



**MINUTES - SHOREWOOD BOARD OF TRUSTEES**  
**Village Board Meeting**  
**October 4, 2021**

1. Call to Order

President McKaig called the meeting of the Village Board to order at 7:33 p.m.

2. Roll Call

Present via teleconference: President McKaig, Trustees Arndorfer, Moore Baldauff, Bockhorst, Ircink and Warren.

Excused: Stokebrand

Others Present: Village Manager Ewald, Ast. Village Manager Burkart, Village Attorney Nathan Bayer, Planning & Development Director Griepentrog and Finance Director Emanuelson.

3. Statement of Public Notice

Village Manager Ewald stated that the meeting had been posted and noticed according to law.

4. Special Order of Business – none.

5. Consent Agenda Items

- a. Accept presentation of accounts – October 4, 2021
- b. Consider regular village board minutes – September 20, 2021
- c. Consider Application for Special Privilege Approval for retaining walls in the public right of way at 3920 N. Frederick Ave.
- d. Consider assessment agreement.
- e. Consider St. Robert's Fall Festival Special Event Permit and Short Term Cabaret for St. Robert's Parish, Sunday, October 17, 2021.
- f. Consider Park and Beach Permit from Northwestern Mutual on October 6-8, 2021.

Tr. Bockhorst moved, seconded by Tr. Ircink to approve the consent agenda with Tr. Warren requested to remove item 5f. Motion carried 6 – 0 with item 5f removed.

6. Items Removed from the Consent Agenda

Tr. Warren noted his desire to recuse himself item 5f as he is an employee of Northwestern Mutual. Tr. Moore Baldauff moved, seconded by Tr. Bockhorst to approve item 5f. Motion carried 5-0, Tr. Warren recused.

7. Citizens to be heard – This item is for matters not on the agenda. Discussion may follow comment on non-agenda items or discussion and action may come at future meetings. (7:42 p.m.)

None.

8. Public Hearing(s) – none.

- a. Ordinance 3029: An ordinance amendment related to front and street side yard patio requirements, as detailed in 535-9F(2) of Chapter 535 Zoning. (7:45 p.m.)

Director Griepentrog provided a brief overview of the ordinance amendment in the packet.

Donna Genzmer, 4512 N Newhall St. – feels screening of patios is a deterrent to Shorewood as a walkable community. By having visual presence of people, it discourages crime; questioned what problem the Board is trying to address or trying to solve; requested the Village Board review the ordinance to see what can be removed from the regulations. The location of natural vegetation near public walkways can be a real issue in the winter and a safety issue.

Linea Sundstrom, 1320 E. Lake Bluff Boulevard – not clear what is meant by public sidewalk or private walkway; is this whole thing in response to her neighbors across the street; she would like to allow others to make their homes accessible when they need to; doesn't understand why her neighbor's property is specifically reference in the meeting materials and go through this hassle when they are going through medical issues; doesn't understand the purpose of the ordinance amendments.

Director Griepentrog noted that sidewalks are exempted because they are less than 6' in width. The Design Review Board has had several applicants question their interpretation of natural landscaping and clarification of this in the code was requested. Their intent is to provide low screening to provide a natural transition between hardscaped areas. The Board of Appeals relayed it was also not clear enough.

Dorothy Shashko, 4349 N. Woodburn Street – would appreciate the board consider postponing the final ordinance changes and to consider exemptions, specifically exemptions from the dimensions; she appreciates the Village's desire to clarify the ordinances; she has gone through this for months and it's been a hardship because things have been so vague; she would like more specification on how a patio is measured (ex. driveway lip, entrance or sidewalk is not included in the calculation); the same should be applied to a patio; her walkway was included in the dimensions of the patio and it should not be; she also supported comments by Ms. Genzmer.

Public hearing closed at 7:58 p.m.

#### 9. New Business

- a. Consider Ordinance 3029: An ordinance amendment related to front and street side yard patio requirements, as detailed in 535-9F(2) of Chapter 535 Zoning. (7:58 p.m.)

Atty. Bayer noted that in general when homes have patios they are usually in the rear yard and screened from view. An exemption is provided that notes some lots maybe on a corner or a dead end precludes a side and rear yard. For these properties it allows them to have a patio, but if the property owner does have a patio it must have a natural vegetation buffer. The other purpose is to define when something is large enough to be considered a patio. When the paved area is beyond 6' in width it is defined as a patio in the street and side yard. The clarifications assist staff to determine when these regulations do and do not apply. The Shashko's property does have a concrete area that meets the definition of a patio and requires screening. President McKaig noted that the Board is not ruling on this patio at this time. Should Trustees need more information from the public that has already spoken, the trustees may request that of the Chair.

