

MINUTES OF THE REGULAR MEETING OF THE PLAN COMMISSION HELD ON WEDNESDAY, FEBRUARY 6, 2013, AT THE VILLAGE HALL, 7760 QUINCY STREET, WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

1. CALL TO ORDER

Chairman Daniel Kopp called the meeting to order at the hour of 7:00 p.m.

2. ROLL CALL

Those present at roll call were Commissioners James Soukup, James Baker, William Buckley, Vice-Chairman Wagner and Chairman Kopp. Also present were Village Planner Jo Ellen Charlton and Secretary Joanne Prible. ABSENT: Commissioners Robert DelSarto and William Remkus.

3. OMNIBUS VOTE AGENDA

The items on the Omnibus Vote Agenda were as follows:

- A. Waive Reading of Minutes (APPROVE)
- B. Minutes – Regular Meeting November 7, 2012 (APPROVE)
- C. Minutes – Village Board Meeting October 22, November 12, November 26, December 17, 2012 and January 14, 2013

MOTION: Made by Commissioner Soukup seconded by Commissioner Wagner, to approve the Omnibus Vote Agenda.

4. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 13-01: Variations in R-1 Single Family Residence District to reduce the minimum front yard setback from sixty (60') to fifty-six feet, seven and three-eighths inches (56' 7 3/8") and the minimum corner side yard setback from fifty feet (50') to forty feet (40').

PUBLIC HEARING/DISCUSSION – (SEE COURT REPORTER MINUTES)

RECOMMENDATION

MOTION: Made by Commissioner Soukup, seconded by Commissioner Wagner that based on the submitted petition and testimony presented, I move that the Plan Commission recommend to the Mayor and Village Board adoption of the Findings of Fact presented in the staff report for Zoning Hearing Case No. 13-01: 503 W. 64th, requesting variations in the R-1 Single Family Residence District to reduce the minimum front yard setback from sixty feet (60') to fifty-six feet, seven and three-eighths inches (56' 7 3/8") and the corner side yard setback from fifty feet (50') to forty feet (40'), for the construction of a new home subject to the following conditions:

1. Construction shall be in substantial compliance with the following plans, subject to review and approval of a building permit for compliance with the stated variations granted and all other requirements of the Village:
 - A. Preliminary Engineering, prepared by Richard E. Fisher Engineering, dated January 4, 2013, latest revision dated January 14, 2013.
 - B. Proposed Site/Landscaping Plan, Sheet L1, prepared by David A Schaeffer Architect, dated July 12, 2012, latest revision dated January 15, 2013.
 - C. Sheets A1, A2, A3, A4, and A5 prepared by David A Schaeffer Architects, dated July 17, 2012, latest revision dated January 15, 2013.
2. Except for the relief expressly granted herein, no other relief is granted nor should be implied.
3. Five Evergreen Trees shall be planted and maintained at all times as indicated on the Landscape Plan, Sheet L1, prepared by David A Schaeffer Architect, dated July 12, 2012, latest revision dated January 15, 2013.
4. A Plat of Easement granting a 10' Public Utility and Drainage easement along the south property line shall be finalized in substantially the form prepared by Professional Land Surveying, Inc., dated 1/14/13, but revised as required and approved by the Village Engineer prior to the issuance of a building permit.

ROLL CALL: AYES: Commissioners Soukup, Buckley, Baker, Vice-Chairman Wagner, and Chairman Kopp. NAYS: None; ABSENT: Commissioners DelSarto and Remkus.

5. VISITOR'S BUSINESS

None.

6. COMMUNICATION

Chairman Kopp said that there a pending bill in Springfield which will legalize the use of medical marijuana in Illinois. If the proposed law is approved the Plan Commission would be directed to hold a public hearing on the question of whether the Village's Zoning Ordinance should be amended to include Distribution Facilities as a Special Use.

7. ADJOURNMENT

MOTION: Made by Commissioner Wagner, seconded by Commissioner Soukup, to adjourn the regular meeting of the Plan Commission at the hour of 8:45 p.m.

UNANIMOUS VOICE VOTE

MOTION DECLARED CARRIED

PRESENTED, READ AND APPROVED,

4-3, 2013

Minutes transcribed by Joanne Prible.


Chairman

1 (Whereupon the public meeting was
2 called to order at 7:05 p.m.)

3 CHAIRMAN KOPP: Call to order the February meeting
4 of the Plan Commission of the Village of Willowbrook
5 and ask the Plan Commission secretary to call the roll.

6 MS. PRIBLE: Commissioner Del Sarto is absent.

7 Commissioner Renkus is absent.

8 Commissioner Soukup?

9 MR. SOUKUP: Here.

10 MS. PRIBLE: Vice-Chairman Wagner?

11 MR. WAGNER: Here.

12 MS. PRIBLE: Commissioner Buckley?

13 MR. BUCKLEY: Here.

14 MS. PRIBLE: Commissioner Baker?

15 MR. BAKER: Here.

16 MS. PRIBLE: Chairman Kopp?

17 CHAIRMAN KOPP: Here.

18 MS. PRIBLE: Village Planner Jo Ellen Charlton.

19 MS. CHARLTON: Here.

20 CHAIRMAN KOPP: Next item on the agenda is the
21 omnibus vote agenda.

22 Would anybody like anything removed from
23 the omnibus vote agenda?

24 If not, would someone make a motion to

1 pass.

2 MR. SOUKUP: I'll make a motion.

3 MR. WAGNER: I'll second the motion.

4 CHAIRMAN KOPP: All in favor say aye.

5 THE COMMISSION: Aye.

6 CHAIRMAN KOPP: All against say nay.

7 That motion carries.

8 Next item on the agenda is Notice of
9 Public Hearing Zoning Hearing Case No. 13-01.

10 The purpose of this public hearing shall
11 be to consider a petition for variations to allow
12 construction of a new home in compliance with submitted
13 plans consistent with the front and corner yard
14 setbacks on the prior home on the lot, now demolished.

15 The property is located at 503 West 64th
16 Street in Willowbrook, Illinois.

17 The applicant for this petition is Nenad
18 and Biljana Radonjic.

19 Notice of this public hearing was
20 published in the January 18, 2013, edition of the
21 *Suburban Life Newspaper*.

22 Would anyone for the applicant like to
23 speak?

24 MR. RADONJIC: The applicant would like to speak.

1 CHAIRMAN KOPP: Okay. Anyone who speaks will need
2 to be sworn in.

3 (Mr. Nenad Radonjic sworn.)

4 MR. RADONJIC: I go by Nick if that's okay.

5 What you have before you is, basically,
6 a petition that my wife and I seek before you to,
7 basically, build on the existing setbacks where the
8 former house was situated on, and, basically, in
9 conformity with the spirit of your ordinance.

10 The reason that we want to do that is we
11 had searched, literally, for three years for a home, a
12 property in the area when my wife was pregnant with our
13 first child. Three years later we found a location, a
14 venue where we thought that we can live for a great
15 deal of time, and it was, actually, we thought, located
16 on the corner there of 64th and Madison. We looked at
17 that home on the three-quarter acre lot and thought
18 that we had negotiated a deal, but, frankly, my wife
19 and I were not in love with that property or the home
20 that it's situated on.

21 When we saw the For Sale sign by Linda
22 Feinstein at 503 West 64th Street, we thought about it
23 and looked at it and we were fortunate enough to be
24 able to negotiate a good deal with the former property

1 owners, and, based on that, we wanted to be able to
2 build on that foundation.

3 One of the predicates for us seeking
4 this petition and the basis -- I mean, one of the bases
5 for purchasing the property was the topography of the
6 property. In particular, where the house is situated,
7 there is a natural slope to the south of the property.

