



City of Oakbrook Terrace  
Planning & Zoning Commission Meeting  
Tuesday, October 31, 2017  
Case #18-3

The Planning and Zoning meeting was called to order by Chairman Caslin at 6:00 P.M.

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

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

Absent: Commissioner Schneider

Also Present: Mihaela Dragan, Building and Zoning Administrator, Tom Halleran, City Attorney, Michelle Bossle, Building and Zoning / Planning and Zoning Secretary.

Chairman Caslin said the first order of business was to approve the minutes of May 16, 2017.

Commissioner Jackson asked if Building & Zoning Administrator Dragan would comment on the Petitioner withdrawing his request.

Building & Zoning Administrator Dragan replied that there is no update from the owner of the subject property.

Commissioner Jackson responded that the Mayor stated that the petition was withdrawn and it was noted in the minutes of the last City Council meeting.

Building & Zoning Administrator Dragan suggested that maybe there was indication from the property owner directly to the Mayor, but nothing has been submitted to the Building & Zoning Department in writing concerning this matter.

Chairman Caslin asked for a motion to approve the minutes of May 16, 2017.

MOTION Commissioner Jackson moved and Commissioner Cardenas seconded the motion to approve the minutes.

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

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

MOTION PASSED WITH A VOTE OF 4-0.

Chairman Caslin asked for a motion to approve the minutes of June 20, 2017.

MOTION Commissioner Walberg moved and Commissioner Jackson seconded the motion to approve the minutes of June 20, 2017.

Chairman Caslin requested the name to be changed on the last page of the minutes.

Chairman Caslin said the third order of business was to consider Case #18-3 for 1S533 Halsey Road; asking Building & Zoning Administrator Dragan to read the case.

Building & Zoning Administrator Dragan replied that usually the Chairman reads the case.

Chairman Caslin responded that it is not necessary if everyone is comfortable with that as far as he is concerned.

Chairman Caslin then asked the Petitioners to be sworn in.

Lydia Puchlerz, Petitioner was sworn in by Michelle Bossle, Building and Zoning / Planning and Zoning Secretary.

Chairman Caslin asked the Petitioner to present her case.

Petitioner Lydia Puchlerz took the floor stating that her family has lived at 1S063 Buttercup Lane which is located in unincorporated Oakbrook Terrace since 1999. Their son had attended School District 48 his entire academic career. In 2013, they purchased the property lot on 1S533 Halsey Road in hope to build their custom dream home and keep their son in the District 48 schools. In order to proceed with their proposal, they are seeking approval for a single variation so they can extend the height of the home while maintaining the current width submitted in the plans. They have also submitted the petition that was required to notify all the neighbors that are within 250 feet from the lot lines. The proposed plan will add additional

appeal to the current neighborhood. Most importantly, it will allow their family to continue to live in the township they have grown to love as well as their son to continue to receive the premium education that they have been accustomed to.

Chairman Caslin asked if there were any comments from Building and Zoning Administrator Dragan.

Building and Zoning Administrator Dragan took the floor stating that the owners of the vacant property located at 1S533 Halsey Road revised their drawings many times; however, they hope to build their dream home here in Oakbrook Terrace. In order to build the house with a building height of 32.6 feet, variations for side yards are requested from 18 feet to 10 feet, and front yard from 34 feet to 32.93 feet. Specifically, if the house would have a building height of 25 feet, no variations for side yards nor the front yard would be necessary. According to the City Code, over 25 feet in height requires additional front yard and side yards; more open space is required. Based on this, the variation for side yards and front yard are requested. Prior to the meeting, you received comments from Craig Ward, Director of Public Services and Dan Lynch of Christopher Burke Engineering. The issues addressed concerning the water service and the requirement for a detailed grading plan are required for submittal of the building permit. On the petition signed by the most current tax payers of the property that were notified for the public hearing, no one was against it. There were only one or two rental homes within the 250 feet, which were specifically asked to be notified by mail. The City has not heard from any of the adjacent owners or neighbors in favor or opposing to the proposed request.

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

Commissioner Ventura asked what the percentage of building will be covering the lot.

Attorney Halleran requested that anyone that will be testifying be sworn in. He also requested at this time, before Commissioners' questions, could the floor possibly be opened for public comment.

Chairman Caslin responded sure and asked the Petitioner to be sworn in.

