

# MEETING MINUTES



Village of Homewood  
Planning and Zoning Commission  
Thursday, November 10, 2022  
7:00 p.m.

Village Hall Board Room  
2020 Chestnut Road  
Homewood, IL 60430

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**CALL TO ORDER:** Chairman Sierzega called the meeting of the Planning and Zoning Commission to order at 7:02 p.m.

**ROLL CALL:** Members attended: Alfonso, Bransky, Cap, Johnson, O'Brien, Castaneda, and Chairman Sierzega; Present from the Village were Economic and Community Development Director Angela Mesaros, Village Planner Valerie Berstene, and Building Department Secretary Darlene Leonard. There were two people in the audience. The public was able to listen and watch the meeting via zoom webinar.

**APPROVAL OF MINUTES:**

Chairman Sierzega asked if there were any corrections or changes to the minutes of October 13, 2022.

Member O'Brien stated on Page 9 to strike the entire line at the top.

A motion was made by Member O'Brien to approve the minutes of October 13, 2022, as amended; seconded by Member Cap.

**AYES:** Members Alfonso, Bransky, Cap, Castaneda, Johnson, O'Brien, and Chairman Sierzega

**NAYS:** None

**ABSTENTIONS:** NONE

**ABSENT:** None

The commission commenced discussion of the only item of business, the update to the zoning ordinance. Jackie Wells of Houseal Lavigne Associates introduced the topics for discussion on the agenda, to be followed by addressing open items and further questions.

Ms. Wells started the discussion about tree preservation, introducing the question of regulating tree preservation on residential properties and heritage trees.

Member Cap asked if a fee-in-lieu for tree preservation is still being considered. Ms. Wells explained the benefits of a fee-in-lieu to facilitate redevelopment of sites that cannot accommodate tree replacement.

The Commission discussed whether to address a list of open questions, titled "loose ends" prepared by Member O'Brien (attached herein), or to continue with the topics on the agenda. The commission continued with the agenda, agreeing to address the "loose ends" list next.

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Resuming the topic of tree preservation, Ms. Wells stated the November 9 draft does not include a fee-in-lieu option, and asked if tree preservation should be required in all districts in the Village or if there will be different standards for single-family detached and duplexes.

Member Bransky stated it's more important to keep trees in the residential districts, as most neighborhoods are built up with trees already, and try to get more trees planted in the manufacturing areas is important too. He added that the Homewood community is in favor of more green space and the tree preservation requirements support that.

Member Alfonso asked how tree preservation requirements would be enforced. Ms. Wells stated that many communities require permits for tree removal and replacement requirements, or a fee-in-lieu, are common as well.

Member Cap asked if this would only apply if there was a major change of use. Ms. Wells stated that per the November 9 draft, all trees would be subject to tree preservation. Staff Liaison Mesaros clarified that it applies to 12" or greater.

Member Alfonso asked what happens if a tree dies. Staff Liaison Mesaros stated it is only for living, healthy, mature trees.

Members of the commission discussed the merits of including tree preservation in the zoning ordinance, rather than the municipal code. Staff Liaison Mesaros and Ms. Wells affirmed that tree preservation should be within the zoning ordinance.

Member Alfonso asked who decides if the tree is healthy. Staff Liaison Mesaros stated the Village Arborist.

Member Alfonso inquired about that process- having the arborist come to inspect a tree prior to its removal. Ms. Wells suggested that a process can be established to expedite the review through sending photographs with the permit request. Staff Liaison Mesaros confirmed that the Village Arborist would conduct an inspection.

Member Bransky asked if this would lead to many residents coming to the Commission requesting variances in order to remove a tree deemed healthy. Ms. Wells explained that the property owner would provide a plan, with the removal request, that would either replace the tree at the required rate, or pay a fee-in-lieu. The regulation will not prohibit all removal of trees over 12", but will require a plan in place so overall the tree canopy in the Village isn't diminished.

