

**MINUTES OF THE PLANNING & ZONING COMMISSION
VILLAGE OF ADDISON
WEDNESDAY, SEPTEMBER 14, 2022**

The Planning & Zoning Commission meeting of the September 14, 2022 meeting was called to order at 7:00 p.m. by Chair Fotopoulos.

Present: Ariano, Cargill, Fotopoulos, Medina, Schmitt, Turk

Absent: McComb

Also Present: Jennifer Henaghan and Mike Crandall, Village of Addison and Village Attorney Dave Freeman

PUBLIC HEARING

I. CALL TO ORDER – ROLL CALL

Chair Fotopoulos called the meeting to order at 7:00 p.m. Chair Fotopoulos introduced our new Planning and Zoning Commission Member Daniel Medina. Mr. Medina is a resident of Addison with children in the Addison School District and also works for the Addison Fire Department as a Fire Inspector. Welcome to Dan!

**II. CONSIDERATION TO APPROVE THE MINUTES OF THE AUGUST 10, 2022
P&Z COMMISSION MEETING**

Mr. Cargill made a motion to approve the minutes of the August 10, 2022 meeting, seconded by Mr. Schmitt. Chair Fotopoulos asked if there was any discussion. There was none. Roll call was taken.

Motion passed unanimously.

III. PUBLIC HEARINGS AND RECOMMENDATIONS

1. File #PZ-22-14, consideration of approval of variations to allow a building addition and a fence to encroach within the front yard setback within the R2 Single Family Residence District. The property is located at 926 W. Stonehedge Drive, Addison, IL 60101.

P.I.N.: 03-29-115-003

Petitioner: Jency Elakkatt

This file was advertised in the August 30, 2022 issue of the Daily Herald Newspaper.

Mr. Schmitt made a motion to open File #PZ-22-14, seconded by Mr. Turk. Roll call was taken.

Motion passed unanimously.

Jennifer Henaghan, Village of Addison stated the petitioner is proposing a 10-foot by 10-foot addition within the front yard on the property. It would entirely be within the required 30 foot front yard and they are also proposing a 4 foot high wrought iron style fence that would be setback 5 feet from the property line which also requires a variation. In

the past, the Planning and Zoning Commission has not generally voted favorably on requests to encroach within the front yard unless those encroachments are fairly minor in nature. In this case the proposed addition would be entirely within the front yard. Looking at their plat of survey it appears that it may be possible for that addition to be placed at the southwest corner of the home which would only need a 5 foot rear yard setback variation which is more in line with what the Commission has approved in the past.

The stated hardship is of a personal nature and not related to the particular physical surroundings, shape or topographical conditions of the property involved as required by the standards for variations set forth in the Zoning Ordinance. There are also no unusual conditions related to the property as it is a fairly typical corner lot. The conditions upon which the variation is based are applicable generally to other properties within the R2 District, so granting the requested variations would set a precedence to allow fences and building additions on any corner property within the R2 District. For these reasons, Staff finds that the proposed variation does not comply with the standard set forth in the Zoning Ordinance and therefore Staff recommends denial of the requested variations.

The petitioner Jency Elakkatt and Sajju Elakkatt were both present and sworn in.

Ms. Elakkatt stated that she is a resident of Addison for eighteen years and is her first variance that she is applying for. Ms. Elakkatt said this is of a personal nature. I have been Vitamin D deficient for decades and have documented it for the last ten years. I have been treated for it using supplements, but it is working very minimally and have noticed over the last ten years is that in the summer time the deficiency is definitely a lot better than in the fall and winter. The only difference is that I get more sun in the summer time. For two decades I never was braved enough to bring this in front of anyone but in 2021 when the Village got health prize winner for the RWJF Cultural of Help, I thought maybe there is hope because this is completely related to health. I understand my request is unprecedented but it is for health reasons and I'm requesting the policy makers to consider this request and what changes can benefit the citizens of the Village.