Casey Puchlerz, Petitioner was sworn in by Michelle Bossle, Building and Zoning / Planning and Zoning Secretary.

Petitioner Casey Puchlerz took the floor stating that building coverage, total lot coverage, is 4,455 sq. ft. That is including the driveway, landings, patio and sidewalks.

Building & Zoning Administrator Dragan asked the Petitioner if he has the documents showing the percentages.

Commissioner Ventura asked how many square feet the lot is.

Building & Zoning Administrator Dragan responded that the lot area is over 11,000 square feet. The calculations for the original set of drawings and revised drawings were completed and the only variations were resulting due to the proposed building height; lot coverage was in compliance, less than 40% lot coverage of the lot area.

Commissioner Jackson stated that the Commission is supposed to grant variances only in a number of specific cases, one of which is that the plight of the owner is due to unique circumstances not of its own creation; this appears to be of your own creation, saying you don't want 18 feet side yards.

Petitioner Casey Puchlerz responded that if the house is built with 18 foot side lines, that house is going to be narrow. The house is not that big, only the garage which is on the back side of the house; it is a one-car garage that extends to the 10 foot side line. Without that garage, the side line is going to be 14 feet more.

Commissioner Jackson added that without the garage, it would be just barely over the 18 feet, but still over the ordinance.

Commissioner Ventura corrected to still over the 10 feet.

Commissioner Jackson replied, over the 18 feet.

Commissioner Ventura asked if it was 8 feet plus.

Chairman Caslin added that it is because of the height being asked for.

Commissioner Jackson stated that the height requires an 18 foot side yard according to the City Ordinance. The Petitioner is asking for a variation from 18 down to 10.

Petitioner Casey Puchlerz noted that per the Code the measurement for the height of the building is from the curb. The house is only 26 feet to the ridge line plus the chimney is extended 2 feet, but another footage for the grading is needed, so that is why the building height comes up to the 33 feet; less than 33.

Commissioner Jackson asked for the grading, thinking that it was a fairly level lot.

Commissioner Donoval responded that the height of the building is supposed to be 25 feet; each foot over in height requires shorter side yards.

Commissioner Jackson added that the Petitioner said that the house is 26 feet, but because of the grading, it turns out to be 33.

Commissioner Jackson stated that he does not understand the grading.

Andrzej Bednarczyk, Project Manager took the floor stating that they prepared the topographical survey. For general knowledge, over the past 50 years, lot by lot, there has been development of new houses. The problem for the owner is that, they are on the north side of the road, which is sloping to the north rapidly. While on the other side of the street, it is sloping down. So obviously whoever would build similar model south of the street will have absolutely no problem because natural grade configuration is going up from the street. On the owner's side of the road, that is his source of the problem that where he is building, is meeting overall restriction regarding height, applying grading and slope from road to garage is coming to 32.6 feet of top of the chimney above average of the concrete shoulder on the street.

Commissioner Jackson asked what is the rise of the property from the front to the back.

Project Manager Bednarczyk replied that at building set back, there is about 4 feet higher than average elevation of shoulder along the street.

Commissioner Jackson responded which is different than 10 feet.

Commissioner Donoval stated that it has come to one point only, that the height of 4 feet higher otherwise they would be right on the highway of the roof of the building, they wouldn't have the problem with the side variation and front variation. So this is only single variation that needs to be approved.

Commissioner Ventura stated that it is a lot of variation being 16 feet when combining the two sides; that is not a small variation.

Commissioner Donoval replied that the Commission has approved a lot worse cases than this; this is only one variation and they don't ask for an arm and a leg. This is very simple.

Chairman Caslin noted that he is a little confused.

Project Manager Bednarczyk again stated that the problem is that the land is not flat. Because of the four foot rise from the front to the back, to create the proper drainage around the house, the top of the foundation must be raised to accommodate grades around and not to effect neighbors.

Commissioner Jackson asked that if the front to the back is a four feet, and the house is 26, why wouldn't it be 30 or less.

Project Manager Bednarczyk responded that there are requirements for the chimney to be higher than the ridge of the roof.

Chairman Caslin stated that chimneys don't affect the ridge of the roof, they are two different things.

Project Manager Bednarczyk said that they are talking about 32.6 feet to the top of the chimney.

