

**MINUTES OF THE NORTH BARRINGTON PLAN COMMISSION MEETING
WHICH WAS HELD MONDAY, SEPTEMBER 13, 2010 AT THE NORTH
BARRINGTON VILLAGE HALL, 111 OLD BARRINGTON ROAD, IN SAID VILLAGE**

1. Call to Order and Roll Call

At 7:30 P.M. Chairman Bill Bishop called the meeting to order and the Deputy Clerk called the roll:

Present in Person:	Chairman Bill Bishop, Martin Pais, Janis Menges, Denis Taillon,
Absent:	Vice Chairman David Wilford
Also Present:	Village Attorney J.W. Braithwaite
	John Busse, 517 Larkins Lane
	Tom Benson, 180 Rainbow Road
	Nick Capaccio, 640 Masland Court
	Janice Faulkner, 28272 West Savannah, Lake Barrington
	John Rackow, 4207 Farmington Lane, Johnsburg
	Pat Rozzano, 635 Signal Hill Road
	Scott Perkins, 635 Signal Hill Road
	Sonia Beranich, 609 Sioux Drive
	Paula Lucchesi, 120 Mohawk Drive
	Phyllis Shemluck, 593 Signal Hill Road
	Matt Shemluck, 593 Signal Hill Road
	David Dastur, 513 Larkins Lane
	Rich Politowicz, Builder, 593 Signal Hill Road
	Warren Nass, Chairman ZBA
	John Cifonelli, Vice Chairman ZBA
	Joseph DiPino, ZBA
	Bryan McGonigal, ZBA
	Andrea Pracht, Village Engineer
	Kelly Rafferty, Village Building and Zoning Officer
	Natalie Karney, Village Health and Sanitation Officer
	Mark Kolar, Village Trustee
	Nicole Keiter, Deputy Village Clerk
	Kris Lennon, Deputy Village Clerk

2. Approval of Minutes of Meeting of July 12, 2010 and July 19, 2010

The Minutes of the July 12, 2010 Plan Commission Public Hearing were made available to the Commission.

Motion: Denis Taillon moved that the Minutes of the July 12, 2010 Plan Commission Public Hearing be approved; seconded by Janis Menges.

Discussion: There was no discussion.

Vote on Motion: The voice vote was unanimous in favor.

Chairman Bill Bishop declared the Minutes of the July 12, 2010 Plan Commission Public Hearing approved and put on file.

The Minutes of the July 19, 2010 Plan Commission Meeting were made available to the Commission.

Motion: Denis Taillon moved that the Minutes of the July 19, 2010 Plan Commission “Special” Meeting be approved; seconded by Janis Menges.

Discussion: There was no discussion.

Vote on Motion: The voice vote was unanimous in favor.

Chairman Bill Bishop declared the Minutes of the July 19, 2010 Plan Commission “Special” Meeting approved and put on file.

Legal Notice

Chairman Bill Bishop requested that a copy of the published notice of the public hearing be incorporated into record. Village Attorney J. W. Braithwaite swore in everyone in the audience that may be speaking during any portion of the public hearing.

3. Public Hearing, Scott Perkins and Patrick Rozzano, 635 Signal Hill Road

A. Petitioners request rezoning from the R-3 District to the R-1 District

1) Presentation by Petitioners

Scott Perkins, 635 Signal Hill Road, spoke on behalf of the petitioners. Mr. Perkins stated that the petitioners purchased the property about four years ago as one property even though there are technically two parcels of land. He stated that, at that time, the property was represented by two separate pin numbers for taxing purposes and shortly after December of 2006 Lake County combined the pins into one to avoid confusion. The east parcel of land is zoned R-3 (40,000 s.f.) while the west parcel is zoned R-1 (5 acre). The total area of both parcels is approximately 3.105 acres and is therefore non-conforming to either zoning. Mr. Perkins requested that the parcel zoned R-3 be rezoned to R-1, making the entire property zoned R-1 and have a zoning variation to run with the land.

2) Questions and Comments by Audience

There were no questions or comments by the audience.

3) Questions and Comments by Plan Commission

Village Attorney J.W. Braithwaite explained to the Commission that the current zoning line divides the property almost directly in half. Ms. Menges stated that the property at one time had one pin for tax purposes and the property owners at the time were told by a Real Estate agent to divide the land into two pins. Ms. Menges asked the petitioners why they wanted to go to the R-1 district. Mr. Perkins stated that after preliminary discussions were

completed, the consensus was to request the R-1 district with the variation to run with the land. He also stated that in the future, he would like to create an addition to the house and with R-1 zoning it would be more aesthetic. Village Attorney J.W. Braithwaite stated that if the property were to be zoned R-3 instead, the potential for splitting the property and creating two home sites would be a possibility and therefore it was in the best interest of the petitioners as well as the Village for the property to be zoned R-1. He also stated that if the property were zoned R-2 it would look like spot-zoning which is not complimentary to the Village's comprehensive plan. Mr. Pais stated that the property wouldn't be able to be broken into R-1 zoning with the current placement of the house. Ms. Menges stated that it would be more desirable to go with R-1 zoning and have more of an estate-type property.

