Village of Hanover Park

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Hanover Park

VILLAGE OF HANOVER PARK, IL
DEVELOPMENT COMMISSION MEETING

MINUTES

Thursday, August 12, 2010
7:00 p.m.

Village Board Room 214
Municipal Building
2121 W. Lake Street

I. CALL TO ORDER – ROLL CALL:

Chairman Bakes called the meeting to order at 7:02 p.m.

Members Present:	Jeffrey Bakes, Jon Kunkel, Mark Mercier, Virginia Wachsmuth, Patrick Watkins, Arthur Berthelot (Aux.), Roy Pouse (Aux.)
Absent:	Philip McBride
Staff:	Trustee Edward J. Zimel, Jr., Board Liaison; Patrick Grill, Community Development Director, Regina Mullen, Secretary
Also Present:	Wolf & Lynn Gudella, Pastor Ron Heitman, Bill Holly
Quorum Present:	Yes

Chairman Bakes appointed Auxiliary Members Arthur Berthelot and Roy Pouse as full members of the Commission for this meeting.

II. PLEDGE OF ALLEGIANCE:

Everyone joined in the Pledge of Allegiance.

III. PRESENTATION OF AGENDA:

Commissioner Watkins motioned to approve the Agenda as presented, seconded by Commissioner Mercier. Voice Vote: All Ayes – Motion carried.

IV. APPROVAL OF MINUTES:

Commissioner Wachsmuth motioned to approve the minutes of April 8, 2010, 2010, seconded by Commissioner Mercier. Voice Vote: All Ayes – Motion carried.

V. CALL TO CASE (a)

Metal Roofs - consider whether additional guidelines need to be established for metal roofs.

Staff Summary: Director Patrick Grill informed the Commission about an issue relative to the color of a metal roof installed at 1245 Yorkshire Drive. Manufacturers of metal roofs have come up with a wide variety of styles and colors. The question being brought to the Commission is whether the Commission would like to recommend any prohibitions or additional guidelines relating to colors and styles of roofs in town.

Questions/Comments from the Commissioners:

Chairman Bakes – If we limit the color of a roof, would that include house colors?

Director Grill indicated that limiting the colors of a roof would open up the Ordinance to include limiting the color of every exterior material used on area homes. The change would have to include the full spectrum of exterior improvements. This change would require establishing an Architectural Review Board to review all exterior improvements. It would significantly delay the time of the homeowner in completing exterior improvements to his home.

Commissioner Wachsmuth pointed out that shingle roofs now come in many different colors too.

Commissioner Berthelot was concerned about the curb appeal and possible decline in property values.

After a discussion by the Commission it was decided to leave the Ordinance as is.

V. CALL TO CASE (b)

Double Driveway Policy – consider setting policy as it relates to double driveways in the community. Specifically, is an overlay of asphalt on an existing driveway a maintenance item or is it considered a new driveway.

Staff Summary: Director Patrick Grill - There are approximately 35 homes in the Village with double driveways. A number of these double driveway properties consist of an attached and detached garage. Our current policy allows nothing more than seal coating of a driveway to keep it maintained. But, there are a number of double driveways in town that are reaching a point where seal coating is not enough to keep up their maintenance in line with our property guidelines. The thought is to allow asphalt overlays on double driveways to keep

up the maintenance. Does this Commission think this is a policy to move forward on?

Questions/Comments from the Commissioners:

Commissioner Mercier – What is the definition of a double driveway?

Director Grill – A double driveway is two separate driveways consisting of two curb cuts. These double driveways are considered legal nonconforming.

There is legal nonconforming and then there is illegal nonconforming. Legal nonconforming are the uses that were lawfully put in with a permit at that point in time and over time codes changed making them now illegal nonconforming. Legal nonconforming driveways are allowed to be perpetuated as long as they are maintained, and according to our current Ordinance, you are not allowed to build a legal nonconforming driveway.