Chairman Caslin responded that the chimney is not involved in Zoning. The chimney is by Fire Code and by IBC. The ridge of the house is the height that the Commission is interested in as far as Zoning is concerned.

Project Manager Bednarczyk replied that if they disregard chimney, they would be only 30 feet above average of shoulder elevation. And this 30 feet is difference between grades from shoulder to front set back line. If it would be flat, they would be right on ordinances and there would be no reason to ask for a variation. Because again, the owners' side of the road is sloping to the north and is sloping rapidly fast up front and after that it is flattening out. That is hardship of owners to have this model follow all existing codes and ordinances.

Chairman Caslin asked to see the topical survey of lot.

Commissioner Jackson stated that the chimney is only two feet above the roof.

Chairman Caslin responded that the chimney is a natural fireplace and again that doesn't affect Building and Zoning.

Project Manager Bednarczyk stated that this height over the ridge puts it at 32.6, if they were deduct the chimney, they would be at 30 feet, plus or minus.

Chairman Caslin replied that what he is trying to say is that as far as Zoning is concerned, it is the ridge of the building, the height is 26 feet. The chimney is not a Zoning issue, that is required by IBC and Fire Code and there are certain formulas for that and the Commission knows that it is going to be three feet above the ridge, but it has nothing to do with Zoning.

Project Manager Bednarczyk responded that on the Application form, it was asked to go to the top of the chimney for total height of the building.

Chairman Caslin said that he knows what he is saying and is in agreement about the chimney, but as far as the Zoning Board is concerned, the height variation being asked is seven feet above the ridge line; in total asking for 33 feet. The building is only 26 feet tall, so in essence what is being said, is the building is being raised out of the ground seven feet.

Project Manager Bednarczyk agreed with exception. If chimney height is not being added above the ridge, they are in average below 30 feet from shoulder of the street to the top of the ridge of the building, not 32.6. It is 32.6 because they added the height of the chimney above ridge.

Commissioner Jackson asked that what is being said is that the height of the ridge line is 30 feet.

Project Manager Bednarczyk answered; yes that is what he is saying.

Chairman Caslin replied that the drawings he read says 26 feet.

Commissioner Jackson clarified that the house is 26, but because of the slope of the lot, the house will be up from the measurement point by four feet.

Commissioner Jackson continued stating that the issue being addressed is that in the past, houses had been built in this City that far exceeded what everyone in the City thought was appropriate and so the Petitioner is faced with making a case and having to address these questions.

Project Manager Bednarczyk stated that the exact same model would not raise any problem or issues if it would be built on south side of the street because the north side is sloping down instead of up.

Commissioner Jackson replied that he lives on Halsey so he understands the slope.

Commissioner Donoval said that the City needs a lot of development on Halsey; it is a very depressed street especially the south side of Halsey is in the flood zone and nobody will build there.

Commissioner Ventura noted that there was just a house built there; two recently.

Chairman Caslin stated that the natural grade is to the creek which is behind, across the street; natural flow of water is that way, not towards Stillwell.

Commissioner Ventura asked if no one is worried that building this house up is going to affect the neighbors as far as the water drainage.

Project Manager Bednarczyk replied that it will be subject of detailed engineering and will be addressed at time of building permit submittal to assure everyone around that there will be absolutely no adverse impact on neighbors' property.

Commissioner Ventura stated that anyone building on the lot would have to build up the grade of the lot because of the sloping, so if there could just be some assurance that it would not affect the neighboring properties because there has been with some new construction that has been overbuilt on the lot and has adversely affected neighboring properties with stormwater.

Project Manager Bednarczyk replied that neighbors have driveways which are about two or three feet away from property line facing the Petitioner's lot, so with 10 feet is even further than existing improvements on adjoining properties. The reason why these driveways are so close to the property line is because they have detached garages, so there is separate driveway regardless of the location of the house which is following to the entrance to the garages which are in the rear of the lots. In this case, it will not be an eyesore or something which is not usual or typical on that kind of development which is proposed for this lot; it will blend perfectly with the neighborhood. With brick exterior and nice, quality work similar to other new construction in the area which will ultimately improve the neighborhood.

Commissioner Ventura stated that it looks like a beautiful home, but to go from 10 to 18 feet is not a small variance; it is a large variance and then if the neighboring properties want to tear down and build a new house, now what's their set back going to be. Even more limited, where the houses will be closer together and when going beyond what our zoning is, what happens is there is nonconformity to the new construction. New construction has a positive effect on the neighborhood and it is a beautiful home; this is not a small variance on the side yard, it is 16 feet, it's a lot.

