for specific projects
2 with the Village Board.

3 MR. MOHAMMED: When it's referred to the next
4 one, is that online before?

5 MS. ARGUILLES: For the school district
6 project?

7 MR. MOHAMMED: No. From the last meeting,
8 when it was up to be discussed, today, like the
9 Zoning & Planning Commission.

10 CHAIRMAN JARRETT: It was.

11 MS. ARGUILLES: Originally.

12 CHAIRMAN JARRETT: And they were not ready to
13 present their -- they weren't -- for whatever
14 reason, they weren't ready to present, so we
15 continued it to a date certain of the next
16 meeting.

17 MR. MOHAMMED: Was that mentioned online as
18 well on the agenda? They're not ready to --

19 CHAIRMAN JARRETT: No. And sometimes with
20 the applicant, you may not know. I mean, it's on
21 the agenda to be heard. It should be.

22 MR. MOHAMMED: Okay.

1 CHAIRMAN JARRETT: And then we have to
2 continue it. Because we continued it to a date
3 certain, we have to at least -- they don't have to
4 show up. In theory, we could have chosen not to
5 continue it. We could have heard it this evening.
6 We're deferring to the fact that they're
7 continuing to work on it and improve it and
8 continued it to the next month.

9 MR. MOHAMMED: Okay.

10 CHAIRMAN JARRETT: Does that all make sense?

11 MR. MOHAMMED: That makes sense.

12 CHAIRMAN JARRETT: Any others questions or
13 concerns?

14 MR. MOHAMMED: Just one. I know you talked
15 about Village Board being the final decision
16 makers here. What will it take from residents to
17 have to really make a case to oppose or a motion
18 of opposal?

19 CHAIRMAN JARRETT: Whether you're opposed or
20 support, having people show up in person and make
21 your case, as there is a place in the Village
22 Board agenda for people to speak on agenda items,

1 and if you have -- whether you're in support of or
2 opposition or just have questions or concerns that
3 aren't addressed here, that's a way to do it. You
4 also can have people send e-mails to the Village
5 President and the Village Manager and the various
6 Trustees. I don't know which carries more sway.
7 If it were me, the person in front of me. I mean,
8 I would listen to everybody, but being able to
9 interact, I think, might have a little bit more
10 impact, but that's -- you know, again, that's a
11 political decision, so -- I don't know what moves
12 them all.

13 MR. MOHAMMED: Okay. And I'm a Lombard
14 resident but live very close to the proposed
15 property. Do I have a right to kind of even make
16 a -- oppose this proposal as a Lombard resident?

17 CHAIRMAN JARRETT: I would say yes. You
18 know, how they weigh your input, that's ultimately
19 up to them.

20 MR. MOHAMMED: Okay. Because I'm in District
21 45.

22 CHAIRMAN JARRETT: Yes.

1 COMMISSIONER ORLOWSKI: You can also go to a
2 School Board meeting.

3 MR. MOHAMMED: Okay.

4 COMMISSIONER ORLOWSKI: The more the merrier.

5 COMMISSIONER SHLENSKY: To piggyback on what
6 was just said, if you go to the Village website, I
7 believe all the Trustees' direct e-mails are
8 listed on the website. And, again, just to
9 piggyback, I mean, there's very little that speaks
10 more in volume than a concerned resident or
11 business constituent, if you will, reaching out
12 directly to the Trustees or the powers that be and
13 asking to get face time, and even in COVID times
14 or just a zoom conference with them. It truly
15 speaks volumes for a resident such as yourself to
16 make your point known, and I commend you for
17 coming for two meetings in a row to make your
18 voice heard.

19 MR. MOHAMMED: Thank you.

20 CHAIRMAN JARRETT: We always appreciate that.
21 It happens less than you might think, so I like to
22 state when it happens.

1 MR. MOHAMMED: Thank you.

2 CHAIRMAN JARRETT: Thank you.

3 Any Commissioner comments.

4 COMMISSIONER ORLOWSKI: It's still nice out.

5 No snow. Last year at Halloween we had snow on
6 the ground.

7 COMMISSIONER HOFSTRA: It's early yet.

8 COMMISSIONER ROMANO: We've got a month.

9 COMMISSIONER SHLENSKY: Just as a comment, I
10 believe that Pat had said that the -- and I was
11 going through e-mails the other day to confirm
12 this. So the applicant with regard to the car
13 dealership actually withdrew their application.
14 Not just cancelled, they withdrew it; is that
15 accurate?

16 MS. ARGUILLES: That's correct. The
17 petitioner requested we withdraw their
18 application, so that's no longer being pursued.

19 COMMISSIONER LANENGA: And there's a for
20 lease sign up.

21 CHAIRMAN JARRETT: And then something that
22 I'd like to do -- I know we discussed it when we

1 first came on. It was something I talked with
2 Patrick about shortly before he up and left, and I
3 hope it's not why he up and left. I would like to
4 -- not tonight -- but think about what can we do
5 that is planning oriented for the Village. What
6 kind of -- what other goals or things beyond the
7 Planning & Zoning Ordinance that might need to be
8 updated. Is it time to look at the Comprehensive
9 Plan? I'm not suggesting it is. I'm just
10 throwing out some ideas. When I first came up
11 on -- Mike will remember -- that's when we updated
12 the landscaping plan, which the Village did not
13 have one. We updated the lighting ordinance. The
14 Village did not have one. There may be holes like
15 that that Staff has seen as she's been here for a
16 while. There may be things that -- whether it's
17 parking downtown on Villa, whether it's the future
18 rec center, whether it's parks and open space.
19 Anything that we can -- you know, what are
20 priorities for us beyond just approving
21 variations? Because we are a Planning & Zoning
22 Commission, not just a Zoning Board of Appeals.

1 So think about that, and it may be something to
2 discuss at the next meeting if we have time, or
3 the following, if not.

4 COMMISSIONER ORLOWSKI: I have some comments
5 on that. I've actually discussed a few things on
6 possibly some ordinances that need to be possibly
7 revisited and then also properties. So like
8 tonight we approved something like Bucky's Gas
9 Station. There's nothing on that property that
10 says that's the new home of Bucky's Gas Station.
11 It's actually almost what's worse now than when it
12 was a junkyard, and I think the owner should
13 somehow take ownership of anything that's approved
14 by Village Board or P & Z that once approved to go
15 ahead with the project that they should be
16 required to put up some signage and make sure that
17 looks presentable. The same way that we would go
18 after any other residents. Because now that
19 property's been sitting there, and it's going to
20 sit there all the way until spring the way that it
21 is right now, and we don't allow any other
22 businesses or residents or anything else to flow

1 in that manner.

2 COMMISSIONER SHLENSKY: So, Mike, would you
3 be in favor then of some form of equivalent of
4 like a statute of limitations on the time period
5 from approval to execution and completion of the
6 approval?

7 CHAIRMAN JARRETT: There already are.

8 COMMISSIONER ORLOWSKI: Right. If it's
9 approved to move forward -- I mean, last week or
10 the last meeting we approved the tire dealership
11 up by Roosevelt Road. It still has a for sale
12 sign in front of it. It's been approved by the
13 Village Board that they can go ahead and proceed.
14 So, to me, make them take ownership. Put some
15 kind of a sign on the fence that says what's going
16 to be there. We can do that on the petition's
17 request that upon approval that they put some kind
18 of signage up that's future site of, future home
19 of, whatever it may be. And then if there's going
20 to be a year delay on the project such as this
21 one, at least make them put some kind of fencing
22 around it to where it looks halfway decent and not

1 an eyesore. I mean, the car pound that's on North
2 Avenue is probably our highest along with
3 Roosevelt Road. So make them take ownership.
4 Make it look nice, not a dump. So, to me, I look
5 at stuff like that. Those are some things that I
6 think we can look at. I know I ran into an
7 incident with our noise ordinance and our nuisance
8 ordinance. I think those both need to be looked
9 at.