The Code does not address illegal nonconforming. 15 years ago if you had an existing one-car driveway and one-car attached garage and you came in and wanted to build a detached garage on your property we gave them a permit. Two years later, if you wanted to remodel the existing one-car attached garage into a bedroom, it was perfectly legal to do so. We did not make the homeowner rip out the existing driveway because there was nothing at the time to prohibit this. Now we have codes that say you can't do it.

We are talking about phasing out double driveways if they are not maintained. As an example, an asphalt driveway has a life expectancy – seal coating and overlays can only take its life so far. At some point it can no longer absorb or handle overlay and it has to be completely removed. In these instances a legal nonconforming driveway cannot be rebuilt.

Normally, with maintenance issues, we do not issue permits, but if this Commission, and ultimately the Village Board, is accepting of a policy that allows overlays in a double driveway situation, we want a permit to be issued so that we could do an inspection to ensure the grades haven't been compromised, there are no trip hazards or drainage issues.

Chairman Bakes has talked with the Mayor who would like to see the double driveways eliminated over time. In some cases a driveway will lead up to the front of a house leading up to a window with another driveway leading to a garage. When the driveway leading up to the window has cars parked on it, it can and does look like a parking lot. This type of driveway can bring property values down.

Director Grill – Today, if you convert an existing garage into living space, you are required to remove the driveway leading up to this converted space and build at least a two vehicle garage with a driveway leading up to the working garage. This Commission addressed this issue about five years ago and it was the desire of this Commission, and the Village Board, to limit the number of cars that get parked in front yards. It was an aesthetic issue and it was decided 20 ft. driveway widths were wide enough to park at least four cars per house.

I am asking the Commission to consider setting a double driveway policy of whether an overlay of asphalt on an existing double driveway is a maintenance item or, is it considered a new driveway?
Commissioner Watkins – Can we do an amortization of an improvement like that? Can you do a 10 year?
Director Grill – I think you can and I would be willing to do a little research and come back to you with the likelihood of being able to enforce something like that.
Trustee Zimel – Out of the approximate 35 houses in town with front driveways leading up to a front window, I think Village staff needs to go out to each of these homes and evaluate when the driveway was put in and if the garage has been removed. If the garage has been removed then find out when and if the current owner removed it. Under our current ordinance, they need to rip out that driveway. The main issue is the driveways leading up to the front window. Since the Village is doing share programs for the overhead sewers and share programs for the depressed driveways, why not offer those people who have driveways leading up to a front window a shared cost because we are going to have fill up the curb cut? Why not offer to share the cost whether it is ripping it out and planting sod, or taking care of the concrete?
Chairman Bakes – That would be an incentive and something we could put together and present to the Board.
Trustee Zimel – How do we view people with a driveway to the back or circular driveways – half moon?
Director Grill – That is a legal nonconforming because it is a secondary driveway. It's only on lots less than 40,000 ft. and have less than 120 ft. of frontage. If you have more than that, and most of the lots in Hanover Park do, you can have two curb cuts, therefore you can have a circular driveway. It wasn't until the mid 90's that we put into the Ordinance that you could only have one curb cut if your lot was so large. Prior to that, if you could make it work from an engineering standpoint you got a permit to put in two curb cuts. Right now, if somebody came in and wanted to replace one we would tell them no, including circular driveways
Chairman Bakes – But with what we are proposing, they would be able to.
Director Grill – Right.
Chairman Bakes - Director Grill, is there any way, within the next few days, you could contact the Village Attorney and ask him if there is a way to word an ordinance? I like the idea of the shared program for the ones that have driveways going up to the house without an existing garage and to word it so that the other double driveways could be repaired or replaced with the same footprint. The reason why I keep saying with the same footprint is if they do have a single driveway going up to the front of the house, we don't want them replacing it with a 20 ft. driveway.
Discussion Closes

Testimony of: Wolf and Lynn Gudella, 3955 Seaview Dr., Hanover Park, IL gudella5@comcast.net

Mr. Gudella felt this Double Driveway Agenda Item was because of his situation.