Commissioner Donoval responded that it is not a big variation because they have less than 40% of the lot coverage. The Commission approved recently houses that are 60% and a lot higher. Anybody who builds in the City is very brave, by the time the house is finished; he will never get his money back. If having to build a small house like the Zoning Ordinance requires, nobody is going to want to build here. Look what is happening in Elmhurst, nobody is going to build here. The City will end up with old houses and who will want to move there; rentals and problems, drugs. These people, they want to spend money and they want to build a nice house, they want to stay here, the City should welcome them because nothing is happening here. Look how many permits they have in Elmhurst because they don't have such restrictions as the City does.

Chairman Caslin stated that Elmhurst has the biggest nightmare in the world with drainage; they made a mistake.

Commissioner Donoval agreed but noted that when he built his house, the City requires all the drainage from the gutters and from sump pump to the City storm system so as to cause no problems to the neighbors.

Chairman Caslin noted that with the height of the property and bringing in four feet of fill to raise the house up to the road level, the people that are on both sides because of building wider and having a 10 foot easement, the driveway is going to go a lot further over than 10 feet, so water will be dumping fast down to the two houses on each side that are at a lower grade. The Commission needs to be careful that it's nice and they would like to have them build a nice new home and welcome them to be here, but they also have to consider the people who are here.

Commissioner Donoval replied that the neighbors saw the plans, approved it and have no objections.

Project Manager Bednarczyk added two things that need to be taken under consideration. First, because attached garage, there is combined improvement smaller than full house which will be smaller but with detached garage and driveway going all the way to the rear. So again overall, under 4,500 sq. ft. of total improvement and also because of engineering practices, detention and piping will prove that after this project is finished, situation of stormwater management will be a lot better for the neighbors than it is right now because there will be absolutely no water from this property going to neighbors. Everything will be accumulated on site, detained, restricted before it will flow to the public system.

Commissioner Cardenas added that part of the drainage will be solved by doing a little valley, like a swale and directing the water and controlling it.

Project Manager Bednarczyk stated again by ordinances all stormwater will be controlled; controlled, detainment, restricted before it will flow out of the property.

Commissioner Donoval noted that it was approved by engineering who knows better than the Commission does.

Commissioner Cardenas also added that it is the same amount of water and it is just a matter of where it is directed.

Commissioner Walberg questioned the flow of the water during the storms and how that is controlled with the additional coverage on the property there is spillage from that no matter how it is directed. When covering what naturally absorbs the water there are issues.

Chairman Caslin answered that there is a certain capacity as far as the culverts that are in the ground, which are 12 inch culverts and they are going to have a certain capacity. If the City continues to build in a big way, a 36 inch storm sewer will be needed in order to handle what is coming off the roofs. On this house, as with many of the bigger houses, a five or six inch gutter is used and the force of that water coming down is a lot.

Commissioner Walberg asked if the water is hypothetically, contractually they have to actually direct it into the City's storm sewers.

Chairman Caslin asked Building & Zoning Administrator Dragan if that is a new rule now that it has to go into the culvert because before it did not and there were a lot of problems with that.

Building & Zoning Administrator Dragan replied that yes it is.

Project Manager Bednarczyk stated that a detention basin will be built on site and water will be restricted in this well and flow to the existing system of stormwater so there will be no issue. The strict rules of DuPage County will be followed regarding the stormwater maintenance so be assured that there will be no issue of stormwater management after permit will be issued.

Commissioner Walberg asked that none of the neighbors will be affected and that issue has been addressed.

Project Manager Bednarczyk replied, yes.

Chairman Caslin asked about the bump-out on the drawings on the north side of the building in the living room area.

Petitioner Casey Puchlerz responded that it is not in the foundation; that it is stairs.

Chairman Caslin then asked if they are cantilevering the side of the building.

Project Manager Bednarczyk replied that it looks this way although he is not familiar with the architectural plans, but yes, it looks like that will be overhang, not part of foundation.

Chairman Caslin replied that it is not an overhang because it goes up two stories; it's a bump-out.

Project Manager Bednarczyk said that is it a bump-out, but the foundation is from the straight line.

