

**MINUTES OF THE PLANNING & ZONING COMMISSION  
VILLAGE OF ADDISON  
WEDNESDAY, JUNE 12, 2024**

The Planning & Zoning Commission meeting of the June 12, 2024 meeting was called to order at 7:00 p.m. by Chair Fotopoulos.

Present: Ariano, Cargill, Fotopoulos, McComb, Schmitt, Turk  
Absent: None  
Also Present: Jennifer Henaghan, Village of Addison and Village Attorney Dave Freeman

PUBLIC HEARING

**I. CALL TO ORDER – ROLL CALL**

**II. CONSIDERATION TO APPROVE THE MINUTES OF THE MAY 8, 2024 PLANNING & ZONING COMMISSION MEETING**

Mr. Schmitt made a motion to approve the minutes from the May 8, 2024 meeting, seconded by Mr. Cargill. Chair Fotopoulos asked if there was any discussion. There was none. Roll call was taken.

Motion passed unanimously.

**III. PUBLIC HEARINGS AND RECOMMENDATIONS**

1. **File PZ-24-05**, consideration regarding a variation for the property at 1514 W. Woodland Avenue.

P.I.N.: 03-19-404-027

Petitioner: Tony & Carole Whitaker

This file was advertised in the May 27, 2024 issue of the Daily Herald Newspaper.

Mr. Cargill made a motion to open File #PZ-24-05, seconded by Mr. Ariano. Roll call was taken.

Motion passed unanimously.

Jennifer Henaghan, Village of Addison stated the petitioners are requesting a variation to replace their existing legal nonconforming driveway. When it was constructed in 1972, it was built at a 22 ft. width, however when the new Zoning Ordinance went into effect in 1973 that allowed a maximum 12 ft. width at the property line for a driveway associated with a detached garage. They are just looking to replace the existing driveway in its current configuration. The plans also show for replacement of the existing detached garage, they will be relocating that so that it meets the 5 ft. setback requirements and they are aware that they need to get the utility companies sign offs in order to construct within the utility easement.

Mr. Cargill said the drawing shows a wooden deck, but an aerial view shows what it looks like concrete. Ms. Henaghan said that is correct and the deck was replaced. Mr. Cargill said there is another thing that looks like a patio, how much of the backyard is covered with impervious material. Ms. Henaghan said she didn't have the answer to that because we only have the 30% requirement that only applies to the rear 30 ft. of the property, so they are not within that area. Mr. Cargill said all the way from their sidewalk and back go where it widens out for the garage that is 22 ft. wide that whole length? Ms. Henaghan said that is correct. Chair Fotopoulos said, did we not do a grandfather thing that if the driveway was there and they were going to replace it they could replace it as it was. Ms. Henaghan said no when something is replaced it needs to meet current code requirements unless they get a variation.

The petitioner, Tony Whitaker was present and sworn in. Mr. Whitaker stated that he would like to replace exactly what he already has with no particular changes and to bring it up to current standards as far as quality of concrete and driveway floorings. It is the original driveway since the property was built in 1972. Chair Fotopoulos said you did you remodel the house. Mr. Whitaker said yes it has.

Chair Fotopoulos asked if the Plan Commission had any questions. Mr. Cargill said he is familiar with this because it has happened to his next door neighbor, she had her driveway replaced and had to reduce the size of it; this is the law now and they have to meet the current standards, is that correct? Ms. Henaghan said correct. Mr. Cargill asked if there is a hardship or some other reason why you need that to be 22 ft. wide. Mr. Whitaker said other than the number of people that live in the house and in order to park and keep cars off the street. It is not 22 ft. wide the entire distance, it is a little narrower in the front part of the house and narrows down. Mr. Cargill said it is still more than 12, Mr. Whitaker said yes. Chair Fotopoulos said you could definitely put two cars side by side with room on each side. Chair Fotopoulos said instead of 22 ft. we are saying it should be what? Ms. Henaghan said the code requirement is 12 ft. It can be assuming a 16 ft. wide garage door, the driveway can be 20 ft. wide immediately in front of the garage for a distance of 20 ft. and at that point it needs to narrow down to no more than 12 ft. at the front property line. Chair Fotopoulos said this garage also has a door. Mr. Whitaker said yes it is an overhead door to the garage. Mr. Schmitt said doesn't the ordinance allow for an attached garage to be wider. Ms. Henaghan said yes depending on the size of the garage. Chair Fotopoulos said it is a very large garage.

