

MINUTES OF COMMISSION MEETING

January 11, 2007

7:30 P.M.

ZONING AND PLANNING COMMISSION / ZONING BOARD OF APPEALS

1. Roll Call/Call to Order
2. Approval of Minutes of Zoning and Planning Commission / Zoning Board of Appeals Meeting: December 7, 2006 & December 14, 2006
3. Case Number 07 ZBA-01 / Shea Variation @ 835 S. Fairfield Avenue
Request for a front and corner side yard setback variation pursuant to Chapter 7, Part A, 4.c and Section 7.4-5.a of the Elmhurst Zoning Ordinance for the purpose of constructing a porch on the property commonly known as 835 S. Fairfield Avenue (PIN: 06-14-112-001).
Public Hearing: All properties within 500' have been notified.
4. Case Number 07 ZBA-02 / Schaefer Variation @ 434 N. Maple Avenue
Request for a front yard average setback variation pursuant to Chapter 7 Part A, 4.c of the Elmhurst Zoning Ordinance for the purpose of constructing a covered front porch on the property commonly known as 434 N. Maple Avenue (PIN: 03-35-402-029).
Public Hearing: All properties within 500' have been notified.
5. Case Number 06 P -13 / Lexington Square @ 400-420 West Butterfield Road
Request for an Amended Conditional Use permit for construction of an assisted living facility addition to a Planned Development pursuant to Section 3.11-8; and a request for a re-subdivision pursuant to Section 9.3 of the City of Elmhurst Subdivision Ordinance on the property commonly known as 400-420 West Butterfield Road (PIN: 06-14-317-008 & 009).
Deliberation: Public hearing held December 14, 2006
6. Other Business

***The transcript of proceedings is the official record of the hearing and it is not intended that these minutes are a substitute for that transcript pursuant to the Open Meetings Act.**

Commission Members Present: Brinkmeier, Corrado, DeWitt, Ernst, Frolik (arrived 8:15 PM), McCoyd, Mushow, Slone, Whistler

Commission Members Absent: None

City Staff Present: Shane, Werner

Chairman Whistler opened the meeting at 7:30 PM and requested a role call.

Chairman Whistler opened the Public Hearing for Case Number 07 ZBA-01 / Shea Variation. This is a request for a front and corner side yard setback variation pursuant to Chapter 7, Part A, 4.c and Section 7.4-5.a of the Elmhurst Zoning Ordinance for the purpose of constructing a porch on the property commonly known as 835 S. Fairfield Avenue. Chris & Jerry Shea, applicant and property owners, presented the case to the Board. Chris Shea asked that the Commission deliberate their case tonight. After all information was received from the applicant, Chairman Whistler closed the Public Hearing portion of Case Number 07 ZBA-01. Commissioner Ernst motioned to deliberate Case Number 07 ZBA-01 / Shea Variation tonight, Commissioner Slone seconded. Commissioner Mushow motioned to deliberate Case Number 07 ZBA-01 before Case Number 06 P -13, Commissioner Ernst seconded. With a voice vote of all ayes, the motion passed.

Chairman Whistler opened the Public Hearing for Case Number 07 ZBA-02 / Schaefer Variation. This is a request for a front yard average setback variation pursuant to Chapter 7 Part A, 4.c of the Elmhurst Zoning Ordinance for the purpose of constructing a covered front porch on the property commonly known as 434 N. Maple Avenue. Charles Schmidt, architect for the applicant, and Mark and Deborah Schaefer, property owners, presented the case to the Board. Four neighbors spoke in support of the requested variation, and two letters of support from neighbors were read into the record by Staff. Charles Schmidt requested that the Commission deliberate their case tonight. After all information was received from the applicant, Chairman Whistler closed the Public Hearing portion of Case Number 07 ZBA-02. Commissioner Mushow motioned to deliberate this case tonight after Case 07 ZBA-01, Commissioner Corrado seconded. With a voice vote of all ayes, the motion passed.