Chairman Caslin agreed that the foundation line is there, that is why he is asking if it is a cantilever.

Project Manager Bednarczyk answered, yes.

Chairman Caslin stated that the joists are going the opposite way on the floor; so they are looking at approximately six to eight feet on the bump-out.

Petitioner Casey Puchlerz responded that it is probably eight feet.

Chairman Caslin asked what that does to the side yard, stating that he has a little thing that sticks in his throat when it comes to cantilevering and bump-outs because people put a foundation in the ground and say they have ten feet from the foundation to the lot line and they bump a house out six feet; that's not a side yard.

Project Manager Bednarczyk agreed that it will encroach the side yard of ten feet by one and four feet and four inches.

Chairman Caslin stated that the side yard is actually less than ten feet now.

Project Manager Bednarczyk answered that according to the conditions, side yard is from foundation to property line; this portion of the building is not on foundation.

Chairman Caslin replied that in his thinking, it's kind of like cheating. Not putting it on the foundation and cantilevering out six feet, so now the ten foot side yard is now four feet. The reason for wanting a ten foot side yard is for a lot of reasons; fire is the biggest reason, wall collapse is another reason.

Project Manager Bednarczyk added that it could be straight out without a major problem for the architect; however this element of the building is giving some kind of bigger expression to the side elevation of the building. Instead of making one flat wall, it will be like a break and will affect the side look of this building. Not speaking for the architect as to why he did that, but Project Manager Bednarczyk believes it is some sort of architectural element which will blend with overall composition of the building and harmony of windows.

Building & Zoning Administrator Dragan stated that if they are only stairways, they are permitted obstructions in the required yards, but any other structures other than stairways are not allowed; depends on what type of structure.

Commissioner Jackson stated that it is a bench that is halfway up the stairs and asked if a bench counts as at a stair.

Building & Zoning Administrator Dragan replied that a bench is permitted to encroach in the required yards.

Commissioner Ventura asked if a pool decking can encroach and go right up to the lot line.

Project Manager Bednarczyk added that the site elevation drawings show the bottom of the overhang is approximately four feet above finished ground.

Commissioner Walberg asked how far it is to the lot line.

Project Manager Bednarczyk replied one foot and four inches closer to the lot line.

Chairman Caslin asked if anybody else has got anything.

Chairman Caslin asked for any negative testimony.

Chairman Caslin noted that there was none.

Chairman Caslin asked if there were any additional questions from anybody.

Commissioner Donoval commented that he has known the Applicants for 20 years, they own several properties around here and in the City, they keep them clean, they have no violations and they will build a nice house; they will be a good addition to Oakbrook Terrace. The small variation that they are asking for, we should be in favor so we can keep them in the City.

Chairman Caslin asked the Petitioner if they would be willing to change the variation on the roof from 33 feet to 30.2, for the record.

Petitioner Casey Puchlerz replied yes.

Commissioner Ventura asked if that would bring the side yards in more.

Chairman Caslin replied no.

Building & Zoning Administrator Dragan added that if the building height would be 30 feet instead of 33 feet; it is one foot for building height over 25 feet for side yards so that would require a 15 foot side yard on each side of the house. And half foot of front yard for each foot over 25 feet, so no variance would be necessary for the front yard.

Chairman Caslin repeated that they would still need the variance on side yard.

Building & Zoning Administrator Dragan confirmed that the variance on the side yards would be from 15 feet to 10 feet on each side of the house.

Commissioner Cardenas commented that it would be an asset for the City to have this new house.

Chairman Caslin said that he does not have a problem with new houses, but he also has to think about the people who live around them too and that we are being good stewards; that we are not building monsters and not everybody wants to sell or move right away. So we are not going to have a complete new construction area all over the place. The biggest problem is with the height, which some of it has been addressed, but he cannot go along with bump-outs; it is cheating.

Chairman Caslin asked for a motion for a vote.

Commissioner Donoval moved to approve the plans as is.

Chairman Caslin stated the motion to approve with changes being made to 30.2 feet on the ridge line.

Building & Zoning Administrator Dragan restated that the motion is to allow building height not to exceed 30 feet.

Chairman Caslin added no variance on front yard.

Building & Zoning Administrator Dragan also added side yards variations to allow 10 feet instead of minimum required 15 feet on each side of the house.