Chair Fotopoulos asked if the audience had any questions. There was none.

Chair Fotopoulos asked for positive and negative testimony. There was none.

Mr. McComb made a motion to close File #PZ-24-05, seconded by Mr. Turk. Roll call was taken.

Motion passed unanimously.

**Consideration of File #PZ-24-05 as described above.**

Mr. Schmitt said if the garage was attached and it actually was up front to the house they would actually be allowed how wide of a driveway and then all the way to the street. Ms. Henaghan said with a two car attached garage it could be 20 ft. wide at the front property line. Mr. Schmitt said is there a setback off the property line as well. Ms. Henaghan said no there is not. Mr. Schmitt said he doesn't see a hardship for it.

Mr. Schmitt made a motion for approval of a variation for the driveway to be no more than 20 feet wide at the front property line, seconded by Mr. Ariano. Chair Fotopoulos asked if there was any discussion. Mr. Whitaker said if you look at the property, there is a curvature to the driveway, we are looking to keep it as it is, so we can get in and out effectively. Mr. Schmitt said for him it was a stretch to get to the 20 ft. just because I think it is a unique condition, I would not alter it. Roll call was taken. Mr. Cargill voted no.

Motion passed unanimously.

2. **File #PZ-24-06**, consideration regarding a variation for the property at 1745 W. Cortland Court.

P.I.N.: 03-31-300-017

Petitioner: Warner Cruz

This file was published in the May 27, 2024 issue of the Daily Herald Newspaper.

Mr. Cargill made a motion to open File #PZ-24-06, seconded by Mr. McComb. Roll call was taken.

Motion passed unanimously.

Jennifer Henaghan, Village of Addison stated the petitioner is requesting a variation to eliminate the required 10 ft. side yard setback to allow for the construction of an addition to their existing industrial building. There are a few comments from the

Building about some requirements that would be addressed through the permit process, including that this would need to go through the Appearance Review process before the Village Board, assuming the variation is granted. Engineering had a number of concerns related to stormwater drainage and the proximity to the property line with regard to how it could possibly be affected by vehicles on the adjacent property as well as a power pole. Due to the concerns from Engineering, Staff finds that the proposed variation does not comply with the standard set forth in the Zoning Ordinance, and therefore Staff recommends denial of the requested side yard setback variation.

Mr. Cargill asked about the drainage, Public Works has no comment, whose concern for the drainage? Ms. Henaghan said our Engineering Department is in charge of reviewing stormwater. Mr. Cargill said did they? Ms. Henaghan said they are concerned about the addition blocking the stormwater run-off between the rear yard and instead of the drainage flowing to the right-of-way this addition would potentially block that. Mr. Schmitt said is that something that could be managed with underground stormwater? Ms. Henaghan said if it was engineered to address that then yes. Mr. Cargill said in the report it stays the roof drainage is not shown in the proposal, is that the total roof drainage or just in the addition? Ms. Henaghan said no roof drainage is addressed in the submitted materials, so we don't know how it's to be handled. Mr. Cargill said how you approve something like that. Ms. Henaghan said that would be done as part of the building permit approval. Mr. Schmitt said it is pretty typical that we don't see that. Mr. Schmitt said is the entire addition the length and depth of the building. Ms. Henaghan said yes. What is the required building setback on the side? Ms. Henaghan said 10 ft. Chair Fotopoulos said besides the addition, this whole building is getting a face lift. Ms. Henaghan said they are proposing extensive renovations to the front façade.