Again, several commissioners asked if this belongs in the zoning ordinance. Ms. Wells assured the commission that many communities include tree preservation in the zoning ordinance.

Chairman Sierzega expressed a concern about spending a lot of time hearing petitions for relief from the regulations. Ms. Wells explained that typically this regulation is reviewed by Staff, not the Commission. Staff Liaison Mesaros affirmed that this would be handled by the building division as a permit, not by the Planning and Zoning Commission.

Member Bransky inquired what new value the proposed regulation brings to the Village. He expressed that it seems like creating new hoops to jump through without a real benefit. Ms. Wells explained that currently there is no tree preservation, so for every tree that is chopped down, there is

no replacement. Based on the proposed standards, for every tree over 12” that is removed, 3-4 new trees must be planted.

Chairman Sierzega again raised the question of being a part of the zoning ordinance. Staff Liaison Mesaros explained that there are many aspects of the zoning ordinance that never come before the Planning and Zoning Commission, just because they are in the zoning ordinance. However, it establishes an enforceable regulation.

For clarity, Ms. Wells read aloud the criteria that allows for tree removal without replacement.

Member Castaneda asked for the definition of “high quality,” whether that means species. Ms. Wells confirmed that it is based on the species and the size. Staff Liaison Mesaros added that the Village has a list of approved trees.

Member Cap summarized that this essentially says the Village owns every tree in the Village. Member Johnson stated that the Village has the right to regulate the trees, but that doesn’t mean it owns them. Similarly, Ms. Wells gave the example that the Village has the right to regulate development on a lot but it doesn’t therefore own that lot.

Member Cap posed a scenario where a homeowner requests to remove one tree to provide more light on the lot, but that the need to replace that tree with 3-4 others could be counter-intuitive to the end goal. He reintroduced the idea of fee-in-lieu payment for this type of situation.

Staff Liaison Mesaros asked for a reminder why the fee-in-lieu was removed. Ms. Wells stated it was removed on recommendation of the Commission because it was a “loop hole” around tree preservation or mitigation plantings.

Member Bransky said that he brought that up previously, thinking that developers will use it as a way to buy out of planting new trees when required. But, he continued, looking at it from a homeowner’s side, it’s a little different.

Member Cap restated his scenario and the challenge of planting replacement trees on a residential lot. Ms. Wells stated that this is where the fee-in-lieu option comes in to play, when planting replacements trees is impractical.

Member Cap stated his support of the fee-in-lieu to facilitate the Village planting trees elsewhere in the Village. He affirmed his support for tree preservation for single family and duplex properties, but with a little more flexibility that the fee-in-lieu affords.

Member Alfonso asked if the fee would be the same amount as buying a tree. Ms. Wells affirmed and stated that it would be part of the Village Fee Schedule.

The commission reached a consensus to require tree preservation for all property types, and allow a fee-in-lieu payment option.

Member Castaneda asked about a timeframe for making the fee-in-lieu payment and the use of those funds for planting trees. Ms. Wells explained the legal requirements for using such funds to plant trees elsewhere in the Village.

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Chairman Sierzega asked if a resident would have to spend a certain amount of money for a tree replacement. Ms. Wells stated the requirement would simply be to plant a tree from the Village's list of approved trees and be the required caliper size.

Ms. Wells guided the discussion to accessory dwelling units and invited commission members to share their concerns.

Member Cap and Member Bransky voiced concerns about property owners building ADUs specifically for short term rentals. Member Cap referenced a change in the housing market in recent years and an increase in a rental market of single family homes. Properties with an accessory dwelling unit could then effectively become two rental units.

Ms. Wells stated it is a requirement that one of the buildings, either the principal dwelling unit or the accessory unit, be owner occupied. Both the principal and accessory dwelling units may not be rented out.

