



COMMUNITY DEVELOPMENT COMMISSION MINUTES

Meeting Date: May 17, 2021

Present: Richard Petersen, George Vant, Dave Woods
Jaime Ochoa, Ron Damasco, Theresa Szatko

Absent: Dave Shimanek

Also Present: Gosia Pociecha, Attorney Sean Conway
Ald. Jakab, Ald. Messina

Meeting Convened at: 7:00 P.M.

CALL TO ORDER:

Mr. Woods made a motion, seconded by Mr. Vant, to appoint Mr. Ochoa as Chairman Pro Tem. The motion was unanimously approved by voice vote. Attorney Conway will act as facilitator for the Public Hearing.

APPROVAL OF THE MINUTES:

Mr. Woods made a motion to approve the minutes of the April 19, 2021 meeting; the motion was seconded by Mr. Peterson and unanimously approved as presented via voice vote.

PUBLIC HEARINGS:

CASE NO. CDC-2021-03

Mr. Klinton Patel representing Tobacco and More had requested a Special Use and major site plan review to permit operation of a liquor store at 417-19 E. Irving Park Rd. At the April 19, 2021 meeting of the CDC, Mr. Patel requested and was granted a continuation of the Public Hearing. Attorney Conway advised Commissioners that the petitioner has now withdrawn his request and the Public Hearing under Case No. CDC-2021-03 is closed.

CASE NO. CDC-2021-04

OVERVIEW

Mr. Thomas Lawler is requesting a fence variation to allow construction of a six foot (6') high privacy fence in the front yard of property located at 394 Preserve Lane. Mr. Lawler and Dawn Hach are the owners of the parcel.

DISCUSSION

Ms. Pociecha described the unique circumstances regarding this request; specifically, the property is classified as R-3 Single Family and is vacant; the petitioners are the owners of this property and the south-east corner of the property contains a regulatory wetland that affects three neighboring properties. Petitioners wish to provide a privacy fence around the subject property and to connect it to the conservation easement parcel located directly to the south; however, fence regulations allow for construction of fences no higher than 4'. A 6' fence would be allowed behind the front building line. Since the subject property is vacant, the front setback line requirement would be applicable and any fence between the 25' front setback line and the front property line could not exceed 4'. Mr. Lawler stated that existing building owners in the area have been polled and have no objection to this proposal. Additionally, if granted this variation, he is amenable to building a fence of whatever materials Commissioners request. Commissioners discussed the fact that a wood fence could be viewed as "heavy" and that a fence constructed of a lighter material such as wrought iron would lessen and soften that look. It could also address the issue of the impact of fencing should future development on the now vacant lots occur. Mr. Petersen commented on the fact that a lot consolidation request which included a front yard fence on Central was brought before the CDC in 2020 and was denied. In his view, granting this request would not be consistent with that denial. Ald. Messina spoke positively regarding petitioner's request and stated that he views this matter as an issue which focuses on conservation, not development. In addition he pointed to the fact that neighbors and property owners in the area were informed of this proposal as is required and were in agreement with the concept as designed. He stated that approval of the fencing as proposed would provide uniformity of design. Commissioners concluded their discussion and the Public Hearing was adjourned at 7:50 P.M.

RECOMMENDATION

Mr. Woods made a motion, seconded by Mr. Vant, as follows:
Based on the submitted petition and the testimony presented, the proposed zoning variation is consistent with the Unified Development Ordinance and Comprehensive Plan; therefore I move that the Community Development Commission adopt the findings of fact



included within the staff memo dated May 17, 2021 as the findings of the Community Development Commission, and recommend to the City Council approval of the zoning variation to allow six feet (6') high privacy fence in the front yard in Case No. CDC-2021-14 with the condition that the fence be a wrought iron style. A roll call vote was taken with the following results:

Ayes: Woods, Vant, Szatko, Damasco, Ochoa

Nays: Petersen

Motion carries.

Attorney Conway reminded Mr. Lawler that the CDC is a recommending body only and that this approval will be reviewed by City Council who can agree or overturn this decision.

STAFF LIAISON REPORT:

Ms. Pociеча advised Commissioners that staff anticipates several business items to be brought before the CDC at the June 21, 2021 meeting.

ADJOURNMENT:

Mr. Woods motioned to adjourn the meeting. Mr. Damasco seconded the motion and it was unanimously approved via voice vote. The meeting adjourned at 7:55 P.M.

Minutes taken by Marilyn Chiappetta

Approved on June 21, 2021