

Mesaros, Angela

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Sent: Thursday, May 11, 2023 10:59 AM
To: Mesaros, Angela
Subject: Case No. 23-12

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Angela – This case, which will be heard for the third time on May 11, 2023 (previously 4/13 and 4/27/23), has experienced a number of mis-directions, as chronicled, from the materials we have received. I would like to review with you my thoughts about this case and how we should simply resolve the issues and approve it.

April 13, 2023 PZC Meeting

We were told, after much discussion, near the end of the meeting, that a resident, on March 4, 2023 had actually filed a variance request form for a change in zoning from R-1 to R-2 to provide compliance with the R-2 60% impervious coverage to accommodate a parking pad which is now allowed in the updated Zoning Code. Staff, at this point, should have discussed with the resident a change in the variance form from a change in zoning to that of a variance for a parking pad that would exceed the impervious coverage allowance. This would have been a straight-forward accommodation to the resident leaving the administrative policy amendment for another discussion. The idea to co-mingle a resident variance request with an administrative policy amendment only served to confound the case. That decision is, in my opinion, the principal reason this case has been delayed, because it was not clear. This is a mis-direction.

I requested additional background information of the pending applicant because, unlike all other cases, the name of the applicant and the specific address were not identified. Your email to me the next day, with the applicant's address and the administrative steps in preparation of the case were clear. I thanked you for the information which I stated made eminent sense. It would have changed the character of the conversation at the meeting. The lack of communication and transparency was misleading, a mis-direction.

The applicant, in the application information section of the Memorandum was identified as The Village of Homewood. This is another mis-direction. The obvious question is – what happened to the resident as an applicant when it is stated that a resident filed a variance form? We, on the Commission, would naturally conclude when told that a resident had filed a variance request form that the resident paid the usual fee for the processing of a variance which would include an appearance before the PZC. The resident did not appear, apparently, because his variance request had been bundled with the policy administrative amendment.

In a March 28, 2023 email, staff apprised the resident “**if we hit significant opposition, we may** bring it to the Planning & Zoning Commission to consider”.

In your April 14, 2023 email to me the opposite was stated by staff “**If staff did not receive opposition** to the request, we **would** take the rezoning request to the Planning & Zoning Commission.

It appears that either way it would, more than likely, be forwarded to the Planning & Zoning Commission. However, the contradictory staff perception of the same situation is a concern.

April 27, 2023 PZC Meeting

Very little discussion of the case. It was continued to the May 11, 2023 Meeting because two (2) members of the Commission were absent. The resident who we were told had actually filed a variance form did not appear. This is the second meeting the resident has been absent.

The materials of the case included new information since the 4/13/23 memorandum that was bolded. Reference is made to a building permit application that was denied in 2022. Was it a building permit or a variance request? "Staff determined to bring forward this requested **rezoning for all parcels with similar conditions**". This statement is qualified on the next page with "**At this time, Staff does not have other limited areas of parcels flagged for consideration of a rezoning such as those proposed herein**". There are 346 lots out of 882 (39%) in the R-1 Residence District that are non-conforming and 2,630 lots out of 5,505 (48%) in the R-2 Residence District that are non-conforming. These numbers are taken from the Lot Area and Width Appropriateness Analysis prepared by the consultant managing the Zoning Code update. That is a total of 2,976 lots that are non-conforming in the two principal residential zoning districts in the village. The conclusions drawn by the staff on page 38 that are bolded are not practical or effective.

May 11, 2023 PZC Meeting

In the materials for the third meeting to hear this case we are told that the resident "never filed an official application and paid no fee to the village". The obvious question is why were we told in the first two meetings and references made to a resident having filed a variance request form? The change in the narrative is another mis-direction that again speaks to a lack of communication and transparency. I, for one, find this unacceptable. What information can we trust in reviewing and voting on a case. Are we really making an informed decision?

The inclusion of the section – Process to Move Forward - should be a look inward, for the delay as I stated at the beginning of this email, is with the staff.

Solutions to resolving this case and Moving Forward.

First, since we now do not have to consider an application from a resident, the Village becomes the applicant. I would recommend that the Village change this case to an application for a variance for the installation of a parking pad that will exceed the impervious coverage at 17915 Riedle Ct.

Second, I would pause any action on Limited Map Amendment Rezoning to be an agenda item of another meeting for a full discussion of the reason and approach to such action. With the number of non-conforming properties referenced earlier I would recommend that the Commission discuss how this should be done going forward for the benefit of the Village as a whole. No one is interested in wasting the time that this case has taken in a mis-placed sense of righting a wrong to achieve some sense of paperwork consistency. Again, no one would want to be burdened with this experience in the future when the circumstances may seem acceptable to enjoin surrounding properties with a case that has been filed. **There has to be a known plan or approach with a review beforehand so that time and expense are not wasted in processing anything to be heard by the Commission.**

It is a propitious time to review with staff the obvious problems with co-mingling resident applications with administrative applications, providing more communication to ensure a level of transparency that is needed and how to work with a separate body that is the Commission.

I would appreciate your thoughts.