10 COMMISSIONER SHLENSKY: Given this -- well,
11 the variance was for a fence, but I've heard other
12 residents that are on -- what we would say, I
13 guess, are corner lots, seek to other, you know,
14 developments for a pool, and what is considered
15 their front versus side yard. So I would also
16 like to look into that to see if there's maybe a
17 way to modify or possibly -- I guess update or
18 modernize that part of the Code to see what is
19 allowed currently and what we might do to maybe
20 relax the ordinance to allow for more usability of
21 those spaces.

22 CHAIRMAN JARRETT: Well, I think the bigger

1 issue here is this is a corner lot, and in either
2 case we've got a side yard and a corner side yard,
3 and I'm guessing a pool is not permitted in either
4 of those; correct?

5 MS. ARGUILLES: It's not permitted in the
6 front yard or, in this case, the street yard.

7 CHAIRMAN JARRETT: Yeah. So in this case we
8 don't allow -- I mean, this would either be a side
9 yard or front side yard on either side of the
10 house, and this was kind of an anomaly that
11 warrants the variance because of the hardship and
12 the -- mostly the way the lot was subdivided. But
13 if you start talking about loosening it so people
14 can put pools in corner side yards, when you buy a
15 corner property, which I have one, there are
16 certain natural hardships with corner lots. There
17 are certain benefits too.

18 COMMISSIONER ORLOWSKI: Yeah. More sidewalk.

19 CHAIRMAN JARRETT: For me personally, corner
20 yards are important. And I know what you're
21 talking about as far as loosening -- this is
22 really kind of an anomaly. There are a lot of

1 these around where you really truly have almost no
2 back yard. There are a few. We saw one a few
3 years back where they were doing a garage addition
4 that they needed a variation from -- I think it
5 was the side property line, because they had like
6 10 feet of yard behind them. It was probably the
7 same thing. It was probably built on a -- but
8 these reverse corner lots sometimes have those
9 issues depending on where the house is placed,
10 but --

11 COMMISSIONER ORLOWSKI: That was on
12 Wisconsin.

13 COMMISSIONER HOFSTRA: One thing I didn't
14 understand on this one was when the house was
15 built, it was built facing Kolberg Court. That
16 was the front of the house, okay. When they
17 subdivided it, all of a sudden the Village decides
18 the front yard moves? Because you declined that
19 side yard that faces Wayside as the front yard.
20 Now, when you look at -- they put up a variance
21 sign, you know, announcing to the public that
22 there's a variance on this, it's put in the front

1 yard. The Village placed it on Kolberg Court, not
2 on Wayside.

3 MS. ARGUILLES: The requirement is for the
4 sign to be on the subject property, so in this
5 case it was placed on Kolberg. It could have been
6 placed on the east end of the house. But there is
7 no requirement in the Code that says where the
8 sign has to be placed. So it could have been
9 misleading to the public if they didn't know --

10 COMMISSIONER HOFSTRA: But that house existed
11 -- when the Village allowed it -- well, it may
12 have been subdivided before, when it was annexed
13 into the Village.

14 COMMISSIONER ORLOWSKI: That was subdivided
15 prior to the Village of Villa Park. That was
16 subdivided during the --

17 CHAIRMAN JARRETT: The other thing is is that
18 the front yard would be determined by the
19 ordinance that was -- even if this house existed
20 in the Village 50 years ago, the front yard would
21 be -- they come in for a variation or changes.
22 The front yard would be determined by the

1 ordinance in place currently; correct? Like if
2 they wanted to do an addition to this house. So
3 it may raise the question, there are different
4 ways to do front yards. Especially on new
5 properties. Our ordinance says it's the shorter
6 of the two sides. On new property it's usually --
7 in some places it's determined -- I mean, you're
8 allowed to choose which is your front yard. So
9 that's something we may want to review. I'm not
10 saying we do. There are different ways to
11 approach what determines what is the front yard.

12 COMMISSIONER SHLENSKY: So to continue on
13 with the corner lots, because I think this is a
14 very important conversation, Consuelo, what would
15 be -- what would be the allowable fencing for this
16 property outside of the variance that they've
17 requested? Like where they, without a variance,
18 put any fence, or could they not put any fence --
19 could they not have a privacy fence at all, or is
20 it only up to a certain amount feet for say this
21 corner?

22 MS. ARGUILLES: So in the front yard, our

1 Code does allow fences in the front yard. It just
2 limits the height, so --

3 COMMISSIONER SHLENSKY: It's up to four feet?

4 MS. ARGUILLES: Three feet.

5 CHAIRMAN JARRETT: We actually do allow
6 fences in all yards, which I've always been -- I'm
7 always opposed to that. I don't like front yard
8 fences in suburbs, but we do. And when we revised
9 the Zoning Ordinance, the consensus was that more
10 people liked it than didn't. I think it's more of
11 a city thing than a suburban thing personally. I
12 don't like four-foot-high vinyl fences in front
13 yards. That's my preference. But we do. So
14 there would be nothing to keep them from putting
15 fencing, especially all the way around their
16 property.

17 COMMISSIONER SHLENSKY: Okay. So we allow
18 without a variance up to three feet in any part of
19 the yard, across the lot line.

20 MS. ARGUILLES: In the front yard.

21 COMMISSIONER SHLENSKY: Thank you. In the
22 front yard, correct.

1 MS. ARGUILLES: So if you look at page two of
2 the Staff report, I do break it down in terms of
3 what the Code allows, depending on the style of
4 the fence. It could be a three foot privacy fence
5 or a four foot open fence in the front yard. That
6 was page two of the report.

7 COMMISSIONER SHLENSKY: Okay. So a three
8 foot solid, meaning privacy, or a four foot open
9 fence. Okay. And then up to six feet in the rear
10 of the property.

11 MS. ARGUILLES: Correct.

12 CHAIRMAN JARRETT: And interior side yard as
13 well.

14 MS. ARGUILLES: Yep.

15 CHAIRMAN JARRETT: So corner lots are always
16 going to be presented with issues like that. This
17 is just one that truly does not have a true back
18 yard. And, you know, the garage for this house
19 was built and actually did not have a garage. It
20 had a detached garage originally. It was one of
21 those ranches with a garage on the end of it that
22 got converted into living space at some point. At

1 one point this property had a lot of open space.
2 But those are the kind of things that we should
3 think about. You know, the new Zoning Ordinance
4 is now two years old, maybe more. So are there
5 things Staff is finding that are problematic or
6 that -- Patrick did, in the first year, a couple
7 of small things, but there may be more. And as
8 you get more comfortable, you may have ideas on
9 that.

10 MS. ARGUILLES: I actually have a running
11 list going. So my plan is to take that before you
12 before the year end. Special conditions for some
13 cleanup items and some changes to address some
14 trending items that are coming up. The Codes are
15 going to be evolving as, you know, the structures
16 and, you know, that are out there, and, you know
17 -- so that's something that I anticipate or was
18 continuing to revisit the Code and proposing
19 changes to be up to speed with what the standard
20 is.

21 CHAIRMAN JARRETT: Good. And when I first
22 joined, and Mike was here, two or three years, we

1 kind of did have those -- usually right before or
2 right after Christmas, just either a workshop
3 meeting or a little bit of time, if there was a --
4 like on a day like today where you have one quick
5 agenda item, and then an hour and-a-half to --

6 COMMISSIONER ORLOWSKI: You had goals.

7 CHAIRMAN JARRETT: Had goals, yeah. And then
8 we went through a period where we had full agendas
9 almost every week and -- every month, and that
10 sort of fell by the wayside. So I'd like to get
11 back to some of that.