Member Bransky broadened the discussion to include other detached accessory buildings, such as sheds or pool houses. He stated a desire to avoid having a structure that is detached, with full utilities, and can be rented out. He concluded that units such as an in-law suite or a home office should be attached to the house or above the garage. Member Johnson clarified that these regulations are specific to dwelling units, not a home office.

Ms. Wells referenced diagrams of the different forms of accessory dwelling units to illustrate attached and internal versus detached. Member Bransky recommended to stay away from the detached option. Ms. Wells then asked if the option with a dwelling unit attached to the garage is acceptable.

Member Bransky was in favor of the option to build a dwelling unit above the garage, then adding in the possibility of building a home office or "man-cave" above the garage. Member Cap raised concerns about allowing such spaces with full utilities. Village Planner Berstene clarified that the Village Code limits utilities to an accessory building to prevent such scenarios. She clarified that this distinction is what makes the ADU discussion different, as a method to provide more housing option.

Village Planner Berstene then shared with the commission a recount of a conversation had with a resident who called specifically asking about the code updates around ADUs as she is looking to build a unit to house her mother. Ms. Berstene shared that the resident expressed a desire to stay in Homewood with her multi-generational family, but that building an ADU may be the only way to do that, due to the size of many houses in the community. Ms. Berstene used this example to illustrate one community member who does not have a garage on their property at all and was interested in building a detached accessory dwelling unit.

Member Johnson stated that is what he would like. Otherwise they will see many people coming for variances, due to their unique circumstances, looking for a way to build an ADU that works for them.

Member Bransky stated that once you are allowed to build a structure with full utilities, then you get into the area of people building little rental units in their yards. Ms. Wells offered that the ordinance can include a restriction to prohibit ADUs from use as short-term rentals, and highlighted that the

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requirement to have the property owner occupy one dwelling unit on the property will help prevent an over-abundance of rental ADUs while also ensuring a higher level of property maintenance due to the owner occupancy.

Ms. Wells shared reports from other Chicagoland communities that have recently adopted ADU regulations where building permits have ranged from as few as none to as many as 20.

Member Johnson directed the conversation to review that the dimensions within the proposed regulations are satisfactory.

Member Castaneda stated that 220 sf- the minimum requirement- was roughly the size of her first apartment. She continued that she concurs with Staff that, in Homewood, most ADU would be built for inter-generational living for aging parents. She added that she wouldn't want a stranger living in her backyard.

Staff Liaison Mesaros added that the reverse is true too- when you have adult children living at home you want them to have their own space. She shared that when she was looking at houses she saw several with existing ADU structures that were unoccupied. This led to the question: what happens when you have no one to live in it- does it just sit there?

Member O'Brien stated by putting an ADU on a lot, estimate it would cost \$75,000-\$150,000 the median is \$113,000, and the median cost of a house in Homewood is \$250,000. The down payment can be a burden by adding an additional \$113,000 to the cost of the house. If something happens to the individual and the building becomes vacant, that is a concern because it is a deterrent for someone looking for a home in Homewood. Member O'Brien referenced the challenges facing Millennials as first-time home-buyers.

Member O'Brien stated that an ADU of 936 sf is larger than the footprint of his previous home in Homewood. Ms. Wells clarified that the ordinance would limit the size to no more than 25% of the principal dwelling.

Ms. Wells went on to acknowledge that an ADU will not be on every prospective homeowner's wish list, equating it to a house with a pool- some people want it, some do not- and that may impact which house they decide to buy. Additionally, Ms. Wells shared anecdotes of Millennial first-time homebuyers who were able to purchase a home due to having a rental unit on the property.

Member Johnson summarized that if the concern for the community is not wanting an excessive number of ADUs, then what are the restrictions? Are the proposed restrictions adequate enough? He summarized that the sentiment from the Commission seems to be some wariness towards ADUs, but the restrictions address that.

Member Castaneda stated that she is firmly in favor of ADUs. She continued that the undertaking to build a unit is expensive; this will control the pace of new construction.

