



VILLAGE OF RIVERSIDE  
PLANNING AND ZONING COMMISSION SPECIAL MEETING  
Minutes

I. *Call to Order:* The Special Meeting of the Village of Riverside Planning and Zoning Commission was held on Monday, February 28, 2022. Chairperson Mateo called the Regular Meeting to order at 7:01 p.m.

II. *Roll Call:*

*Present:* Chairperson Mateo  
Commissioner Brom  
Commissioner Miller  
Commissioner Marhoul  
Commissioner Henaghan

*Absent:* Commissioner Pelletier  
Commissioner Mathews

*Also Present:* Village Planner Francisco Jimenez  
Assistant Village Manager Ashley Monroe  
Attorney Lance Malina

III. *Approval of Minutes:*

A. Planning & Zoning Commission Regular Meeting and Public Hearing minutes of January 26, 2022

Commissioner Marhoul made a motion to approve the Minutes. Commissioner Miller seconded the motion.

**AYES:** Commissioners Marhoul, Miller, Brom, Henaghan, Mateo.

**ABSENT:** Commissioner Pelletier and Commissioner Mathews

**NAYS:** None

**Motion Passed**

IV. *Visitors, Petitions, Citizen Requests, and Communications*

V. *Liaison Report:*

- A. Village Board Update – Village Planner Jimenez informed the Planning and Zoning Commission that the Board of Trustees, at their February 17, 2022 meeting, followed the recommendation to deny the Petitioner a variation for a fence on a corner lot and street yard. Village Planner Jimenez also informed the Commission that a revised proposal was remanded to Planning and Zoning to be reviewed and given a recommendation.
- B. Asst. Village Manager Monroe also updated the Commission regarding Accessory Structures and text amendments. She stated that Staff had some redlined text for suggestions to be considered by the Board and then to bring back to the Planning and Zoning Commission.

VI. *Public Hearing and Recommendation*

- A. PZ22-02 – 490 Uvedale Rd - Variation – A variation from Section 10-7-3(D)(2) (Accessory Structures and Uses) of the Riverside Zoning Ordinance to allow the construction of a deck addition five feet (5') from grade and from Section 10-10-4(C) (Nonconforming Buildings and Structures) of the Riverside Zoning Ordinance to allow an existing nonconforming deck to be enlarged by 238 square feet.

Chairperson Mateo introduced the variation request and swore in members of the public that gave testimony. Village Planner Jimenez went over the variation request for an enlargement of an existing non-conforming deck. The property at 490 Uvedale has a deck in the rear of the property that is currently non-conforming as it is five feet (5') from grade, the ordinance states that decks can be no higher than four feet (4') from the established grade. Planner Jimenez stated that the house has a door in the rear that gives access to the basement. The Petitioners submitted the request to be able to build a new enlargement at the current height of five feet (5') from grade and also enlarge the deck by 238 square feet. Planner Jimenez also told the Commission that the proposed location would not be visible from the street and all setback requirements are met.

Commissioner Marhoul wanted clarification regarding a requirement that a landing is necessary when stepping out from a door. Attorney Malina clarified that a landing is required when stepping out from a door. The homeowners ("Petitioners") gave their testimony regarding the proposal. They stated again that they would enlarge the deck for their enjoyment and it would not be detrimental to the surrounding neighbors. Commissioner Miller asked for their clarification on the basement access door and the Petitioner stated that it was located right beneath the existing deck. The Petitioners planned to completely rebuild the entire deck to come into compliance and to use newer and more durable materials. No comments or letters were received by Staff.

Chairperson Mateo asked if there was a motion to close the public hearing. Commissioner Henaghan was so moved and Commissioner Marhoul seconded the motion.

\*Commissioner Henaghan made a motion to close the public hearing.

Commissioner Marhoul seconded the motion.

**AYES:** Commissioners Marhoul, Miller, Brom, Henaghan, Mateo

**ABSENT:** Commissioner Mathews and Commissioner Pelletier

**NAYS:** None

**Motion Passed**

- B. DISCUSSION, MOTION AND RECOMMENDATION by the Planning and Zoning Commission to the Village Board regarding the request for a special use set forth in 6.A.1 above.