12 Okay. Any other comments?

13 COMMISSIONER SHLENSKY: Just one last one.
14 You brought up a point about parking. We got that
15 brand new parking lot now on Villa Avenue for the
16 Business District. I pick up food from various
17 restaurants all the time. I never see that lot
18 even close to capacity, if used at all. So, I
19 mean, I understand we're in COVID, but has Staff
20 had any review, or is this more of a question for
21 Traffic & Safety of the use of that new, amazing
22 parking lot that we have?

1 COMMISSIONER ORLOWSKI: We need a bigger
2 sign. The sign that says parking is only this
3 big. I mean, people have asked me, what are we
4 using that lot for. I'm like, drive by there
5 again and see. It says, parking.

6 CHAIRMAN JARRETT: I agree. I know the sign
7 is -- it's very, very small.

8 COMMISSIONER SHLENSKY: I never once actually
9 had to park there. Again, COVID pandemic. I
10 never once had to park there to go get food from
11 any of the restaurants on Villa Avenue. And that
12 lot's sitting there. And I know it caused such a
13 commotion, and it's not being used.

14 CHAIRMAN JARRETT: In a perfect world -- and
15 I speak just for myself, not the Village. In a
16 perfect world, just parking is a holding strategy
17 for that property. That ultimately should be some
18 of a development on that.

19 COMMISSIONER ROMANO: To your original point,
20 the plan was big in that area, which is clearly
21 never really going to come to fruition, so we
22 really do need to revisit it.

1 CHAIRMAN JARRETT: Well, Comprehensive Plans
2 should be big.

3 COMMISSIONER ROMANO: Big in a way that we
4 define neighborhoods.

5 CHAIRMAN JARRETT: Where I do agree with you
6 is that especially Villa Avenue has changed,
7 mostly for the better. I mean, I would say,
8 entirely for the better. So we have a better idea
9 of where that's trending. I think it was Robin
10 that said that if it wants to be the hipster
11 industrial mecca of the western suburbs, he was
12 all for it. So maybe that's the vision for Villa,
13 maybe it's not. That's why we do planning.

14 All right. Any other comments?

15 COMMISSIONER ROMANO: Just to be clear
16 though, from what you said, and Mike said,
17 Consuelo said, so we are at some point going to
18 sit down and have a special session?

19 MS. ARGUILLES: So my plan is to -- whether
20 it's the end of this year or shortly into next
21 year to take some proposed Text Amendments before
22 you for consideration.

1 CHAIRMAN JARRETT: Yeah. I think if D45 is
2 on next month, that could be a substantial
3 meeting. But, yeah, hopefully we can get that in.
4 I would like to -- if not -- let's see. We've got
5 October, November. So, yeah, that sounds good.
6 End of the year or first of the year, if possible.

7 All right. Any other Staff comments?
8 Any Village Board happenings we should know about?
9 Anything like that?

10 MS. ARGUILLES: No. At this time of year
11 it's budget time, so that's, I guess, the priority
12 from a Village standpoint, working on the budget.
13 But keep an eye out for future meetings for
14 various Text Amendments that I will be pushing
15 forward to recommend.

16 And I would like to go ahead and let you
17 know that I am looking to amend the agenda. The
18 format of the agenda. So that that might be
19 something a little bit different moving forward.
20 So just a heads up on that.

21 CHAIRMAN JARRETT: Yeah. I discussed that
22 too. We're getting to something that's a slightly

1 cleaned up version of the agenda that we had
2 before this agenda, so --

3 COMMISSIONER LANENGA: So are we Zoning &
4 Planning or Planning & Zoning?

5 CHAIRMAN JARRETT: We are Planning & Zoning.
6 Nobody put zoning before planning.

7 MS. ARGUILLES: So that's one of the changes
8 already. And, yes, it shouldn't be more than one
9 page. I'll tell you that now.

10 COMMISSIONER ORLOWSKI: Go back to the way it
11 used to be.

12 MS. ARGUILLES: Simple, and, you know, the --
13 what is under five now is going to be incorporated
14 into an FYI document for the Commissioners. Not
15 necessarily this agenda.

16 CHAIRMAN JARRETT: The only question I would
17 have for the Commission is that prior to Consuelo
18 we typically allowed petitioners to speak first
19 and then Staff. She requested that we try it the
20 other way. So does anybody have a strong opinion
21 on that one way or the other? I don't. I think
22 both petitioners, like the one tonight, I think it

1 excluded typically what we get. I think that it's
2 beneficial, because they don't have to come up and
3 scammer their way through a project that Staff can
4 sum up very precisely, you know. If you have
5 opposition -- I've been in cases like that, and if
6 you have opposition and you know what you're
7 doing, you could work with either one. Having
8 Staff speak before you, sometimes it's to your
9 advantage, because then you have an opportunity to
10 counter whatever they said.

11 COMMISSIONER SHLENSKY: One thing that I
12 would like to speak to is that, for example, I was
13 looking at an example of the September meeting
14 when D45 proposal was not necessarily structured
15 in a way on paper that was going to take as long
16 as it did. I think that we should let the
17 individual petitioners speak or have their
18 presentation prior to anything larger, like a D45
19 type proposal.

20 CHAIRMAN JARRETT: Yeah. Now that would be
21 something that I would typically do, and we can
22 always amend the order of the agenda here if we

1 need to. That's something that I typically
2 recommend and that I try to do in some hearings in
3 the past where I know there's something that's
4 going to be very time consuming and something
5 that's not.

6 Typically, I'm sure the way that Staff
7 does it -- I don't just mean our current Staff,
8 but it's application order, so -- but we can
9 certainly amend. I did not anticipate that one
10 being that drawn out where I probably would have
11 suggested that. I think I actually might have
12 mentioned that to Consuelo before where I said,
13 should be get them out of here. But I guess that
14 would be the other question on the agenda is the
15 current order of the agenda has comments on
16 non-agenda items at the end. Is there any
17 objection to moving that to the beginning so they
18 can get out of here, or do you give that part to
19 the applicants who are actually on the agenda?

20 COMMISSIONER ORLOWSKI: I think you give it
21 to the people on the agenda.

22 CHAIRMAN JARRETT: Okay.

1 COMMISSIONER ROMANO: We very rarely have
2 non-agenda --

3 CHAIRMAN JARRETT: Yeah.

4 COMMISSIONER LANENGA: That poor guy sat here
5 for 45 minutes for no apparent reason.

6 COMMISSIONER ORLOWSKI: They did their
7 homework. Let them speak first, and then any of
8 the other questions --

9 CHAIRMAN JARRETT: So non-agenda items remain
10 at the end, okay.

11 COMMISSIONER ORLOWSKI: Yeah. I'm fine with
12 that.

13 MS. ARGUILLES: If I may. Regarding the
14 order of the cases, is it okay with the
15 Commission, we'll generally place them in order of
16 the number of request and the scope of the
17 project. So generally they kind of -- they'll
18 typically come at the end of that order. This
19 fence would be first, and then the bigger
20 projects. So not necessarily the filing name,
21 number, but the case on the request.

22 CHAIRMAN JARRETT: Good. And that's the way

1 I think is the most sufficient way to do it. D45
2 is a bit of a ridge, because when they said they
3 wanted to do a quick presentation, I thought it
4 was going to be quick, but --

5 Okay. Anything else? Motion to
6 adjourn?

7 COMMISSIONER LANENGA: So moved.

8 CHAIRMAN JARRETT: All in favor.

9 (Whereupon, there was a collective
10 aye response from the Commission.)

11 CHAIRMAN JARRETT: We're adjourned.

12 (Whereupon, the meeting was
13 adjourned.)

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1 STATE OF ILLINOIS)
) SS.

