

MINUTES OF A SPECIAL MEETING OF THE BUILDING, PLANNING AND ZONING  
COMMITTEE OF THE VILLAGE BOARD OF THE VILLAGE OF KENILWORTH HELD AT THE  
VILLAGE HALL, 419 RICHMOND ROAD AT 7:30 P.M. ON  
TUESDAY, APRIL 13, 2006

Chairman Bossu called the meeting to order at 7:30 p.m. Attendance was as follows:

Present:	Jackie Bossu	Chairman
	Robert Smietana	Member
	Craig Miller	Member
Other Village Officials Present:	Max Slankard	Village Manager
	Cristy Laier	Village Trustee
	Susan Criezis	Director of Community Dev.
Others Present:	Kathy Barnett	626 Wayland Avenue
	Bill Holland	342 Sterling Road
	Tom Terrill	122 Woodstock Avenue
	John Houseal	Houseal Lavigne Associates

The minutes of the March 20, 2006 Building, Planning and Zoning Committee were presented to the Committee for approval. Trustee Miller made a motion to approve the amended minutes. Trustee Smietana seconded the motion which was unanimously carried 3-0.

Chairman Bossu reviewed the agenda items and introduced John Houseal. The primary purpose of the meeting was to focus on subdivision and consolidation of lots. Mr. Houseal noted that it was impossible to write something that covers everything. He referred to his memorandum to the Committee dated April 6, 2006.

The first issue was lot width. Mr. Houseal reviewed his recommendation to establish minimum and maximum lot widths. He noted that we are not trying to create non-conformities. We are trying to ensure that future subdivisions are compatible. He stated that this could be covered in the zoning ordinance or the subdivision section of the Village Code, and his preference was to keep it in subdivisions. He summarized the issues with lot widths, and whether there should be minimum and maximum widths. He said this was intended to address the situation of the creation of two houses where there used to be one; and also possibly the purchase and demolition of houses on next door lots. The question is if there is a desire to stop the creation of larger lots.

He noted that R-1 has a minimum lot width of 70 feet, although in reviewing Sidwell maps of lot widths in R-1, he is unsure why that figure was set. He felt that new lots moving forward should have a minimum width of 100 feet, with a maximum width of 150 feet. He noted that the 150 foot limit would not remove the possibility that one could raze the home next door and create a larger lot. It would, though, likely require participation of the property owner on the other side of the razed home to acquire half of the lot. Trustee Smietana noted that when the discussion started, this was intended to indirectly limit the size of homes. Mr. Houseal said you should start with limiting lots; then, the Committee may need to look at capping floor area. He noted that with a cap, if someone had a larger lot, they could go for a variance. He added that if the Committee did not enact lot controls, it should look at a floor area cap.

Trustee Smietana asked Mr. Houseal's opinion on whether the razing of homes and creation of green space should be permitted, noting the arguments to be made on both sides of the issue. Mr. Houseal replied that the Committee would need to make a policy decision on that. Chairman Bossu said she felt

the Committee needed to start with the protection of the existing character of neighborhoods, and asked if it was better to determine minimum and maximum lot widths. Mr. Houseal felt, in a neighborhood as established as this, the character is what attracts people to move here, but protection of that character must be balanced with property rights. Chairman Bossu observed the trend towards building to the maximum and wondered, without any further controls, if we would be encouraging the demolition of more homes to allow for additional green space. Mr. Houseal agreed with her observation on the trend.

Trustee Miller asked, if floor area was capped, wouldn't you achieve the elimination of that incentive. Mr. Houseal felt it would. He added that, on the east side, people will likely have to consolidate, then resubdivide, and the establishment of maximums and minimums would make that more difficult. Chairman Bossu commented that she was concerned that just capping floor area would not protect the existing character enough. Mr. Houseal said that the lot minimums and maximums would protect the character of neighborhoods, and capping floor area would protect the character of homes. He added that personally, he was in favor of limiting lot size. Trustee Smietana asked if he would recommend doing both. Mr. Houseal said he would.