The petitioner and architect were present and sworn in. The architect addressed the four comments that were made by Engineering. If the building is sitting right up to the property line it will not be protected by vehicles parking on the west and get bumped, we would address that whether we would bring the foundation up or introduce some sort of architectural detail that can absorb a bump from a vehicle. The second item was the SWC of the building is very close to the power pole on the adjacent property. There is a power pole which is aligned with the back of the building. From that point north it does not continue, it actually goes diagonal to the building to the west and we have talked with the petitioner and we would pull that back at a distance, currently there is a loading dock there and a container. The third item is the roof drainage, it is not shown in the proposal or hasn't been developed yet. All roof drainage will be just like the rest of the receptors on the roof and it will be piped to drain onto the site. It's all concrete, it's a loading dock basically. The last item talks about flow, I don't think anything changed, that loading dock is quite elevated. There is no drainage that happens over like water falls over that dock. If there is drainage that is heading from east to west this addition would not change that, it would be no different. Chair Fotopoulos asked if there was a sewer in the dock. The architect said no. Chair Fotopoulos said most docks do have sewers. The addition would actually take on whatever rain water and drain away in the system.

Chair Fotopoulos asked are eliminating the dock because it looks like a glass garage door. The architect said the dock would go away, the building would grow and that's going to be a vehicle pass through. Chair Fotopoulos said it wouldn't be a semi pass through but just a vehicle. The architect said yes it would be a truck. Mr. Warner Cruz, owner said there is a concrete dock, imagine a semi backs directly to it, you can't drive around this building. I am requesting to close it off so that he can put vehicles in there and allow vehicles to park from the front of the building in there through the door and then from the back to be able to park vehicles from the other side with an overhead door as well. Chair Fotopoulos asked if they currently have an overhead door. Mr. Cruz said no. Mr. Cruz showed the plan on the overhead. Mr. Cruz said it is all wide open but nobody can get around the building because there is concrete wall. It was made for a semi to park there. The hardship is that his family business JC Restoration, we are a disaster restoration company, in 2021 the business sold to private equity and now I am a consultant for the restoration industry. I was able to find this building and thought it would be ideal. The business does education training of smaller restoration companies, teaching them how to do proper procedures, trauma scene clean up, floods and water extraction. I am proposing after hours we can park vehicles that are on call to respond to loss and it needs to be in a heated space because of the chemicals and the equipment. That space would be used to house those vehicles as well as if they there is a project were we did mold remediation and we are bringing back equipment that is contaminated, that entire corridor air can be controlled so it doesn't affect the rest of the building where I am proposing to have education space. Mr. Cargill said how you get the parking spots in the back. The architect said there is a drive on the east side of the building and you access the parking from there. Mr. Cruz showed on the overhead how you drive in to get to the back of the building. It is a really big driveway that is shared with the neighbor to the east and it is wide enough to run three vehicles there. Mr. Turk said if you are going to park cars there, how you get the cars in and out of there. Mr. Cruz said there is only one way to get in and out. Mr. Cargill asked if there is a written agreement with the neighbor or is this just by common usage. Mr. Cruz said there is no written agreement. Mr. Cargill said if someone else buys that building and decides that they don't want you driving on that shared property, you are in trouble. Mr. Cruz said that he owns the drive. Mr. Cargill said it then clears that up. Chair Fotopoulos said the design of the building is lovely. Mr. Schmitt said the biggest issue is the setback, everything else about the project is nice and I don't know to completely eliminate a building setback is a non-starter. Chair Fotopoulos said is that a 10 foot pole? Mr. Schmitt said it is the side yard setback that they are eliminating. From a hardship standpoint, our properties in that area having a hard time because they all built like this, where they have a 10 feet. Ms. Henaghan stated she is not aware of many non-conforming properties in that area. Chair Fotopoulos said that industrial park is not one of the older industrial parks; the buildings were built in the 70's and 10 feet is tough. Chair Fotopoulos said the Fire Department is not here, are they ok with this? Ms. Henaghan said they had no comments.

Chair Fotopoulos asked if the audience had any questions. There were none.

Chair Fotopoulos asked for positive and negative testimony.

POSITIVE TESTIMONY: 1735 W. Cortland Court owns the business next door said he doesn't see any impact and no objections on the property.