8 The property is about two-thirds of an
9 acre in size. It's a somewhat rectangular lot, meaning
10 that it's long east to west but it's not deep north to
11 south. If we were able to build the home based on the
12 plans that you have before you, we would be able to
13 have some -- we would be able to have a natural walkout
14 basement because of the slope heading southward.

15 If we were to build under the existing
16 setbacks that the Village of Willowbrook currently has,
17 the -- you guys would deem it the side yard; we would
18 look at it, because it would be our backyard, would be
19 very, very small relative to the way the property is.
20 I think that the backyard would end up being no more
21 than 15 to 20 feet I'm not mistaken.

22 I have David here who can verify my
23 figures. He's my architect.

24 But if we have it in the way that we're

1 seeking this variance, we can have a sizable backyard,
2 which would not obstruct lighting or anything with the
3 neighbor to our south, and, I think, as I indicated
4 originally, it would be in line with the spirit of the
5 ordinance.

6 These standards for variations and the
7 findings of fact, the staff report has given to you, I
8 think a lot of it was based on something that I had
9 written, and that, basically, if it was built under the
10 existing setbacks, it wouldn't be a practical use of
11 the property, and, in my opinion, obviously, I'm not a
12 developer, but it would result in diminished returns to
13 the property.

14 If we maintain the existing topography
15 and if we can build where the existing home was
16 situated, we also allow for a lot of the natural
17 preservation -- or the preservation of the existing
18 mature trees on the east side and north side of the
19 proposed new home.

20 Then Line C with the ordinance, the
21 relative ordinance. The hardship was definitely not
22 created by my wife and I in terms of building this
23 home.

24 D. We've further agreed to mitigate the

1 impact of the proposed taller house on property of
 2 house by installing a line of evergreen trees between
 3 the home and the south property line to visually screen
 4 the new home from the rear yard of the adjoining home
 5 to the south, providing further benefit to the
 6 neighboring property.

7 As I indicated previously, the proposed
 8 construction of the new home in the same location as
 9 the prior home will not impair adequate supply of light
 10 and air to the adjacent properties or substantially
 11 increase congestion in the public streets, increase the
 12 danger of fire, or endanger the public safety in any
 13 way.

14 Now, in terms of Ordinance 77-0-4,
 15 2-14-1977, that refers to the proposed variation will
 16 not alter the essential character of the locality.

17 As this reads in the staff report,
 18 granting the variation to allow for the construction of
 19 the proposed new home in same location as the old home,
 20 in my humble opinion, will not in any way alter the
 21 location of the area.

22 I'm hoping that it will add to it.

23 Now, the last subsection is G, which
 24 reads, The proposed variation is in harmony with the

1 spirit and intent of this title. My humble opinion
2 again is that it's clearly in harmony in spirit of this
3 title because it allows for a construction of the home
4 that would be most similar to what neighboring property
5 owners have already experienced for many years.

6 CHAIRMAN KOPP: Any questions from the
7 Commissioners?

8 MR. WAGNER: I have a couple questions.

9 MR. RADONJIC: Please.

10 MR. WAGNER: First, I would like to point out that
11 the drawing -- and it's not -- let's see, is it
12 labeled?

13 Sheet 1 of 1, which is the first sheet
14 in our handout which shows the lot and the existing
15 property and also shows the lot with the new building
16 on it, the side yards to the west and the east are
17 incorrect on the drawing and they don't agree with the
18 Sheet L1, which is the landscape drawing. They're
19 slightly different, just to point out that difference.
20 I'm assuming the landscape sheet is correct because it
21 follows the staff report as far as measurements.

22 Is there -- I know that the house is --
23 has been razed and you're going to build this new home
24 and I understand your need to enlarge the rear yard of

1 the house. I can certainly understand that. But
2 looking at the setback from Thurlow and the setback on
3 the east, it seems as though we're asking for a
4 variation of slightly less than 4 feet, if I'm not
5 mistaken, and I'm just wondering why we can't move the
6 structure 4 feet to the east since we're cutting down a
7 few trees here already.

8 It doesn't appear that there's any
9 reason that you can't move it 4 feet to the east and
10 then possibly be discussing only one variation instead
11 of two.

12 MR. SCHAEFER: Was that a question or just a
13 comment?

14 MR. WAGNER: I guess my question is: Is there any
15 reason that we can't move the house approximately under
16 4 feet to the east so that we aren't dealing with a
17 corner side yard setback as far as variation if at all
18 necessary. That's the only concern I had at the
19 moment.

20 CHAIRMAN KOPP: You need to be sworn in.

21 (Mr. David Schaefer sworn.)

22 MR. SCHAEFER: Moving the house 4 feet east would
23 not be a major deal. However, when we first presented
24 this idea to the planner, the idea was that we were

1 going to, basically, save that northwest corner, and
2 that was the whole reason why we put that house there.

3 Moving it 4 feet, you're right, isn't
4 going to make a big deal. The major issue was the
5 front setback off of 64th Street. That was the major
6 predicate for this whole walkout basement.

7 MR. WAGNER: Thank you.

8 CHAIRMAN KOPP: Any other questions by the
9 commissioners?

10 MR. SOUKUP: No.

11 CHAIRMAN KOPP: Is there anybody in the audience
12 that would like to speak to this matter at this point?

13 Go ahead, sir.

14 You need to be sworn in as well.

15 (Mr. Randy Gertsen sworn.)

16 MR. GERTSEN: Randy Gertsen. We are the neighbors
17 to the south.

18 I have a couple questions in regards to
19 what has been talked about today.

20 One concern would be -- that was brought
21 up was the elevations and the sloping of the land to
22 the south.

23 Now, we're certainly concerned about
24 water runoff because there is a definite slope there to

1 that property and in the past we've had our basement
2 flooded with water because of the runoff from that
3 property.

4 So if this is going to be even -- it
5 seems to be even more of a slope, and we're wondering,
6 Where is the water going to go?

7 CHAIRMAN KOPP: Maybe you should address that.

8 MR. SCHAEFER: The engineer that we're working
9 with provided a revised topographic map, which is the
10 new site plan looking on that Sheet 1-1, and he
11 provided a swale across the south property line so that
12 the water, once it gets close to that south property
13 line, it diverts both east and west.

14 MR. GERTSEN: Where?

15 I'm sorry. Go ahead.

16 CHAIRMAN KOPP: Maybe somebody could show him a
17 picture of this.

18 MR. SCHAEFER: Here is the proposal. These lines
19 right here, these arrows are representative of a swale,
20 and so what happens is the water drains towards the
21 back property, it then runs to this back corner and to
22 this back corner.

23 CHAIRMAN KOPP: Okay.

24 MR. GERTSEN: It's going to the east and west

1 then, I assume?

2 MR. SCHAEFER: That's correct.

3 MR. GERTSEN: If it goes to the east, which would
4 be towards Pam's house, where is it going to go?

5 I mean, you're diverting that water to
6 the east, but there's really no place for it to go
7 except to her yard, and if you divert it to the west,
8 it's going to go out -- where is it going to go when
9 it's diverted to the west? There's no manholes.
10 There's no drains out there. The water has no place to
11 go but possibly once it fills our driveway, it goes
12 down to the creek, which is on the south end of the
13 house; therefore, we're going to have a river going
14 across our driveway.

15 CHAIRMAN KOPP: Jo Ellen, maybe you can speak as
16 to what the County requirements are as far as
17 stormwater.

18 MS. CHARLTON: I know Dan Lynch, the Village
19 Engineer, has taken a look at these plans and made some
20 suggestions that the 10-foot drainage and the utility
21 easement along that property line was necessary in
22 order to accommodate the drainage.

23 I believe there are drainage easements
24 on the other properties as well that continue the flow

1 of the water within those areas presumably. You know,
2 I don't have the specific engineering report from him,
3 but it was reviewed by the Village Engineer and will be
4 reviewed, you know, at a more strict standard upon the
5 permitting phase of the project.