Member Cap asked if there is any idea how many there currently are in Homewood. Staff Liaison Mesaros stated she had the same question, but could not find a number.

Member Cap stated that there are many houses in the Village that have an existing ADU structure. Ms. Wells added that these are not legally allowed to be occupied. Member Cap continued to ask if

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the Village has an idea of how many ADU currently exist. Staff responded that there is not a known number. Member Johnson stated that there is nothing to be done about them anyways.

Member Cap noted that many of these existing structures would come become legally conforming under the new ordinance. Ms. Wells added that they would need to comply with the regulations and many may not.

Member Cap stated that he finds the ADU to be good idea for inter-generational living, and probably also a good idea for a hybrid home rental market as well. He expressed a desire to keep track of the rental units. Staff Liaison Mesaros stated they would be able to track the new ones, but not the existing ones.

Member Johnson asked what the course of action would be if the number of ADUs is determined to be excessive. Staff Liaison Mesaros stated the action would be to amend the code.

Chairman Sierzega asked if this allows someone to rent out a pool house. Ms. Wells replied that it would need to meet all the standards of the ordinance and the building code to be rented as an ADU.

Ms. Wells explained that the constraints of lots and the cost of complying with codes is a factor that limits explosive growth of ADUs. Allowing accessory dwellings as a housing option provides a pathway for families who are interested, but many lots may not be large enough or the construction may be cost prohibitive.

Members Alfonso, Bransky, Cap and Chairman Sierzega affirmed their support of the regulations as proposed.

Member O'Brien referenced a lot non-conformity analysis completed by the consultant earlier in the zoning update process and inquired if the lots identified as potential for subdivision in that analysis are the only lots where an ADU might be feasible. This study provided a statistical glimpse of lots that may accommodate an ADU, a sum of 73 lots. He inquired if this means there are only 73 opportunities for a subdivision in the entire Village. Ms. Wells stated that it is not a direct relation between the lot non-conformity analysis and the lots that may potentially accommodate an ADU.

Member O'Brien shared his path of reasoning to try an estimate a potential number of ADU in the entire Village. Ms. Wells stated that there is not a known, firm number but that it wouldn't be very high.

Member Bransky stated most lots are too small to accommodate them.

Member O'Brien asked for clarity on the dimensions governing an attached dwelling unit. Village Planner Berstene stated that the attached dwelling unit must comply with the bulk and mass regulations of the property. Ms. Wells clarified that the attached ADU must meet all of the criteria for the principal structure on the property.

Member O'Brien inquired why an attached dwelling unit is required to have an entrance from the side or rear. Ms. Wells stated the entrance would be on the side or the rear so the appearance of it from the sidewalk or street still looks like a single family home. She further clarified that a detached ADU shall be located in the rear of the principal building, but the entrance may face the street.



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Member Johnson summarized that the commission is in consensus to move forward with the proposed language.

Ms. Wells guided the discussion to short-term rentals. She asked if the commission wants to include the draft regulations in the ordinance going to the Village Board or postpone including this section while waiting for policy direction from the Board. She summarized that the section was eliminated from the current draft to allow for further discussion.

Member O'Brien stated that it is premature to include because it has been referred to the Village Attorney for guidance on what the Village can and cannot do. Staff Liaison Mesaros stated he has been waiting on direction from the Planning and Zoning Commission.

Member Bransky stated we should get boundaries or parameters from the Village Attorney before making any decisions.

Ms. Wells restated that the commission's position is to postpone further discussion on short-term rentals until hearing back from the Village Attorney.

Member Johnson asked what is being asked of the attorney. Staff Liaison Mesaros stated that she has received questions from several member that can be compiled and sent to the Village Attorney. Member Johnson recommended to keep the ask broad – what can and can't the Village do.