Plan Commissioner Ms. Kiely Miller noted that the Plan Commission only recently allowed patios in the side and front yards in the last three years, correcting Atty. Bayer's previous statement.

Tr. Ircink would like to know more about the intent for the screening. The proposed ordinance was to also soften the look of the hard surface edge. Patios are not being treated like driveways or sidewalks. Director Griepentrog noted the penalty could be removal of the improvements. If an applicant does not install screening the applicant may also request a hardship from the Board of Appeals for ability issues.

Tr. Moore Baldauff thanked staff and the Design Review Board for going through this tedious process of updating the code. She asked how does this impact people and their existing structures versus new construction? Existing structures would be grandfathered in under their prior approval. It would apply to new applications filed.

Attny. Bayer thanked Ms. Kiely Miller for her clarification. His intention was to convey for decades there were no allowance made at all to put patios in the front or side yard setbacks. The purpose and intent was to clarify that was not fair. That's why the Plan Commission did modify the code to allow for this

change. This now tweaks the ordinance to provide additional clarity.

This code modification would not preclude filing a hardship, but to provide guidance to staff, boards and commission, allowing people to improve their homes in a more responsive manner.

Tr. Warren thanked those who worked on the ordinance and provided clarity. He had no additional questions.

Tr. Arndorfer relayed that some properties buffer width and height are not taken into consideration. Topography is not addressed in the code and a property owner could take such a request to the Board of Appeals for an exception.

Tr. Bockhorst clarified that the Plan Commission moved unanimously on this code modification. She requested the Board take a vote on the matter; if there are questions, trustees should reach out to others on the Commission.

Tr. Bockhorst moved, seconded by Tr. Warren to approve Ordinance 3029: An ordinance amendment related to modifications to front yard and street side yard patio requirements, as detailed in 535-9F(2) of Chapter 535 Zoning.

Ms. Shashko, 4349 N. Woodburn Street – noted the dimensions of the patio should not include the actual walkway; the walkway should not be included as a part of the patio; she may appeal, but it's expensive. She would like this area to be an exception to the dimensions for her patio calculation.

Director Griepentrog relayed the Village cannot identify how people will use the proposed pavement, but a walkway that is 6' or less would not be defined as a patio.

Donna Genzmer, 4512 N Newhall St. – questioned whether the ordinance was to deter use of the front yard; why should she be told how she can use her front yard as opposed to her backyard.

Atty. Bayer noted that the area needs to be 6' x 6'. Areas smaller than this will not be regulated as a patio. The clarification will help the inspectors avoid confusion when interpreting the code.

It was relayed that the ordinance currently exists. If the revisions are not made the original ordinance will be maintained.

Discussion continued.

Motion restated: Tr. Bockhorst moved, seconded by Tr. Warren to approve Ordinance 3029: An ordinance amendment related to modifications to front yard and street side yard patio requirements, as detailed in 535-9F(2) of Chapter 535 Zoning. Motion carries 5-1, Ircink voting nay.

#### 10. Reports of Village Officials (8:41 p.m.)

- a. Village President
- b. Village Trustees

Tr. Ircink - relayed that all of the costs for holiday decorations are coming in high; they typically come in around \$1,500, but the costs are about \$5-6,000 for the tree. The Board is contemplating moving in a different direction other than a tree. If you have a suggestion you can contact the BID with your suggestions. The BID is also discussing replacement of the snowflakes (est. replacement \$100,000). When the Feast was finished the BID walked away with \$10,000. They are trying to figure out the best solutions for holiday decorations moving forward.

Tr. Arndorfer - extended appreciation to the Plan Commission going through the parking exception request at Oakland/Lake Bluff.

Tr. Bockhorst - noted there is little to no activity at 3534 Lake Drive and she is looking into the potential of utilizing the parcel for affordable housing.

- c. Village Manager - The October 14 Special Budget & Finance Committee meeting has been rescheduled for a Committee of the Whole Budget Wrap-up, **Monday, October 18**

**at 6:00 p.m.**

11. Items for future consideration (8:48 p.m.)

President McKaig noted that Commissioner Cuoto questioned the appointment process for Plan Commissioners, specifically the trustee member. Our code 16-2 is not in alignment with a statute change. Our code says the Commission appointment of a trustee needs to be confirmed by the Village Board. That is actually not the case, as the statute was changed to not require it. She would like to consider amending 16-2 to be reflective of what we have been doing and current state statute. President McKaig moved, seconded by Tr. Bockhorst to send to JP&L Village code 16-2 for review. Motion carries 6-0.

12. Adjournment.

Tr. Bockhorst moved and Tr. Warren seconded to adjourn at 8:51 p.m. Motion carried 6 - 0.

Respectfully submitted,

Rebecca Ewald  
Village Manager