6 We don't normally get into a view --
7 engineering review for a zoning hearing.

8 CHAIRMAN KOPP: Isn't it the principal or the
9 requirement that when you have new construction, the
10 flow of water can't be any --

11 MS. CHARLTON: Greater.

12 CHAIRMAN KOPP: -- greater rate than before?

13 So they need to -- their -- I guess I'm
14 telling you you have to trust the Village engineers are
15 going to do their job to make sure that their plans are
16 sufficient that you get no more -- water doesn't flow
17 off their property at a greater rate than it does
18 today.

19 MR. GERTSEN: But where is the water going to go?

20 CHAIRMAN KOPP: I guess where it goes today.

21 MR. GERTSEN: Depends on how the land is graded as
22 well.

23 Right now it's graded off -- a lot of it
24 goes off to the southeast -- no, southwest.

1 We've had to put in ourselves -- because
2 we have a basement window on the north side of our
3 house, which would probably be directly from their
4 walkout, we've had to build up a small retaining wall
5 there to keep the water from going into our basement
6 after it flooded a couple times. So, you know, we've
7 had to adjust to that.

8 Now, I'm sure the Village engineer could
9 see that and if we're going to have at least the same
10 amount of water, if not more because you're going to
11 have more -- a larger footprint, I would imagine, on
12 the property with a larger home than what's there now
13 or was there. Therefore, it's the property itself
14 around there is not going to absorb the water like the
15 old home did. So, therefore, there's going to be more
16 water coming down the hill.

17 Now, unfortunately, we're at the bottom
18 of the hill. So as neighbors here -- and we've all
19 been here probably 40-plus years in our homes and we've
20 all helped each other out. We put a culvert in in
21 front of my yard to direct the water down towards the
22 creek and that was a neighbor put project, and it's
23 worked successfully, but that fills up and that -- and
24 that's a large -- it's actually two culverts that we

1 put in and it goes underneath our driveway.

2 Now, we still do have water that goes
3 across the driveway, so if we're going to get more
4 water, and I'm going to have to say we're going to
5 because there's not as much land to absorb the water,
6 there's going to be more runoff and it's probably going
7 to be faster, so our home is directly in the way of
8 that runoff.

9 CHAIRMAN KOPP: Well, if it is faster, that means
10 the engineers have not done their job because that's
11 what they're supposed to be designed to do, and that's
12 what the Village is -- the Village isn't going to give
13 them the building permit unless the engineer tells the
14 Village that the runoff isn't going to be any faster.

15 MS. CHARLTON: You're correct. The zoning relief
16 that's granted here -- it still couldn't be built if
17 they can't prove it meets the requirements for drainage
18 and flooding.

19 If you want, I'm sure we can arrange a
20 meeting between you and the Village engineer so you're
21 fully comfortable to understand what's being proposed
22 and it's not going to cause you a problem.

23 MR. GERTSEN: You know, I'm sure that they
24 figure -- their figures are accurate, but what happens

1 if they're not? What is the margin for error and if in
2 fact we do get that water, what's going to happen then?

3 I mean, we've all been there long
4 enough, we know how the water flows in that
5 neighborhood, and I just don't see this with this swale
6 that we're talking about, we'll redirect the water and
7 if it does -- whatever water does redirect, where is it
8 going to go? I'm still asking that.

9 If it goes to the east, where is it
10 going to go? It goes in Pam's. If it goes to the
11 west, it goes into our driveway.

12 MR. BUCKLEY: That was my question. Where does
13 that swale empty out?

14 MR. GERTSEN: That's a good question.

15 MR. BUCKLEY: The swale that they show filled with
16 gravel in the bottom?

17 MR. SCHAEFER: Well, that's sanitary. That's a
18 detail -- are you looking at the detail at the bottom
19 of the page? That's not stormwater, that's sanitary.
20 That's a different --

21 MR. BUCKLEY: Okay. My mistake.

22 MR. WAGNER: I think if you look at Page 1 of 1
23 and if you had the ability to look at this one here,
24 all I'm going to say is from what I see as far as the

1 contour shown on this sheet, the natural drainage
2 before or with the old house and the natural drainage
3 with the new house goes in the same place.

4 The major part, from what I see of this
5 drawing, the major part of the water drains to the
6 south and east, according to the contours on this
7 sheet. There is some drainage that goes to the south
8 and west. There is less. However, we hear your
9 concern.

10 The proposed swale stops the water from
11 running south directly, and if you were looking at this
12 drawing, you would see that, and it diverts it to the
13 southeast corner of the property.

14 If you'd like to either look at mine or
15 look at the drawing --

16 MR. GERTSEN: I can look at the drawing, that
17 would can fine.

18 MR. WAGNER: If you look at the drawing on the
19 right-hand side, the swale goes along the south
20 property line toward the east corner.

21 MR. GERTSEN: Okay.

22 MR. WAGNER: So it diverts it to the southeast
23 corner instead of letting it run just to the south.

24 MR. GERTSEN: Where does the swale start?

1 MR. WAGNER: It starts right where her finger is.

2 MS. CHARLTON: (Indicating).

3 MR. WAGNER: If you see the triangles running
4 along the property line, that means there's a ditch
5 there and going to the east.

6 When it gets to the corner, no more
7 ditch. It follows the natural contour of the land as
8 it does today.

9 MR. GERTSEN: How about for everything west of
10 that?

11 MR. WAGNER: If you look on the same property
12 line, there's a small swale to the north of your
13 driveway, and it goes to the north -- excuse me -- to
14 the southwest corner of the existing lot and then it
15 goes on to your property -- culvert or the drainage
16 area that it goes to it. That's what I see on this
17 drawing.

18 MR. GERTSEN: Which is our front yard.

19 MR. WAGNER: I would say it's a right-of-way on
20 the street.

21 MR. GERTSEN: The street is higher in elevation
22 than the land there. They've recoated the street two
23 or three times.

24 MR. WAGNER: Is there a swale between the street

1 and your front yard?

2 MR. GERTSEN: Yes.

3 MR. WAGNER: That's where the water goes then,
4 down that swale to the south.

5 MR. GERTSEN: But it's going to have to go over
6 our driveway to get there.

7 MR. WAGNER: Why? The culverts aren't big enough?

8 MR. GERTSEN: Because this will be lower in
9 elevation than our driveway.

10 When it comes off that southwest
11 corner --

12 MR. WAGNER: There's no change in elevation on
13 that corner. It's exactly the way it is today.

14 MR. GERTSEN: There's a fire hydrant right
15 there --

16 MR. WAGNER: What I'm saying is: They're not
17 proposing to change the elevation of the land on that
18 corner. They can't, it's not their land.

19 So when the water leaves the property,
20 as it does today, it will go down the swale in front of
21 your house and possibly over your driveway, as it does
22 today.

23 MR. GERTSEN: It doesn't go over the driveway
24 today because the culverts are there, but they are, in

1 extreme cases, are maxed out. They are at maximum
2 capacity.

3 MR. WAGNER: Maybe the engineers, and I certainly
4 would suggest that the engineers will have to look at
5 that and possibly have to put in a bigger culvert in
6 the right-of-way underneath your driveway so that it
7 will pass the right amount of water and not flood your
8 driveway.

9 MS. CHARLTON: We can look at that.

10 MR. GERTSEN: Yeah. We've had situations where
11 the actual water, once they repaved the street, changed
12 the flow of the water coming from the north. It used
13 to stay, basically, on the west side of the street, and
14 once they repaved it, the water was shifted over to the
15 east side and it came down our street and flooded our
16 front yard and then came in that basement window that's
17 on the west side of our house and flooded our basement
18 over on that side. We've had a finished basement since
19 we've been there, so this has been a real headache for
20 us.