Commissioner Marhoul restated the Petitioners testimony regarding the deck and had no objections toward the proposal. All Commissioners were in agreement that the placement of the existing deck and doors all contributed to the hardship and would not be applicable to other properties. The Commissioners believed that all standards had been met for this proposal and that the proposal would not be detrimental to the surrounding area and neighbors.

Commissioner Marhoul made a motion to recommend approval for a deck enlargement of 238 square feet and to be built five feet (5') from grade.

Commissioner Brom seconded the motion.

**AYES:** Commissioners Marhoul, Miller, Brom, Henaghan, Mateo.

**ABSENT:** Commissioner Pelletier and Commissioner Mathews

**NAYS:** None

**Motion Passed**

VII. *Old Business:*

- A. Continue discussion and review of Transit Oriented Development Code Update

Asst. Village Manager Monroe opened the discussion regarding the TOD code update. She stated that due to the amount of information that the topics would be broken up in order to make it easier to discuss and understand. The reason for the code update was in order to make properties in business districts more transit friendly and pedestrian friendly. Some specific points are to allow better bulk regulations for buildings and to allow more flexibility in how businesses approach those requirements. Asst. Village Manager Monroe went over what topics would be discussed and the next steps for the Commission.

Chairperson Mateo decided to direct the conversation in order. Asst. Village Manager Monroe began with the sign code amendments and pointed out one section that stated no signs will be regulated for content. Commissioner Miller clarified that the sign content will still need to relate to whatever the business is. Attorney Malina clarified the code and what its intention is with regards to the content and not allowing one content to be preferred over another.

Asst. Village Manager Monroe went over the definitions section of the code

update. One particular concern was how to measure a sign from grade and gave an overview of that definition. Commissioner Miller wanted clarification regarding two items in the definition. Attorney Malina stated that the definition is confusing because how the term is used in the rules is important to better understand how terms are defined. Commissioner Marhoul clarified that the definition regarding "natural grade" is worded in that way as a street centerline is a fixed point and difficult to manipulate. Commissioner Miller preferred that the phrasing of the definition be changed in order to make it clearer and more accessible.

One change in signage is the limiting of signs to the first floor of a building in a B1 commercial district, as explained by Asst. Village Manager Monroe. She also explained that the transitional commercial districts will also limit the location of signs on a building to the first floor as well. Commissioner Marhoul pointed out that for the B1-C district, a wall sign would be allowed on the up to the second floor or cornice, whichever is higher. For the projecting sign, the current language stated that it can go higher than that. He wanted to know why one sign is more restricted than the other. Asst. Village Manager Monroe clarified that some signs might be allowed allowances to better emphasize the sign and use. Commissioner Marhoul commented on monument signs and their uses and why the code amendment called for their use in some districts. Asst. Village Manager Monroe stated that they might be used as they are good for drawing attention vs a pole sign. Commissioner Marhoul stated that a table should be updated to accurately reflect the definition.

Asst. Village Manager Monroe stated that the intent behind some of these wall sign regulations is to better inform residents what that space is. The village, as she states, wants to better show what business is there without having a large amount of signs. Chairperson Mateo also stated that there would be a change in gas stations canopies and how they can be lit. The proposal would only allow canopies to have lighting around the perimeter. Asst. Village Manager Monroe went over the various business districts that were being proposed to be updated. These updates, as Asst. Village Manager Monroe stated, is to encourage more dense development and mixed uses.

~~\*Commissioner Miller expressed that she felt there is a lot of similarity of the B1-TOD Code provisions to the B1-C provisions in general and specifically used an an example where the same first floor use restrictions are in B1-TOD and B1-C, which is contrary to statements made by the consultant that there was to be no residential and very limited office use on ground floors in the B1-TOD. It also seemed inconsistent with the stated goals of "transit-oriented development". Commissioner Miller also felt that Special Use standards in Riverside's Code should be strengthened so the PZC and Village could functionally limit or put conditions on specific projects that would qualify as Special Uses.~~

B. Continue discussion of pervious and impervious surface zoning calculations

Village Planner Jimenez gave an overview of what the Planning and Zoning Commission had tasked Staff to research. Planner Jimenez told the Commission that most communities do have an allowance of pervious and impervious surfaces on a lot. There are communities that also give a discount depending on whether the proposed

surface is pervious. He went over the policies that nearby communities have in place and informed the Commission that some communities will use engineering services to calculate how the impervious surface impacts the property.

