



City of Oakbrook Terrace  
Planning & Zoning Commission Meeting  
Tuesday, May 15, 2018  
Case #19-01

The Planning and Zoning meeting was called to order by Chairman Caslin at 6:03 P.M.

Chairman Caslin asked Building and Zoning / Planning and Zoning Secretary Lozano to take roll call.

Present: Chairman Caslin, Commissioners Ventura, Jackson, Schneider, Donoval, Walberg

Absent: Commissioner Cardenas

Also Present: Mihaela Dragan, Building and Zoning Administrator, Peter Pacione, City Attorney, Addy Lozano, Building and Zoning / Planning and Zoning Secretary.

Chairman Caslin said the first order of business was to approve the minutes of December 17, 2017, Case #18-9 for 17W677-725 Roosevelt Road, Petitioner Oakbrook Terrace Square for Dogtopia for Amendment to the Final PUD And A Variation From Zoning Ordinance.

Chairman Caslin asked if there was any final discussion. There was no discussion.

MOTION Commissioner Jackson moved and Commissioner Schneider seconded the motion to approve the minutes of December 17, 2017, Case #18-9 for 17W677-725 Roosevelt Road, Petitioner Oakbrook Terrace Square for Dogtopia for Amendment to the Final PUD And A Variation From Zoning Ordinance.

Chairman Caslin asked Building and Zoning / Planning and Zoning Secretary Lozano to take the roll call.

Ayes: Chairman Caslin, Commissioners Ventura, Jackson, Schneider, Donoval, Walberg

Nays: None

Absent: Commissioner Cardenas

MOTION PASSED WITH A 6-0 VOTE.

Chairman Caslin said the second order of business was to approve the minutes of December 17, 2017, Case #18-10 for 17W677-725 Roosevelt Road, Petitioner Oakbrook Terrace Square for Kiddie Academy for Amendment to the Final PUD And A Variation From Zoning Ordinance.

Chairman Caslin asked if there was any final discussion. There was no discussion.

MOTION Commissioner Ventura moved and Commissioner Jackson seconded the motion to approve the minutes of December 17, 2017, Case #18-10 for 17W677-725 Roosevelt Road, Petitioner Oakbrook Terrace Square for Kiddie Academy for Amendment to the Final PUD And A Variation From Zoning Ordinance.

Chairman Caslin asked Building and Zoning / Planning and Zoning Secretary Lozano to take the roll call.

Ayes: Chairman Caslin, Commissioners Ventura, Jackson, Schneider, Donoval, Walberg  
Nays: None  
Absent: Commissioner Cardenas

MOTION PASSED WITH A 6-0 VOTE.

Chairman Caslin asked all those who will be speaking this evening to please stand up and be sworn in.

Michael Yahoudy and Katie Yahoudy, homeowners of 17W082 16<sup>th</sup> Street, were sworn in by Addy Lozano, Building and Zoning / Planning and Zoning Secretary.

Chairman Caslin asked the Petitioner to stand and state his case.

Michael Yahoudy took the floor stating that him and his wife bought the house August 15, 2016 and started to do improvements and this spring they were looking forward to install a new deck and went to the city hall for a permit and realized he was over 40%. He worked with Mrs. Dragan and came up with a plan and proposal to find a more functional outdoor living space. He proposed tearing down existing sidewalks in order to get the square foot dropped to build a fully composite deck. He stated him and his wife talked to all the neighbors and have a petition list of all the neighbors that are in favor and are ok with building a new deck.

Chairman Caslin asked if there were any questions from the commissioners.

Commissioner Schneider asked the petitioner if removing the sidewalk and the stoops was in his budget.

Petitioner Michael Yahoudy responded yes, that he has a jack hammer borrowed from a friend and I will break it all up and dispose of it.

Commissioner Schneider commented the reason he asked, is because there has been times where people say they are going to do things and at the end don't, and just cover it up.

Building and Zoning Administrator Dragan added that during the process she spoke to the petitioner and he agreed upon approval of ordinance that those structures will be removed within 30 days and tonight, if everyone considers approval of the variations requested, the City Attorney can put the specific condition in the ordinance approved.

Chairman Caslin asked the petitioner if there were any side doors along the side walk.

Petitioner Michael Yahoudy responded, no.