21 MR. WAGNER: Well, we share your concern for
22 drainage and we will do everything we can to make sure
23 that the engineers are aware of this situation and
24 there is a correction made, if necessary, to make sure

1 that the water goes down the street right-of-way
2 instead of over your front yard and into your house.

3 MR. GERTSEN: Yeah. You know, there has to be
4 more capacity given for that water to run off.
5 Somewhere there has to have something to move that
6 water to the south towards the creek, and right now our
7 neighbor Mr. Otis and I put in some piping from the
8 culverts down to the creek to take some -- and relieve
9 some of the water.

10 Now, if they put an extra culvert in,
11 once you get to the end of the culvert going south,
12 then you're going to have -- if you have three culverts
13 there, you're going to have a river.

14 MR. WAGNER: Maybe you have one big culvert.

15 MR. GERTSEN: If you increase the capacity, three
16 or one, it all amounts to the same capacity, it's going
17 to be a river going down to the creek.

18 MR. WAGNER: Yes. It is today from what you said.

19 MR. GERTSEN: No. We installed piping to take it
20 from the end of the culvert down to the creek. We did
21 that, again, as a community effort. We didn't get any
22 support.

23 MR. BUCKLEY: You say the water comes from the
24 west across the street?

1 MR. GERTSEN: Years ago before -- well, they
2 put -- they put two or three layers of asphalt and so
3 forth on the street, but it used to stay on the west
4 side of the street primarily. We did get water coming
5 down the east side, there's no question about that.
6 Once they repaved, whatever time that was, it
7 redirected most of that water that was staying on the
8 west side to the east side, so now we're getting that
9 runoff coming down.

10 MR. BUCKLEY: All right.

11 MR. GERTSEN: And that was one of the big problems
12 and that's why we put the two culverts in the front
13 yard.

14 MR. WAGNER: So you're saying that you're getting
15 some water not from this property but from across the
16 street from -- it's flowing from the northwest to the
17 southeast and it's coming across the street?

18 MR. GERTSEN: Not coming across the street any
19 longer.

20 MR. WAGNER: I thought you just got done telling
21 us that they did.

22 MR. GERTSEN: Yes, I did.

23 MR. WAGNER: Okay.

24 MR. GERTSEN: They have added -- they've repaved

1 the street probably three times, so each time it
2 changes the flow of the water.

3 MR. WAGNER: So you're getting water additionally
4 from the west?

5 MR. GERTSEN: There's some water coming from the
6 west.

7 Also, when they put in the fire hydrant
8 in our yard in the front corner of the yard, which is
9 fine; we're glad to have a fire hydrant there, but at
10 the same time when we have heavy rains, that whole area
11 is -- is saturated with water to what leads me to
12 believe that there has to be some drainage coming from
13 the north that's filling that area up because it's
14 all -- you can't cut the grass there, you can't do
15 anything until it dries out, and it's not the fire
16 hydrant because it would be wet all the time. It can't
17 be a leaking line or a pipe.

18 MR. BUCKLEY: I was going to ask you if water
19 didn't come from the north.

20 MR. GERTSEN: Yes.

21 MR. BUCKLEY: I would say most of it probably.

22 MR. WAGNER: Yes.

23 MR. GERTSEN: Our concern is that we have -- we've
24 been through this enough. Like I said, we've been

1 there over 40 years and we have had to change things
2 based on how that water has come off the hill and --

3 CHAIRMAN KOPP: This would be better because isn't
4 it directing --

5 MR. WAGNER: Yes. I think it solves some of his
6 problems but I think that the swale running down the
7 front of his house on Thurlow maybe isn't deep enough
8 and it's not running south at that point but it's
9 running southeast toward his house, and I'm just
10 suggesting that if there was a larger culvert to pass
11 more water so it doesn't go over his driveway and maybe
12 the culvert needs to be either extended or the ditch
13 between your front yard and Thurlow needs to be
14 deepened to pass more water to the south.

15 MR. GERTSEN: If it's deepened, it will be -- I
16 mean, it will take up more of the front yard as far as,
17 you know -- right now there's a gentle swale there.

18 MR. WAGNER: It's not doing its job from what
19 you're telling us.

20 MR. GERTSEN: Doing its job when the old house was
21 there.

22 MR. WAGNER: The old house isn't there anymore.

23 MR. GERTSEN: I understand. That's the problem.

24 As I say, you have a larger footprint,

1 you have less land to absorb the water, we're going to
2 have more water coming down.

3 MR. WAGNER: Well, part of the problem here is --
4 and we're very cognizant of the water issue and how
5 important it is to the neighbors, and I have the same
6 situation near my house.

7 What I'm going to say to you, though, is
8 that these people have a right to build a house on the
9 property that meets the bulk and the setbacks, if you
10 will, of the Village Ordinance without doing anything
11 because they're simply replacing a home.

12 They aren't creating a new subdivision
13 where we would be into stormwater management where they
14 would have to retain water and so on and so forth to
15 resolve this whole issue.

16 We are going to do our best to try and
17 have the engineers look at this very carefully for your
18 property, and I suspect the property to the east, they
19 haven't spoken yet, so that it doesn't get worse than
20 it is today, and, hopefully, make it better, but you
21 can't resolve the problem by leaving your property
22 undisturbed.

23 As I said, my thoughts, I don't have a
24 topo of the whole area, but I can see where the water

1 is going from there that maybe the culvert needs to be
2 bigger under your driveway so the water doesn't flow
3 over your driveway, and the second thing is that may
4 need to be done, I'm speculating, is that the
5 culvert -- or the culvert either needs to be extended
6 and covered or a ditch or a swale that we typically see
7 with streets without curb and gutter would then have a
8 swale and an overland flow area to go to the south and
9 not through your front yard, and today that's not there
10 from what you're describing.

11 MR. GERTSEN: You're saying most of the water is
12 being directed as I see it here to the east.

13 MR. WAGNER: Most of it is, but there's some of it
14 to the south directly in your front yard.

15 MR. GERTSEN: What I was going to say is that was
16 being directed -- we've never had a problem to the
17 east. That land is dry over to the east, so I don't
18 know, you know, from what -- I can't speak for Pam, but
19 the property -- our property that goes to the east up
20 to Pam's lot line is dry. I mean it's not dry, but it
21 doesn't receive much water.

22 Now, I don't know, you know, what this
23 is going to do if it's going to take more water that
24 would be actually headed to the west.

1 MR. USEINI: Can I take a word, please?

2 MR. GERTSEN: I don't have a problem if he has
3 something to say.

4 MR. USEINI: Once you finish, I'm going to -- if
5 they allow me, I'll say a few words.

6 CHAIRMAN KOPP: Willowbrook is all wet because
7 every -- this comes up every time we deal with anything
8 in Willowbrook, so we are very, very cognizant of the
9 issue, and the Village is cognizant of the issue, and
10 as Vice-Chairman Wagner mentioned, these folks could
11 just build a big house and align it in the lot the way
12 that's legal and we wouldn't even be here, they would
13 just be building this big house so they can orient it
14 in a way that you think it's better in the
15 neighborhood.

16 So I guess I'm just -- you're going to
17 have to trust the Village and you can work with the
18 Village and we encourage Jo Ellen to make you and the
19 neighbors comfortable with the engineering here, and as
20 Vice-Chairman Wagner mentioned, maybe something
21 additional needs to be done, but we can't -- I don't
22 think we can prohibit this house based on what we're
23 hearing about.

24 MR. GERTSEN: I appreciate their effort to satisfy

1 this particular situation for sure because this would
2 probably be the worst situation for us if we had
3 additional water coming down that couldn't be
4 controlled because then we're going to wind up in our
5 basement, and, again, we have a finished basement.