Member O'Brien raised the issue of manufacturer homes; he inquired if an owner of a manufactured home could rent out one of the bedrooms within the dwelling unit. Member Johnson replied asking how it is different from renting out a bedroom in a house. Member Bransky pointed out that that may be restricted by the rules of the manufactured home park.

Member O'Brien added context, saying that the construction of the new casino will make Homewood a destination, and that the existing manufactured home park will be within walking distance of the casino.

The commission members agreed to table further discussion on the topic for a future date, with input from the Village Attorney.

Staff Liaison Mesaros identified the need to have manufactured homes included as a use in the new ordinance.

Member O'Brien noted that 25 other uses were removed from the definitions. Ms. Wells explained that those specific uses were covered by the generic uses categories that can be more broad and accommodate new uses evolving over time. Members Bransky and Johnson asserted that this is good for the flexibility it provides.

Ms. Wells restated that the commission would pause on short-term rentals.

Member Cap asked if there was an anticipated timeframe to hear back from the Village Attorney and if the Village is at-risk in the interim. Staff Liaison Mesaros stated that she had a conversation with the attorney about it and he does not feel a sense of urgency on the matter at this point. It was pointed out that there are existing short-term rentals operations that are generally unknown. Village

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Planner Berstene recounted a phone conversation with a property owner in the Village who rents a single family home as a conventional rental but is interested in using it for short-term rentals, and is amenable to a licensing process because it lends validity to his operation.

Ms. Wells then guided the discussion to the list of open questions compiled by Member O'Brien. The numbered questions, concerns, and requests are summarized below with the consultant's response or ensuing discussion.

1. Can the property owner be required to attend a meeting for a zoning change?

Ms. Wells said that Staff will inquire of the Village Attorney if the Village can require a property owner to attend a meeting. Member O'Brien read aloud minutes from a previous meeting wherein Attorney Cummings stated that the Commission has the right to continue a meeting to get answers to questions that only a property owner can answer. Member O'Brien asked what can be done administratively to avoid continuing a meeting to get the necessary answers from a property owner. Ms. Wells suggested that this be addressed during the Staff review process and that Staff advise applicants when the attendance of the property owner will help to avoid delaying the determination. Chairman Sierzega added that it is in the best interest of the applicant to have the property owner attend to complete the entitlements as soon as possible. Member Bransky added that they could attend by Zoom. Member Cap identified that this has only been a problem when the property owner elects not to attend. Member Johnson added that there's not an excuse for not showing up when there is a Zoom option.

2. What are the impacts of state eliminating exclusionary single family zoning?

Ms. Wells provided that currently Illinois is not considering eliminating single family zoning as other states have done.

3. Please provide a document comparing the structure of the existing ordinance to the new ordinance.

Commission members determined this request is moot. Ms. Wells affirmed that the changes are too broad to do a 1:1 comparison. Member O'Brien added that the redlines provide a good reference.

4. Which uses are limited uses?

Ms. Wells provided that the limited uses are established in the Use Table, Section 44-03-04, designated with an "L." Staff Liaison Mesaros stated that the Limited Use will be an administrative review.

Member O'Brien inquired where to find the use type under the new code for the medical pedicure salon most recently heard by the Commission. He asserted that the Commission should retain a level of control and oversight for such uses; they should not be permitted. Staff stated that the Personal Services use less than 2,500 sf would be a Limited Use in B-3. Member O'Brien called for a change to give the commission oversight of all personal services above the ground floor to a Special Use. Member Bransky summarized the intent of the proposed changes to prioritize retail on the ground floor, thereby moving the Personal Services to upper floors in the downtown districts. Member O'Brien asserted that all Personal Services should be a special



use. He continued that all members of the commission have discussed the proliferation of uses and they need to retain oversight of that. Member Bransky clarified that salons are included with Personal Services and added that everyone- including members of the public- are in favor of asserting a certain measure of control.

