

This meeting was conducted by Zoom based on the ongoing public health emergency, and consistent with the Governor’s most recent emergency declaration, various Executive Orders entered by the Governor, and the recent amendments made to the Open Meetings Act in Public Act 101-640. The meeting was streamed live via Zoom. Public comments received by email or in writing by the Village Clerk prior to 5:00 p.m. on the day of the meeting were welcome on any topic. Public comments were also allowed live during the Zoom Meeting.



VILLAGE OF RIVERSIDE
PLANNING AND ZONING COMMISSION REGULAR MEETING
Minutes

I. *Call to Order:* The Regular Meeting of the Village of Riverside Planning and Zoning Commission was held on Wednesday, January 26, 2022. Chairperson Mateo called the Regular Meeting to order at 7:02 p.m. This meeting took place electronically, via Zoom.

II. *Roll Call:* *Present:* Chairperson Mateo
 Commissioner Brom
 Commissioner Miller
 Commissioner Mathews
 Commissioner Marhoul
 Commissioner Pelletier
 Commissioner Henaghan
 (arrived at 7:16)

Absent:

Also Present: Village Planner Francisco Jimenez
 Assistant Village Manager Ashley Monroe
 Attorney Michael Marrs

III. *Approval of Minutes:*
A. Planning & Zoning Commission Special Meeting minutes of January 5, 2022.

Commissioner Marhoul made a motion to approve the Minutes. Commissioner Pelletier seconded the motion.

AYES: Commissioners Marhoul, Miller, Brom, Pelletier, Mathews, Mateo

NAYS: None

Motion Passed

IV. *Visitors, Petitions, Citizen Requests, and Communications*

None.

V. *Liaison Report:*

- A. Village Board Update – Village Board approved the Special Use and Variation for 2710 S. Harlem to allow a parking lot as a primary use and variations from buffer yard requirements – Petitioner: Milad Nourhamadi.

VI. *Public Hearing and Recommendation*

- A. PZ22-01 – 40 Kimbark Rd. – Variation – A variation from Section 10-7-3(F)(2)(a) (Accessory Structures and Uses) of the Riverside Zoning Ordinance to build a fence, up to 6' in height, on a corner lot and street yard.

Chairperson Mateo opened the public hearing portion of the meeting and Village Planner Jimenez called the roll. Village Planner Jimenez gave a brief overview of the petitioner's request to build a fence on a corner lot and street yard. Planner Jimenez informed the Commission that staff researched other properties in the village that have fences in street yards and are also corner lots, but also made the distinction that those fences, as opposed to the petitioner's request, are all shorter in height and placed further back on the property.

Commissioner Henaghan joined the meeting at 7:16 p.m.

The petitioner, John Schiemann, showed exhibits of properties throughout the village that are corner lots and have fences similar to what he is proposing. The petitioner informed the Commission that he believes his property is on a busy intersection of the village and his proposal came about due to following the ordinance of the village. Assistant Village Manager Monroe informed staff that two properties mentioned by the petitioner do not have fence permits in the system, but were built at some time in the past to replace something that may have existed in the same place. Commissioner Marhoul asked the petitioner if his plans changed when seeing other properties with a 4' non-privacy fence. The petitioner told the Commission that he did not think about changing the plans as he was following what the ordinance allows in terms of height and style.

Village Planner Jimenez drew the sight plan triangle onto an existing survey to show to the Commission, as Commissioner Marhoul wanted clarification about dimensions for the sight triangle on the property. Asst. Village Manager Monroe informed the Commission that Public Safety Director Matt Buckley made comments regarding the proposed fence. He stated that there would be a safety benefit to the resident of the house if enclosing the yard and there is no concern from a traffic standpoint. As there is a stop sign, there is less concern about cars driving erratically. The concern Director Buckley had were the use of the driveway and any cars that back out into traffic and the placement of the fence causing visibility issues.

The petitioner clarified his hardship to the Commission as certain members expressed that they were having difficulty understanding what it is. Petitioner

stated that the location of the house and property is what is causing the hardship and not allowing him to build the proposed fence. Chairperson Mateo noted that she had researched properties in the village and did not think that the hardship is unique to this property. Commissioner Mathews believed that the hardship is due to the location of the lot and the location of the house. He stated that given how much traffic runs along Forest Ave, this also leads to the difficulty that would justify a hardship.

Village Planner Jimenez read the comments that were submitted to the village opposing the proposed fence on 40 Kimbark Rd. All of the comments were in opposition to the fence with no letters being in favor of the proposal. Attorney Marris informed the Commission that past fence permits issued for replacements of existing non-conforming fences and for fences that did not otherwise need zoning relief do not bind the current Commission to recommend approval for the proposal in front of them. He also noted that any fence variations that had come before the Commission in the past were approved or denied based on the set of information for that individual property and application that was given at the time and past approvals do not bind the current Commission to approve this proposal. The petitioner reiterated that he is trying to improve his property and make the property safe for his family.