6 We've had it on ourselves, so we've gone
7 through this. Where we're located, it hasn't affected
8 anybody but, you know, we don't want to move. We want
9 to stay there, be good neighbors, but at the same time,
10 we want protection against this additional water, and
11 there is going to be additional water because it's not
12 going to be absorbed into the land as much as it was
13 previously.

14 CHAIRMAN KOPP: Right. And their obligation is
15 for the water not to flow off their property any faster
16 than it does.

17 MR. GERTSEN: What happens if it does? What
18 happens if it's starting -- if our basement window to
19 the north floods and our window well floods and it
20 comes in the window well, who is responsible at that
21 time? Where do we turn?

22 CHAIRMAN KOPP: Well, the Village engineers, and,
23 legally, I don't know who is responsible.

24 MR. GERTSEN: We would be the ones that have to

1 figure it out in the end.

2 CHAIRMAN KOPP: Which is true with --

3 MR. GERTSEN: I know.

4 MR. WAGNER: There's really no way -- we're not
5 charged here -- there are a set of rules that govern
6 stormwater. We don't write those rules and we're not
7 here tonight to discuss those rules other than the fact
8 that we clearly understand them and we understand your
9 concern.

10 CHAIRMAN KOPP: We understand your concern. I
11 can't say I understand the rules, but I understand the
12 principal that they're designed to protect the
13 neighboring land owners.

14 MS. CHARLTON: Can I just add one thing?

15 The rules are written to a specific
16 standard based on what people think might be the worst
17 case scenario, and as everyone in this room knows,
18 we've experienced worst than the worst case scenario
19 more than once in the last ten years, and there's
20 nothing -- you can't design -- overdesign everything
21 for worst than what all the modeling for stormwater
22 predicts is going to happen. So, communities develop
23 codes, they adopt codes based on the County's
24 regulations at this point and they have a stern set of

1 standards that says how much you need to accommodate,
2 and that's what we build to.

3 Could a rainstorm happen that, you know,
4 that could happen today without their development and
5 you could have water in your basement and we'd still be
6 asking the same question and everyone would be calling
7 their insurance agents?

8 MR. GERTSEN: I'm apprehensive because we've dealt
9 with Willowbrook in the past as well as the township
10 and also DuPage County with our creek, and when we
11 moved in 40 years ago, you could literally jump across
12 the creek. Today it's all silted in because the bank
13 continues to be cut back because of water that's coming
14 down the creek. We had Willowbrook out; we've had
15 DuPage out; we've had the township out, and they all
16 agreed that there's a problem there, but we're
17 continuing to lose our bank. It probably at least has
18 been cut back at least 10 to 15-foot, and the problem
19 is it's cutting that bank, the mud goes into the bottom
20 of the creek, so, therefore, the creek isn't as deep
21 and the water has to find somewhere to go, so it goes
22 to cut back the bank, and that's the whole problem up
23 there.

24 And we have -- years ago Willowbrook

1 used to have a treatment center up there to our west --
2 I don't know if you've been here that long -- and they
3 used to be dumping some polluted waters into our creek
4 at one time. The creek is fine now because that was
5 taken out, but, you know, we certainly have a concern
6 about the water issues and it hasn't -- no one has
7 stepped forward to satisfy the issues with the creek.

8 I know we're getting off course here a
9 little bit, but I just want to say that's why we're so
10 hesitant about this and so concerned about this water.

11 MR. WAGNER: Duly noted.

12 MR. GERTSEN: I have a couple more questions, but
13 I think that gentleman wanted to speak.

14 CHAIRMAN KOPP: You need to be sworn in.

15 (Mr. Useini sworn.)

16 MR. USEINI: My name Useini. I'm going to be the
17 general contractor.

18 To assure the neighbor and the
19 neighbors, the Village, we will comply with the
20 Village -- everything with the Village engineer, but I
21 have another idea.

22 Just happened that Burr Ridge brought --
23 I'm building a Burr Ridge house that brought in code
24 drywells. They brought to code drywells, which are

1 7 feet, 7 feet, which is 14 feet special made drywells,
2 so all this -- all the gutters, all the swale -- even
3 the swale would go to a drywell with bottomless
4 drywell, so the water would go into a drywell.

5 If doesn't work what you're proposing
6 with the swale, what is proposed here, we're willing to
7 put a drywell just to be happy not to have anybody
8 flooded. Is that going to be a problem? I don't think
9 it would be any problem. We can do that -- which you
10 don't have it on the Code, Willowbrook doesn't have it,
11 but we are willing, if anything else doesn't work, the
12 swale, the culverts, then we, the engineers, Village
13 engineers, our engineers, we can do that.

14 MR. GERTSEN: Why wouldn't you do that in the
15 beginning?

16 MR. USEINI: It's not Code.

17 MR. WAGNER: Excuse me. We can't have two people
18 talking at one time. This is the public hearing
19 section where testimony is being put into the file --

20 MR. USEINI: Yes, sir.

21 MR. WAGNER: -- we need to speak one at a time.

22 MR. USEINI: It was just to assure them and to
23 assure that that's what we did. If the Village finds
24 out, says, Listen, it's not going to work, then we

1 going to put a dry well, which we are -- we just did
2 the drywell right now. And that's fine. That will
3 collect almost 80 percent of the water. 80 percent of
4 the water, the gutters, the sump pumps, even the swale,
5 which will have a couple swales, they will go into the
6 drywells and the water will go down into the dirt.

7 CHAIRMAN KOPP: I think this gentleman, though,
8 how does he know that's going to happen after the house
9 is built if there is a problem. How does he know that?

10 MR. USEINI: I want him to feel comfortable. If
11 doesn't work with Village and engineer and our
12 engineer, we'll find out, then we'll go that route.
13 We're not going to -- my answer to them, we're not
14 going to leave them to get flooded, as simple as that.
15 There shouldn't be any worry.

16 If we have to put the drywell, we will
17 put a drywell, but if there's no need for it, it's
18 costly, \$15,000, but if we don't need to put it, then
19 we won't put it. If it is, we're not going to leave
20 them without any having the problem.

21 CHAIRMAN KOPP: I don't think we are empowered or
22 authorized our approval to require a drywell for
23 drainage because we're looking at the zoning issue
24 here.

1 MR. USEINI: That's fine. That was only my
2 suggestion.

3 MR. GERTSEN: I appreciate that.

4 MR. BUCKLEY: Couple years ago a lot of that land
5 was unincorporated and they had a bunch of yo-yos for
6 engineers because I had all kinds of problems with it.
7 So Westmont is behind -- west of me handling, they
8 developed it about five, six, seven years ago, and it
9 had to put a retaining pond in with a 10- or 12-inch
10 drain. You had to build it back to make this. And
11 Westmont told them, well, they asked them what do we
12 get when it gets full, open the valve up and drain it.
13 Every gallon of it goes right by me in the soil. So
14 that's your town -- County, you know. So, I think
15 that -- they had a bunch of yo-yos planning everything.

16 You know, probably back before you guys
17 were incorporated, they had some kind of draining there
18 and there wasn't any -- too many buildings, so it
19 soaked it up.

20 MR. GERTSEN: In our area, you mean?

21 MR. BUCKLEY: You covered everything up now with
22 buildings and driveways and what have you, just
23 aggravate the problems.

24 MR. GERTSEN: I would think that if they're asking

1 for zoning -- for changes in the setbacks and so forth,
2 that probably something like this could be integrated
3 into that because they're allowing for more runoff.
4 After the fact, what's our recourse? I think I
5 mentioned that.

6 CHAIRMAN KOPP: You go to the Village because
7 these gentlemen, they wouldn't even be here at this
8 hearing, though, as I mentioned, as has Vice-Chairman
9 Wagner, they could just build a big house and build it
10 in the legal footprint and have the same problem and we
11 wouldn't even be having this hearing. If that happened
12 and you had a problem, you'd be going to the Village
13 and complaining with them about the engineering.