Ms. Elakkatt stated she understands the zoning blanket rules are made for aesthetic and safety reasons and I'm all for that but if safety is not an issue with my particular project then I would be very happy if the Board would consider to change the prior set rules because if we just stick to the esthetics then we are basically saying that the aesthetics of the place is more important than a citizen help and I really hope that the Board can consider my request. One of the things that was mentioned that it is in front yard. We actually have two front yards because it was a corner lot. The front yard of the house is the front yard and I am not requesting anything there. I am requesting more on the side of the house. The sunroom will be built on the side of the house and not in the front of the house where the address is. There is only one other house right behind ours that this applies to. There is only two houses that have this kind of a frontage to the Stonehedge Drive. It is not a typical front yard. It was mentioned that I can apply for a variance in the backyard or the rear yard but the way our house is built I don't get any morning sun there because that would be on the west side and its completely in shadows, so the only option she has is to build on the side yard. We did have engineers come and take a look at building a sunroom in the backyard and they said it wasn't structurally possible because of the way their windows are, so we cannot build it in the backyard anyways.

Mr. Sajju Elakkatt, the petitioner stated that this is a health issue which she has been battling this Vitamin D deficiency for a while and we have been told that getting a lot of sun is going to help. We have looked at several ways on how to do this. Over the past few years, we have had many contractors come in and have looked at putting things in the backyard. They sketched things out and took it back to their engineering people and said because of the way the windows are and the shape of house it is not possible to do that. We decided to give up on that but thought how about the side of the house. The way the house is right now, the side of the house is just a brick wall. There are no windows nor any features. So adding this would actually add some character and look better to the people across the street looking to our side of the house. It is not a typical front yard and I know legally it is characterized as a front yard but it really is a side yard. When you look at the subdivision, we are on the island of the subdivision and there is only one other house there. When you look at it, it doesn't look like a typical front yard when you are driving down the street. There is no front yard to that side of the street that we are located. It is just a side yard, and adding this will actually make the place look better. We have spoken with our neighbors and they are in favor of this and thinks it would be great.

Chair Fotopoulos asked if the Plan Commission had any questions.