Mr. Taillon asked the petitioner if the property was currently saleable. Village Attorney J.W. Braithwaite stated that legally the property is currently legally saleable. In the future, if the property is put on the market as is, the new buyers would be faced with the issue of not understanding the zoning and consequently not understanding what could be done on the property, etc. If the property were all zoned R-1 with the variance then any potential buyer would understand that they are buying a piece of land slightly under 5 acres, but would have no questions regarding their zoning.

Mr. Pais requested that Village Building and Zoning Officer Kelly Rafferty give the Commission background on the different zoning areas. Mr. Rafferty told the Commission that R-1 zoning is 5 acre minimum lot area, R-2 is 2 acre minimum lot area, and R-3 is 40,000 s.f. minimum lot area. Mr. Pais then asked what the variation that would run with the land would include. Village Attorney J.W. Braithwaite stated that the Plan Commission would not be recommending anything in terms of the variation; however, its main purpose would be to legalize the current nonconforming situation. Chairman Bishop asked if it would be a perpetual variation. Village Attorney J.W. Braithwaite stated that it would be and would run with the land.

4) Close Public Hearing

Chairman Bill Bishop declared the public hearing closed.

5) Recess Meeting

Motion: Martin Pais moved the Meeting be recessed; seconded by Denis Taillon.

Discussion: There was no discussion.

Vote on Motion: The voice vote was unanimous in favor.

At 7:44 P.M. Chairman Bishop declared the Meeting recessed.

4. Public Hearing, John Rackow and Janice Faulkner, 195 Signal Hill Road

Chairman Bill Bishop declared the Meeting re-convened at 7:58 P.M.

A. Petitioners request rezoning from the R-1 District to the R-2 District

1) Presentation by Petitioners.

John Rackow and Janice Faulkner, two of the three property owners of 195 Rainbow Road, were present before the Commission. Ms. Faulkner stated that the three land

owners inherited this property that was originally their grandparents and they are currently renting it, as each of the property owners have dwellings elsewhere. She also stated that it was the desire of the petitioners to rezone from R-1 (5 acre) to R-2 (2 acre) for the purpose of selling the land and having two future home sites. One lot would be 1.93 acres and the other lot would be 1.94 acres, if rezoned, and is currently 4.50 acres including the portion within the road right of ways. The “missing” 0.63 acre would be dedicated to the Village for right of way use. The existing residence would remain and constitute Lot 1 and the existing garage/barn would be demolished and removed to allow for a second residence and septic field to be constructed at a later date on Lot 2. The demolishing of the barn would be deferred until the title is passed and at that time the barn would be demolished. Any new construction would mirror the square footage living area requirement covenants of the adjoining Pennington Ponds Subdivision. The petitioners stated that the surrounding neighborhoods, Pennington Ponds, The Arboretum, and Christopher Pines all have similar lot sizes to the proposed rezoning. Ms. Faulkner also stated that the rezoning would give the property a cohesive look.

2) Questions and Comments by Audience

Tom Benson, 180 Rainbow Road, stated that he just moved into the area in June. Mr. Benson asked the Commission if the rezoning was allowed, would it affect the other lots’ zoning and the precedence set by the Village. He also stated that the large lot sizes were one of the pivotal selling points when he purchased his home. Mr. Benson stated that his main concern was having other R-1 lots splitting such as 170 Rainbow Road. When he purchased his home he was guaranteed that 170 Rainbow Road would not be built on, and if this were to change the feel of his property would be greatly affected. More specifically, the cutting down of trees on 170 Rainbow Road would affect the aesthetics of his lot. Village Attorney J. W. Braithwaite stated that the properties are currently laid out into lots. He also stated that while any property owner can apply for rezoning, based upon the actions of the Plan Commission and Board of Trustees in the past, it would be unlikely that any lots would be subdivided. Ms. Menges stated that the Village has a tree Ordinance and that trees would not be able to be haphazardly cut down and/or removed and that the Commission does not like to unnecessarily subdivide properties.

