

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, February 24, 2021, and conducted electronically via Zoom. Chairperson Mateo called the Regular Meeting to order at 7:00 p.m.
- II. Roll Call:**
- | | |
|----------------------|---|
| <i>Present:</i> | Chairperson Mateo
Commissioner Henaghan
Commissioner Pelletier
Commissioner May
Commissioner Miller
Commissioner Mathews
Commissioner Marhoul |
| <i>Absent:</i> | None |
| <i>Also Present:</i> | Community Development Director Abt
Village Attorney Marris
Trustee Pollock
President Sells |

Village Attorney Marris explained that the meeting was being held electronically via Zoom due the public health emergency. The governor's orders allow for these meetings to take place electronically when the governor has declared a public health emergency and when the Village President has determined that it is the best interest of the public health to hold the meeting electronically. Both of these requirements have been met.

- III. Approval of Minutes:**
- A. Planning & Zoning Commission Regular Meeting and Public Hearing minutes of December 21, 2020
Commissioner **Miller made a motion** to approve the Minutes. Commissioner **Marhoul seconded** the motion.
AYES: Commissioners Henaghan, May, Marhoul, Miller, Pelletier, Mathews, Mateo.
NAYS: None.

Motion passed.

IV. Visitors, Petitions, Citizen Requests, and Communications – None.

V. Liaison Report:

- A. Village Board Update – none. Trustee Pollock shared that he is available for tonight’s discussion regarding home occupations and is happy to answer questions about the Board’s direction and discussion. Chairperson Mateo confirmed that the Village Board approved the public works tower at their recent meeting

VI. New Business – None.

VII. Old Business:

- A. Continued discussion regarding allowing habitable space in and above detached garages and coach houses.

Director Abt gave a brief recap that staff relayed the Planning and Zoning Commission’s discussion from their November meeting to Village Board particularly that the Commission did not feel sufficient need to make changes to bulk regulations to accommodate additional habitable space. At their meeting, the Village Board agreed that it is not unreasonable to keep the regulations as they are and in particular did not see a need to adjust height restrictions but asked that the Planning and Zoning Commission discuss the issue further to ensure the regulations prevent the conversion of accessory buildings into dwelling units and to allow home office uses. Director Abt further explained the options of increasing the maximum square footage of detached accessory structures (currently limited to 800 square feet) and relayed that the Village Board had received complaints about the restriction particularly for larger lots. Director Abt reviewed regulations in peer communities of Hinsdale, Western Springs, La Grange, La Grange Park, and Brookfield and reviewed typical garage sizes for reference. Director Abt shared that the maximum size is 12% of lot size with an 800 square foot maximum which precludes many larger lots from fully utilizing the 12%.

She reiterated that the Village Board is looking for a recommendation for a text amendment that will allow garage offices in some capacity. Tonight she is looking for feedback and direction to staff in advance of any public hearing for text amendment.

Commissioner Marhoul asked for greater detail regarding the original complaint that 800 square feet is not sufficient. Director Abt relayed that her understanding is that a resident with a large lot (half acre) needed more space for multiple cars of the family. Marhoul further inquired about general use versus offices specifically and asked Trustee Pollock for clarification. Trustee Pollock described that the Village Board is not necessarily looking for a recommendation for offices in garages but wants feedback from Planning and Zoning Commission on home occupations in detached accessory buildings. Trustee Pollock confirmed that the Village Board has no desire, along with Planning and Zoning Commission, to expand height requirements. Further discussion focused on landmarked coach houses versus other accessory structures and the specific issue of plumbing in accessory structures.

Trustee Pollock further explained that the Village Board is looking for an objective recommendation on accommodating working from home. Chairperson Mateo inquired whether home offices are currently allowed. Director Abt responded yes but that they are limited to 25% of floor area. Chairperson Mateo outlined the main discussion items for the Planning and Zoning Commission as:

1. Above cars, whether the regulation for storage only should remain
2. Whether to revise regulations to clarify whether/if plumbing is allowed in accessory structures.
3. Whether to revise the regulations on maximum size for accessory structures.

Commissioner Miller asked for clarification regarding where in the code it prohibits plumbing in an accessory structure. Director Abt responded that it is in practice but not in the code; that historically staff has approved requests for sinks only but not bathrooms. Commissioner Mathews stated his view that he is in favor of maintaining the limit to sinks only.

