

**VILLAGE OF LAKEWOOD
PLANNING AND ZONING COMMISSION
MEETING MINUTES
SEPTEMBER 20, 2021**

The meeting was called to order at 7:02 p . m . Members present were Chairman John O'Hara; Commissioners Knapp, Mattick, Smith, and Wayne. Absent were Commissioners Galizi and Shamoun. Also present were Village Manager Jean Heckman, Village Clerk Jeanette LoBosco, Village Attorney Scott Puma, Village Building Inspector Brian Fragassi, and a few members of the public, including Village President Stavropoulos.

APPROVAL OF MINUTES: Commissioner Smith, seconded by Mattick moved to approve the July 26, 2021, 2021 minutes. Voice Vote: All Ayes. Nay: None. Motion declared carried.

PUBLIC HEARING TO CONSIDER A PETITION OF JEREMY AND SHERI VARNEY RELATING TO THE PROPERTY COMMONLY KNOWN AS 7508 BONNIE RIDGE ROAD, PIN 18-11-255-002 TO GRANT CERTAIN VARIATIONS AND DEPARTURES FROM THE REQUIREMENTS OF SECTION 5.12 OF THE ZONING ORDINANCE AND SECTION 19.08 OF THE VILLAGE CODE TO ALLOW A FENCE SURROUNDING A POOL TO BE LOCATED IN BOTH SIDE YARDS OF THE PROPERTY. THE APPLICANTS ARE ALSO APPEALING THE DETERMINATION OF THE VILLAGE'S BUILDING CODE OFFICIAL THAT A GUARD RAIL IS REQUIRED AT THE TOP OF A RETAINING WALL SURROUNDING THE PROPOSED POOL PURSUANT TO SECTION R312.1 OF THE INTERNATIONAL RESIDENTIAL CODE:

Chairman O'Hara introduced the petition being presented.

Commissioner Wayne, seconded by Commissioner Knapp moved to open the Public Hearing. Voice vote: All Ayes. Nay: None. Motion declared carried. The Public Hearing opened at 7:05 p.m.

Village Clerk Jeanette LoBosco confirmed the verification of Public Notice was published on September 2, 2021 in the Northwest Herald. In addition 11 certified mailings were sent to those property owners within 250 feet of the subject property.

Village Manager Jean Heckman presented a summary of the approved Swimming Pool Building Permit. However, the homeowner is asking for two variances; one to extend the fencing outside the footprint of the home, and the other to omit the proposed guardrail.

The Oath was administered by Village Attorney Scott Puma to those present to testify; Jeremy Varney, Joe Lyons, Alan Kanabay, Mike Fischer and Brian Fragassi.

Petitioner Jeremy Varney took the floor to begin his presentation. In regard to the request to the fence variance, reason given was due to the placement of the home and the slope of the property. This will allow usage of the backyard.

Mr. Varney continued to describe a four-foot landscape vegetation bed, in addition to a two-foot stone landscape bed, that would run the length behind the pool. Given that there is a six-foot clearance to aid in the prevention of a fall, he believes a guardrail is not required In addition; it is

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his understanding that the landscape bed would not constitute a walking surface. As per Village Code, a walking surface is not defined.

Commissioners clarified with Mr. Varney the fence height to be 54 inches. The pool area is enclosed by three sides, one being the home, in addition to a gate at the bottom of the steps having access to the lake. Once landscape is completed, there will be little view of the fence from the street.

Building Inspector Brian Fragassi added although there is some value in a hedge barrier, doesn't prevent a person from going through them. The concern for this area is the fact the use is intended for fun and amusement, and awareness to safety is not as guarded.

Joe Lyons, 7513 Bonnie Ridge, supports the requests of Mr. Varney. He has seen much improvement done to property and believes it to be safe.

Alan Kanabay, 7509 Bonnie Ridge, thinks Mr Varney's design is safe. He compliments him for the improvements he has made thus far to his property.

Mike Fischer, 9332 Beaver Pond Court, believes the lot causes a hardship for the fence and is in support of the construction.

Commissioner Knapp, seconded by Commissioner Wayne moved to close the Public Hearing. Voice vote: All Ayes. Nay: None. Motion declared carried. The Public Hearing closed at 7:44 p.m.

Commissioner Wayne, seconded by Commissioner Smith moved to approve the request to allow a fence to be located in both side yards of the property located at 7508 Bonnie Ridge Road. Voting Aye: Commissioners Knapp, Mattick, Smith, Wayne and Chairman O'Hara. Voting Nay: None. Absent: Commissioners Galizi and Shamoun. Motion declared carried.

