

Minutes
Board of Zoning, Planning & Appeals
Thursday, August 11, 2016
7:30 P.M.

Village Hall Board Room
655 Village Hall Drive
Cary, IL 60013

I. **Call to Order**

Meeting called to order at 7:30 P.M.

II. **Pledge of Allegiance**

III. **Roll Call**

Present: Chairman Khoury, Members Kretschmer, O'Laughlin, Graziano, Pippen and Williams

Absent: Jasper

Others present included Director of Community Development Brian Simmons, Village Clerk Bragg and members of the audience per the sign-in sheet.

IV. **Village Case No. 16-ZPA-08-001**

Petitioners: Richard Nantus

Request: Conditional Use for a Detached Garage, a Variation to the Front Yard Setback, a Variation to the Maximum Height for a Detached Garage and a Variation to Increase the Maximum Size for a Detached Garage

Location: 405 Mildred Avenue

Chairman Khoury called Village Case No.16-ZPA-08-001 to order. Director Simmons stated the petitioner is requesting recommendation to the Village Board approval of a conditional use for a detached garage, a variation to the front yard setback, a variation to the maximum height for a detached garage and a variation to increase the maximum size for a detached garage for the property at 405 Mildred Avenue and reviewed details of the request.

Chairman Khoury asked for questions from the ZPA Board. Member O'Laughlin reviewed the details of the height of the garage for clarification.

Member Graziano asked for additional detail on the petitions ownership of the property. Director Simmons reviewed the petitioner's information. Mr. Shafer of Shafer Builders presented to the ZPA Board building details for the detached garage. Member Graziano discussed the details on the distance from the garage to the front property line and from the back of the garage to the front of the house.

Member Kreschmer asked for detail on the storage area above the garage. Mr. Shafer stated there will only be seasonal storage and no residential space on the upper level.

Ms. Laurie Fuchs stated to the ZPA Board she is a legal representative on the petition for Mr. Nantus who is in ill health. Member Williams asked if the home was vacant. Ms. Fuchs stated the home has been vacant for four years and the petition is being presented in order to make the home attractive to potential buyers.

Chairman Khoury opened the floor to public discussion. With no comment from the public, Chairman Khoury closed the public discussion portion of the meeting.

Chairman Khoury entertained a motion to recommend to the Village Board of Trustees, approval of a Conditional Use for a Detached Garage, a Variation to the Front Yard Setback, a Variation to the Maximum Height for a Detached Garage and a Variation to Increase the Maximum Size for a Detached Garage, subject to the following conditions:

1. The conditional use shall be granted for the property located at 405 Mildred Avenue.
2. The color, siding and roofing materials for the garage shall match the materials on the primary structure.

Motion: Member O'Laughlin moved, seconded by Member Kretschmer, to recommend to the Village Board of Trustees, approval of a Conditional Use for a Detached Garage, a Variation to the Front Yard Setback, a Variation to the Maximum Height for a Detached Garage and a Variation to Increase the Maximum Size for a Detached Garage Subject to the Following Conditions:

1. The conditional use shall be granted for the property located at 405 Mildred Avenue.

2. The color, siding and roofing materials for the garage shall match the materials on the primary structure.

Discussion

Member Pippen commented he believes the proposed plan fits into the character of the neighborhood. Chairman Khoury concurred.

Member Graziano asked if the surrounding garages are considered existing legal non-conforming use. Director Simmons stated an adjacent property owner had received a height variation for a garage, but a second neighbor is considered a legal non-conforming use.

Voting Aye: Williams, Pippen, Kretschmer, O'Laughlin, Khoury

Abstain: None

Voting Nay: Graziano

Absent: Jasper

Motion Passed: 5-1

V. Village Case No. 16-ZPA-08-002

Petitioners: Bolder Construction, LLC
Request: Conditional Use for a Storage Lot
Location: 320 Jandus Road

Chairman Khoury called Village Case No.16-ZPA-08-002 to order and stated the petitioner is requesting recommendation to the Village Board approval of a conditional use for a storage lot located at 320 Jandus Road.

Director Simmons presented an overview of the conditional use for a storage lot subject to the following conditions:

1. The conditional use shall be granted to Bolder Enterprises, LLC for the property located at 320 Jandus Road.

2. A wood fence at least seven feet in height shall be installed around the storage area and shall be setback thirty feet from Jandus Road.

3. To provide screening of the storage area from adjacent residential uses a Type A screen shall be provided every ten feet along the property's eastern edge.

Director Simmons stated that a building would not be constructed on the property. A fence would be constructed along the four sides of the empty lot.

Chairman Khoury asked for questions from the ZPA Board.

Member Graziano asked for details on the setback for the fence construction. Director Simmons stated the request for the fence setback was discussed with the petitioner in order to create a buffer between the road and the storage lot.