Commissioner Marhoul shared that the Village limited accessory dwelling units to landmarked coach houses for a good reason— to limit second dwelling units on properties. Commissioner Marhoul stated that this should remain for landmarked coach houses only and that he is in agreement with Commissioner Mathews to limit to sinks only. Commissioner May agreed with Commissioners Marhoul and Mathews. Commissioner Pelletier stated she did not see a compelling reason to change the code to make it easier to add plumbing in accessory structures. Commissioner Henaghan stated that she agrees with Commissioner Pelletier.

Chairperson Mateo said the Village Board discussed how families are working from home and how Trustee Jisa relayed issues such as taking a shower without interrupting the rest of the family currently working and learning from home. Commissioner Marhoul stated that Trustee Jisa has some good points but the current situation of working and learning from home is COVID-specific and stated he is not willing to make changes to the zoning code based on COVID. Commissioner Marhoul stated that the Planning and Zoning Commission should be looking five years out and not solely at the current situation.

Commissioner Miller confirmed that home offices are currently allowed as well as plumbing under the current codes. She also described current regulations regarding the 12% and 800 square foot maximum and how it disproportionately affects larger lots.

Commissioner Henaghan asked Director Abt whether the department has received requests for expanded garages or full plumbing for a home office. Director Abt responded no but that she has received requests to expand a garage to accommodate a studio or workshop with a sink and/or heating but none that she can recall for a home office with full plumbing (i.e., bathroom). Director Abt further explained that she has received inquiries regarding purchase of an existing (non-landmark) coach house with an interest in dwelling units. She also shared examples of turning down requests for garages that exceed code limits and shared that in

those cases, the property owners have not pursued a variation.

Chairperson Mateo asked if the Commission is interested in clarifying “sink only” regulations. Commissioner Henaghan stated that is her position and that if it has been policy, it should be codified. Commissioner Miller stated that she would be fine with a toilet in a garage, pool house, or any accessory structure but not a shower or bathtub. Commissioner Marhoul is in agreement with Commissioner Henaghan to limit to sinks only.

Chairperson Mateo asked Director Abt what about the convention across codes regarding what is allowed in accessory structures. Director Abt responded that codes are not typically explicit about what features can be put in but rather whether they allow accessory dwelling units. Director Abt further explained that in her experience it is up to the permit reviewer to review and uncover fixtures on the plans that may allow conversion. Village Attorney Marris shared his experience in Hinsdale where they prohibit accessory dwelling units but allows bathroom or kitchen fixtures but not both. Village Attorney Marris shared that Riverside has transfer inspections which is a benefit for enforcement.

Chairperson Mateo asked Director Abt and Village Attorney Marris if they had a recommendation at this time. Village Attorney Marris stated that plumbing restrictions should be made more explicit. Commissioner Mathews inquired about how pool houses are treated. Director Abt confirmed that pool houses are considered accessory structures. She shared a recent experience reviewing a pool house that was constructed without any plumbing.

Commissioner Mays shared a desire to clarify and codify such regulations. Commissioner Pelletier agreed and inquired whether it could be regulated by the number of fixtures stating that “powder rooms” without a shower seems appropriate. Commissioner Marhoul shared that the easiest way to address pool houses and limit habitability would be limits on the rest of the space. If it has a bathroom with limited space, it likely won’t become a dwelling unit but this isn’t the same for garages since there exists extra space to expand into. Commissioner Marhoul stated that perhaps a limit to the overall size of structure would best limit the ability to convert to an accessory dwelling unit.

Commissioner Mathews reiterated that he is in support of sinks only and the importance of codifying the practice. Commissioner Mathews stated that the variation process is always available and the Planning and Zoning Commission could revisit further text amendments if other issues arise. Chairperson Mateo asked Village Attorney Marris to relay Village Board discussion regarding the likelihood of variation request. Village Attorney Marris responded that variations are difficult to approve due to the standards required to be met. Village Attorney Marris shared that the code currently has a subsection for garage design standards and that further regulations specific to garages could be distinguished from other types of accessory structures.

Commissioner Miller asked for clarification on the 25% of total floor area limit for

home offices as it is written in a way that makes it unclear whether it is per building or total floor area for the property. Village Attorney Marrs responded that as written it is open to interpretation and that the intent appears to limit overall space on the property. He further advised that the Planning and Zoning Commission may want to address the language of “and/or” to clarify this requirement.

Commissioner Marhoul shared that as written and based on the square footage, that most home offices are likely to occur in the principal structure. He further stated that it is a personal choice regarding how much of your house/accessory structures you want to devote to personal business.