Commissioner Miller stated that her interpretation of the ordinance has the street yard ending at the rear of the house facing Forest Ave. Any portion of the property past that would, to her, be the rear yard. Attorney Marris agreed that the definition could be clearer, but that past interpretations made by staff would serve as a guide as to how a street yard is defined when reviewing permits, particularly on corner lots in the village. Attorney Marris stated that the diagrams in the ordinance support the text definition utilized by staff. Commissioner Pelletier also stated that ordinance tries to preserve the front yard space with how it is worded. Chairperson Mateo closed the public hearing after the petitioner gave their final statement to the Commission. Chairperson Mateo informed the petitioner that the remainder of the meeting will be between the Commission members and the recommendation will then be made to approve or deny the variation.

Commissioner Heneghan made a motion to close the public hearing.
Commissioner Miller seconded the motion.

AYES: Commissioners Marhoul, Miller, Brom, Pelletier, Mathews, Mateo, Heneghan

NAYS: None

Motion Passed

- B. DISCUSSION, MOTION AND RECOMMENDATION by the Planning and Zoning Commission to the Village Board regarding the request for a variation set forth in 6.A.1 above.

Chairperson Mateo opened the discussion and asked the Commission for initial thoughts about the petition. Commissioner Marhoul clarified why the Commission

had approved a permit at 106 Northgate several years ago. The fence was approved with conditions as it is also on a corner lot and on a busy intersection. The fence is 4' in height and is pushed back from the property line and does not obstruct vision. Commissioner Pelletier also said that the hardship for that property was the intersection and the amount of traffic. Commissioner Miller stated that the conditions to receive the variance had not been met here, but the way the ordinance is currently worded, there would be no requirement, in her opinion, for a variance for a fence in the rear yard.

Commissioner Henaghan did not see any special circumstances that differentiated this property from others in the village. She said that granting the variation would set precedent for other homeowners that want a street yard. Commissioner Marhoul did not believe that the current proposal fit with village standards, but does agree that the safety aspect is a legitimate concern. Commissioner Mathews believed that a variance could be supported based on a safety aspect and a privacy aspect. Commissioner Mathews commented on the streets that are included on the ordinance that allow fences, and suggested that Forest Ave might be considered in that short list of exceptions. Commissioner Pelletier pointed out that even though this property was not a part of the Olmsted plan, it was still a part of the National Historic Landmark District. The ordinance is worded to protect the village from losing its national landmark status and to preserve the status of the district. Chairperson Mateo brought up the concern with allowing the variance to be approved and that it would set precedent for other property owners and have fences in front yards. Commissioner Pelletier clarified that if the variance is denied, the petitioner can still build a fence on their property for their family, it just wouldn't be in the street yard. Commissioner Marhoul stated that he could not support the variance in its current proposal, but if the petitioner came back with revisions that limited the scope, he might be more open to that. The standards were read aloud and the majority of the Commission believed that some were not met.

Commissioner Pelletier made a motion to recommend denial of the variation as proposed. Commissioner Marhoul seconded the motion.

AYES: Commissioners Marhoul, Miller, Brom, Pelletier, Heneghan, Mateo

NAYS: Commissioner Mathews

Motion Passed

Chairperson Mateo informed the petitioner that the motion was denied, that the Commission was just a recommending body, and that the recommendation will go in front of the board at the February 17, 2022 meeting for the final vote.

VII. *Old Business:*

VIII. *New Business:*

Chairperson Mateo opened the discussion regarding the Transit Oriented Development (TOD) Zoning and Sign Code Updates and discussion. Asst. Village Manager Monroe began the discussion by addressing the updates from the consultants. Asst. Village Manager Monroe informed the Commission that the reason for this update was to adopt

standards that support development and clarity for standards. Asst. Village Manager Monroe went over the timeline of this project to get the Commission caught up on what has been done up this point in time. She also informed the Commission that any changes would go to their respective commissions to ensure that the changes are in line with the village and considerate of the village's unique status as a landmark. The updates went over several concerns that were identified by the consultants and these changes were recommended. The first district that was reviewed was the B-1 Zoning and the slides presented demonstrated the updates that have been proposed by the consulting firm. The steering committee has also recommended a new sub-district in the existing B-1 Zoning district and would support a number of uses. The steering committee brought the recommendation of incorporating a minimum building height. This was included to better accommodate whatever use the building is intended for.

Chairperson Mateo told the Commission that this TOD project was brought in front of them to review and to discuss at the next meeting. She stated that many of the changes will be minor, but there are some issues that will be of substance. She asked staff how changes would be tracked. Asst. Village Manager Monroe told Chairperson Mateo that going over changes topic by topic would be the easiest way to track changes. A possibility, she stated, might be to bring a topic in front of the Commission every time they meet. Commissioner Marhoul wanted clarification on who to contact if there are any questions regarding how some of the updates were made. Asst. Village Monroe stated that past meeting minutes and notes might give clarity. Staff clarified questions the Commission had regarding where to find information for the TOD update packets and web links for past meeting videos.

IX. Information: Village Planner Jimenez informed the Commission that there is a variation on the February PZC agenda for enlarging a non-conforming structure. Asst. Village Manager Monroe also stated that the variation may not be on the agenda due to timeline concerns.

X. Adjournment
Commissioner Marhoul made a motion to adjourn. Commissioner Pelletier seconded.
AYES: Commissioners Marhoul, Miller, Brom, Mateo, Pelletier, Mathews, Heneghan
NAYES: None

Motion passed.

Chairperson Mateo declared the meeting adjourned at 9:22 p.m.

Respectfully submitted:

Village Planner, Francisco Jimenez

Date Approved