2 COUNTY OF DU PAGE)

5 I, MARY FAILLO, C.S.R. No. 084-004565,
6 duly qualified by the State of Illinois, County of
7 Du Page, do hereby certify that at the request of
8 the VILLAGE OF VILLA PARK PLANNING & ZONING
9 COMMISSION, subject to the usual terms and
10 conditions of County Court Reporters, Inc.,
11 reported in shorthand the proceedings had and
12 testimony taken at the public hearing of the
13 above-entitled cause, and that the foregoing
14 transcript is a true, correct and complete report
15 of the entire testimony so taken at the time and
16 place hereinabove set forth.

Mary Lailo

MARY FAILLO, CSR, RPR



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VILLAGE OF VILLA PARK
PLANNING & ZONING COMMISSION

IN RE THE MATTER OF:)
)
Variance to allow a pool)
in the front yard, and)
variance to allow a six) Petition PZ-20-0014
foot privacy fence in)
the front yard for a)
property located at 580)
East Kolberg Court.)

PUBLIC HEARING BEFORE THE
PLANNING & ZONING COMMISSION
OCTOBER 8, 2020
7:30 P.M.

PROCEEDINGS HAD and testimony taken before
the VILLAGE OF VILLA PARK PLANNING & ZONING
COMMISSION, taken at Villa Park Village Hall, 20
South Ardmore Avenue, Villa Park, Illinois, before
MARY E. FAILLO, C.S.R., qualified in the State of
Illinois.

PUBLIC HEARING BEFORE THE
PLANNING & ZONING COMMISSION
OCTOBER 8, 2020
7:30 P.M.

COMMISSION, taken at Villa Park Village Hall, 20

South Ardmore Avenue, Villa Park, Illinois, before

MARY E. FAILLO, C.S.R., qualified in the State of Illinois.

1 BOARD MEMBERS PRESENT:

2 MR. JASON JARRETT, Chairman

3 MR. MIKE ORLOWSKI

4 MR. LARRY CALVERT

5 MR. JACK LANENGA

6 MR. DOMINICK ROMANO

7 MR. EDWARD HOFSTRA

8 MR. JUSTIN SHLENSKY

9

10 ALSO PRESENT:

11 MS. CONSUELO ARGUILLES, Director of Community
Development

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1 CHAIRMAN JARRETT: The next order of business
2 will be Petition PZ-20-0014, 580 East Kolberg
3 Court. Variation for a six foot fence and to
4 allow a pool in the front yard. Petitioner, David
5 and Amy Wright.

6 So the way the process will work is
7 we'll start with Staff input, then move to
8 presentation of the petitioner, which at that time
9 the petitioner can come up and speak at the
10 podium, or if they're more comfortable speaking
11 from where they're at, that's fine. Just speak
12 loudly so we can hear you.

13 Public participation and questions. If
14 you're from the public and you want to speak at
15 that point, same thing, you can speak from where
16 you're at, or you can come up to the podium. Just
17 speak loudly so we can hear you. State your name
18 and address for the record.

19 Questions from the Commission, closing
20 comments of the petitioner, then we'll close the
21 public hearing, discuss up here amongst ourselves,
22 and have a motion if we get to that point.

1 So if you're expecting to speak tonight
2 on the agenda item, I'd have you stand now and be
3 sworn in by the court reporter. Whether you're
4 for, against, or you're the applicant, please rise
5 now, and the court reporter will swear you in.

6 (Whereupon, the witnesses were
7 sworn in under oath.)

8 COMMISSIONER HOFSTRA: I should just make a
9 note. I live on Lane Drive. I was notified
10 because I'm in close proximity to it. If the
11 applicant objects or the Commission objects, I
12 will gladly refuse myself.

13 CHAIRMAN JARRETT: It's my understanding that
14 you're behind or there's a property between you
15 and theirs, right?

16 COMMISSIONER HOFSTRA: Yes.

17 CHAIRMAN JARRETT: So I will leave it up to
18 you, or if anybody else has an objection on that.

19 COMMISSIONER SHLENSKY: No objection.

20 COMMISSIONER LANENGA: No objection.

21 COMMISSIONER ORLOWSKI: No objection.

22 CHAIRMAN JARRETT: Okay. So we'll start with

1 Staff input.

2 MS. ARGUILLES: Thank you. The petition
3 before you tonight for consideration is
4 PZ-20-0014, and this is variation request to allow
5 a fence in the front yard, and another variation
6 to allow a pool in the front yard facing Wayside.
7 The aerial image shown on this slide indicates
8 where the subject property is located at the
9 northwest corner of Wayside and Kolberg.

10 This is an image of the front elevation
11 of the home which faces Kolberg. According to the
12 York Township Assessor's office, the subject
13 property was built in 1954. However, in recent
14 years, the home was remodeled to include an
15 addition of a three-car garage.

16 This is a view of the property facing
17 northwest from Wayside Drive. As you can see, the
18 subject property is facing Kolberg and adjacent
19 property is facing Wayside. The subject
20 property's north side yard is considered the
21 interior side yard, and as seen on the slide in
22 between the fence that is on the property line

1 between the subject property and the property to
2 the north.

3 The petitioners would like to install a
4 15 foot by 30 foot above-grade pool on the east
5 side of the home, which would be considered the
6 front yard per Code. In addition to the pool, the
7 petitioners are proposing to install a fence. A
8 six-foot-tall fence. It will be a vinyl fence at
9 that northwest corner of the property, and along
10 the northeast corner of the site. The fence line
11 would be six feet tall, but would open -- would be
12 different in style. It would move from the vinyl
13 privacy fence to an open vinyl fence along the
14 south lot line, which would be even with the
15 house. Both the pool in the front yard and the
16 fence in the front yard requires variation
17 approval.

18 The petitioner did submit some elevation
19 drawings of what the fence would look like. Like
20 I mentioned, the fence would be a vinyl fence and
21 would measure six feet tall, privacy for most of
22 the fence line except at the south line of the

1 fence where it would be a picket fence but with
2 the height of six feet.

3 The image shown on the slide indicates
4 what the pool will look like. It would be an
5 above-grade pool, a round pool that would be in
6 their front yard.

7 The standards for considering to approve
8 a variation can be found in the Zoning Ordinance
9 and include findings of fact which include that
10 the proposed variance at the subject location is
11 necessary to overcome a particular hardship or
12 practical difficulty that a reasonable return or
13 use of the property is not possible under the
14 existing regulations. The existing situation is
15 unique, and that the proposed variation will not
16 alter the essential character of the locality,
17 impair an adequate supply of light and air to the
18 adjacent property, nor increase hazards from fire,
19 or impair property values in the neighborhood.
20 Lastly, it must be found that the proposal will
21 not increase congestion on the streets, or
22 otherwise impair public safety, health, and

1 convenience.

2 Staff has reviewed the variation
3 requests and believes that it is a hardship
4 because of the unique property characteristics.
5 The subject property was previously part of a
6 larger lot that is now two separate lots. The
7 subject property ended up as a corner lot with
8 little to none of a rear yard. The front yard is
9 the best useable yard the petitioners have.
10 Normally there is sufficient space in the rear
11 yard or interior yard to allow for a pool and a
12 privacy fence. However, that is not possible due
13 to the unique lot conditions on the subject
14 property.

15 The petitioner did submit responses to
16 the standard and are here to answer any questions
17 that the Commission may have. Should the request
18 be approved, a building permit will be required
19 for the proposed improvements.

20 Part of the public notice that was
21 issued for this request did include notifying the
22 adjacent property owners within 250 feet of the

1 subject property. We did receive one letter with
2 concerns from an adjacent property owner that I
3 would like to go ahead and summarize here tonight.

4 One of the concerns was that it was
5 going to displace or disrupt the flow of water and
6 water drainage in the area or encroach onto the
7 property. Our Village Engineer did review the
8 comments and proposes the following. Based on the
9 review, the fence would be located about 20 feet
10 west of the drainage ditch center line. It will
11 not effect the flow of storm water.

