

**VILLAGE OF LAKEWOOD
PLANNING AND ZONING COMMISSION
PUBLIC HEARING MINUTES
AUGUST 14, 2018**

The Meeting was called to order at 6:00 p.m. at RedTail Golf Club. Members present were Chairman O'Hara; Commissioners Hansen, Hopkins, Miller, and Mula. Commissioners Galizi and Knapp were absent. Also present were Village Clerk Janice Hansen; Village Attorney Michael Smoron; Chief Administrative Officer Jeannine Smith; and a few members of the public.

APPROVAL OF MINUTES FROM JUNE 25, 2018 MEETING: Commissioner Mula, seconded by Commissioner Miller, moved to approve the June 25, 2018 meeting minutes as amended. Voice Vote: All Ayes. Nays: None. Motion declared carried.

PUBLIC HEARING: TO CONSIDER THE PETITION OF THE MICHELLE BETO REVOCABLE TRUST TO GRANT A VARIATION FROM PARAGRAPH A OF SECTION 7.4, NUMBER, HEIGHT, AND SIZE OF ACCESSORY BUILDINGS AND STRUCTURES, OF THE CODE TO ALLOW FOR THREE ACCESSORY STRUCTURES OR USES ON THE PROPERTY, SPECIFICALLY A "SPORT COURT" IN ADDITION TO THE PREVIOUSLY APPROVED GAZEBO AND BRIDGE, AS WELL AS AN AMENDMENT TO ORDINANCE 2017-16, TO REMOVE THE REFERENCES TO A PUMP HOUSE AND EQUIPMENT SO AS TO ELIMINATE THESE A APPROVED ACCESSORY USES OR STRUCTURES FOR THE PROPERTY (8680 BELFIELD ROAD):

Village Attorney Michael Smoron confirmed that the public notice was published in the Northwest Herald on July 25, 2018 and all surrounding property owners were notified by registered mail.

Commissioner Mula, seconded by Commissioner Hopkins, moved to open the Public Hearing. Voice Vote: All Ayes. Nays: None. Motion declared carried. The Public Hearing opened at 6:06 p.m.

Attorney Michael Smoron swore in petitioner David Beto and contractor James Vande Logt .
There were no public comments.

Chief Administrative Officer Jeannine Smith stated that the petition speaks for its self and the petitioner will answer any questions the Commissioners may have.

The contractor commented that the petitioner is eliminating the pump house and equipment shed granted in the previous Variation Ordinance. The proposed sport court size will be 40 feet by 60 feet with a concrete base and sealed with a rubber coating. There will be extensive landscaping on two sides of the proposed sport court which will be three feet lower than the street.

Commissioner Mula asked if there will be a berm in front of the proposed sport court. Contractor responded yes with mature landscaping.

Chairman O'Hara questioned the location of the proposed sport court and wanted to make sure the variance includes a departure of Building Code 7.6E allowing it to be placed on the side yard of the residence.

There was discussion regarding the lighting of the sport court. The petitioner was advised to comply with Village Zoning Code Section 14.10; no use or activity shall be permitted which causes glare or heat to be transmitted or reflected in such qualities as to be detrimental or harmful to the use of adjacent properties.

Commissioner Mula, seconded by Commissioner Hopkins, moved to close the Public Hearing. Voice Vote: All Ayes. Nays: None. Motion declared carried. The Public Hearing closed at 6:24 p.m.

Commissioner Mula, seconded by Commissioner Hansen, moved to adopt the Findings of Fact and to recommend the Zoning Variation as amended conforming to Village Code and subject to submittal and approval of the building permit. Ayes: Commissioner Hansen, Hopkins, Miller, and Mula. Chairman O'Hara... Nays: None. Absent: Commissioners Galizi and Knapp. Motion declared carried.

UPDATE ON PLANNING, ZONING AND DEVELOPMENT ISSUES: There was general discussion regarding 8112 RedTail Drive which constructed a dog run without a permit and the placement is not within the Village Code. Commissioner Miller remarked that this issue does not belong before the Planning and Zoning Commission and should go before the Board of Trustees. He does not want to set a precedent. CAO Smith commented that Village Code states that the Commission hears all zoning code appeals. Chairman O'Hara suggested that the homeowner, the Hopmans, go through the building permit process, pay for the permit with penalties and perhaps modify the dog run. The Hopmans must proceed and rectify this situation.

Commissioner Miller remarked that there is a need to have a more detailed discussion for each variation. He believes the Chairman should explain his thoughts and opinions when the voting on a proposed variation.

Also discussed was the possibility of going back to floor area ratio instead of set back requirements on the east side of the Village.

With nothing further to discuss, Commissioner Mula, seconded by Commissioner Hopkins, moved to adjourn the Meeting. Voting Aye: Chairman O'Hara and Commissioners Hansen, Hopkins, Miller, and Mula. Voting Nay: None. Absent: Commissioners Galizi and Knapp. The meeting adjourned at 6:52 p.m.

Janice S. Hansen
Village Clerk