14 So I don't think we can condition -- I'm
15 not comfortable conditioning these zoning approvals on
16 them doing things for drainage because every other
17 project in the Village we have to trust that the
18 engineers are going to do it right.

19 MR. GERTSEN: But if you're going to put culverts
20 in and possibly put additional culvert in and piping
21 down to the creek by the time you get down a drywell be
22 the same cost?

23 CHAIRMAN KOPP: Just -- I will give you a chance
24 in a second, sir.

1 We're the Plan Commission, so what we
2 do, we're an advisory body to the Village Board, and so
3 certain things are almost all having to do with the
4 zoning ordinance, subdivision ordinance, and things
5 like that.

6 We have the public hearing, we make a
7 recommendation to the Board, and then the Board -- the
8 elected Board makes their final decisions. So we
9 really don't have any authority even if we wanted to to
10 say they're going to get -- you're going to get bigger
11 culverts or things likes that. That's really the
12 Board's purview. So all we look at is the zoning
13 questions.

14 MR. GERTSEN: The engineers will be coming out
15 here again to look over again?

16 CHAIRMAN KOPP: I'm sure you'll have very detailed
17 drawings by Christopher Burke Engineering -- by outside
18 engineers before they give them the building permit.

19 MR. GERTSEN: We will be contacted to see them?

20 MS. CHARLTON: I already took that note and we can
21 even arrange to have a discussion with them beforehand
22 so everybody understands where it is now. So before
23 the approval, you have an understanding of the drawings
24 and the requirements.

1 MR. GERTSEN: Okay.

2 CHAIRMAN KOPP: You, sir, have been very patient.

3 MR. OLSON: My name is Ed Olson, and I get all the
4 water --

5 CHAIRMAN KOPP: Sir, you need to be sworn.

6 (Mr. Ed Olson sworn.)

7 MR. OLSON: I didn't plan on talking here, but I'm
8 at the bottom of the hill. I get his water and their
9 water from up on top of the hill, and there's -- and
10 our backyard floods and so does Randy's backyard floods
11 whenever there is water. If you put a culvert in, all
12 that water is just going to back up in the culverts and
13 if you want to get rid of the water, you're going to
14 have to go that way and lower the creek there.

15 While I was listening here, it looks
16 like my backyard is going to get more flooded and to
17 the west of me we can't do anything -- the water comes
18 down and looks like a creek in itself, and to the east
19 of me if you come there, it's a rush of water also that
20 comes through the culvert --

21 MR. WAGNER: Could I ask you, sir, before I get
22 lost, where do you live in relationship to this parcel?

23 Are you further south?

24 MR. OLSON: I'm further south.

1 MR. WAGNER: You're at the end of the cul-de-sac?

2 MR. OLSON: End of the cul-de-sac.

3 MR. WAGNER: I got where you are.

4 MR. OLSON: It's all downhill down to my place.

5 And so if you put a culvert in, it's
6 going to get loaded with water and bring water down to
7 Randy and my backyard and -- which would be wonderful
8 but his yard gets flooded, my yard gets flooded with
9 additional just a little bit of a rain, and I know that
10 can't do anything about -- Frank's water comes down and
11 because it doesn't bother us, it goes in the creek, but
12 Randy on the east side, it sometimes takes a little
13 dirt with it, but so if you have some engineers come
14 out, let them look it over.

15 CHAIRMAN KOPP: I'm sure that Jo Ellen would be
16 glad to have you participate --

17 MR. OLSON: The way you're talking, it's like
18 you're going to flood into my basement. So far I've
19 been lucky.

20 CHAIRMAN KOPP: It's certainly the goal is for
21 that and if they comply with -- the engineers do their
22 jobs, that won't happen.

23 MR. OLSON: If you get a couple cold nights and
24 it's been flooded, come over and do some ice skating,

1 and in the summer, come over and do some swimming.

2 MS. DUNCAN: My name is Pam Duncan.

3 (Ms. Pam Duncan sworn.)

4 MS. DUNCAN: I'm the neighbor to the east of this
5 property. My yard is to the east and the south, and
6 the direct line, looking at the Page 1 of the drawings,
7 from the southeast corner to the creek following the
8 elevation of the land, goes right through my septic
9 field, which is in use. I just want to make everybody
10 aware of that. I am unable to hook up to sewer. I've
11 looked into it. The way the lines and the hookups
12 exist right now, I would have to cut all the way up
13 64th Street, literally destroy 64th Street, to get to
14 the nearest hookup, and that's just not economically
15 feasible at this point, so my interest is -- well, one
16 of my interests is to keep that septic field in use for
17 the time being.

18 Any additional waters to the south and
19 east, I have a feeling it's going to go -- it is going
20 to go right through that septic field area that on the
21 surface may appear to be a very natural and desirable
22 course, but I just want to make everybody aware of
23 that --

24 CHAIRMAN KOPP: Okay.

1 MS. DUNCAN: -- existing septic field.

2 CHAIRMAN KOPP: Okay.

3 MS. DUNCAN: Thank you.

4 MR. BAUZ: Pearce Bauz.

5 (Mr. Pearce Bauz sworn.)

6 MR. BAUZ: Just a quick question.

7 If the setbacks are agreed to and go
8 forward with it, then is that a precedent if someone
9 builds somewhere else in the neighborhood, they can do
10 that too? Is that how it works?

11 CHAIRMAN KOPP: In the sense of we've been doing
12 it routinely throughout Willowbrook because this
13 property has the same problem that a lot of the
14 properties have is they were originally developed under
15 the County zoning ordinances, and so the setbacks were
16 much shorter back then, so you have whole
17 neighborhoods -- like your neighborhood, is it 30 feet?

18 MR. WAGNER: Yeah.

19 CHAIRMAN KOPP: 30 feet setbacks and when
20 Willowbrook -- were annexed into Willowbrook are
21 50 feet.

22 And so you have this issue when you
23 build new houses, it's, obviously, more pronounced in
24 congested neighborhoods, you don't necessarily want

1 five houses with 30-foot setback and one person with
2 50-foot setbacks and the others 30. Yes, we have been
3 granting variances throughout the Village to make the
4 front scape -- I'm not sure what the correct word is --
5 the houses are aligned in a more natural pleasing
6 manner.

7 MR. BAUZ: So it's not a guaranteed precedent, you
8 have to go back to Willowbrook and approve it each
9 time?

10 CHAIRMAN KOPP: Right.

11 We're getting a little far afield.
12 We've talked about if that makes sense and change the
13 zoning ordinance because we do want to make it easier
14 for the citizens.

15 MR. BAUZ: Okay.

16 CHAIRMAN KOPP: Anyone else because -- go ahead.

17 MR. GERTSEN: Still here.

18 CHAIRMAN KOPP: By the way, you can ask questions
19 of us. You can ask questions of the applicant.

20 MR. GERTSEN: These will be very brief.

21 The gentleman here when he was
22 elaborating on the home indicated that, if I understood
23 him properly, that there would be -- there would -- no
24 obstruction of lighting to the neighbor to the south.

1 There would not be obstruction to the lighting of the
2 neighbor to the south. I didn't understand that.

3 MR. RADONJIC: Under the existing setbacks, I
4 would be able to build the house that I want to build
5 but have a smaller backyard, and by doing that when the
6 sun is, basically, facing the -- when it's north
7 looking -- or north looking down, my house, which would
8 decrease the distance between the back of my house and
9 the north end of your house, would probable cause an
10 impairment in the light to your home -- the natural
11 light by being a two stories higher.