Chairman Caslin asked the petitioner if there was a service door on the side of the garage.

Petitioner Michael Yahoudy responded, that the service door is on the driveway side, apparently there used to be a shed back there that is no longer in existence.

Chairman Caslin asked if there were any questions from the commissioners.

Building and Zoning Administrator added that the proposed lot coverage is totaling 5,666 sq. ft. resulting in a request to permit the lot coverage to exceed 40% of the lot area and to allow 49% of the lot area to be occupied by structures. The applicant submitted the Plat of Survey, and since a public hearing is required to allow the proposed lot coverage, it was agreed to bring the property in compliance with the current Zoning Ordinance. Based on this a variation from the minimum required side yard of 10 ft. is addressed to permit a 9'9" side yard on the SW side of the house to remain as it exists. The house was built many years ago in the 50's, subject to different regulations. However, it was agreed since he came for a public hearing for lot coverage to address the other variations of the zoning ordinance.

Chairman Caslin noted to the petitioner if he understood he had 30 days to remove the stoop and sidewalk.

Petitioner Michael Yahoudy responded, yes.

Commissioner Schneider then asked, if with the current stipulations of the 30 days to remove the material, if that is something that is done all the time.

Building and Zoning Administrator Dragan responded, she said it depends on case by case basis, but you have the authority when you approve variations, of special uses to consider approval of the conditions.

Commissioner Ventura stated that in the past we've had some discussion of the lot coverage including sidewalks, decks, garage, and the percentage exceeding the 40% that we allow in comparison to other towns.

Commissioner Ventura proceeded to say that in the packet received, it says there is a property on Karban that exceeds already 50% and it was used as an example, but when that variance was made, they were already over 50%. She encourages that we give serious consideration to hold below 50% in these variances but of course we want people to be able to improve their properties but still need to consider to the extent that we allow. This is just a side comment because sometimes the properties being built are exceeding that percentage and then there's concerns over storm water.

Commissioner Donoval stated that one thing about storm water on residential properties, when it came to the gas station, no one asked questions where the storm water was going to go, it's a double standard.

Chairman Caslin stated to Commissioner Donoval, that that was a good point.

Commissioner Donoval stated that he is ok with the project, that he is in for any improvements in the city and asked what the petitioner's next plan is.

Petitioner Michael Yahoudy answered scrape the siding and re-spray.

Commissioner Donoval thank them for the improvements.

Chairman Caslin stated that in addition to what Commissioner Donoval was talking about, decks in estimation, wooden decks, above ground decks, he views those completely different in that 40% category because the deck is over, the ground is open underneath and that is the reason the 50% or 40% is allowed. So if someone puts up a deck it kind of sits with him personally, that wrong way that we are restricting that person in that particular instance. If you are putting a concrete deck or brick patio, he understands that.

Chairman Caslin asked for a motion for case # 19-01

MOTION Commissioner Schneider moved with condition to remove the structures per Plat of Survey submitted within 30 days from ordinance approval. Commissioner Douglas seconded the motion to approve Case #19-01 for 17W082 16<sup>th</sup> Street, Petitioner Michael Yahoudy and Katie Yahoudy for variations from Section 156.075 (F) (1) And Section 156.075 (E ) (2) (a) Of The Zoning Ordinance.

Chairman Caslin asked Building and Zoning / Planning and Zoning Secretary Lozano to take the roll call.

Ayes: Chairman Caslin, Commissioners Ventura, Jackson, Schneider, Donoval, Walberg  
Nays: None  
Absent: Commissioner Cardenas

MOTION PASSED WITH A 6-0 VOTE.

Building and Zoning Administrator added that the Letter of Recommendation will be placed on the May 22, 2018 City Council meeting agenda.

After the approved case, Chairman and Commissioners continued to discuss lot area coverage allowed.

Building and Zoning Administrator recommended to adjourn the meeting.

MOTION Commissioner Ventura moved and Commissioner Douglas seconded the motion to adjourn the meeting.

MOTION PASSED UNANIMOUSLY THROUGH A VOICE VOTE OF 6-0.

Chairman Caslin adjourned the meeting at 6:22 P.M.

Respectfully submitted by,

Addy Lozano  
Building and Zoning / Planning and Zoning Secretary



