

# Village of Justice

## Zoning & Planning Commission

### Minutes of Monthly Meeting

February 27<sup>th</sup>, 2007

#### **CALL TO ORDER:**

Meeting was called to order at 7:00 P.M. by Chairman John Bruce.

#### **ROLL CALL:**

Roll call was taken. Present at the meeting were Henry Oszakiewski, Ed Figura, Jeffrey Allen, George Heslop, Jack Kennedy and Chairman John Bruce. Also present at the meeting were Secretary Julie Field and Attorney Paula Wallin. Jim Brock was absent and excused from the meeting.

#### **READING & APPROVAL OF MINUTES FROM PREVIOUS MEETING:**

Mr. Bruce asked everyone to review the minutes from the January 2007 and note any corrections.

Mr. Figura noted a typo on page one. The date of the meeting is incorrect. It needs to be changed from 2006 to 2007.

Attorney Wallin noted a typo on page 2 line 11 and on page 3 line 12.

Mr. Bruce pointed out that there should be some clarification noted on page 3 in the response to Mr. Hodson's question. It should be noted that this particular property is currently designated at park area use only.

Mr. Bruce entertains a **MOTION** to approve the Meeting Minutes as amended from the January 23<sup>rd</sup>, 2007 meeting.

#### **MOTION:**

Mr. Kennedy **SO MOVES**

**SECOND:** Mr. Figura

**VOTE:** All Ayes

#### **REVIEW OF F&R FOR PETITION #2006-08 – TARWATER, 7507 GARDEN LANE**

Attorney Wallin indicated that the only modifications necessary existed because of inconsistencies with the actual lot size. The plat is being modified to reflect the actual lot.

Mr. Heslop asked if this was the property on Garden Lane that came before the Village Zoning Board in the mid 1990's.

Mr. Bruce indicated that it was in fact the same property. He clarified that it came before the Board in 1999.

Mr. Heslop wanted to clarify that there was no movement forward after it came before the Board.

Attorney Wallin pointed out that the Petitioner came before the Board again in 2003 and that the variances requested were granted. The Petitioner failed to come back and sign the ordinance thus making it void. Now, he must come before the Board again to re-start the process.

Mr. Oszakiewski added that clarification should be added to the F&R on page 2 stipulating that the neighbor to the East of the property on 75<sup>th</sup> Street approved of this proposal.

Attorney Wallin noted that she would obtain the correct address for this neighbor.

Mr. Bruce said that the neighbor's Tax I.D. number should also be noted. The Tax I.D. number for this property is 18-27-402-048-0000.

Mr. Oszakiewski asked if the Petitioner had come in to sign the proper paperwork.

Attorney Wallin indicated that everything had been sent to Mr. Tarwater's attorney for signature.

Mr. Allen noted that there was an error on Page #4, Point #5. The square footage needs to be changed to 7,500 S.F. He also noted a contradiction on Findings Point #3 and Recommendations Point #3. The correct footage needs to be noted.

Attorney Wallin said that the correct footage should be 65' to 60' but she will check the plat to verify that this is correct.

Mr. Heslop indicated that Recommendation #9 needed clarification regarding the garage set back.

Attorney Wallin pointed out that the garage set back could not be determined until the Petitioner decided which way the house would face.

Mr. Bruce said that if the house were to face Garden Lane that there would be a garage set back of 30' and if it faced 75<sup>th</sup> Street it would be a 25' set back.

Mr. Bruce entertains a **MOTION** to approve the F&R for Petition #2006-08 as amended.

**MOTION:**

Mr. Oszakiewski **SO MOVES**

**SECOND:** Mr. Kennedy

**VOTE:** All Ayes

**REPORTS**

Mr. Bruce indicated that the reports for follow-up on hearing procedures and review of the comprehensive plan will be tabled until further information becomes available.

**PETITION #2006-06 – SEBASTIAN JACHYMIAK/TECHNICRAFT**

Mr. Bruce entertains a **MOTION** to table Petition #2006-06 until the April 24<sup>th</sup>, 2007 meeting to allow for status review.

**MOTION:**

Mr. Oszakiewski **SO MOVES**

**SECOND:** Mr. Kennedy

**VOTE:** All Ayes

**NEW BUSINESS**

Mr. Bruce indicated that there was nothing to report.

**OLD BUSINESS**

Mr. Bruce indicated that there was nothing to report.

**VOICES FROM THE FLOOR (OPENED AT 7:25PM)**

Mr. Gerry Mendralla of 7747 Banks came before the Board to express his and his neighbors concerns regarding the property located at 7801 Banks. Mr. Mendralla indicated that a 2-Flat has been built on this property and has been given approval by the Building Department Commissioner allowing the builder to exceed the 25" building elevation maximum depicted by the R2 zoning of the lot without having to come before the Board. Mr. Mendralla expressed his concern of the Commissioner having the authority to do this without consulting the Zoning Board and the possibility that biased may influence his decisions as he thinks was the case here.

Attorney Walling confirmed that the Building Commissioner has the authority to make such discretionary decisions under the Boca Code.

Mr. Mendralla was concerned that the Commissioner could make sure judgment calls without even consulting with the Zoning Board. He wanted to know the extent of the Commissioners' authority.

Mr. Figura indicated that if the building plans had been submitted to the Zoning Board with the pitch that was built, he didn't feel that it would have been approved by the Zoning Board.

Mr. Bruce indicated that this could not be determined because all of the reasons/facts are not available to the Board at this time.

Mr. Heslop told the Board that within the past few weeks, he had received a handful of calls asking how and why this particular building was approved by the Zoning Board. He indicated that his answer to these questions was that it was never brought before the Board. Mr. Heslop then indicated that the reaction to his response was that everyone thought that EVERYTHING was brought before the Zoning Board. Mr. Heslop said that he did not believe that it was right for something like this to happen.

Attorney Wallin informed Mr. Mendralla that if there was a true concern regarding the actions and authority of the Building Commissioner that he would need to make a formal request that the Chairman bring this to the attention of the Committee to see if a standard practice could be established.

Mr. Mendralla requested that the Chairman bring this issue to the attention of the Committee to see if an internal procedure is appropriate for having the Building Department come before the Village Board of the Zoning Commission in the event a variance was requested.

Mr. John Small of 7225 S. 86<sup>th</sup> Avenue asked what the height of the building was at 7801 Banks.

Mr. Bruce indicated that he did not know and that this was a question that would need to be directed to the Building Department or Village Engineer.

Mr. Kris Wasowicz of 7510 S. Cronin asked if the Zoning Commission grants variances, is it permanently attached to the property.

Mr. Bruce confirmed that once a variance is granted, it is permanent to that particular property unless otherwise stipulated by the Village Board.

Mr. Ed Rush of 8914 S. 84<sup>th</sup> Avenue noted that open communication between the Zoning Commission, Village Board and Building Department was important. He went on to say that he believes that all information should be shared and reasons

presented for all decisions regarding Building & Zoning. He called it "Professional Courtesy".

Mr. Bruce agreed with Mr. Rush and his comments were noted.

**VOICES FROM THE FLOOR CLOSED AT 8:08 PM**

The next meeting is scheduled for March 27<sup>th</sup>, 2007.

Mr. Bruce entertains a **MOTION** to adjourn the meeting.

**MOTION:**

Mr. Kennedy **SO MOVES**

**SECOND:** Mr. Figura

**VOTE:** All Ayes

Meeting adjourned at 8:13 P.M.

**Respectfully Submitted**

**Julie Field, Secretary**

***John W. Bruce***

John W. Bruce, Chairman