Commissioner Marhoul stated that the information provided was good to have in order to get a better idea of how to implement something in Riverside. Commissioner Miller wanted more information on how communities get the percentage to discount when considering permeable materials. Asst. Village Manager Monroe also included information from the Metropolitan Water Reclamation District. She went over information provided by MWRD regarding green gardens and other permeable materials. Chairperson Mateo informed staff that the purpose of this research is to provide a better definition that is able to be applied more effectively.

- C. Consideration of revised proposal regarding a variation at 40 Kimbark Rd for a fence in a street yard and corner lot.

Village Planner Jimenez informed the Commission that the request was remanded by the Board of Trustees in a modified capacity. At the February 17, 2022 meeting, the Board followed the recommendation to deny a variation. Trustee Pollock then introduced a modified fence proposal and remanded back to Planning and Zoning. The modified proposal was sent back to be reviewed against the standards. Planning and Zoning could approve the revised proposal or follow their original recommendation of denial. \*Commissioner Henaghan asked if, by Code, the petitioner would be able to build a fence running from the southeast corner of the house and going straight to the garage. She commented that the proposed fence is then just 5' out from a fence that would be allowed by Code. Village Planner Jimenez and Chairperson Mateo both stated that, by right, a fence is allowed in a rear yard but not in a street yard. Commissioner Marhoul commented that essentially the variation proposal is to move a fence that would be allowed under Code by 5' further south and beginning at a point that allows the side door to be 'captured'.

Correspondence was received by Staff and all comments were against the variation approval. Chairperson Mateo also stated that the Commission, at their January 26 meeting, the standards had not been met. Commissioner Mathews also believed that the standards were not met and a recommendation for approval would set a precedent. Commissioner Miller stated that she was in favor of the proposed revised fence. She found it reasonable and something that would allow the resident to use their yard in a safe manner. Commissioner Brom also agreed with the proposal and was in favor in the height and open spacing of the fence. She also stated that she was also aware of the public input against the variation, but believed that it was a good compromise.

Commissioner Miller clarified that the fence that is allowed by right would be taller and less attractive than the Trustee Pollock proposal. Commissioner Marhoul also agreed that the revised proposal is more attractive. Chairperson Mateo told the Commission that she is worried that this could set a bad precedent. A resident commented that an approval to this revised variation would set a bad precedent for. The homeowner ("Petitioner") stated that he is open to the revised proposal, but expressed frustration at some of the processes.

Chairperson Mateo went through the standards with the Commission. Commissioner Miller stated that the petitioner had a vested interest in using their property in a safe manner and to be able to enjoy their privacy. Commissioners Brom, Marhoul, and Miller believed the revised proposal better encapsulated the hardship of the property. Commissioner Henaghan believed that the location of the side door along with the location of the revised fence, this met the standard of the hardship requirement. Some of the Commissioners believed that this lot is unique as it is located in a part of Riverside that does not have the curvilinear streets the rest of the village has. This property is located in a unique location. There was concern that granting the variance would harm the Village's landmark status, but some Commissioners believed that it would not be detrimental. Both due to the height of the proposed fence and that so many properties have hedges or fences on a street yard.

Commissioner Miller made a motion to recommend to the Village Board to allow a four foot (4') open fence on a corner yard and in a street yard. Commissioner Henaghan seconded the motion. Commissioner Miller stated that this was an appropriate proposal given the location of the property and to be able to use it safely. Chairperson Mateo believed that the situation to not be unique and the standard to not have been met.

**AYES:** Commissioners Miller, Brom, Henaghan.

**ABSENT:** Commissioner Mathews and Commissioner Pelletier.

**NAYS:** Commissioner Marhoul and Chairperson Mateo.

**Motion Passed**

*VIII. New Business:*

*IX. Information:*

*X. Adjournment*

Commissioner Marhoul made a motion to adjourn. Commissioner Brom seconded.

AYES: Commissioners Marhoul, Miller, Brom, Mateo.

NAYES: None.

ABSENT: Mathews, Pelletier

Chairperson Mateo declared the meeting adjourned at 9:38 p.m.

Respectfully submitted:

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Village Planner, Francisco Jimenez

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Date Approved