

**MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF ZONING, PLANNING AND APPEALS**

**CASE NUMBER:** 21-ZPA-07-001

**HEARING DATE:** September 9, 2021

**PETITIONER/ OWNER:** Mike and Bonnie Haber

**REQUEST:** 1. Variation to Increase the Maximum Ground Floor Area of an Accessory Detached Garage from 600 sf. to 1,240 sf. (Sec. 14.4.3.2)

**LOCATION:** 451 Mildred Ave.

**MEMBERS PRESENT:** Khoury, Jasper, Naatz, Kretschmer, O’Laughlin, Stefani, Williams and Graziano.

**MEMBERS ABSENT:** None

**STAFF MEMBERS PRESENT:** Brian Simmons, Director of Community Development

Chairman Khoury called the meeting to order at 7:00 PM. Chairman Khoury reviewed ZPA meeting procedure. Chairman Khoury presented minutes from the August 12, 2021 Hearing. The minutes were approved via voice vote. Chairman Khoury called Village Case No. 21-ZPA-07-001.

Director Simmons stated the Petitioners, Mike and Bonnie Haber, are seeking to expand an existing detached garage in the front yard of the property located at 451 Mildred Avenue. As proposed the Petitioner is seeking to expand the existing 960 square foot detached garage to 1,240 square feet. Variance approval is required as the proposed structure will exceed the maximum ground floor area of 600 square feet permitted for a detached garage. The ZPA hearing was properly noticed in the August 14, 2021 edition of the Northwest Herald newspaper. In addition, the Petitioner has completed the required written notice to property owners within 250 feet and staff posted a public hearing sign on the property.

Director Simmons presented details of the request and stated the subject property’s subdivision is unique within the Village of Cary in that some of the homes have direct access to the Fox River. Homes which are located on the south side of Mildred Avenue have their rear yards facing this waterway.

The Petitioner, Bonnie Haber, was present to answer questions from the Zoning Board of Planning and Appeals.

Chairman Khoury opened the floor to Public Comment. With no comment from those present, Chairman Khoury closed Public Comment.

Chairman Khoury asked if the Petitioners had received feedback from surrounding property owners. Mrs. Haber stated they had received none.

***Chairman Khoury entertained a motion.***

***Member O’Laughlin moved, seconded by Member Kretschmer, to recommend to the Village Board of Trustees’ approval of a variation to increase the maximum ground floor area for a detached garage from 600 square feet to 1,240 square feet for the property located at 451 Mildred Avenue subject to the conditions listed in the staff report.***

***Aye: Jasper, Graziano, Naatz, Khoury, Kretschmer, Williams and O’Laughlin***

***Nay: None***

***Abstain: None***

***Absent: None***

***Motion Passed: 7 – 0***

Director Simmons reviewed future meeting dates and cases to be presented to the Zoning Board of Appeals.

After hearing an additional case, Chairman Khoury entertained a motion to adjourn at 7:23 pm.

***All Ayes by Roll Call Vote***

***Motion Passed***

Respectfully submitted,

*Susan Greene*

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Susan Greene, Deputy Village Clerk

**MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF ZONING, PLANNING AND APPEALS**

**CASE NUMBER:** 21-ZPA-08-001

**HEARING DATE:** September 9, 2021

**PETITIONER/ OWNER:** McDonald's USA, LLC

**LOCATION:** 678 Northwest Highway

**REQUEST:** 1. Amendment to a Conditional Use for a Drive Thorough Restaurant (Sec. 14.2.6)

**MEMBERS PRESENT:** Khoury, Jasper, Naatz, Kretschmer, O'Laughlin, Stefani, Williams and Graziano.

**MEMBERS ABSENT:** None

**STAFF MEMBERS PRESENT:** Brian Simmons, Director of Community Development

Chairman Khoury called the meeting to order at 7:00 PM. Chairman Khoury reviewed ZPA meeting procedure. Chairman Khoury presented minutes from the August 12, 2021 Hearing. The minutes were approved via voice vote. After hearing one additional case, Chairman Khoury called Village Case No. 21-ZPA-08-001.

Director Simmons stated the Petitioner, McDonald's USA LLC, is seeking an amendment to their conditional use permit for the existing McDonald's drive-through restaurant located at 678 Northwest Highway. The restaurant is seeking to modify their existing drive-through lane from a single-lane format to a double-lane format. The proposed modifications will include the elimination of existing parking spaces along the Northwest Highway property frontage. The ZPA hearing was properly noticed in the August 13, 2021 edition of the Northwest Herald newspaper. In addition, the Petitioner has completed the required written notice to property owners within 250 feet and staff posted a public hearing sign on the Subject Property.

A representative for the Petitioner, Ken Sack, was present via Zoom to answer questions from the Zoning Board of Planning and Appeals.

Member Williams asked why the Petitioner believed this change was needed. Mr. Sack stated traffic control and business efficiency were the main reasons.

Member Graziano asked for additional information regarding the request. Mr. Sack presented details on how the change will increase serving efficiency and assist with drive-through traffic routing.

Member Jasper asked for detail on the presented plans. Mr. Sack reviewed the detail as presented.

Chairman Khoury opened the floor to Public Comment. With no comment from those present, Chairman Khoury closed Public Comment.

***Chairman Khoury entertained a motion.***

***Member O’Laughlin moved, seconded by Member Williams, to approve an amendment to a conditional use permit for a drive-through restaurant for the property located at 678 Northwest Highway, subject to the conditions listed in the staff report.***

***Aye: Jasper, Graziano, Naatz, Khoury, Kretchmer, Williams and O’Laughlin***

***Nay: None***

***Abstain: None***

***Absent: None***

***Motion Passed: 7 – 0***

Director Simmons reviewed meeting dates and future cases to be presented to the Zoning Board of Appeals.

Chairman Khoury entertained a motion to adjourn at 7:23 pm.

***All Ayes by Voice Vote***

***Motion Passed***

Respectfully submitted,

*Susan Greene*

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Susan Greene, Deputy Village Clerk