Chairperson Mateo asked Director Abt about her interpretation. Director Abt responded that she has historically interpreted it to mean 25% of the principal structure if located there but if in the garage then interpreted as 25% of the aggregate (house and garage). Commissioner Miller asked about R1-AA lots, assuming a 3,200 square foot house then 25% of that is 800 square feet. Chairperson Mateo asked Director Abt to clarify implications across zoning districts with any draft text amendment. Chairperson Mateo asked Director Abt about remarks made at the Village Board meeting regarding clarification of offices in coach houses. Director Abt responded that home offices are a permitted use in the residential zoning districts currently but that further clarification may be needed for non-landmarked coach houses. Village Attorney Marrs added Section 10-7-3 has specific provisions for coach houses as well as accessory structures in residential and business districts and specific requirements for garages. He advised that additional plumbing requirements for garage design standards could be included here and provides differentiation for various types of accessory structures.

The Commission discussed the specific issues on the table and the process. Chairperson Mateo clarified that the Planning and Zoning Commission discussion would go back to the Village Board followed by a public hearing at Planning and Zoning Commission for any draft text amendment with a recommendation to Village Board for a final vote.

Chairperson Mateo led a discussion on consensus and direction to staff with the first issue being whether to amend current restrictions on storage over cars. Director Abt outlined the issue as does the Planning and Zoning Commission want to expand current limits to storage only to specifically allow offices and other residential uses. Commissioner Marhoul stated that the current space limitations don't allow for much and that building code issues make it difficult to design a space that is truly habitable. Director Abt reviewed recent changes to the zoning ordinance to clarify bulk requirements and allow for storage space above cars. Commissioners Marhoul and May recommended against further defining how space above cars is used and affirmed their desire to leave the current regulations as is. Commissioners Miller, Pelletier and Henaghan agreed.

Chairperson Mateo raised the third issue for discussion regarding maximum building area specifically the Commission's desire to leave as written or amend either the 12% maximum and/or the 800 square foot maximum. Commissioner Marhoul stated

that Riverside's current regulations are generous compared with peer communities and that while it is a restriction on larger lots, that it is not a detriment. The Commission reviewed the staff memo and discussed how the current regulations impact lots in various districts. Commissioners Pelletier, Marhoul, Mathews, and Henaghan stated their comfort with leaving the code as currently written.

Director Abt stated that she received a note from President Sells asking why there are both building and impervious surface coverage maximums. Director Abt stated that this is typical to ensure accessory buildings are smaller than principal structures and that impervious coverage has to do with preserving green space. President Sells stated that he was the one who received the original complaint. His question is when you have a large lot, what is the policy reason to prohibit a separate home office? Director Abt responded that building coverage, impervious surface coverage, and size limits on accessory structures all work together in layers to regulate density, massing, and to preserve green space. Commissioner Marhoul commented that this is a good policy debate. The Village has an interest in maintaining a certain feel and current regulations are adequate to achieve that. Commissioner Marhoul further explained his comfort with the current regulations that specific maximums and minimums exist for good reason and that not everything should be defined by a percentage. Commissioner Miller stated that massing is an important consideration and perhaps the Planning and Zoning Commission should consider an 800 square foot maximum per structure.

Chairperson Mateo asked whether this would dissuade detached garages on large lots? Commissioner Marhoul responded that he didn't think so but that it might mean larger, attached garages.

Chairperson Mateo asked for other Commissioners' thoughts on amending the 800 square feet to apply per structure rather than in total with the 12% regulation for accessory structures and 30% impervious surface maximum remaining. Chairperson asked for a show of hands with four Commissioners in support of allowing 800 square feet maximum per structure and two in support of leaving the current regulation of 800 square feet for all accessory structures. Chairperson Mateo raised the issue of accessory structures in the business districts where they are allowed to be 70% or 800 square feet, whichever is larger. Chairperson Mateo directed staff to review norms, legislative history, and look at draft language for a possible amendment.

VIII. Information: Director Abt provided an update on the RTA zoning project. The consultants are drafting some language by the end of March with a subsequent Steering Committee meeting. They are hoping to have a draft for Village Board review by June. This would be followed by a public hearing. Director Abt shared that she is leaving the Village for a new position with the Village of Montgomery. Commissioners wished her well.

IX. Adjournment

Commissioner **Marhoul made a motion** to adjourn. Commissioner **Henaghan seconded**.

AYES: Commissioners Henaghan, May, Marhoul, Miller, Pelletier, Mathews, Mateo.

NAYES: None.

Motion passed.

Chairperson Mateo declared the meeting adjourned at 8:50 p.m.

Respectfully submitted:

Interim Community Development Director Kashima

Date Approved