12 MR. GERTSEN: I understand. I appreciate that
13 concern, but the sun actually moves around to the
14 south, so, therefore, I think any south -- I don't
15 think the sun would be a problem coming from the north,
16 but, you know, that's --

17 MR. RADONJIC: I'm not saying the entire day.
18 Certain parts of the day, but, yeah.

19 MR. GERTSEN: How much actually overall will the
20 house be -- how much wider than what the house is
21 today?

22 MR. WAGNER: Have you seen the drawings?

23 MR. GERTSEN: I haven't had a chance to digest all
24 the drawings, no.

1 MR. WAGNER: Do we have an extra drawing because
2 it would be difficult for us to quantify --

3 MR. SCHAEFER: I can answer that.

4 MR. WAGNER: You've got the set right there.

5 MR. SCHAEFER: The house is 6 feet wider to west.

6 MR. GERTSEN: And deep?

7 MR. SCHAEFER: 25.

8 MR. GERTSEN: 25 feet deep?

9 MR. SCHAEFER: Deeper.

10 MR. GERTSEN: Most of that would be coming to the
11 south, I would think.

12 CHAIRMAN KOPP: All of it because he's got the
13 same driveway, basically.

14 MR. GERTSEN: So that means the house is 25-foot
15 closer to us?

16 MR. WAGNER: Isn't the -- I was asking Jo Ellen
17 this earlier.

18 Isn't the -- excuse me.

19 Isn't the north elevation of your house
20 garage at the front and what's at the rear?

21 MR. GERTSEN: Family room.

22 MR. WAGNER: So you look northeast out of your
23 family room; is that correct?

24 MR. GERTSEN: We have windows.

1 MR. WAGNER: You look north and east?

2 MR. GERTSEN: We look north, east, and south.

3 MR. WAGNER: Out of that room?

4 MR. GERTSEN: Yes.

5 MR. WAGNER: Okay. Thank you.

6 MR. GERTSEN: The room is 20 by 30, so we have the
7 garage, and then a common wall, and then the family
8 room runs 30 feet to the east from that point, so we
9 have I don't know how many feet, probably 20 feet of
10 windows that look to the south and 20 foot of windows
11 that look to the east and we have whatever looking to
12 the north.

13 MR. WAGNER: I think what -- the reason I was
14 asking the question is: The petitioner has volunteered
15 to do some, I believe, pine tree plantings near the
16 property line to minimize your view of his home that
17 doesn't exist today. Are you aware of that?

18 MR. GERTSEN: Yes, I heard that.

19 MR. WAGNER: Okay.

20 MR. GERTSEN: And we appreciate that.

21 I think you've heard enough of me.

22 CHAIRMAN KOPP: Yes?

23 MS. DUNCAN: Just wanted to clarify.

24 If the home is 6 feet wider and it's

1 proposed that by not going after the second variance
2 moving closer to Thurlow, you would moving the
3 structure 4 feet further east, that moves it 10 feet
4 further east, in essence. Is that correct?

5 MR. SCHAEFER: Than the old house that was there.

6 MR. WAGNER: I guess.

7 MS. DUNCAN: Then it's 10 feet closer to the
8 existing home on the east; is that correct?

9 MR. WAGNER: Right. That is correct.

10 MS. DUNCAN: And what is the advantage of the
11 Village not to approve the move towards Thurlow?

12 MR. WAGNER: I don't think it's a matter of an
13 advantage. It's a matter of trying to meet the
14 regulations that are part of our current zoning code
15 and a valid reason why we should grant or not grant
16 that request. I stated earlier that I didn't see any
17 reason topographically or having trees in the way that
18 would stop them from moving the house 3 1/2 feet,
19 approximately, further away from the Thurlow
20 right-of-way so that they could meet the current code,
21 period. Whether or not that house is 10 feet wider or
22 whether the house is 6 feet closer to your house than
23 it is today isn't part of what we have to look at. I
24 mean, we take it into account, but they are allowed

1 today to build that house in that location without
2 asking for a variance and meeting the Code, so I'm just
3 trying to express to you that whether it's closer to
4 your house or not, it meets the requirements of the
5 Village Code without them asking for a variation in
6 that particular respect.

7 Is that clear?

8 MS. DUNCAN: It is.

9 CHAIRMAN KOPP: Well, when we do vote on this
10 tonight, that will be one of the issues that we'll
11 discuss and vote on, and, actually, based on sort of
12 the -- where this lot is and the house to the west is
13 so far away, I personally would -- don't find the
14 4-foot variance -- I'm not sure how the other
15 commissioners feel or not.

16 You raise a good point. If they wanted
17 to be -- if they wanted to be 4-foot to the west, it
18 benefits you and doesn't really harm anyone else, so I
19 would be in favor of that, but we'll vote on that
20 tonight as well.

21 MS. DUNCAN: Thank you very much.

22 MR. WAGNER: Would someone venture a guess as to
23 what the distance between the proposed house is and the
24 house to the east, is there 100 feet?

1 MR. SCHAEFER: I don't have the exact location
2 of -- from the property line to the house of the east
3 property, so it's 50 feet plus whatever that is.

4 MR. WAGNER: Yes.

5 MS. DUNCAN: I suspect that it's fairly small. I
6 don't have the exact figure, but my house is built
7 close to the west line and to the 64th Street because
8 of the floodplain to the south and the east, so I'm
9 already on the northeast -- northwest corner of my lot
10 because of the topographic factors.

11 MR. WAGNER: Well, the proposed house is
12 54 1/2 feet from the property line, and I was looking
13 at a Google Earth picture of your home in comparison,
14 and my guess is that there's probably 75 or 80 feet
15 between the structures. My point was that we're not
16 building two houses 10 feet apart here.

17 CHAIRMAN KOPP: All right.

18 Anyone else?

19 (Mr. Christopher Gertsen sworn.)

20 MR. GERTSEN: Christopher Gertsen.

21 For Thomas over -- over the existing
22 area where the south house, like, on the patio what it
23 is now, how much the south it go over the existing?

24 MR. RADONJIC: Sure. I believe -- I think David

1 answered that a little bit earlier.

2 The house would be 25 feet, I think,
3 further south than the existing -- I should say the
4 former house in terms of how deep it is north to south.

5 MR. GERTSEN: So -- so it's going to be -- the
6 existing was built, would there just be leaving the
7 grass how it is or are you going to level it up so
8 it's -- it would be kind of like elevated, what would
9 you do?

10 MR. RADONJIC: Well, what we've agreed to do, as
11 the Vice-Commissioner has indicated, is on the south
12 property line we plan on building a row of, I think he
13 said pine trees, I think the depiction was evergreen
14 trees we're planning on building there.

15 In terms of the land as it currently is,
16 the topography, we try to preserve as much as it is as
17 natural possible. We liked the way it appeared, the
18 former home, and we just wanted to expand on that
19 foundation a little bit. That's pretty much the gist
20 of our intent is.

21 MR. GERTSEN: Can I followup?

22 When you say 25 feet, is that 25 feet
23 from what it would have been the south side of the
24 house then?

1 MR. RADONJIC: I'll defer.

2 MR. SCHAEFER: Yes?

3 MR. GERTSEN: Not from the south side of the patio
4 but from the --

5 MR. SCHAEFER: Back wall of the house.

6 MR. RADONJIC: Back wall of the house, right,
7 right.

8 MR. WAGNER: I have one additional question,
9 Jo Ellen, and it might clarify some of this.

10 MS. CHARLTON: Okay.

11 MR. WAGNER: I think the question was in
12 relationship to the property, and it's important to
13 note that the distance from the proposed house to the
14 south property line is to be 41 feet. Now that's
15 certainly less than what the distance was from the old
16 house to the new, but that's why we're here today is to
17 discuss that 41-foot distance because they're
18 requesting a variation from the required, I believe
19 it's 15 --

20 MS. CHARLTON: 50 in from the corner side.

21 MR. WAGNER: 50 feet. We're talking about a
22 9-foot variation, is that correct?

23 MR. SCHAEFER: 10-foot.

24 MS. CHARLTON: 10.

1 MR. WAGNER: The question I had was, and I noted
2 in this drawing on Sheet 1 of 1, which is our first top
3 sheet, there's a distance of 41 feet shown from the
4 south property line to what appears to be a bump-out
5 bay, but isn't a deck a structure and is this a deck or
6 is this a patio and is that in fact part of the
7 variation relief that's sought?