Mr. Cargill asked what the purpose of the fence is, what medical value that fence has. Mr. Elakkatt said it is not a medical value, it's just when we have that addition there to give it a little kind of a setback and privacy. It wouldn't look like a fence, there are some bushes and it would be behind the bushes. Mr. Cargill said what is the need for it? Ms. Elakkatt said privacy because it is going to be completely a glass wall. In the winter, if they get a change to put that fence, she could put artificial greenery on it so this way people can't see right into the room because it will be all glass. Chair Fotopoulos said your last medical report was from 2021, do you have a current one? Ms. Elakkatt said when she sent in this application she was still waiting for her Vitamin D results from this last month and did receive it. It went up to 45 which is within the normal range because of this summer she got a lot of sun. This has been the trend, were in the summer time her Vitamin D goes up and then come fall and winter it just drops off. It is very difficult like for four to five months of the winter to function. Chair Fotopoulos asked did the doctor suggest any other methods of increasing your Vitamin D. Ms. Elakkatt said they only prescribed it to her for eight weeks because anything beyond that could be toxic. After eight weeks they drop her down to 5,000 units every day. Chair Fotopoulos asked if they talked about diet. Ms. Elakkatt said yes partly because I don't eat a lot of meat substances maybe is related to my Vitamin D deficiency. Chair Fotopoulos said the research she has done has everything from orange juice to salmon would increase your Vitamin D. Ms. Elakkatt said one of the suggestions her doctor said was to get on anti-depressants and I totally do not believe in that. Chair Fotopoulos asked why you can't use the front windows. Ms. Elakkatt said the windows are different. Chair Fotopoulos said that she reads studies and one of the studies read is can you get Vitamin D from the shade, and it said shade seems counter intuitive and you can still get a daily dose of Vitamin D without being in direct sunlight. When you sit in the shade your skin is exposed to scattered UV rays and that helps. Chair Fotopoulos said you are currently at 45. Ms. Elakkatt said if she currently takes the measurement again in December or January it is going to be down to 30. Chair Fotopoulos said the normal range for the dormant years is 30 to 100. Mr. Medina said that you had architects come out and they said it was structurally sound, are you looking to create an opening so that there is access from within the home to the structure. Ms. Elakkatt said yes. Mr. Medina said if this structure was to be considered on the southwest corner of the home as the Community Development and Staff has recommended, would an external access to that structure still meet the structurally sound ability. Ms. Elakkatt said if we do build it there, yes we can access it from the inside of the house just like we would on the side yard but it is on the west side of the house. During the morning time there is no sunlight that comes to that part of the house at all. Mr. Cargill said you are not going to spend the whole day there. Ms. Elakkatt said no and that research shows that only about 15 to 20 minutes, 3 to 4 times a week is what is necessary. Mr. Cargill said it could be afternoon or morning or midday. Ms. Elakkatt said that research says that the angle the light comes in the mornings is the best to create Vitamin D because of the rays. Mr. Elakkatt said it just wasn't about the time of day it was also the way the windows are in the back. There is a cut out and just windows and because of all those reasons they couldn't put it there. It just wasn't feasible for those companies to put a sunroof there because of the way of the windows are. Mr. Medina said it is a three sided with a roof. Mr. Elakkatt said yes and that they are planning on building on the south side of the house which is the side of his house and it would be three sides with a roof, but the three sides with a roof on the back of the house because of the shape of the back of the house and where the windows and well are they couldn't do it there. Chair Fotopoulos said the front of your house is the east, so couldn't just sitting in a front window for 15 or 20 minutes do the same purpose. Ms. Elakkatt said the windows that they have, it does allow you the UVAB light. The sun room that we are proposing will actually allow UV light to come in. Chair Fotopoulos said you said the wall is brick. Ms. Elakkatt said it is brick to the top of the first floor and then it's siding on top. Chair Fotopoulos said well then how do you enter the sunroom then, you would have to put a hole in the brick. Ms. Elakkatt said yes we would have to put a hole in the living room to access the sunroom. Mr. Cargill said on that 13 foot plus space between the corner of the house and the off set back towards the patio, there are windows there now? Ms. Elakkatt said yes. Mr. Cargill said is that the reason why they couldn't attach the sunroom there and put a door to the house. Ms. Elakkatt said there is one window in that 13 foot space and then there is a little cut out that comes out and that is the family room and that has a 2-story window that goes all the way up and that is the window that is a problem. Mr. Cargill said our concern is that it sets a precedent and changes our zoning rules. If we allow you to do this we are allowing anybody who wants to do it anywhere in the city can come up with a medical need and they can build out from what is now the law. I am very concerned that if we allow you to go this far forward into the side yard and then to put this new fence within 5 foot of the property line, I feel that it is going to set some really terrible precedents. Mr. Elakkatt said would you consider maybe separating the fence from the sunroom if it is all or nothing. Mr. Cargill said I don't know if it is all or nothing. I object to both of them. Mr. Cargill said the windows that face east, you can change those and that would be the easiest and possible thing. Mr. Turk said you went to a lot of trouble to design all this and submitted this to the Village and you were told that

this violates any ordinance, is that right? Ms. Elakkatt said that is the only reason why I am applying for a variance because when I approached the Village they said that just based on the Village's discretion they wouldn't allow it. Mr. Turk said to Ms. Henaghan the issue is where it's located? Ms. Henaghan said correct. Mr. Turk said they obviously conveyed that to you. Ms. Elakkatt said they did and they also said that even if they said no the Commission has the authority. Mr. Turk said you can always appeal. Mr. Elakkatt said a variance is something different from what the Ordinance would say and so that is what this committee is about and that is why we are here.

Chair Fotopoulos asked if the audience had any questions. There were none.

Chair Fotopoulos asked for positive and negative testimony.

POSITIVE TESTIMONY:

Linda Lullo, resident stated that she understands the situation but does believe there situation being that it is two houses and the side of the houses are the only thing facing the road. It is not like you are going to see this protrusion and you come up the road. These homeowners take very good care of their house and her purpose for needing the sun is very authentic and genuine. On a personal level and on behalf of our Homeowners Association we back it, support it and approve it.