Commissioner Knapp, seconded by Commissioner Smith moved to approve the request in appealing the determination of the Village's Building Code Official in requiring a guard rail at the top of a retaining wall surrounding the proposed pool. The landscape plan is constructed as submitted. Voting Aye: Commissioners Knapp, Smith, Wayne and Chairman O'Hara. Voting Nay: Commissioner Mattick.. Absent: Commissioners Galizi and Shamoun. Motion declared carried.

PUBLIC HEARING TO CONSIDER A TEXT AMENDMENT TO REMOVE REGULATIONS REGARDING FENCES, SHRUBS, HEDGES AND DECORATIVE STRUCTURES FROM THE VILLAGE'S ZONING CODE, CHAPTER 17, SECTION 5.12 AND OTHER SECTIONS, AND TO RECODIFY THE REQUIREMENTS REGARDING FENCES IN THE VILLAGE'S BUILDING CODE OR OTHER PLACES IN THE VILLAGE CODE:

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Village Attorney Scott Puma acknowledged the petition presented is coming from the Village Staff.

The Public Hearing opened at 7:49 p.m.

Village Clerk Jeanette LoBosco confirmed the verification of Public Notice was published on September 4, 2021 in the Northwest Herald.

Village Manager Jean Heckman identified numerous places where the fencing codes contradict each other throughout the Village Code. Proposed would be for the fence ordinance to be in one location, providing consistent and user-friendly information.

Commissioners discussed pros and cons relative to the fence regulations being removed from the Zoning Code. The consensus among the Commissioners was that work needs to be done in order to clarify the inconsistencies throughout the Village Code.

President Stavropoulos agreed with the Commissioners that the inconsistencies need to be cleaned up. In addition, there is a need of a clear definition of allowable fencing around a pool structure.

Building Inspector Brian Fragassi added that his previous work experience with the Village contributes to his knowledge regarding limitations to fence construction in certain areas. Unfortunately, as different ordinances have been passed throughout the years, current code is difficult to reference; sometimes leading to nowhere.

Residents Mike Fischer and Joe Lyons, both waiting to submit pool building permits, expressed the obstacles in obtaining clear interpretation of required fencing.

Commissioner Wayne, seconded by Commissioner Knapp moved to table the discussion of the text amendment regarding fences until October 18, 2021 in order to provide the presentation of actual documentation. Voting Aye: Commissioner Knapp, Mattick, Smith, Wayne and Chairman O'Hara. Voting Nay: None. Absent: Commissioners Galizi and Shamoun.

DISCUSSION REGARDING ORDINANCE NO. 2021-21, AN ORDINANCE ESTABLISHING A SIX MONTH MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS AND ISSUANCE OF PERMITS RELATIVE TO SHORT TERM RESIDENTIAL RENTAL UNITS: Village Manager recapped for the Commissioners the recently passed Ordinance Establishing a Six Month Moratorium on the Acceptance and Processing of Applications and Issuance of Permits relative to Short Term Residential Rental Units by the Village President and Board of Trustees on August 10, 2021.

A request for guidance and recommendations from the Planning and Zoning Commissioners for a Village Ordinance resulted in the following:

- Maximum six month limitation for the property rental
- Minimum rental period no less than 30 days
- Written rental contract

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- Property must be primary or established residence of the owner
- Registration with a fee submitted to Village

DISCUSSION REGARDING ZONING REVIEW AS APPLICABLE TO CAMBRIA COVE SUBDIVISION: Item was stricken from discussion in order for further review per the request of Village Attorney Scott Puma.


UPDATE ON PLANNING, ZONING, AND DEVELOPMENT ISSUES: Chairman O'Hara requested the Commissioners to continue to formulate ideas to stimulate development within the Village.

Village Manager Jean Heckman provided update regarding the proposed Oasis Project at Rt 47/176. A response from IDOT regarding a temporary solution for turn-out lanes has not been received.

Discussion continued in regard to different areas throughout the Village as potential projects. President Stavropoulos requested development ideas of RedTail Golf Club take precedence.

With nothing further to discuss, Commissioner Wayne, seconded by Commissioner Smith moved to adjourn the meeting. Voice Vote: All Ayes. Nay: None. Motion declared carried. The meeting adjourned at 9:16 p.m.

Respectfully Submitted,
Jeanette LoBosco
Village Clerk


DATED: November 15, 2021