

**VILLAGE OF LAKEWOOD
PLANNING AND ZONING COMMISSION
PUBLIC HEARING MINUTES
JUNE 25, 2018**

The Meeting was called to order at 7:00 p.m. at RedTail Golf Club. Members present were Chairman O'Hara; Commissioners Galizi, Hopkins, Knapp, Miller, and Mula. Commissioner Hansen was absent. Also present were Village clerk Janice Hansen; Village Attorney Kelly Cahill; Chief Administrative Officer Jeannine Smith; and a few members of the public.

APPROVAL OF MINUTES FROM DECEMBER 4, 2017 MEETING: Commissioner Hopkins, seconded by Commissioner Mula, moved to approve the December 4, 2017 meeting minutes as amended. Voice Vote: All Ayes. Nays: None. Absent: Commissioner Hansen. Motion declared carried.

PUBLIC HEARING: TO CONSIDER THE PETITION OF JOHN GETTY TO GRANT A VARIATION FROM THE LAKEWOOD ZONING CODE FOR THE PROPERTY COMMONLY KNOWN AS 7316 GLENEAGLE CIRCLE TO ALLOW A REAR TWO-STORY ADDITION WITH A WALK-OUT BASEMENT TO THE BACK OF THE EXISTING RESIDENCE TO ENCROACH A MAXIMUM OF 3 FEET 8 INCHES INTO THE REQUIRED 15 FOOT SIDE YARD SETBACK ON THE SOUTHERN PORTION OF THE PROPERTY, TAPERING TO A MAXIMUM OF THREE FEET INTO SUCH SIDE YARD SETBACK PROCEEDING WEST:

Village Clerk Janice Hansen confirmed that the public notice was published in the Northwest Herald on June 2, 2018 and all surrounding property owners were notified by registered mail.

Commissioner Hopkins, seconded by Commissioner Knapp, moved to open the Public Hearing. Voice Vote: All Ayes. Nays: None. Absent: Commissioner Hansen. Motion declared carried. The Public Hearing opened at 7:06 p.m.

Attorney Kelly Cahill swore in petitioner John Getty and architect David Wickwire.

David Wickwire of Terra Architects commented that the side setback is the greater of 15ft or 10% lot width. For lots with non-parallel side lot lines the lot width is the average of the front and rear lot width. In this case, the average dimension is 15 feet 10 inches. This request is to remove a rear screen porch that currently extends past the side setback by 3 feet 8 inches at one end and 2 feet 9 inches at the other, approximately 24 square feet, and replace it with a two story addition with walk out basement that will extend past the side setback by 3 feet 8 inches at one end and 2 feet 3 inches at the other, approximately 38 square feet.

The house currently extends into the side setback 5 feet 8 inches. The proposed addition is to be built to the rear of the house and will not extend past the side wall. The new spaces will expand the Recreation Room on the lower level, the Family Room on the first floor and Master Bedroom on the second floor; all of which shares the side exterior wall that currently extends into the side setback.

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There were no public comments.

All Commissioners had no issues regarding the suggested variance request.

Commissioner Mula, seconded by Commissioner Galizi, moved to close the Public Hearing. Voice Vote: All Ayes. Nays: None. Absent: Commissioner Hansen. Motion declared carried. The Public Hearing closed at 7:10 p.m.

Commissioner Knapp, seconded by Commissioner Galizi, moved to approve the Findings of Fact. Voice Vote: All Ayes. Nays: None. Absent: Commissioner Hansen. Motion declared carried.

Commissioner Mula, seconded by Commissioner Hopkins, moved to recommend the Zoning Variation as amended. Ayes: Commissioner Galizi, Hopkins, Knapp, Miller, and Mula. Chairman O'Hara.. Nays: None. Absent: Commissioner Hansen. Motion declared carried.