12 Another comment we received had to do
13 with available space between north and south of
14 the fence. We did review and found that the iron
15 pipes along the east property line do not
16 represent that this is between the north and the
17 south fence line. Therefore, Staff's review finds
18 that there would be enough space to accommodate
19 the pool and the fence that is proposed.

20 Another comment that we received had to
21 do with the pool's location in the side yard, or
22 front yard in this case. We did find that it will

1 be meeting our setback requirements, which would
2 be five feet from the north property line, outside
3 of the east fence line.

4 Further, another concern we received was
5 regarding the stakes of the property. The Village
6 does not service properties or do construction
7 layouts. It is a resident's responsibility
8 following the approved plans.

9 Another comment we received had to do
10 with the pool and the available green space, and
11 it does have concerns with drain water obstruction
12 and flooding issues in the area. Based on our
13 engineer's review, he found that it is very
14 minimal impact of the proposed impervious area,
15 which is about 450 square feet with the pool. On
16 the overall drainage of the water shed, any storm
17 water modeling software will show zero impact. In
18 general, drainage ditches are designed not only to
19 move storm water but also to hold water during
20 significant storm events. Further, based on the
21 review of the proposal, it would meet their lot
22 coverage variations permitted for the residential

1 zoning district.

2 Based on this, Staff is making a
3 recommendation that the Planning & Zoning
4 Commissioner adopts Staff's findings as the
5 findings of the Planning & Zoning Commission and
6 recommend approval of the following motion. To
7 approve variation to allow a pool in the front
8 yard, and a variation to allow a six-foot-tall
9 fence in the front yard, subject to the conditions
10 of landscaping, including evergreen shrubs,
11 planted to screen the fence line. Village Board's
12 decision is final for this case.

13 CHAIRMAN JARRETT: Consuelo, how many
14 different people did we receive comments from?
15 And do you happen to have the addresses of those
16 available?

17 MS. ARGUILLES: I just received one letter,
18 and that's the neighbor to the north, which I
19 believe is here tonight.

20 CHAIRMAN JARRETT: Okay. Thank you so much.

21 COMMISSIONER SHLENSKY: Mr. Jones is here?

22 MR. JONES: Yes, I am.

1 COMMISSIONER SHLENSKY: Thank you.

2 CHAIRMAN JARRETT: All right. So next would
3 be presentation of petitioner. If the petitioner
4 wants to speak now, you can come up to the podium
5 or rise.

6 MR. WRIGHT: She did a great job. Thank you.

7 MS. WRIGHT: She did a great job.

8 CHAIRMAN JARRETT: I'm just going to need you
9 though to -- since you're on the record now, just
10 state your names and address for the record so the
11 court reporter can get that down.

12 MR. WRIGHT: David Wright. My wife, Amy.
13 580 Kolberg.

14 MS. WRIGHT: Amy Wright.

15 CHAIRMAN JARRETT: Okay. And you were both
16 sworn in.

17 MS. WRIGHT: Yes.

18 CHAIRMAN JARRETT: Because we may have
19 questions of you.

20 MS. WRIGHT: Okay.

21 CHAIRMAN JARRETT: So, at this time, I will
22 take any public participation or questions. You

1 can speak from where you're at if you want. Just
2 speak up so we can hear you and the court
3 reporter, state your name and address for the
4 record, or you can come up here front and center
5 if you prefer.

6 MR. JONES: My name is David Jones. I live
7 at 1241 South Wayside Drive, Villa Park. I am the
8 neighbor to the north. My wife and I live at that
9 address or the adjacent property. The
10 petitioner's exterior side yard basically faces
11 our front yard. So our living room window, our
12 upstairs bedroom window, the office where I work
13 from home at is going to be looking out at
14 whatever is constructed there. You gentlemen can
15 hear me okay; is that correct?

16 CHAIRMAN JARRETT: Yeah.

17 MR. JONES: Okay. Thanks. We're not opposed
18 to an installation of a fence as long as it's
19 installed in a way to not displace or disrupt the
20 flow of green water and encroach onto our
21 property.

22 We question the lack of completeness of

1 the fence in the back based on the plan. While we
2 do not plan to replace our fence at this time, we
3 are not adverse to the petitioner installing a
4 whole system fence on their side of the property.

5 We have concerns regarding the
6 installation of a pool. The dimensions of the
7 pool and the fence line represented in the plan,
8 the lack of defined setback in the plans from our
9 property line for the pool, and the larger issue
10 as to the impact of the possible reduction of the
11 green space or permeable surface of the property
12 as already discussed by the Director. And bear
13 with me here. You gentlemen have a copy of what I
14 submitted via e-mail to the Director of Community
15 Development.

16 My wife and I looked at the plans at
17 Community Development. The plans provided by the
18 Village show the available space between the north
19 and south fence at 32 feet, the pool dimensions
20 are at 30 feet, 15 feet wide. The pool dimensions
21 in the plan show space between the south fence and
22 the pool of five feet, but there's no documented

1 setback from our property line for the pool. We
2 have concerns about that, that there's no setback
3 defined.

4 We also -- on the subject that just came
5 up at this meeting, the plans depict on
6 oval-shaped pool, hence the dimensions of 30 by
7 15. 30 foot length, 15 feet wide. The graphic
8 showed a round pool. I'm not sure which one's
9 correct in this case here.

10 If do you the math, you take the 32 foot
11 pool, you subtract five feet setback from the
12 fence on either side, you basically have exceeded
13 it now by a total of 18. At the property line
14 there appears to be what appears to be service
15 stakes on the petitioners' property. They have
16 appeared to have been moved twice. I'm not sure
17 how they've been moved or why they've been moved.
18 Obviously we're not suggesting anybody's moved
19 them. We're not suggesting the petitioners moved
20 them, but we have concern that the placement of
21 the stakes may result in encroachment onto our
22 property if and when that fence is installed.

1 The green space reduction possibly to
2 increase in neighborhood flooding and property
3 damage. The culvert drainage system at the corner
4 of Kolberg and Wayside already plugs a minimum of
5 once a year, pushing water up towards the
6 petitioners' home as well as onto our lot, towards
7 our home, into the street, and into the
8 neighboring lawn. So even the houses across
9 Wayside Drive and those lawns are subject to water
10 that flows from the culvert across the street.
11 I've attached pictures to this document. In the
12 back where you can see a couple of instances where
13 that culvert has flooded and backed water up.

14 In addition to that, there's been a
15 recent remodeling project, as mentioned by
16 Community Development. Additional green space has
17 been taken up by the addition of a three-car
18 garage and a partial three-car garage and two-car
19 driveway where there used to exist, I believe, a
20 two-car garage, detached, and now it is an
21 attached garage.

22 Our ask is basically that the petitioner

1 revise and resubmit, per review, corrected plans
2 for the fence line and the appropriate required
3 setback from our property. Planning & Zoning
4 Commission review and validate the corrected
5 plans, and study the impact on the permeable
6 surface. Planning & Zoning Commission and the
7 engineering department review the corrected plans
8 and determine the impact of the fence and the
9 swimming pool on storm water drainage and the
10 potential impact on our property as well as the
11 neighboring properties.

12 And with that, if you have any
13 questions, I'll take your questions.

14 CHAIRMAN JARRETT: Thank you. I appreciate
15 that.

16 MR. JONES: Thank you.

17 CHAIRMAN JARRETT: All right. Anyone else
18 wishing to speak on this item.

19 Okay. Seeing none, I'll move to
20 questions from the Commission. Who would like to
21 start?

22 COMMISSIONER SHLENSKY: If I could.

1 CHAIRMAN JARRETT: Go ahead.

2 COMMISSIONER SHLENSKY: Thank you. Possibly
3 questions for both the petitioner/homeowners and
4 also Consuelo.

5 So Mr. Jones brings up a valid point
6 that at some point on the plat of survey it does
7 appear the way that I read this is that the
8 northeast-most iron stake to the -- let's call it
9 the eastern stake line. To the south of that,
10 that kind of starts where your property arcs or
11 it's kind of where that starts to arc, and that's
12 what should read 32.16 feet. The 32.16 feet is
13 not the north to south red line.