NEGATIVE TESTIMONY:

None

Chair Fotopoulos said the way the petitioner has it, change it be separated between taking away the fence and the solarium, or does it have to be resubmitted. Ms. Henaghan said the Commission can vote on the variations in whatever matter they seem fit. You can vote on then separately if you wish.

Mr. Mike Crandall said he has looked at this file and it was brought up to possibly to change the windows and changing some of the windows could affect the appearance of the building. You might consider changing the glazing where you are not really changing the windows itself but just the glazing for those areas. Has this been looked at and have you also submitted a structural report from your structural engineer who you said looked at this. Mr. Elakkatt said we haven't looked at the glazing in part of because the way the windows are there is not a lot. There is a small amount of time where the sun comes in and when it moves you get the shadows again. As far as the structural, over the years we have had contractors come in and look and draw things out, but we don't have anything more from that and we just know that it has been done.

Village Attorney Freeman asked Ms. Henaghan or Mr. Crandall if there were any other reasonable accommodations that can be made with regard to this plan that would reasonably resolve the petitioner's request. I know one of the suggestions Jennifer that you had in your report is that the addition could be placed at the southwest corner of the home and only require a 5 foot rear yard setback variation. If that was done and was the request, would Staff have approved of that requested variations. Ms. Henaghan said she would say yes. Attorney Freeman said is there some other suggested place or places that this type of solarium could be constructed that would also meet with Staff's approval at least. Ms. Henaghan said functionally due to the way that the property is laid out, the only buildable area really is within the rear yard on the west side of the house. Attorney Freeman said which is the location that the petitioner said wouldn't work because of the lack of sun, is that correct? Ms. Henaghan said correct. Mr. Crandall said and the structural requirements that they had mentioned to but their contractor which is why I would like to see some report. The house is really not unique, it's similar to a lot of homes that are in Addison. We see additions going off to the back of these types of homes including greenhouses, etc. Mr. Elakkatt said there is hardly any straight surface at all the way it is built.

Attorney Freeman said he had a few follow up questions regarding you and your wife's testimony. Are you saying that contractors can't put this solarium in a different location or they just won't do it due to costs or aesthetics? There is a difference between they can't do it and you don't want to do it. Are you saying they can't or don't want to? Mr. Elakkatt said the last contractor that they had, the sales person that came out drew it all up and then sent it to his engineering team and they looked at it and they came back and said they can't do it. It wasn't they won't do it given

the way it is and is not possible to do. Attorney Freeman said did they tell you why it wasn't possible, because my experience almost anything is possible. Mr. Elakkatt said yes and asked what if you do it this way, it came down to something by the windows. Mr. Cargill said the two-story high windows, are those in that 5 foot short section. Mr. Elakkatt said yes. Mr. Cargill said what about the 13 foot section, why couldn't they penetrate there. Mr. Elakkatt showed him the plan. Mr. Cargill said it is on both sides of that corner. Mr. Elakkatt said yes.

Attorney Freeman said a follow up a testimony from your wife is that my recollection is that you had indicated that you need to be in the sunlight for 15 to 20 minutes a day, three days a week, is that correct? Ms. Elakkatt said 3 to 4 days a week. Attorney Freeman said one of the reasons that you couldn't use your front window is because one of the windows doesn't allow UV light through, is that correct? Ms. Elakkatt said yes currently that is what it is. Attorney Freeman said so instead of building this solarium which I'm sure would be very nice but also very expensive, why can't you just replace the front window with an old-style window that would allow the UV light through which would allow you to sit in your front room and get the sunlight that you need since you only need to sit there 15 to 20 minutes a day, 3 to 4 days a week. Is that a possibility? Mr. Elakkatt said we had someone come out to look at that as well. We looked at maybe putting a bay window in the living room which is on the east side and there was some problem with that as well.