City Attorney Halleran asked that the motion be made to vote on each side yard variation separately.

Chairman Caslin asked if Commissioner Donoval wanted to amend his motion.

Commissioner Donoval replied that he wanted to approve the plans as they are now; he does not want to make any changes because how they designed the house and they really don't ask for an arm and a leg. Being on the Commission for many, many years, they have approved a lot worse cases; we have approved 60% of the lot building, and they are still under 40%. This house is not going to be some kind of special, extra high; the neighbor's house is almost that high right on the east side of their building the house is almost the same like this one.

Chairman Caslin reiterated that the motion is to approve as submitted.

MOTION Commissioner Donoval moved and Commissioner Cardenas seconded the motion to approve Case #18-3, the request by Casey & Lydia Puchlerz ("Petitioners"), to approve variations from the Zoning Ordinance as follows:

A variation from Section 156.075 (G) (2) limiting the height for a single-family detached dwelling to 35 feet; provided that for each one foot of building height over 25 feet, an additional one foot of side yard shall be required on each side of the lot, and an additional ½ foot of front yard shall be required on the lot:

- to permit the building height not to exceed 33'0";
- to permit the East side yard 10'0" instead of 18'0";
- to permit the West side yard 10'0" instead of 18'0";
- and to permit the front yard 32'93" instead of 34'0".

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

Ayes: Commissioners Cardenas, Donoval  
Nays: Chairman Caslin, Commissioners Ventura, Jackson, Walberg  
Absent: Commissioner Schneider

MOTION FAILED WITH A VOTE OF 2-4.

Building & Zoning Administrator Dragan asked if maybe someone could now do another motion to approve a building height not to exceed 30 feet.

Chairman Caslin asked if anyone would care to make a motion.

Chairman Caslin stated that it dies for lack of a motion.

Building & Zoning Administrator Dragan explained that if nobody makes a motion, this means that the project has failed. If someone makes a motion, seconds, and majority recommends approval then the Petitioner will be able to revise the drawings and at least get approval for a 30 foot building height.

MOTION Commissioner Walberg stated that she would make that motion.

Commissioner Cardenas also stated he would make the motion to be up to 30 feet to the ridge.

Commissioner Walberg asked if that gives them the opportunity to make the adjustments to bring it into compliance with the side yards and the water.

Commissioner Jackson replied no.

Commissioner Ventura noted that there is still a variance.

Commissioner Jackson stated that side yards are 15 instead of 10; so a variance of 5 feet instead of 8 feet per side.

Commissioner Ventura said that it is an improvement.

Building & Zoning Administrator Dragan added that no front yard variation. The 30 feet building height by definition, the City officially established that definition; goes to the top chimney which is their maximum height.

Commissioner Walberg asked that the motion to allow the 30 feet that the Chair is proposing, doesn't kill the deal, the project; what it does is brings them back to the table to bring them into compliance for the height and the side yards.

Building & Zoning Administrator Dragan replied no, it is for approval of maximum building height of 30 feet, there is no request for front yard variation because they will be in conformance with the code. Side yards would be less; from 15 to 10, rather than 18 to 10.

Commissioner Jackson questioned if it is the same house, same construction, just not having the chimney as part of the house.

Chairman Caslin replied, no the 26 to 33 is being dropped to 30 feet to the ridge line; he is raising the grade also for four feet, which is where the 4 feet comes from.

Commissioner Jackson asked that it is going to be not raised at the foundation, that's where we get the four feet.

Chairman Caslin stated that the house structurally will be 26 feet from the foundation.

Commissioner Jackson added instead of 29.

Chairman Caslin replied right.

Building & Zoning Administration Dragan stated which goes again to the maximum allowable building height because we did not address a variation from that, and side yards were calculated based on the maximum permitted building height.

Commissioner Jackson replied that we are still saying that we have to have a variation for the side yards, just less of a variation.

Chairman Caslin asked if the motion is for the variance to the side yards from 15 to 10 and the height of 30 feet.

Commissioner Walberg stated that her motion was to drop to the 30 feet, not for the side yards.

Commissioner Jackson stated that is what the effect of the dropping is.

Chairman Caslin added that they are not going to change the side yard dimension.

Commissioner Walberg asked so it won't go from 18 to 15.

Chairman Caslin replied yes, it will go but they are still asking for a variance to 10 feet; either way it is still 10 feet no matter what they do with the height.