PUBLIC HEARING: TO CONSIDER THE PETITION OF STACIE FREEMAND AND STEPHAN SPIEWAK TO GRANT A VARIATION FROM THE LAKEWOOD ZONING CODE FOR THE PROPERTY COMMONLY KNOWN AS 6905 INVERWAY DRIVE TO REDUCE THE OTHERWISE REQUIRED REAR YARD SETBACK FROM 30 FEET TO 26 FEET 7 INCHES TO CONSTRUCT A DECK AND TO REDUCE THE REQUIRED REAR YARD SETBACK FROM 30 TO 29 FEET FOR A SCREENED-IN PORCH:

Village Clerk Janice Hansen confirmed that the public notice was published in the Northwest Herald on June 2, 2018 and all surrounding property owners were notified by registered mail.

Commissioner Mula, seconded by Commissioner Galizi, moved to open the Public Hearing. Voice Vote: All Ayes. Nays: None. Absent: Commissioner Hansen. Motion declared carried. The Public Hearing opened at 7:17 p.m.

Attorney Kelly Cahill swore in petitioner Stephan Spiewak

Mr. Spiewak commented that he is requesting a 21 foot 8 inch variance from the setback in the backyard to build a screened porch and extend our deck. We have sufficient space, but will extend beyond the setback line. The backyard includes wetlands which cause us to have a lot of bugs and mosquitos which makes our backyard uninhabitable much of the spring and summer months. As there are no homes or development behind our home, we will not obstruct any views.

There were no public comments.

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All Commissioners had no issues regarding the proposed variance. Chairman O'Hara did suggest that the petitioners look over the land deed to ensure there are no covenants regarding conservation area restrictions located directly in back of said property.

Commissioner Knapp, seconded by Commissioner Galizi, moved to close the Public Hearing. Voice Vote: All Ayes. Nays: None. Absent: Commissioner Hansen. Motion declared carried. The Public Hearing closed at 7:21 p.m.

Commissioner Mula, seconded by Commissioner Hopkins, moved to approve the Findings of Fact. Voice Vote: All Ayes. Nays: None. Absent: Commissioner Hansen. Motion declared carried.

Commissioner Galizi, seconded by Commissioner Mula, moved to recommend the Zoning Variation as amended. Ayes: Commissioner Galizi, Hopkins, Knapp, Miller, and Mula. Chairman O'Hara.. Nays: None. Absent: Commissioner Hansen. Motion declared carried.

PUBLIC HEARING: TO CONSIDER THE PETITION OF RICHARD AND MARGUERITE WATERS TO GRANT VARIATIONS FROM THE LAKEWOOD ZONING CODE FOR THE PROPERTY COMMONLY KNOWN AS 1996 SOUTH SHORE DRIVE TO REDUCE THE OTHERWISE REQUIRED FRONT YARD SETBACK FROM 40 FEET TO 28 FEET TO ENABLE THE CONSTRUCTION OF A TWO-CAR GARAGE; TO ALLOW A WINDOW WELL ENCROACHMENT OF TWO FEET AND TWO INCHES INTO THE OTHERWISE REQUIRED SIDEYARD SETBACK, TO ALLOW FOUR ACCESSARY STRUCTURES ON THE RESIDENTIAL LOT (SPA AND WITH LANDSCAPE SEATING WALL, A PERGOLA, AND A LANDSCAPE WALL AT THE WEST PROPERTY LINE AND PATIOS, TO A 12 INCH TALL LANDSCAPE RETAINING WALL ALONG THE WEST PROPERTY LINE RATHER THAN SUCH RETAINING WALL MEETING THE REAR AND SIDE YARD SETBACK TO ALLOW A SPA ENCROACHMENT OF 2 FEET INTO THE OTHERWISE REQUIRED 7 FOOT SIDE YARD SETBACK, AND AN ENCROACHMENT OF THE SINGLE FAMILY RESIDENCE 1 FOOT AND 5 INCHES INTO THE REQUIRED 8 FOOT SETACK ON THE EASTERN PORTION OF THE SUBJECT PROPERTY:

Village Clerk Janice Hansen confirmed that the public notice was published in the Northwest Herald on June 4, 2018 and all surrounding property owners were notified by registered mail.