14 MR. WRIGHT: Are you talking about the plans
15 on where the fence is going to go?

16 COMMISSIONER SHLENSKY: Correct.

17 MR. WRIGHT: The fence is going up even with
18 the house. It's not even coming close to the
19 corner. It's stopping at the house.

20 COMMISSIONER SHLENSKY: Okay. Consuelo, is
21 there any way you can put this photo up on the
22 screen?

1 MS. ARGUILLES: Sure.

2 CHAIRMAN JARRETT: I can tell you that the
3 plan is not to scale. The pool is not to scale.
4 A couple of pencil lines will tell you that.

5 COMMISSIONER SHLENSKY: Okay. So what I'm
6 indicating is that where the two red lines that
7 cross at the northeast corner right there, if you
8 drag your cursor down to right there, that is the
9 surveyed 32.16 feet, correct, on your plat?

10 MR. WRIGHT: I can't see it from here.

11 COMMISSIONER SHLENSKY: Consuelo, is there
12 any way you can validate that for the record?

13 CHAIRMAN JARRETT: What I can tell you is
14 that the western dimension is 82 feet on the
15 western property line right there, so that gives
16 you a pretty good idea.

17 COMMISSIONER SHLENSKY: It's about 40, not
18 32, right? That's the way that I read it. So
19 that if there is a 30-foot-long north to south
20 pool, potential clearance of five feet to the
21 south and five feet from the two proposed fence
22 lines; correct?

1 MR. WRIGHT: I believe so.

2 COMMISSIONER SHLENSKY: Okay. And then to
3 Mr. Jones' point, for clarification, the 15 by 30
4 oval-shaped pool, is that your intention or --

5 MR. WRIGHT: Yes.

6 COMMISSIONER SHLENSKY: Okay. So the graphic
7 is just inaccurate. It's just not an exact --

8 MS. WRIGHT: Correct. It looks round, but
9 it's oval.

10 COMMISSIONER SHLENSKY: That's fine. So,
11 Consuelo, is there any requirement that the pool
12 has to be -- the edge of the pool -- let's call it
13 the north end of the pool -- has to be five feet
14 from the easement line, or can it be sufficient to
15 be five feet from the proposed fence line?

16 MS. ARGUILLES: So it definitely has to be
17 out of the five foot easement. So it could be up
18 to it. It could not be on the line. So it
19 definitely has to be outside of that.

20 COMMISSIONER SHLENSKY: So that brings me to
21 my next consideration. If we are talking about
22 approximately 40 feet from the north end of the

1 fence to the south end of the fence as clearance
2 space, and a 30-foot pool, and there's proposed
3 five feet of clearance from the south end of the
4 pool to the south end of the fence, simple math
5 gives us five feet to work with from the north end
6 of the fence to the north end of the pool. It
7 appears there's already a five-foot easement from
8 the north end of the fence or the proposed fence
9 line, so that would put you right up to the
10 easement line for a 30-foot-long pool. So I don't
11 know if this needs to be revised or the pool would
12 need to be shrunk down to allow -- if there's a
13 25-foot-long pool to allow for a five-foot gap
14 from the easement to the north end of the pool and
15 also provide clearance for five feet from the
16 south end of the pool to the south end of the
17 fence line, or alternatively if there's no
18 requirement for a setback from the south end of
19 the pool to the south end of the proposed fence
20 line, you would basically be looking at the south
21 end of the pool abutting the south end of the
22 fence line. That's the way that I read this, just

1 based on the estimation of about 40-foot clearance
2 gap between the proposed north end of the fence
3 line and the south end of the fence line. Is that
4 accurate?

5 MS. ARGUILLES: It is accurate.

6 COMMISSIONER HOFSTRA: If you look, the lot
7 is 82 feet deep, okay, and then the house is set
8 40 feet back. That gives you 42 feet left. The
9 house is 26.3 feet. If you run that number, you
10 end up with it being 16 feet between the back of
11 the house to the lot line.

12 MS. WRIGHT: Correct.

13 COMMISSIONER HOFSTRA: Okay. Then you take
14 the five feet, and out of that you've got 11 feet
15 left in there to add to the house. So you're at
16 37 feet of workable space.

17 COMMISSIONER ORLOWSKI: Can we determine the
18 type of pool? Is this a round pool?

19 MR. WRIGHT: Oval.

20 COMMISSIONER ORLOWSKI: What size is it?

21 MR. WRIGHT: 15 by 30.

22 COMMISSIONER ORLOWSKI: 15 by 30 is not oval.

1 That's oblong, okay.

2 MS. WRIGHT: Okay. They call it oval in the
3 store.

4 MR. WRIGHT: It's in our garage. It's an
5 indoor pool right now.

6 COMMISSIONER SHLENSKY: Okay. In any event,
7 there's a fine point in regard to the 42 usable
8 feet. The 42 minus five for the easement gives us
9 37, minus 30 for the pool gives us seven feet.

10 COMMISSIONER HOFSTRA: You've got two feet to
11 spare.

12 COMMISSIONER SHLENSKY: Right. Two feet to
13 the south end.

14 COMMISSIONER HOFSTRA: No.

15 COMMISSIONER SHLENSKY: Consuelo is
16 indicating that there must be a five-foot
17 clearance.

18 MS. ARGUILLES: I'm indicating that from the
19 south lot line, the petitioners are proposing five
20 feet. So if that's not accurate, that's something
21 we can definitely address as part of the building
22 permit application. What's here before you

1 tonight is a variation for side yard setback --
2 the side yard setback variation and the fence
3 height.

4 COMMISSIONER SHLENSKY: Right. But I just --
5 if I'm clear on this, you're indicating that there
6 is a requirement for a five-foot clearance from
7 the --

8 MS. ARGUILLES: I would have to go back and
9 look at the Building Code to see if there's an
10 exception to the fence line versus the accessory
11 -- the building -- principal building versus the
12 fence.

13 COMMISSIONER SHLENSKY: I'm asking about
14 easements.

15 COMMISSIONER HOFSTRA: You've got to satisfy
16 easements.

17 COMMISSIONER ROMANO: It could abut to the
18 easement.

19 MS. ARGUILLES: It could be up to it.

20 COMMISSIONER SHLENSKY: Okay. That's what
21 I'm seeking clarity on right there. Any other
22 requirements besides the fact that they clearly

1 can't put it on an easement.

2 MS. WRIGHT: It has to be 10 foot from the
3 house also.

4 COMMISSIONER SHLENSKY: Which is fine,
5 because your proposal is 15 feet.

6 MS. WRIGHT: Right.

7 COMMISSIONER SHLENSKY: Okay. I just want to
8 make sure that we meet all the easement lines and
9 any other requirements, that the proposed location
10 and size of the pool meets all those requirements.

11 COMMISSIONER ROMANO: Consuelo, if you could
12 put that graphic. The number that we are just
13 missing that we're going of going around on is
14 between the north end of the pool and the easement
15 would be two feet.

16 MS. WRIGHT: Yes.

17 COMMISSIONER HOFSTRA: The dotted line
18 easement.

19 COMMISSIONER ROMANO: Correct. So it's not
20 on the easement, and that could give five feet of
21 clearance from the side fence and two feet to the
22 easement, which is another five feet to the fence

1 line.

2 COMMISSIONER SHLENSKY: So just as a comment.
3 I have no issues between the open and the privacy
4 versions or portions of the fence. It's your
5 property, and regardless if you have children or
6 not, I can understand the need for privacy just
7 for the two of you yourselves if you don't have a
8 larger family. And from the photos, I think you
9 have done a wonderful job on the upkeep of your
10 house. I mean, they look beautiful from the
11 exterior, so I commend you on that.