Sonia Beranich, 609 Sioux Drive, stated that the Village has had a “master plan” in place for years and recently she feels as if too many variances have been granted. She fears that the Village will lose its integrity and is also unhappy with the loss of so many trees throughout the Village diluted the natural environment. Village Attorney J.W. Braithwaite requested that Village Building and Zoning Officer Kelly Rafferty explain the appropriate portion of the Village’s Comprehensive Plan. Mr. Rafferty read that the Plan states 1 unit per 2 or more acres for this area. Ms. Menges stated that the property is non-conforming now as it is zoned as 5 acres and is not actually 5 acres. Ms. Faulkner stated that the land has always been a pasture area and that no trees would be harmed.

Nick Capaccio, 640 Masland Court, stated that he has been a resident of Pennington Ponds for 19 years. He also stated that he owns 2.5 acres with the largest part of his property backing up to the property in question. His concern was how his property would be affected if the restriction on the land in question was lowered. He stated that the property owners had previously gone to the Village with this request and they were told to create plans and show

the surrounding neighbors these plans; which they never did. Ms. Faulkner stated that they only plan on selling the lot and not building on it; whatever is built would come after they had already sold the lot. Mr. Rackow stated that on their Plat it has been written that any new home being built would mirror the square footage living area requirement of Pennington Ponds. Mr. Rafferty stated that the Plat mirrors the house size requirement of a one-story home in Pennington Ponds. The Pennington Ponds requirement is that a one-story home contains at least 3,000 square feet and a two-story home contain at least 3,800 square feet. On the petitioners' Plat only the requirement of 3,000 square feet is dictated. He also stated that no other covenants are referred to other than minimum house size. Mr. Pais stated that the Village has codes that deal specifically with building and construction; however, Mr. Capaccio was still concerned about the integrity of his neighborhood, surrounding areas, and Village being upheld. Mr. Pais stated that the surrounding subdivisions and properties contain approximately 2 – 2.5 acre lots, and if the property in question were rezoned it would fit into the appropriate lot size. Chairman Bill Bishop explained that, at the moment, this is only being viewed as a land transaction. Mr. Pais asked Mr. Rafferty if there was a way to make the covenants and restrictions consistent if the land were divided. Mr. Rafferty stated that they would have to add the covenants to their Plat in order to assure that they be upheld. Mr. Rafferty also included clarification that whether or not the right of way was donated to the Village or not, it is not included when determining the area of a lot for zoning. Chairman Bill Bishop asked Mr. Capaccio if he would be willing to meet, along with any other concerned residents, with the petitioners to determine if a compromise can be made regarding covenants, etc. Mr. Capaccio stated that he would.

John Busse, 517 Larkins Lane, stated that most of his concerns were addressed by Mr. Capaccio; however, he had a few additional comments for the Commission. He stated that his property connects to the property in question on the North East corner. He asked the Commission to consider the fact that the most recent rezoning issues have failed within the Village. Kaitlin's Way was a project that has never been completed and he considers a failure. He also stated that the most recent home built in Pennington Ponds does not comply, has never been completed, and is in foreclosure. He asked the Commission to consider these projects before granting another variance or rezoning. Mr. Busse also asked that the Commission reserve the right for variances and rezoning for homeowners that are residents of the Village, maintain their land, and are a part of the daily neighborhood dialogue. He stated that the track record of the applicant should also be kept in mind. Since acquiring the property through inheritance, it has degenerated significantly and has not been tended to as it should. He stated that he didn't want this to foreshadow any future actions by the petitioners. Mr. Taillon asked Mr. Busse if he felt as if the property were more saleable at the current size, or split. Mr. Busse responded that he would much prefer it to stay the current size since it is a nice corner lot that is highly visible and lends the opportunity for the community to have a nice home. He also stated, that one point, he had offered to buy the land for restoration purposes. Mr. Busse stated that he was interested in having a plan where the neighborhood and surrounding community were supporting it.

3) Questions and Comments by Plan Commission

Mr. Pais asked Village Engineer Andrea Pracht if there were any flooding or water issues around the area that could be affected from the possible rezoning. Ms. Pracht stated that there was a small wetland but that it would be unaffected by any rezoning. She stated

Continued until the November meeting.

7. Plan Commission consideration of proposed Plat of Subdivision for Rackow/Faulkner property

Continued until the November meeting.

8. Other Business

Ms. Menges asked if there had been any developments on potential new members for the Plan Commission. Chairman Bill Bishop stated that he had a few names, but still has yet to contact them. He will be contacting them in the near future.

9. Adjournment

Motion: Martin Pais moved the meeting be adjourned; seconded by Janis Menges.

Discussion: There was no discussion.

Vote on Motion: The voice vote was unanimous in favor.

At 9:09 pm, Chairman Bill Bishop declared the meeting adjourned.

These Minutes were approved at the Plan Commission Meeting held March 14, 2011.

ATTEST:

Nicole Keiter, Deputy Village Clerk