Commissioner Hopkins, seconded by Commissioner Galizi, moved to open the Public Hearing. Voice Vote: All Ayes. Nays: None. Absent: Commissioner Hansen. Motion declared carried. The Public Hearing opened at 7:29 p.m.

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Attorney Kelly Cahill swore in petitioner Marguerite Waters, Architect John Forehand, and resident Marty Moister.

Architect Forehand itemized the proposed variance requests: front yard setback change from 40 feet to 28 feet. Window well encroachment into side yard setback 2 feet 2 inches. Allow for two attached garages. Request for more than one accessory structure on building lot; Spa, Pergola, Landscape Wall at west property line, and patios. Allow for the installation of spa with landscape seating wall. Allow for installation of approximately 12 inch tall landscape retaining wall along west property line.

Petitioner Waters commented that the proposed front yard setbacks are in proportion with the neighboring homes on the street. The proposed garages are attached to the home. She has met with CCAPOA and they do not object to the placement of the proposed spa.

Architect Forehand remarked that the proposed front yard setback benefits with the appearance of the neighboring homes along South Shore. The proposed window well setback accommodates the basement bedroom. The proposed garage breakup accommodates the front courtyard and driveway. The proposed patios are raised two feet. The proposed green wall to the north will have a twelve inch stone base. The proposed spa encroachment is to enhance the view of the lake. Architect Forehand stated this is a very narrow lot and all proposed variances will accommodate proposed accessory structures.

Marty Moister President of the CCAPOA and resident at 324 Melrose is in agreement of the proposed landscape along the north property line. He believes the placement of the spa could be an issue due to the fact it is along the CCAPOA park property line.

Chairman O'Hara asked for the square footage of the proposed home and lot coverage. Architect Forehand replied the home is 3,500 square feet and the lot coverage is approximately 4,300 square feet. Chairman O'Hara believes the proposed home is too big for the lot. He does not see the hardship for these variances when the petitioner is building on an empty lot.

Commissioner Knapp asked about the proposed placement of the garages. Petitioner Waters replied it was to maneuver large vehicles. He also inquired about the proposed placement of the spa and suggested that it stays within the rear yard setback.

Commissioner Miller also asked about the proposed placement of the spa. The placement of the proposed garages is to create a courtyard atmosphere. He also remarked about possible noise from the park. Petitioner Waters replied this is not an issue.

Commissioner Galizi questioned the placement of the proposed spa. He also suggested that the plantings on the CCAPOA property should be at the owner's expense.

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Commissioner Mula walked the property and remarked on the possible noise issue from the park. He also questioned the proposed front yard setback. Petitioner Waters replied that it is the same as the neighbor to east.

Commissioner Knapp seconded by Commissioner Miller, moved to close the Public Hearing. Voice Vote: All Ayes. Nays: None. Absent: Commissioner Hansen. Motion declared carried. The Public Hearing closed at 8:08 p.m.

Commissioner Galizi seconded by Commissioner Knapp, moved to approve the Findings of Fact except for the placement of the Spa. Voice Vote: All Ayes. Nays: None. Absent: Commissioner Hansen. Motion declared carried.

Commissioner Mula, seconded by Commissioner Miller, moved to recommend the Front Yard Setback Change from 40.40' to 28.00' Zoning Variation. Voting Aye: Commissioners Galizi, Hopkins, Knapp, Miller, and Mula. Voting Nay: Chairman O'Hara. Absent: Commissioner Hansen. Motion declared carried.

Commissioner Knapp, seconded by Commissioner Hopkins, moved to recommend the Window Well Encroachment into Side Yard Setback 2'-2" subject to utility easement Zoning Variation. Voting Aye: Commissioners Galizi, Hopkins, Knapp, Miller, and Mula. Voting Nay: Chairman O'Hara. Absent: Commissioner Hansen. Motion declared carried.