Lucky Rocks, 441 W. Lake Street, Savion Nuncio said he thinks it will be good.

NEGATIVE TESTIMONY: None

Attorney Freeman asked Mr. Cruz your neighbor at 1735 W. Cortland Court, have you spoken to the neighbor on the other side of your building? Mr. Cruz said the other building is a condo type building and the person that parks there vehicles closet to me, they are never there. Attorney Freeman said clearly no one is here tonight to give you their positive or negative testimony, but you haven't heard from anyone either positively or negatively with regard to the neighbor on that side. Mr. Cruz said correct.

Chair Fotopoulos asked is there excess currently to that roof right now. Mr. Cruz said this is all conceptual right now.

Mr. Cargill made a motion to close File #PZ-24-06, seconded by Mr. Turk. Roll call was taken.

Motion passed unanimously.

Consideration of File #PZ-24-06 as described above.

Mr. Schmitt said in terms of increasing the size of the building, is it strictly because you can't fit your program within the existing building? The architect said the hardship is the vehicles. Mr. Schmitt said you could put doors over 10 feet from where you have them now and you can do the same thing. It really comes down to programming on the inside and whether or not you have enough space to fit your program. Mr. Schmitt said if you are going to put a drive through why that couldn't drive through be over 10 feet because either way you are going to wind up tearing down that wall and building a new wall. Mr. Cruz said he cannot drive through. Mr. Schmitt said the existing exterior wall is going to remain and you're strictly driving past that wall? Mr. Cruz said correct. The exterior wall is going to remain and we are just going to add to the building so that I can use that space for parking of vehicles. Mr. Schmitt said isn't that only 10 foot wide and the door you are showing is probably 16 to 18 feet wide.

Pete Fricano, contractor for the project was present and sworn in. Mr. Fricano showed the plans on the overhead. Mr. Fricano said it is hard to see the building itself, where the existing dock is where the semi's back up is actually depressed about 18 feet. It is in an L shape; so once the building gets built, we are pulling forward towards the street to our front setback. There is a 30 foot setback on the street. We are going to build up

18 x 20 area in the front which will be enclosed and then you would have that 10 foot drive on the side. We are enclosing the dock and bringing the building forward to our setback. Chair Fotopoulos said his point is where are you driving the cars that have to be in a controlled environment? Mr. Fricano said there would be a 20x20 garage plus on the side drive. Chair Fotopoulos said is that a window or opening? Mr. Fricano said it is an overhead garage door. Chair Fotopoulos said that is not where the 10 feet of the cars that you are pulling through. Mr. Fricano said they are adding 10 feet and the rest of it is space that is already existing. Mr. Fricano showed the plans.

Attorney Freeman said Mr. Cruz if the Commission would give you a 5 foot setback, would that be of any value to you. Mr. Cruz said no because he would need park vehicles. Attorney Freeman said you need the 10 and anything less than 10 wouldn't work. Mr. Cruz said yes.

Mr. Cargill made a motion to approve the variation subject to the applicant addressing the following items as part of their building permit application, seconded by Mr. Ariano.

- The addition shall be protected from vehicles parking on the west property;
- The southwest corner of the building shall be appropriately distanced from the power pole on the adjacent property;
- The roof shall not drain to the west or directly onto the property to the west; and
- The building addition shall not direct runoff onto the adjacent west property.

Chair Fotopoulos asked if there was any discussion. Mr. Schmitt feels it will set a precedence and we don't want to go down that path. Roll call was taken. Mr. McComb and Mr. Schmitt voted no.

Motion passed unanimously.

3. File #PZ-24-07, consideration regarding a fence variation for the property at 201 S. Harvard.

P.I.N.: 03-28-410-001

Petitioner: Juan Acevedo

This file was advertised in the May 27, 2024 issue of the Daily Herald Newspaper.

Mr. Turk made a motion to open File #PZ-24-07, seconded by Mr. Ariano. Roll call was taken.

Motion passed unanimously.