Chairman Caslin stated that they do not have a motion on the floor.

Commissioner Walberg stated that she is confused.

Building & Zoning Administrator Dragan stated that once again if the Commission does not make the motion this means that their project is failed so they can only build a house with a maximum building height of 25 feet.

Commissioner Ventura asked who started the motion to approve with the change for building height not to exceed 30 feet. Commissioner Donoval started the motion to approve it the way it is and that failed, so now Building & Zoning Administrator Dragan is suggesting the Commission can make another motion so the whole project doesn't fail. So it's a new motion and it is to approve the building height not to exceed 30 feet with the variances on the side yards and Commissioner Walberg started that.

Commissioner Cardenas stated that he also started the motion.

Commissioner Jackson stated that the real language is not the 30 feet it is that they are asking for a variance then from 15 down to 10.

City Attorney Halleran added that the shorter height of the building would lower the side yard requirement.

Commissioner Jackson replied that it is basically the same language of the variation request, it is just a 15 plugged in where the 18 was.

Commissioner Walberg confirmed that the 18 is replaced by the 15.

Chairman Caslin added that it still leaves a 10 foot variation.

Building & Zoning Commissioner Dragan asked if Commissioner Cardenas made the motion.

Chairman Caslin asked Commissioner Cardenas if he wanted to make the motion.

MOTION Commissioner Cardenas moved with the motion to accept the prints to be 10 feet from the neighbor and up to maximum 30 feet to the top of the ridge.

Commissioner Ventura asked what is the benefit of that; it's just that the house is a little shorter, less of a foundation.

Chairman Caslin added that it brings the house down lower into the ground.

Building & Zoning Administrator Dragan asked if someone wants to second the motion to approve a variation for East side yard from 15 feet to 10 feet and West side yard 15 feet to 10 feet.

Chairman Caslin asked if there was a second.

Commissioner Donoval seconded.

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

Ayes: Commissioners Ventura, Cardenas, Donoval  
Nays: Chairman Caslin, Commissioners Jackson, Walberg  
Absent: Commissioner Schneider

Building & Zoning Administrator Dragan noted 3 yes, 3 no.

Chairman Caslin agreed.

Building and Zoning Administrator Dragan stated that The Letter of Recommendation will be placed on the November 14, 2017 City Council meeting agenda. The City Council will make a final decision. The Commission may want to cancel the November 7<sup>th</sup> Planning and Zoning meeting. The next meetings in November will be held on the 15<sup>th</sup> and 21<sup>st</sup>. Packets for the November 15<sup>th</sup> meeting have been distributed. Packets for the November 21<sup>st</sup> meeting will be distributed at the November 15<sup>th</sup> meeting. Prior to the meeting, someone from the City will distribute minutes from tonight's public hearing meeting which will be in your newspaper box.

Commissioner Jackson suggested e-mailing the minutes to the Commissioner for approval.

Building & Zoning Administrator Dragan stated that the Council will discuss this with unapproved minutes, unofficially unapproved minutes, but they will discuss the request on November 14<sup>th</sup> and at that time they will let the Commission know how they feel about the project and they will make a final decision. If they want to approve the project, they will direct the City Attorney to prepare an ordinance for the November 28<sup>th</sup> meeting.

Chairman Caslin asked if there was any other business.

Commissioner Jackson asked if there was a requirement to distribute paper minutes.

Building & Zoning Administrator Dragan replied no, could be electronically, could be paper, the City always wanted paper because some people don't like to check in their computer; it is easier for them to have the paper. If someone has a special requirement, Planning & Zoning Secretary Bossle can e-mail the minutes, if they can just be marked unofficially approved because at the time the minutes will be distributed, they wouldn't be approved since there could be a minor change.

Commissioner Jackson suggested e-mailing the PDF and requesting a call back with any changes and then there is an informal vote that can be presented to the City Council that the Commission has agreed that the minutes are correct.

Building & Zoning Administrator stated that usually done without informing.

Chairman Caslin asked if there was any other business.

MOTION Commissioner Jackson moved and Commissioner Walberg seconded the motion to adjourn the meeting.

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

Chairman Caslin adjourned the meeting at 7:05 P.M.

Respectfully submitted by,



Michelle Bossle  
Building and Zoning / Planning and Zoning Secretary