Commissioner Mula, seconded by Commissioner Miller, moved to recommend the Request for Accessory Structure Structures to include Spa, Pergola, Landscape Wall at West Property Line, and Patios. Zoning Variations. Voting Aye: Commissioners Galizi, Miller, and Mula. Voting Nay: Chairman O'Hara, Commissioners Hopkins and Knapp. Absent: Commissioner Hansen. Motion tied.

Commissioner Galizi, seconded by Commissioner Hopkins, moved to deny recommendation to Allow for the Installation of a Spa and Landscape Seating Wall 2 Foot Encroachment Zoning Variances. Voting Aye: Chairman O'Hara; Commissioners Galizi, Hopkins, Knapp, and Miller. Voting Nay: Commissioner Mula. Absent: Commissioner Hansen. Motion declared carried.

Commissioner Mula, seconded by Commissioner Miller, moved to recommend to Allow the Installation of Approximately 12" Tall Landscape Retaining Wall Along the West Property Line Zoning Variance. Voting Aye: Commissioners Galizi, Hopkins, Knapp, Miller, and Mula. Voting Nay: Chairman O'Hara. Absent: Commissioner Hansen. Motion declared carried.

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PUBLIC HEARING: TO CONSIDER A TEXT AMENDMENT TO THE LAKEWOOD ZONING ORDINANCE BY AMENDING SECTION 7.4A., NUMBER OF ACCESSORY BUILDINGS AND STRUCTURES. THE PURPOSE OF THE AMENDMENT IS TO CONSIDER LIMITING ACCESSORY STRUCTURES TO NOT MORE THAN THREE:

Village Clerk Janice Hansen confirmed that the public notice was published in the Northwest Herald on June 8, 2018.

Commissioner Knapp seconded by Commissioner Mula, moved to open the Public Hearing. Voice Vote: All Ayes. Nays: None. Absent: Commissioner Hansen. Motion declared carried. The Public Hearing opened at 8:36 p.m.

Chief Administrative Officer Jeannine Smith commented that this amendment is to facilitate repeated requests for multiple accessory structures/buildings within each building permit application. Currently the code limits one structure. Petitioners apply for permits to construct outdoor living areas that would be prohibited by the current code.

CAO Smith cited accessory buildings and structures for residential zoned property within the Village: children's freestanding playhouse, private garden house or greenhouse, detached garage, shed or building used for domestic storage, swimming pool, free standing spa/hot tub , attached or detached deck, patio, platform or terrace open to the sky, gazebo, dog house, dog run, tennis court, skating or ice rink, basketball court, batting cage, goal posts, and similar structures and buildings.

Resident Marty Moister commented that he was surprised that the Village Code allowed only one accessory structure.

Commissioners would like to give residents guidelines and related use definitions for accessory structures. They would also like to have some sort of compatibility of use definition.

Commissioner Knapp, seconded by Commissioner Miller, moved to close the Public Hearing. Voice Vote: All Ayes. Nays: None. Absent: Commissioner Hansen. Motion declared carried. The Public Hearing closed at 9:04 p.m.

This Public Hearing will be continued to a date certain and/or the regularly scheduled Planning and Zoning Commission Meeting on August 20, 2018.

UPDATE ON PLANNING, ZONING AND DEVELOPMENT ISSUES: Chairman O'Hara would like staff to research lot coverage and floor ratio zoning code that was discussed and implemented in 1999 or 2000.

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With nothing further to discuss, Commissioner Hopkins, seconded by Commissioner Galizi, moved to adjourn the Meeting. Voting Aye: Chairman O'Hara and Commissioners Galizi, Hopkins, Knapp, Miller, and Mula. Voting Nay: None. Absent: Commissioner Hansen. The meeting adjourned at 9:08 p.m.

Janice S. Hansen
Village Clerk