Chairman Bossu asked about situations where a property owner buys the lot next door, and what improvements they should be able to make, by what process. Mr. Houseal said there are definitions that are key, including lot, zoning lot, and lot of record, and the code should define that. Trustee Smietana said he didn't know if he would have foreseen people purchasing homes and knocking them down just to throw down grass seed, but we are seeing that. Mr. Houseal said the key is for the Committee to determine what it wants to see. Chairman Bossu said she does not want to encourage tearing down of houses next door, as she felt it encourages building to the maximum. Trustee Miller observed that there are many wonderful old homes that are currently non-conforming. Mr. Houseal said there will always be examples of great homes that couldn't be built today. Mr. Tom Terrill observed that the character of the Village is set by early 1900's homes, many of which could not be built under today's standards. Mr. Houseal replied that is the difficulty, as the nature of design has changed.

Chairman Bossu redirected discussion back to lot width. Trustee Miller suggested that both lot width and floor area could be limited. Trustee Smietana felt floor area should be limited, and probably maximum and minimum lot width as well.

Mr. Houseal said that the idea of the 150 foot maximum was that it would allow the expansion of a lot in some circumstances. He added that if the Committee feels that one big yard is okay, then the limit could be set at 200 feet. He asked what the Committee felt the community would be comfortable with. Chairman Bossu said, if someone does purchase an adjacent lot and demolish the home, she would prefer that they not be permitted to build or expand across the lot line. Landscaping or other similar improvements might be okay. Trustee Smietana said the he is not sure that the purchase of 2 lots and the creation of 1 large house in the middle is unlikely to happen, but he is more interested in how we view our regulations as it relates to landscaping of vacant, adjacent lots.

Mr. Houseal felt if we could limit floor area, then a 200 foot lot width maximum could be appropriate. Chairman Bossu said she did not favor allowing for the erection of one large house in the middle of two lots. Trustee Smietana said he was not sure he would be in favor of that either, though he questioned whether that was likely to happen. Mr. Houseal suggested considering a 200 foot limit, and advised that he would like to examine the maps again to understand how that would impact the community. Trustee Miller added that he should look at floor area caps.

The committee then discussed lot area. Mr. Houseal recommended no change, and the committee concurred.

The Committee then discussed flag lots and lot frontage requirements. Mr. Houseal suggested that the recently enacted change setting a 35 foot minimum should be revisited. He suggested, if the Committee's intent is to prohibit them, that a requirement be added to require a minimum public street frontage. This would effectively prohibit subdivisions along private streets, which would practically eliminate flag lots. He added that he would visit with Attorney Adams regarding any of her concerns on this item. The Committee conceptually agreed with his recommendation.

The Committee next discussed through lots. He recommended a new definition for through lots, and reviewed with the Committee an example of creation of a through lot that would be permitted under our current limitations. He again noted that he would visit with Attorney Adams on this issue. The Committee conceptually agreed with his recommendation.

The Committee next discussed definition of lot lines. Mr. Houseal distributed alternative definitions of rear lot lines, and showed a schematic depiction of how the two definition alternatives would impact existing lots. He felt that alternative B created just as consistent a setback as alternative A, but better picks up situations posed by irregular lot configurations. The Committee preferred alternative B.

The Committee next discussed lakefront properties. Mr. Houseal noted that most community's interest in this area of regulation is focused on environmental protection, not determination of maximum house size. He noted that communities take very different approaches. Many communities use the bluff line as a demarcation point, where steep slopes exist, for setting lot area and setback. Much more research will be needed on the nature of the bluff before he is prepared to make a recommendation. Discussion ensued as to the nature of the research and necessity. Trustee Smietana questioned, if all of the other issues were addressed, whether there would be any reason to address this one. Mr. Houseal felt that, if everything else were done, he would not be too concerned about the lakefront issues.

Chairman Bossu asked what Mr. Houseal would propose regarding floor area caps. Mr. Houseal said he would touch base with legal counsel, and he would look back to his mapping information to determine what the largest lots are that fall within a range of normal.

Chairman Bossu noted that the next meeting is scheduled for April 25, 2006. Trustee Miller noted he would be out of town and unable to attend. There being no further business, Trustee Miller made a motion to adjourn, which was seconded by Trustee Smietana and unanimously approved.

Respectfully submitted,

Max Slankard  
Village Manager