

**MINUTES OF THE REGULAR MEETING OF THE
BOARD OF ZONING, PLANNING AND APPEALS**

CASE NUMBER: 20-ZPA-10-002

HEARING DATE: December 10, 2020

PROPERTY ADDRESS: 483 Mildred Ave.

PETITIONER / OWNER: Anthony J. Propati, Charmaine Del Cotto and Richard Propati

PIN NUMBER: 20-18-454-008 and 20-18-454-009

REQUEST:

1. Setback Variances Related to the Construction of an Off-Street Parking Pad (Sec. 14.4.6.5) as follows:
 - a. For PIN 20-18-454-008 (Lot A)
 1. Reduction to Rear Yard Setback from Five (5) Feet to Zero (0) Feet
 2. Reduction to Side Yard Setback from Eight (8) Feet to One (1) Foot
 - b. For PIN 20-18-454-009 (Lot B)
 1. Reduction to Front Yard Setback from Thirty (30) Feet to Zero (0) Feet
 2. Reduction to Side Yard Setback from Eight (8) Feet to One (1) Foot

MEMBERS PRESENT: Kretschmer, Khoury, O’Laughlin, Dudek, Jasper
Graziano, Williams and Walrath

MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Brian Simmons
Director of Community Development

Chairman Khoury called the meeting to order at 7:05 PM. After approving minutes from a previous meeting, Chairman Khoury called Village Case No. 20-ZPA-10-002.

Director Simmons stated the Petitioners (Anthony Propati, Charmaine Del Cotto, and Richard Propati) are seeking to construct an off-street parking pad on the property located at 483 Mildred Avenue. The property consists of two separate parcels each with a single-family home constructed upon them. Each structure is addressed as 483 Mildred Avenue and only one of the parcels has direct frontage onto this roadway. As proposed the Petitioners are seeking to add a 518 square foot parking pad to serve the structure on the parcel without direct street frontage. Variance approval is required as the proposed parking pad will be constructed across a property line and within required setbacks for each lot. The ZPA hearing was noticed in the November 3, 2020, edition of the Northwest Herald newspaper. In addition, the Petitioner has completed the required written notice to property owners within 250 feet and staff posted a public hearing sign on the Subject Property. The public hearing was continued from the November 12th ZPA meeting date due to timeliness of notice for the hearing.

Director Simmons stated the property consists of two separate parcels identified as Lot A (PIN 20-18-454-008) and Lot B (PIN 20-18-454-009). According to Village records, the single-family structure on Lot B was

built in 1912 as part of the Jandus Fox River Subdivision. This subdivision identified the entire property as a single lot #26. In 1932 a second single-family structure was constructed on this property. In 1948 the property owners quit claim deeded two halves of the property to family members. This process created the two lots of record which exist today. As part of the division a ten (10) foot wide easement was recorded along the eastern property line of both parcels. The easement was intended to reserve access rights for the owners of Lot B to access their property through Lot A, and also for the owners of Lot A to be able to access the Fox River through Lot B. Various improvements have been made to both structures since the division in accordance with Village codes.

Anthony J. Propati, petitioner, was present to answer questions from ZPA Board members. Mr. Propati stated one neighbor responded positively to the proposal. Director Simmons stated Village staff has received no feedback regarding the petition.

Member Dudek requested detail on the proposed location of the parking pad. Director Simmons reviewed further detail of the location. Member Dudek asked if the gravel could be replaced with asphalt when constructing the parking pad. Mr. Propati stated it would be cost prohibitive.

Members discussed size and location of the proposed parking pad and if either could be adjusted for a more convenient location. Director Simmons reviewed owner's requirements for access onto and through the property.

Member Walrath asked if owner covenants would be transferred to new owners if one or other of the properties were sold. Director Simmons stated all covenant terms would transfer to a new owner.

Mr. Propati reviewed for the Board the history of the family ownership of the property, details of an existing sidewalk and further details and need of the proposed parking pad area request.

Member Williams asked the Petitioner for additional detail on the reasoning used to select the proposed location for the parking pad.

Member Dudek stated he does not believe the petitioner has proven a hardship with the land.

Chairman Khoury opened the floor to Public Comment. With no comment from those present, Chairman Khoury closed Public Comment.

Director Simmons reviewed for the Board Members options available to them to consider the motion.

Board members discussed including a driveway requirement condition in the motion.

Member Jasper stated the septic field location prevents relocation of the proposed parking pad and as such creates a hardship with the land.

Chairman Khoury entertained a motion.

Member Graziano moved, seconded by Member Dudek, a motion to recommend to the Village Board of Trustees approval of setback variances related to the construction of a 518 square foot off-street parking pad for the property located at 483 Mildred Avenue, identified as PIN's 20-18-454-008 and 20-18-454-009, subject to the five conditions listed in the staff report.

Member Dudek requested the motion be modified to add an additional condition to require the existing gravel drive to be paved in asphalt and connected to the proposed parking pad.

Member Williams seconded the motion to amend the recommendation to add an additional (#6) condition to require the existing gravel drive to be paved in asphalt and connected to the proposed parking pad. A vote was taken to add this condition to the original motion.

***Aye: Williams, Dudek, O'Laughlin, Khoury
Nay: Jasper, Kretchmer, Graziano
Abstain: None
Absent: None
Motion Passed: 4-3***

A vote was taken to consider the full amended motion to recommend to the Village Board of Trustees approval of setback variances related to the construction of a 518 square foot off-street parking pad for the property located at 483 Mildred Avenue, identified as PIN's 20-18-454-008 and 20-18-454-009, subject to the six conditions listed in the staff report.

***Aye: Williams, Dudek, Khoury
Nay: Jasper, Kretchmer, Graziano, O'Laughlin
Abstain: None
Absent: None
Motion Failed: 3-4***

Member Graziano moved, seconded by Member Kretchmer, a motion to recommend to the Village Board of Trustees approval of setback variances related to the construction of a 518 square foot off-street parking pad for the property located at 483 Mildred Avenue, identified as PIN's 20-18-454-008 and 20-18-454-009, subject to the five conditions listed in the staff report.

***Aye: Jasper, Kretchmer, Graziano, O'Laughlin
Nay: Williams, Dudek, Khoury
Abstain: None
Absent: None
Motion Passed: 4-3***

Director Simmons reviewed meeting dates and future cases to be presented to the Zoning Board of Appeals. Chairman Khoury entertained a motion to adjourn at 8:21 pm.

All Ayes by Voice Vote

Motion Passed

Respectfully submitted,


Susan Greene, Deputy Village Clerk