Chairman Bakes clarifies there are several houses with double driveways in question. Mr. Gudella's house is a driveway with an extension, not a double driveway.

Mr. Gudella – On May 3, 2010 the Gudellas' received a permit from Hanover Park to replace their driveway. The plat of survey, brought in with the application, showed a single driveway. The contractor hired by the Gudellas' stated Hanover Park would not allow replacement of an existing driveway extension. This extension was not noted on the plat of survey as being replaced. The Gudellas' stated the driveway extension existed when they purchased their home. Current Village Code only allows driveway replacement of 20 ft. in width. The Gudellas' driveway, with the existing extension, exceeds 20 ft. The Gudellas' invited the Mayor and a Board member to view their driveway and extension in an effort to get approval to proceed on replacing their existing driveway and extension. Mr. Gudella has driven through Hanover Park and his house is not the only house with an extended driveway. Mr. Gudella is requesting to have the same footprint driveway as it exists today.

Chairman Bakes - We think that an existing driveway should be able to be repaired or replaced with the same footprint driveway. However, your driveway is legal nonconforming right now, that means at the time it was put in it was legal. By today's standards it is nonconforming. You purchased the house with that driveway. We understand that as a Commission.

Mr. Gudella – What if I take the section that exceeds the 20 ft. width and overlay it to tie in with the new driveway? We don't park there all the time. What if I overlay the extra 3-4 feet, whatever that is, and put a brand new driveway in? What if we do it that way?

Director Grill – I looked into this very issue at this address. This particular extension was put in without benefit of a permit.

Chairman Bakes –Do any Commissioners have any suggestions on the extension of the Gudella property of overlaying driveways? Should it be permitted for any legal nonconforming driveway to be able to overlay the driveway and consider it maintenance?

Because of the way the code is today you are only allowed a 20 ft wide driveway. My question to the Commission is, if a person purchases a home and it has an existing driveway of this size and they want to replace the driveway with the same footprint, should we allow them to do it or not?

Director Grill – When the house was built, a 20 ft. driveway was permitted. It is now approximately 30 ft. wide and there never was a permit issued to extend it. There was a permit issued for the driveway that goes up to the garage, but there was never a permit to expand it beyond those guidelines.

Commissioner Mercier – It is not only the width, but its proximity to the property line?
Chairman Bakes – This one appears to be far enough away from the property line, but I know there will be some that won't be. Could this be a variance issue?
Director Grill – No, because it is self-created.
Commissioner Wachsmuth – Would there have been different lot lines when 30 ft. driveways were allowed?
Director Grill – Yes. We used to allow driveways up to the property line. Not being allowed to build up to the property line was changed in 2003 or 04 with the driveway.
Trustee Zimel – To the Village's best recollection, pertaining to the Gudellas, the permit issued when the house was built was for a 20 ft. wide driveway. Somehow, somewhere along the line someone expanded it and it began illegal. Therefore we have an illegal issue that cannot be grandfathered in because you can't grandfather illegal things. So the issue is, if we approve this one, how many others are going to come out for the same reasons?
Director Grill – We allow swing outs to get to the side and rear yards. Swing outs can be no closer than 2 ft. from the property line, but it can start no further than 18 ft. back from the frontline of the building. The intent is not to create another parking space in the front yard, the intent is to get a vehicle either to the side or rear yard. In 2003 we said, from this point forward, a driveway can be no wider than 20 ft., and when the lifetime of a 30 ft. wide driveway is at its end it gets reduced to 20 ft. That is what this Commission and the Village Board wanted.
Commissioner Wachsmuth – Then it seems we have no choice but to deny this. The issue is that the rules changed in 2003-04 and we said once your driveway deteriorates we are reducing it to 20 ft. wide.
Chairman Bakes - We might have a suggestion of how to solve this. You may have enough room for a swing out.
Mr. Gudella does not want to take away from the aesthetic of the house by removing some of the landscaping to create a swing out driveway.
Director Grill – But it would work.
Chairman Bakes – Lets send this to the attorney to see if this can be done. Patrick, Trustee Zimel or I will contact you.
I am requesting this be placed on the September Agenda and to also include the addresses of the properties with double driveways. Could we have a list of ones that go up to the front of the house?