Ms. Wells suggested breaking out salons and spas as a use separate from other personal services. Member Johnson noted that the specific category of salon/spa establishment was removed because it was problematic. Village Planner Berstene added that the classification has been confusing to applicants and members of the public as well. Member Bransky agreed with Member O'Brien that if salon and spa are not broken out to a separate category, then all Personal Services should be a special use.

Ms. Wells summarized that Personal Services Above the Ground Floor will become a Special Use in B-1 and B-2. The commissioners indicated that all Personal Services should be a Special Use in all districts. Ms. Wells provided that Personal Services is a broad category, encompassing many uses, and that by requiring all businesses to obtain a special use permit it may have a negative impact on the business community in the Village. Member Johnson said we do not want that.

The commission discussed a review of what is included in Personal Services. Member Bransky then stated that if salon and spa is called out as a separate line item, as was done with massage therapy, the requirement for a special use is more defensible than being grouped together with personal services. He stated that he advocates for breaking out those uses separately.

Staff Liaison Mesaros clarified that the difference between a salon and spa or personal service such as a shoe repair is the amount of time spent at the location. Member Bransky added that the big reason for breaking out salon and spa is that the parking requirements are especially heavy compared to other personal services. Ms. Wells identified the list of uses that would be a part of the salon and spas use, including barbershop, hair salon, nail salon, and other beauty services.

The commission reached a consensus to break out the salon and spa use separately from other personal services, making it a special use in all business districts, and requiring a higher parking standard than for other personal services.

5. Request for additional information related to personal service and professional office uses.

Discussed, as noted above.

6. Request for further discussion around driveway standards.

Ms. Wells gave an overview of ribbon driveways, stating that they are allowed as a choice by homeowners, but are not a requirement.

7. Request to continue to allow chain link fencing as a cost-effective option for residents.

This is addressed in the draft – chain link will be allowed.

8. Request to further address subletting of office space.

The new ordinance will require a Zoning Compliance Permit and Certificate of Occupancy. Ms. Wells clarified the aspects of internal demising walls that fall under building code compliance, rather than zoning ordinance.

9. Clarify the definition of “height.”

The definition was revised to “building height” to clarify what is measured.

10. Change the side yard setback from 5’ to 3’.

The 5’ setback is in coordination with building code requirements for a 10’ separation between buildings – 5’ on each property provides a total of 10’. If buildings are closer than this, a 1-hour rated fire wall must be provided. Member Cap asked how this impacts existing non-conforming developments. Village Planner Berstene explained that the non-conformities section provides regulations for those circumstances.

11. Review the nuances of a fire escape.

Ms. Wells explained the changes to the permitted encroachments table where fire escapes are defined as open to differentiate from an enclosed stair.

12. Provide a graphic for ADUs.

This is provided in the current draft.

13. Review a loophole for off-site tree replacement for tree preservation.

Discussed earlier in this meeting.

14. Provide more information on deed-restricted affordable housing.

Ms. Wells stated that the affordable housing provision of the planned development was removed from the draft, so it is no longer relevant.

15. Clarify the administrative review process.

Member O’Brien clarified the question by referencing the former section on Authority included in Article 1 and a series of changes to that section. Ms. Wells stated 44-01-03 sets the authority where the Planning & Zoning Commission has the authority.

stated it was taken out of the latest revision because it was redundant to have the authority of interpretation in Article 1 when the explicit actions under the authority of the Planning and Zoning Commission are provided in Article 7.

The commission came to a consensus to retain the broad language in Article 1 establishing the authority of the commission.

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Motion was made by Member Johnson to continue the hearing for the Comprehensive Zoning Text and Map Amendments to the meeting on December 8, 2022; seconded by Member Cap.

AYES: Members Alfonso, Bransky, Cap, Castaneda, Johnson, O'Brien, and Chairman Sierzega.

NAYS: None

ABSTENTIONS: None

ABSENT: None

Respectfully submitted,

Angela M. Mesaros  
Staff Liaison