Jennifer Henaghan, Village of Addison stated the petitioner is requesting variations to allow for the replacement of an existing non-conforming fence. The property owner bought the home last year and the fence is in very poor condition. They came in to replace the fence and discovered that it was illegally constructed. It actually encroaches several feet into the Village right-of-way, so they want to pull the fence back to the front property line and replace it with a 6 foot high vinyl fence. The engineering department did have some concerns with allowing a fence to go right up to the property line. There is no sidewalk on this block, but sidewalk on the block to the east, so that they noted if there is a future sidewalk project they would not want the fence to be that close to a new sidewalk. There are similar concerns about water main issues on the parkway on the south side of Wrightwood in the vicinity of the proposed fence. As noted in the staff report, the existing fence was constructed without a permit, at some point prior to 2012 when the previous property owner had come in for a permit to build the garage addition in 2017, staff noted the fence at that time should've been removed but clearly that was not enforced. To build in accordance with what code requirements due to the narrow width of the lot, they could put a 6 foot high fence in line with the front of the home which is approximately 17 feet from the right-of-way. Due to the concerns from engineering, staff finds that the proposed variation does not comply with the standards set forth in the Zoning Ordinance and therefore Staff recommends denial of the requested variation. We did not receive any public comment for this case in writing but did receive a call shortly before the meeting from the neighbor at 205 S. Harvard that she was in favor of the requested variation.

Mr. Cargill asked if there is a right-of-way on the south border. Ms. Henaghan said no not on the south border. Mr. Cargill said there is a 10 foot easement on the east side? Ms. Henaghan said yes. Mr. Cargill said there is no easement no right-of-way utility easement on the south side. Ms. Henaghan said we don't have record of any easement on the side property line, the survey only shows the 10 foot easement along the rear property line. Mr. Cargill said this fence was non-conforming when they bought it. Ms. Henaghan replied correct. Attorney Freeman said to be clear, was it non-conforming or what is illegal? The staff report indicates that the fence was built without a permit, that is different than non-conforming. Ms. Henaghan said it is both, it is non-conforming and it does not conform to our code requirements, it is not legal non-conforming. Because it was never permitted; so it is both non-conforming and illegal.

The petitioner's friend was sworn in and spoke on behalf of the petitioner. The petitioner said the home was purchased back in August of 2023. At the time of the purchase the closing had been delayed for a couple of violations that were needed to be done according to the inspector. I believe prior to the closing they had an open permit of something that they were trying to finish and they never closed it out. There were some things that they were going to fix and a list was given that they would have to take over, fix and close the permit once they owned the house. One of the things to fix was the fence that was falling apart.

When the list was given to them, one of the things that needed to be fixed in order to close; the fence was not included, it was not mentioned it was on the property line. The closing went through and everything was fine. The owner now tries to close the permit which was previously opened by the previous owners. He applies for the permit and they tell him he cannot have it at the property line, it has to be moved. According to the plat of survey, ComEd as of right now, there is an opening between the fence and the garage and that is where ComEd goes through. He only wants to put the fence where it was, he feels violated because it was not mentioned before he closed on the house.