After reconvening to Conference Room #2, Chairman Whistler opened the deliberation for Case Number 07 ZBA-01 / Shea Variation. Commissioner Ernst motioned to approve Case Number 07 ZBA-01 as presented, Commissioner Brinkmeier seconded. The Board discussed the variation criteria and noted that the applicant had satisfied each standard. The Board discussed that the subject site was substandard in terms of lot area, which satisfied the unique variation factor. The Board noted that the new front porch was in character with the neighborhood and would improve the façade of the home. After discussing all of the standards for variation, the Board voted 8-0 to recommend approval of Case Number 07 ZBA-01 as presented.

Chairman Whistler then opened the deliberation for Case Number 07 ZBA-02 / Schaefer Variation. Commissioner Brinkmeier motioned to approve Case Number 07 ZBA-02 as presented, Commissioner Mushow seconded. The Board noted that the proposed front porch would provide the property owners shelter from the outdoor elements. The Board noted that the home was built in 1941 and that some flexibility was needed with older homes to allow them to be updated to modern standards. The Board noted that the surrounding neighbors were in support of the variation. After discussing all of the standards for variation, the Board voted 8-0 to approve Case Number 07 ZBA-02 as presented. The Zoning Board of Appeals has final authority for this case.

Chairman Whistler then opened the deliberation for Case Number 06 P -13 / Lexington Square. This is a request for an Amended Planned Development / Conditional Use permit, for

construction of an assisted living addition facility associated with the Lexington Square Retirement Community and the Lexington Health Care Center, to a Planned Development pursuant to Section 3.11-8; and a request for a re-subdivision pursuant to Section 9.3 of the City of Elmhurst Subdivision Ordinance on the property commonly known as 400-420 West Butterfield Road. Commissioner Brinkmeier motioned to approve Case Number 06 P -13 as presented, Commissioner Slone seconded. The Commission discussed the need for assisted living in southern Elmhurst. The Commission discussed the internal transport of residents by bus to on site buildings, and how this current situation works for this facility. The Commission debated whether the site should have a covered access between on site facilities. The Commission determined that if this entire site was to be built new today, that a covered pathway would be required; but adding a covered pathway to the existing facility was not ideal given the site layout. The Commission discussed the dryvet covering of the proposed building to match the existing buildings on site. The Commission discussed security and internal transport for the site with the owner and representative of Lexington Square. After discussing the standards for a conditional use, the Board voted 8-1 to recommend approval of Case Number 06 P-13 as presented.

Under other business, after receiving input from City Staff the Commission discussed the upcoming Comprehensive Plan workshops. The Commission decided to divide Comprehensive Plan work into subgroups after the workshops were complete. Staff indicated that they would mail the three workshop transcripts to the Commission in one mailing, as opposed to three separate distributions.

Chairman Whistler observed that all nine of the Commission members are in attendance at this meeting. As background, at the meeting held on October 26, 2006, City Staff discussed the draft of the Z&P Commission Rules & Procedures that was distributed to all members prior to this meeting. Since all members of the Commission were not in attendance it was the consensus of those present that before a continuation of the review could take place that a motion needed to be made when all nine members are in attendance. This is to determine if it is the will of the Commission to move forward with a review of the draft Rules & Procedures.

Since this is the first Commission meeting since October 26, 2006 that all nine members are present, Chairman Whistler asked for the applicable motion. Commissioner Corrado motioned to continue with discussion of the draft Z&P Commission Rules & Procedures. The motion failed because there was no second.

The Commission questioned Staff regarding an update of the enforcement for Case Number 06 ZBA-18 / Durkin Variation. The Commission requested a copy of the enforcement letter sent by Building Commissioner Bruce Dubiel to the Durkin's in their next packets.

Staff announced that Commissioner Paul DeWitt was approaching expiration of his current term on the Commission in February, and that he had requested that the Mayor re-appoint him to the Commission. Staff summarized current and upcoming case schedule.

The meeting was adjourned at 9:55 PM.

Submitted by:
Erin Shane, AICP, Planner