Member O'Laughlin asked for additional details on the landscape design of the property and the fence. Director Simmons stated the gravel area would be within the fence, the outside area would remain green. Member O'Laughlin asked if the petitioner would consider a 7 foot fence around the entire storage lot. He also asked if the ZPA Board could stipulate the type of trees to be used as a buffer and decrease the space between them. Director Simmons stated it can be done as an additional condition to the petition.

Member O'Laughlin stated his concern with the storage area not being paved. Director Simmons stated it is not a requirement for a storage yard to be paved.

Mr. Robert Gwasda, representing Bolder Enterprises reviewed for the ZPA Board the work Bolder Contractors does and the equipment the company uses. Usually in colder weather, the company struggles to find storage locations for its excess equipment. The lot at 320 Jandus Road fills the need for the extra storage required.

Member Kretschmer stated there is a "No Truck" sign on the portion of Jandus Road covered in the petition. Director Simmons stated the sign is to prevent truck traffic from going into the residential subdivision off of Jandus Road. Moving the sign does not require any action on the part of the ZPA Board.

Member Pippen asked the petitioner what will be the largest/tallest equipment stored on the property. Mr. Gwasda answered the tallest equipment would be approximately 12 feet high.

Chairman Khoury asked if the petitioner would consider increasing the height of the fence to 7 feet. Mr. Gwasda agreed and stated Bolder would also consider planting the buffer trees closer together in front of the subject property.

Member Kretschmer asked if there would be additional security around the storage yard. Mr. Gwasda stated the fence would be locked at all time and no other security is required.

Chairman Khoury opened the floor to public discussion.

Diane Tooke, 416 Cary Avenue, stated her opposition to a storage lot that will be visible to a residential neighborhood.

Don Webster, 436 Marquette, spoke in opposition to a storage lot located close to the Jandus subdivision. The existing lots separate the industrial park from the residential area.

Resa Riess, 405 Cary Ave., stated a storage area would be too close to the residential area. Increased traffic and additional noise is also a concern for the neighborhood. Mrs. Riess made a suggestion to the ZPA Board to increase the area of public notice from the existing 250 feet.

Ed Riess, 405 Cary Ave., spoke in opposition to the petitioner's request and his concern of the gravel storage lot and the potential effect of spills on the local groundwater and environment.

Jim Tooke, 416 Cary Ave., spoke in opposition to the petition as it will affect the look and the resale value of his neighborhood and home. He is also concerned with potential water runoff and possible flooding to the neighborhood.

Paul Barrett, 479 Marquette Ave., spoke in opposition to the petition and agreed with the points made by his neighbors against the petition.

With no further comment from the public, Chairman Khoury closed the public discussion portion of the meeting.

Chairman Khoury entertained a motion to recommend to the Village Board of Trustees, approval of a conditional use for a storage lot for the property located at 320 Jandus Road subject to the following conditions:

1. The conditional use shall be granted to Bolder Enterprises, LLC for the property located at 320 Jandus Road.
2. A wood fence at least seven feet in height shall be installed around the storage area and shall be setback thirty feet from Jandus Road.
3. To provide screening of the storage area from adjacent residential uses, a "Type A" screen shall be provided with conifers every ten feet along the property's eastern edge.
4. No storage tanks will be allowed to be stored on the property.
5. The storage lot area is to be paved.

Motion: Member Graziano moved, seconded by Member O'Laughlin, to recommend to the Village Board of Trustees, approval of a conditional use for a storage lot for the property located at 320 Jandus Road subject to the following conditions:

- 1. The conditional use shall be granted to Bolder Enterprises, LLC for the property located at 320 Jandus road.***
- 2. A wood fence at least seven feet in height shall be installed around the storage area and shall be setback thirty feet from Jandus Road.***
- 3. To provide screening of the storage area from adjacent residential uses, a "Type A" screen shall be provided with conifers every ten feet along the property's eastern edge.***
- 4. No storage tanks will be allowed to be stored on the property.***
- 5. The storage lot area is to be paved.***

Discussion

Director Simmons reviewed for the ZPA Board the zoning history of the three lot parcel and the surrounding area. He also reviewed uses allowed with the property's existing zoning classification.

Member Williams discussed placing a berm on the residential side of the property which will allow the fence to be higher than seven feet from the base of the lot.

Voting Aye: Graziano, Phippen, Khoury, Williams
Abstain: None
Voting Nay: O'Laughlin, Kretschmer
Absent: Jasper

Motion Passed: 4-2

VI. **Any and All Other Business**

Director Simmons reviewed future workshops for the update to the zoning code/Unified Development Ordinance.

VII. **Adjourn**

Chairman Khoury entertained a motion to adjourn at 9:08 p.m.

Motion: Member O'Laughlin moved, seconded by Member Phippen to adjourn the meeting.

All Ayes by voice vote.

Motion carried.

Meeting adjourned at 9:08 p.m.

Respectfully submitted,


Patrick Khoury, Chairman


Nancy Bragg, Village Clerk