12 MR. WRIGHT: Thank you.

13 MS. WRIGHT: Thank you.

14 COMMISSIONER SHLENSKY: With regard to the
15 concern which has been partially addressed by
16 Staff comments with the water drainage. You know,
17 we've all had the flash foods. We all know
18 exactly what the sewers can do when they back up
19 to us, and I just want to make sure that the
20 concern has been addressed from yourselves as
21 homeowners in the event of another backup that
22 it's not going to take out any pumps or

1 electronics or anything else you might have
2 situated in the yard such that it starts to tip
3 the pool in any capacity or ruin the exterior of
4 the pool, you know.

5 MS. WRIGHT: Our property has flooded since
6 we've lived there, because we're the lowest one of
7 the whole subdivision, so one of the problems
8 we've been having is with the garage flooding.

9 MR. WRIGHT: Which is why we built the new
10 one.

11 MS. WRIGHT: Yeah. We used to have to leave
12 the garage door open to let the water run out. We
13 noticed that the garage was getting ready to go,
14 and basically fall. It was sinking. So that was
15 our option was to build a new garage. So we do
16 realize that that corner does flood. That's why
17 we would like to do an above ground, because, you
18 know, it's going to happen, because it has every
19 year, so --

20 MR. WRIGHT: Almost every year.

21 MS. WRIGHT: Well, pretty much every year.

22 COMMISSIONER HOFSTRA: How long does it

1 flood?

2 MS. WRIGHT: I mean, it goes down within a
3 couple hours. I mean, it has never come up to our
4 house.

5 COMMISSIONER HOFSTRA: That's my
6 understanding talking to Mike.

7 MR. WRIGHT: Yeah. I mean, we've been there
8 18 years. We know the situation. If we thought
9 it was going to damage the pool, we wouldn't put
10 one in.

11 COMMISSIONER HOFSTRA: Were you there in
12 1987?

13 MR. WRIGHT: I don't think so. No.

14 MS. WRIGHT: No.

15 COMMISSIONER HOFSTRA: That's the worst case.
16 Lived through it in Elmhurst. I'm well acquainted
17 with 1987.

18 MS. WRIGHT: We usually can tell when the
19 flood gates are open, because it goes down within
20 a half an hour.

21 COMMISSIONER HOFSTRA: Well, the drainage
22 from that corner is actually through the yards and

1 towards 83.

2 MS. WRIGHT: Right. Yes.

3 COMMISSIONER HOFSTRA: And it's picked up by
4 a culvert on 83 and into Sugar Creek.

5 MR. WRIGHT: You know, when they open the
6 grates, it's --

7 MS. WRIGHT: That whole area just drains
8 right to our -- the Village elevation map. It
9 drains through the whole -- right to our house.

10 COMMISSIONER HOFSTRA: I'm well acquainted
11 where my storm water drains.

12 COMMISSIONER ORLOWSKI: I got a question.
13 Did you live in this house whenever the lot was
14 subdivided?

15 MS. WRIGHT: No.

16 MR. WRIGHT: Yes, we did.

17 MS. WRIGHT: Well, we bought it subdivided.

18 COMMISSIONER ORLOWSKI: So it was already
19 subdivided when you purchased it.

20 MR. WRIGHT: Yes.

21 CHAIRMAN JARRETT: That's the question I've
22 got. So you said you've been in the house about

1 18 years. So it was subdivided immediately before
2 you purchased it. You guys built the larger
3 garage on the west side; correct?

4 MR. WRIGHT: It's about four feet larger.

5 CHAIRMAN JARRETT: Okay. When was that?

6 MS. WRIGHT: Last year.

7 CHAIRMAN JARRETT: Okay.

8 MS. WRIGHT: And it used to be a walkway in
9 between the house and the garage, and now it's
10 attached.

11 MR. WRIGHT: So that's the difference. That
12 was the difference in size.

13 COMMISSIONER SHLENSKY: There's no sidewalk?

14 MS. WRIGHT: There's no sidewalk. Not now.

15 MR. WRIGHT: No.

16 CHAIRMAN JARRETT: Let's try not to talk over
17 each other, because the court reporter has got to
18 capture everything.

19 Questions?

20 COMMISSIONER ORLOWSKI: No. I said the -- if
21 you go back one slide. Right there. There used
22 to be the walkway there, and you just made it --

1 MR. WRIGHT: Correct. And we moved the front
2 door also. The front door used to be to the right
3 of that picture window.

4 COMMISSIONER ORLOWSKI: I remember when you
5 were doing it, so --

6 MR. WRIGHT: And just to the left of the
7 front door now is where the sidewalk went, between
8 the house and the garage.

9 COMMISSIONER ORLOWSKI: Okay.

10 MR. WRIGHT: The garage isn't any further to
11 the west.

12 COMMISSIONER ORLOWSKI: Okay.

13 MS. WRIGHT: And it's actually closer to the
14 house now.

15 MR. WRIGHT: Yeah. We moved it forward from
16 the south probably two feet.

17 COMMISSIONER CALVERT: Jason, I have a
18 question.

19 CHAIRMAN JARRETT: Go ahead.

20 COMMISSIONER CALVERT: How is the maintenance
21 done on the pool in terms of -- is it something
22 that remains in place for all four seasons, or do

1 you have to drain it each year?

2 MR. WRIGHT: No. You don't drain it
3 completely.

4 COMMISSIONER CALVERT: How much do you have
5 to drain?

6 MS. WRIGHT: A quarter of the way.

7 COMMISSIONER ORLOWSKI: You've got to drain
8 below the skimmer. I've never had a pool.

9 MR. WRIGHT: She's had one all her life.

10 COMMISSIONER CALVERT: And there's adequate
11 drainage for that?

12 MS. ARGUILLES: Yes. The Village Engineer
13 did not see any concerns from a drainage
14 perspective.

15 COMMISSIONER CALVERT: And where would you
16 locate the utility -- like the pump and things?

17 MR. WRIGHT: Between the -- around the
18 backside of the house, I would think. Yes.
19 Correct. Where the air conditioner unit is.
20 Further back. You can't see it from here.

21 MS. WRIGHT: Where that big tree is on the
22 corner there.

1 MR. WRIGHT: Correct.

2 MR. JONES: May I ask a question regarding
3 the utilities?

4 CHAIRMAN JARRETT: Yeah. I'll allow you to.

5 MR. JONES: Thank you. With regards to
6 utilities, when you say maybe they'll be around
7 the air conditioner, does that mean the utilities,
8 meaning the pool pump and the furnace and the
9 filter by the air conditioner, or closer to the
10 pool, closer to our property line? What are the
11 plans for that?

12 MR. WRIGHT: Within Code. We don't know
13 until we get the pool up where it's going to go.

14 CHAIRMAN JARRETT: And we do have both a
15 Building Code and Zoning Ordinance which dictates
16 where they could put those. Like they couldn't
17 put them on the fence line, for instance. I
18 understand your concern though, because you could
19 have utilities right outside one of your home
20 windows, depending on exactly where they're
21 located. I assume that's your concern.

22 MR. JONES: That is my concern.

1 CHAIRMAN JARRETT: Noise.

2 MR. JONES: Yeah.

3 COMMISSIONER ORLOWSKI: I know the new pool
4 pumps are actually quieter than air conditioning
5 units that are outside.

6 COMMISSIONER ROMANO: I have a question for
7 you. Should in the future Mr. Jones decide to
8 take down his fence, will your future plans then
9 be to continue yours?