8 MS. CHARLTON: That's a good question. I would
9 need to check the Code for whether a two-story deck
10 needs to comply with the setback, but I will state that
11 the required setback in this yard is only 15 feet. The
12 interior side yard setback is 15 feet.

13 MR. WAGNER: Correct.

14 MS. CHARLTON: They're a long way from it.

15 MR. WAGNER: Then my question is void.

16 MS. CHARLTON: Okay.

17 CHAIRMAN KOPP: So has everyone had a chance?

18 The Commissioners, do you have any
19 questions?

20 The applicant, would you like to say
21 anything further at this point?

22 MR. RADONJIC: Other than thank you all for your
23 time and attention to this matter, I do not.

24 Thank you.

1 CHAIRMAN KOPP: Jo Ellen, do you want to speak?

2 MS. CHARLTON: You've done it both ways. Because
3 this is the public hearing, I'd like to get the report
4 entered into the record, that would be good.

5 CHAIRMAN KOPP: Sure.

6 MS. CHARLTON: Ask for a motion to accept the
7 report as part of the public hearing packet.

8 MR. WAGNER: I'll make that motion.

9 MR. BAKER: I'll second it.

10 CHAIRMAN KOPP: All in favor say aye.

11 THE COMMISSION: Aye.

12 MS. CHARLTON: I won't get into a lot of the
13 details about the orientation of the lot and the home,
14 I think we, hopefully, all understand that from the
15 discussion from the applicant and from the residents.

16 What I do want to talk about is the
17 variations and make sure those are entered into the
18 record that are being requested.

19 We're looking for variations to the
20 front yard setback, which is a 60-foot setback and
21 they're going to about 56 feet, and then on the corner
22 side yard facing the north street, they're looking to
23 go from 50 feet to 40 feet. Everything else with the
24 proposed development complies with the Code. They're

1 basically looking at building the home on the existing
2 setback lines of the old home, both along 64th and
3 Thurlow.

4 I think it's important to note, and as
5 we've talked already, they could have come in and built
6 this home in compliance with the Code and not had a
7 hearing. It gives them a lesser backyard, which is to
8 the south, and I want to make sure everybody
9 understands, it's their practical rear yard. The Code
10 would define it as their interior side yard.

11 I think by coming forward and requesting
12 this variation and moving it forward, they're moving it
13 farther away from the owners to the south and, as
14 proposed, they're moving it farther away from the
15 owners to the east, while at the same time it's having
16 no changed impact on neighbors to the north and west
17 across the street. So I just think that's important to
18 note in here.

19 We did evaluate the house because,
20 again, it's a much larger house than the previous
21 house, and we always want to make sure it's going to
22 comply with all the other bulk regulations of the Code.

23 On Page 3 of the staff report, I go
24 through a lot of the different requirements in addition

1 to the setbacks that we've discussed.

2 The floor area ratio is a ratio that
3 looks at all of the square footage on all floors and
4 compares that to the total size of the lot. Our
5 Village Code requires a .3 maximum FAR ratio and we did
6 do a calculation, and based on the square footage on
7 all three levels that's counted by the Code, we have a
8 .26 FAR, so that meets the requirement.

9 Our Code limits the stories to two
10 stories, basements aren't counted in this particular
11 case. It's a walkout basement, a basement isn't
12 defined in a story just like basements in your house
13 today aren't defined as a story.

14 The height -- I also have Roy from the
15 building department do an analysis of the height
16 because, quite frankly, it's a very complex calculation
17 in the database that goes and looks at the average
18 surrounding grade, and based on the information that
19 was submitted, we have a 30-foot -- 31-foot elevation
20 on three sides, so north, west, and east sides of the
21 home are all at 31 feet from grade to the top of the
22 roof, and then on the rear elevation, when you look at
23 the walkout basement from the grade there to the top of
24 the roof, that is 40 feet. When you put that into the

1 calculation that Roy maintains, we are well within the
2 35-foot height limitation.

3 Lot coverage is also very much within
4 the requirements of the Code. We allow it to
5 30 percent of the lot to be covered by principal
6 structure, that doesn't include driveways and
7 everything else, other types of impervious surface.
8 The site currently has 13.4 percent lot percent
9 coverage.

10 We also took a look at some of the
11 minimums, which we haven't had many issues with lately
12 and the maximum garage size is also in compliance with
13 the ordinance.

14 I also did want to mention, as I alluded
15 to earlier, that the Village engineer has taken a
16 preliminary look at the site and did make
17 recommendations for the addition of a plat of easement
18 on the lot. Again, as it was platted in the County, we
19 didn't have some of the required easements as we had
20 today, so the last page of your packet includes a new
21 plat of easement that will be recorded as part of the
22 project. That added the 10-foot easement drainage and
23 utility easement on the south. It also shows a 8-foot
24 drainage and utility easement on the west, and that was

1 done by mistake as the engineer noted, so that will
2 have to be removed from the plat before it goes forward
3 to the Council for approval.

4 The conditions of approval have already
5 been discussed. With the addition of five evergreen
6 trees along the south property line to minimize the
7 impact of the additional height to the owner to the
8 south. Again, that's a condition from the zoning
9 ordinance perspective that we try to do to try to make
10 sure it's not an increased impact from the zoning
11 variation that's getting granted. The standards for
12 variations are listed on Pages 4 and 5 on the staff
13 report and findings of fact that the petitioner also
14 went through in quite a bit of detail.

15 My staff recommendation is listed on the
16 last page of the report, and we do recommend that you
17 make a recommendation for approval based on the staff
18 report and the testimony that was provided.

19 I would like to add that we certainly
20 will talk to the Village engineer and make sure that
21 people have an understanding of what the requirements
22 are and what's going to be modified, if necessary.

23 The engineering review that was done was
24 a preliminary engineering review and further analysis

1 is done at the time the building permit is requested.

2 The conditions -- there's four
3 conditions there, I recommend that you include those in
4 your recommendations.

5 That's it.

6 CHAIRMAN KOPP: All right. Any questions for
7 Jo Ellen?

8 If not, will someone make a motion to
9 close the public hearing.

10 MR. SOUKUP: I make a motion.

11 MR. WAGNER: Second the motion.

12 CHAIRMAN KOPP: All in favor say aye.

13 THE COMMISSION: Aye.

14 CHAIRMAN KOPP: The public hearing is closed and
15 we'll have the discussion.

16 (Whereupon the public meeting was
17 closed at 8:22 p.m.)

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1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF K A N E)

4 I, NICOLE M. BREYTSPPRAAK, a Certified
5 Shorthand reporter of the State of Illinois, do hereby
6 certify that I reported in shorthand the proceedings
7 had at the hearing aforesaid; that previous to the
8 commencement of the examination of the witnesses, the
9 witnesses were duly sworn to testify the whole truth
10 concerning the matters herein; and that the foregoing
11 is a true, complete, and correct transcript of the
12 proceedings of said hearing as appears from my
13 stenographic notes so taken and transcribed by me.

14 IN WITNESS WHEREOF, I do hereunto set my hand
15 at Aurora, Illinois, this 1st day of March, 2013.

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Certified Shorthand Reporter
State of Illinois

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