Mr. Schmitt said I disagree with the whole idea that you can't do it in the back and I see that it is going to disrupt some of the windows but it is perfectly doable. There is no reason why you can't do it and you even have 3 - 31/2 feet that you can project it out from the face of the building where it can come forward. You can even do a bay window out that back window that could come out 2 1/2 feet and have glass in the ceiling and create a space that you can sit in it. I just don't think other than your desire to have it, I see other solutions that I think would work.

Mr. Anthony Navigato, President of Stonehedge Homeowners Association was sworn in. Mr. Navigato said he is the President of the association and that he has listened to the Elakkatt's and looked over the plans and I had some apprehension at the beginning based on the materials that were going to be used. After they presented it I agreed that it was a good decision. Some of the options that the Board has presented, I highly disagree with. I am also a window contractor. I do believe that the Village of Addison has a requirement for u-value ratings for windows that are installed in this Village, and I do believe that is .26. If they change the glazing on the windows, which is an option it would highly decrease the energy efficiency of the large windows that you also presented that they change in the front of the house which I don't believe professionally is a good idea. If there are other options for them that the Board would require or consider I think those should be discussed. Changing the windows and reducing someone's energy efficiency in their house is a not a good idea at this time.

Mr. Medina made a motion to close the public hearing, seconded by Mr. Schmitt. Roll call was taken.

Motion carried.

Consideration of File #PZ-22-14 as described above.

Mr. Schmitt made a motion to deny the variation as requested for the fence and addition on the side yard for PZ-22-14, seconded by Mr. Cargill. Chair Fotopoulos asked if there was any discussion.

Mr. Schmitt commented on that you mentioned that this is a -very unique condition. When you look at the Village, there are lots at the end of every block that are corner lots and the impact on making a decision from our side is significant. It's not that unique of a condition, it happens all over the place. I just think if we allow it, we just are setting a precedent that is just too much. Everyone would love to have a solarium on the side of their house and I think it's too much of a variation and would set too much of a precedent.

Attorney Freeman commented as Staff pointed out in their Staff memo, the stated hardship is of a personal nature and not related to the particular physical surroundings, shape or topographical conditions of the specific property involved. Typically when we get a variation, it deals with the property not with a personal condition. We are supposed to be looking at a variation that deals with the property. In light of the personal condition, I think the members of this Board asked a lot of good questions about other accommodations, other possibilities that might work for this particular petitioner, and there may be other things that they can do, whether or not they want to do them or

are more expensive. When we look at this variations, the variations according to our code are supposed to be tied to the land not to a personal need. In this case, you asked questions about what we can do to accommodate that personal need, but the actual request under the Zoning Code should be tied to the property and I want to make sure that you understand that.

Mr. Cargill said this is for your health and your welfare but you can move out next year, and if you did move out someone else would have that house and that variation would still be there. What he is saying in another way, it's not about you, we are not trying to hurt you or doing anything like that, we are trying to protect the Village and if you moved out, that variation would still be there and anybody on a corner lot could say look, you let that happen and why did you let that happen. We would look bad and we have to protect the Village universally.

Attorney Freeman said Mr. Cargill is just stating his position with regard to this matter and just discussing it. I don't know he is going to vote on it because the vote hasn't been called, but this an opportunity for the Board members to discuss this amongst themselves.

Chair Fotopoulos said nothing of this nature has ever come to us like this, and our Village Attorney is absolutely right, we have to talk about property, unfortunately that is what we have to deal with right now.

Roll call was taken. **Motion to deny was passed unanimously.**

IV. AUDIENCE PARTICIPATION – None

Mina Bizzios, resident of Stonehedge, said she has the same problem but feels it is a good idea because they have a big lot on the side.

V. OTHER BUSINESS AT THE DISCRETION OF THE CHAIRMAN –

Chair Fotopoulos thanked Mr. Schmitt for chairing last month's meeting.

VI. ADJOURNMENT

Mr. Medina made a motion to adjourn the meeting at 8:15 p.m., seconded by Mr. Cargill.

Motion passed unanimously.

Respectfully submitted,


Georgianne Jakubowski