Ron Teitman, Pastor – Evangel Church, 5700 Bartels Rd, Hanover Park, IL
ron@evangelchurch.cc

Pastor Teitman provided a handout - Sign Ordinance/Residential along an Arterial Street

Evangel Church is zoned residential. The Church is purchasing contiguous land from Extended Stay to have frontage on Lake Street. They wish to rezone the purchased land from business to residential in order to install a church sign. According to the Draft of the new Sign Ordinance, a church sign in a residential neighborhood is allowed up to a 35 sf. and 10' high sign. Would the Development Commission recommend the sign code incorporate a provision for residential zoning along a main arterial to comply with adjacent land uses?

Bill Holly – Bright Light Sign, 310 Telsen, Lake Zurich, IL 60047-6701, 847-550-8902 (sales@brightlightsign.com)

Mr. Holly - The Church would like to locate a sign along Lake Street and incorporate the sign criteria used for the adjacent business.

Chairman Bakes - We have discussed allowing churches to use the same criteria that businesses use.

Director Grill – Reviewed what Teska did and the only addition he found is under the variance process where they allow a church to apply for a variance to increase the maximum square footage of an identification sign for a church with a maximum seating capacity exceeding 500. That would allow churches to apply for an increase of 25% or up to a maximum of 50 sf. and 10 ft. in height.

Chairman Bakes/Director Grill – We did discuss this with Teska.

Chairman Bakes - I would like to see the sign code for churches work the same as businesses - the size of the structure, not the maximum of seating. We can bring this up at our August 26 Workshop.

Director Grill – Another thing to consider is the site plan provided. Right now we do not permit off premise signs. The church is trying to buy a strip of land from Extended Stay to be contiguous, but churches have to have residential zoning. This would require a subdivision and a rezoning. We typically don't like to approve residential zoning along a major arterial. Not that we don't have it, we have it at Pebblewood. There at least two other churches on a major arterial. Anything you do in terms of a church on an arterial would apply to them too. You may want to consider a minimum/maximum size, but the ability to request a variance to exceed it based on the size and configuration of the church.

Mr. Holly – Adhering to the current criteria in a business district along Lake Street would be sufficient to design a sign for the church.

Director Grill – Right now you would be limited to 64 sf. and 8 ft. in height.

Mr. Holly – That would suffice.

Director Grill – What do you see as an optimally sized sign for you?

Mr. Holly – 100 sf. sign would suffice with height 18-20 ft high.

Director Grill – The property drops off significantly from the right of way, and the way we define height is from grade to the top of the sign. Grade is typically measured at the curb line of the right of way.

Mr. Holly – 15 ft. would probably suffice from the curb. There is about a 6 ft. drop there.

Director Grill - Churches used to be small neighborhood facilities, now they are mega churches that serve 1,000s of people. The code, as it relates to signage, never even contemplated this situation. We have a unique situation here that we need to recognize and address.

Discussion closes.

VI. OTHER BUSINESS:

Chairman Bakes – Requested members of the Development Commission be issued photo IDs. Regina Mullen will work on processing photo IDs.

Trustee Zimel, Jr. - Article 7 – is it complete?

Chairman Bakes – Requested Article 7 be included in the August 26 Workshop.

VII. ADJOURNMENT

Meeting adjourned at 9:17 p.m. on motion made by Commissioner Mercier; seconded by Commissioner Wachsmuth. Voice Vote: All Ayes - Motion carried.

Minutes recorded and transcribed by:

Regina Mullen, Secretary
On this 12 day of August, 2010

Jeffrey Bakes, Chairman