10 MR. WRIGHT: Yes.

11 MS. WRIGHT: We would like to do a white
12 vinyl fence all the way across now. We do have a
13 dog, so -- just because the white vinyl looks nice
14 and complete. It doesn't wear out or --

15 MR. WRIGHT: Low maintenance.

16 COMMISSIONER HOFSTRA: So your plan currently
17 is to do the fence the whole way across the back?

18 MS. WRIGHT: Well, when we get there. With
19 the price of fencing that's gone up because of
20 this pandemic, we hope that we can do the whole
21 thing, but the material keeps going up and going
22 up and going up. The first quote we got, we were

1 going to go all the way across, and now all the
2 material costs are going up, so -- whenever we get
3 it approved. We don't want to purchase anything
4 that we don't get approved. So that's why we hope
5 to go all the way across, but we have to wait to
6 see when we get there. If we get there.

7 CHAIRMAN JARRETT: Any other questions?

8 All right. Does the petitioner have any
9 closing comments at this time?

10 MR. WRIGHT: No.

11 CHAIRMAN JARRETT: Okay. All right. With
12 that, we'll close the public hearing and move to
13 discussion. Anybody have any?

14 COMMISSIONER ORLOWSKI: I'll start. I spent
15 a lot of time up there. There's a lot of yards in
16 that whole area that pretty much have side yards
17 fenced in in the same manner. Maybe not with such
18 a small back yard, but as far as the side yard
19 being along the side of the house, most of them,
20 they all have a larger backyard. You have a
21 residence that actually took up a part of that
22 back yard. I don't think anything with the pool,

1 only because I've been up there when it was
2 flooding. I don't think anything with the fence
3 or the pool would hinder or make worse any of the
4 flooding that occurs in that area already.

5 The only question that I had was if you
6 had purchased the property and then subdivided it.
7 Other than that, I have no issues.

8 CHAIRMAN JARRETT: Other comments?

9 COMMISSIONER SHLENSKY: I can appreciate the
10 uniqueness of the size of the lot, and because of
11 the subdivision that happened prior to your home
12 ownership, I do see the hardship that you have for
13 that.

14 One comment for Staff. And, again, with
15 regard to the variance. It's my understanding
16 with a zoning variance, we can't condition it, but
17 I believe that I heard you say something about
18 having some landscaping done as a potential
19 condition if it helped. If it doesn't have to be
20 a condition, it's just voluntary. Just fine with
21 that. Just wondering if, you know, we truly are
22 going to condition additional landscaping as a --

1 condition the landscaping as a condition of the
2 variance approval. Can you provide clarity on
3 that?

4 MS. ARGUILLES: Yeah. Like I mentioned in
5 the past, we could add conditions to variations.
6 This is Staff's recommendation, but it is
7 definitely before your consideration, should be
8 adopt it as recommended by Staff, or should you
9 amend the motion to eliminate that. That's
10 definitely within the Commission's power.

11 COMMISSIONER SHLENSKY: Okay. I hate to
12 reopen this for comment to the petitioner, but can
13 you just indicate what your potential landscaping
14 proposal would be then?

15 MS. WRIGHT: I would hate to cover up the
16 vinyl fence with bushes, but, I mean, if, you
17 know, that's something that --

18 MR. WRIGHT: As far as landscaping around the
19 fence?

20 COMMISSIONER SHLENSKY: Correct. Because
21 that's what Staff has indicated. I would just
22 like to get your perspective on that.

1 MR. WRIGHT: Flowers, if anything.

2 COMMISSIONER SHLENSKY: If we were to get
3 into that discussion.

4 MR. WRIGHT: Yeah. Flowers, if anything.

5 MS. WRIGHT: Just to match the rest of our
6 house, because it's all landscaped.

7 COMMISSIONER SHLENSKY: Okay. So I guess
8 I'll just open it up for the rest of the
9 Commission as to how we feel about a landscaping
10 condition.

11 COMMISSIONER ROMANO: I don't think it's
12 necessary. I'm looking at a Google map, and their
13 house has nice landscaping. It looks like they
14 put a lot of money into renovations. I don't
15 think it's necessary.

16 COMMISSIONER SHLENSKY: I tend to agree on
17 that. I don't necessarily feel that there's a
18 need for conditions of landscaping with the fence.

19 COMMISSIONER HOFSTRA: I think if you look at
20 the other corner lots around that whole block,
21 there's no landscaping alongside the fence.
22 You're viewing from the street a straight-line

1 fence. I don't see any need.

2 COMMISSIONER ORLOWSKI: I'll agree. Stick
3 with the flowers. It looks very nice.

4 CHAIRMAN JARRETT: Any other comments or
5 discussion?

6 All right. So I would entertain a
7 motion.

8 COMMISSIONER LANENGA: Move to approve
9 PZ-20-0014 for the following. One, variation to
10 allow a pool in the front yard, and, two,
11 variation to allow a six-foot-tall fence in the
12 front yard for the property located at 580 East
13 Kolberg Court, PIN 06-15-402-012. With a finding
14 of fact that such variance meets the standards
15 enumerated in Article 11.5 of Appendix C of the
16 Municipal Code, Village of Villa Park Basic Zoning
17 Ordinance.

18 COMMISSIONER ORLOWSKI: I'll second that.

19 CHAIRMAN JARRETT: We have a motion and a
20 second. Any questions or comments on the motion?

21 All right. Hearing none, roll call
22 vote.

1 Calvert.

2 COMMISSIONER CALVERT: Yes.

3 CHAIRMAN JARRETT: Hofstra.

4 COMMISSIONER HOFSTRA: Yes.

5 CHAIRMAN JARRETT: Lanenga.

6 COMMISSIONER LANENGA: Yes.

7 CHAIRMAN JARRETT: Orłowski.

8 COMMISSIONER ORŁOWSKI: Yes.

9 CHAIRMAN JARRETT: Romano.

10 COMMISSIONER ROMANO: Yes.

11 CHAIRMAN JARRETT: Shlensky.

12 COMMISSIONER SHLENSKY: Yes.

13 CHAIRMAN JARRETT: I too vote yes. With
14 that, our recommendation will pass to the Village
15 Board. They can accept, reject, or modify as they
16 see fit.

17 And one thing I would reassure the
18 neighbor on. If this does get approved by the
19 Village, they have to file a permit for the pool
20 and all the equipment. So all of that would have
21 to meet any of the regulations that were being
22 built anywhere else on their property or any other

1 -- they're putting pumps. They can't put them on
2 the fence line. And obviously if there are noise
3 issues or whatever, then that would be something
4 that would have to be raised with Staff, but I
5 hope you guys will work with your neighbor.

6 MR. WRIGHT: Absolutely.

7 CHAIRMAN JARRETT: And I hope you work with
8 the Village, if it ultimately gets approved, and
9 make the best situation for everybody.

10 MR. WRIGHT: Absolutely.

11 MR. JONES: Thank you.

12 CHAIRMAN JARRETT: Thank you for your time,
13 and thank you for coming up with your concerns. I
14 appreciate it.

15 MR. JONES: Thank you for your consideration
16 in this matter.

17 MR. WRIGHT: Thank you all.

18 MS. WRIGHT: Thank you.

19 (Whereupon, the public hearing was
20 concluded.)
21
22

1 | STATE OF ILLINOIS)
) SS.

2 | COUNTY OF DU PAGE)

5 I, MARY FAILLO, C.S.R. No. 084-004565,
6 duly qualified by the State of Illinois, County of
7 Du Page, do hereby certify that at the request of
8 the VILLAGE OF VILLA PARK PLANNING & ZONING
9 COMMISSION, subject to the usual terms and
10 conditions of County Court Reporters, Inc.,
11 reported in shorthand the proceedings had and
12 testimony taken at the public hearing of the
13 above-entitled cause, and that the foregoing
14 transcript is a true, correct and complete report
15 of the entire testimony so taken at the time and
16 place hereinabove set forth.

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22

MARY FAILLO, CSR, RPR



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