Chair Fotopoulos asked if the Plan Commission had any questions. Mr. Cargill said his attorney didn't inform him that this fence was not non-conforming. Attorney Freeman asked Ms. Henaghan if she had any records of a Village Inspector inspecting the property with regard to the condition of the fence. Ms. Henaghan said no, when there is a property transfer, the Village looks for outstanding building permits that are still open, any open service requests for complaints that have been made against the property, as well as making sure that the sump pump isn't discharging to the storm sewer system. There is no building code review or zoning review done at the time of a property transfer. Attorney Freeman asked would you have any idea what this reference to a permit might be about, is there anything that you are aware of with regard to an open permit. Ms. Henaghan said she wasn't sure what permit that would've been, I only check to see if there was a fence permit every applied for which there was not. Attorney Freeman said to be clear there isn't a fence permit that was out there or anything dealing with a fence inspection as far as the Village's files are concerned. Ms. Henaghan said correct. Chair Fotopoulos said to be clear the inspections and the things that needed to be fixed, was not based on what the Village said, based on what the homeowner that was selling it in order to sell the property because there were open permits; so the fence never came into discussion because it was not on one of the list of the sellers. The petitioner said it did come into discussion that they had to fix it and the owner fixed it. It was a list and the owner fixed three and one of the three was the fence, which they only put a post. They tied it with a wire to hold it from leaning towards the neighbor's fence. Chair Fotopoulos said this is not a violation based on the Village, it was a violation that the homeowner said it had to be fixed but the Village did not say it was a violation. If the Village did, they would've told you that they didn't have a permit and it is an illegal fence. Mr. Ariano asked if there was any record of a permit. Ms. Henaghan said no there was never a permit applied for a fence. When there is a transfer of property where there are open code violations where someone has complained about the fence being dilapidated they call in a Code Enforcement Officer to go out there and say the fence needs to be repaired. At that time, the owner would have been responsible for coming in to get a permit to repair the fence. There are times when a property transfer goes through and the buyer agrees to take on responsibility for any outstanding violations but then that responsibility for getting a permit for any required repairs would've then transfer from the buyer to the seller. Mr. Ariano said that is not something that is being inspected before. Ms. Henaghan said no.

Attorney Freeman said the Village doesn't act as a home inspection service. There are a few limited items that were pointed out that the Village would inspect. The Village I inspector goes to the house to do the sump pump inspection and they walk up to the house and they see some other violation, they are not there to say correct that other violation, they are there to do the sump pump inspection. The inspectors for the Village don't act as a home inspector that is why people who buy homes hire private home inspectors to give them a report to say this is a potential problem that needs to be fixed or ask the seller to fix it for you. If you had a real estate attorney at the closing that Attorney should've looked at the plat of survey and said there is something wrong with this fence, it is not in the right place and then you could have done something about that at the closing, but it sounds like the problem you have with regard to the fence is a problem with your seller and not with the Village. The Village was under no obligation and didn't inspect the fence because that is not what the Village does. Attorney Freeman said the fence as it exists today should have never been built where it was built, because you are asking the Commission to approve a fence that would be illegal. It should have never been there in the first place. You should be doing is asking for a permit to build a fence according to the rules which would have to be in a different location; that is the problem that Staff is pointing out. You can't just say I'm replacing an old dilapidated fence because the old one was illegal from the moment it went in. The fact that it is falling down is really here nor there, even if it was a brand new shiny fence today would it still be illegal.

Chair Fotopoulos asked if the audience had any questions. There was none.

Chair Fotopoulos asked for positive and negative testimony. There was none.

Mr. Cargill made a motion to close File #PZ-24-07, seconded by Mr. Schmitt. Roll call was taken.

Motion passed unanimously.

Consideration of File PZ-24-07 as described above.

Mr. Schmitt made a motion to **deny** the variation with comments from Staff that finds that the proposed variation does not comply with the standards set forth in the Zoning Ordinance and, therefore, staff recommends denial of the requested variation, seconded by Mr. McComb. Chair Fotopoulos asked if there was any discussion. There was none. Roll call was taken. Motion carried.

**IV. AUDIENCE PARTICIPATION - None**

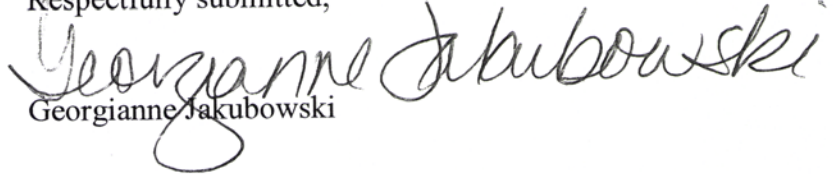
**V. OTHER BUSINESS AT THE DISCRETION OF THE CHAIRMAN - None**

**VI. ADJOURNMENT**

Mr. Schmitt made a motion to adjourn the meeting at 8:50 p.m., seconded by Mr. Ariano.

Motion passed unanimously.

Respectfully submitted,

  
Georgianne Jakubowski

