

Chairman Brewer called the Planning and Zoning & Historic Commission meeting to order at 7:07 p.m. Roll: 7 Present (Apke, Holliman, Brewer, Muscat, Scarpelli, Schock and Steneck). 2 – Absent (Bernstein and Meyer). Also present were Village Administrator Jennifer Johnsen, Assistant Village Administrator Brad Mitchell, Building Inspector Chris Ranieri, Village Attorney Greg Smith, Village Engineer Joe Heinz and Village Clerk Katherine Holt.

APPROVAL OF MINUTES:

1. Planning and Zoning and Historic Commission Meeting Minutes dated June 4, 2020

*Motion to approve the June 4, 2020 meeting minutes by Holliman/Steneck.
Motion carries by unanimous vote.*

PUBLIC COMMENT: None

NEW BUSINESS: None

HISTORIC COMMISSION:

1. Certificate of Appropriateness for Signage: D&J's One Cute Above the Rest – 1 E. Main Street.

- a. Discussion and Motion to Recommend Approval/Denial of a Certificate of Appropriateness for D&J's One Cut Above the Rest window decals.

Building Inspector Ranieri stated that the applicant is proposing 2 decal signs, one on the south side of the building facing Route 72 and one on the east side. The decals will be affixed to the interior of the glass. Chairman Brewer added that the decal will be in all white letters with no background.

Motion to Approve the Certificate of Appropriateness for D&J's One Cut Above the Rest window decals by Scarpelli/Steneck.

7 Ayes (Scarpelli, Holliman, Apke, Steneck, Schock, Muscat and Brewer). 0 Nays. 2 Absent (Berstein and Meyer). Motion carries.

There were concerns voiced regarding an issue with the Zoom meeting link. Attorney Smith stated that the agenda has a clickable Zoom meeting link. However, the link is not working properly for this meeting. He advised that the link could be copied and pasted into the web browser to arrive at the correct zoom meeting. Additionally, Smith stated that there is a correct dial in and access code listed on the agenda. He said that the Village has provided adequate notice from a legal perspective for the meeting.

NEW BUSINESS

- 1. PUBLIC HEARING (VOED) – (509 Maxwelton Rd. - PIN: 03-23-128-020) – to consider a request for a variance from Section 157.031(A)(6)(a) of the Zoning Chapter of the East Dundee Village Code requiring the front yard setback in the E- Estate District to be not less than 35 feet in depth.**

Motion to open the public hearing by Muscat/Apke.

6 Ayes (Holliman, Apke, Steneck, Schock, Muscat and Brewer). 1 Nays (Scarpelli). 2 Absent (Berstein and Meyer). Motion carries.

Mike Montague, applicant and property owner, explained that due to large elevations changes, the proposed area is the only area to build the accessory building. He said he would like to save as many of the healthy, mature trees as possible.

Danuta Bialecka – Resident at 431 Bonnie Dundee Road, East Dundee, IL

Bialecka stated that she is opposed to the variance because the building will be located too close to the road. She said that the building does not conform to the characteristics of the area.

Vera Jerecky – Resident at 619 Ashland Avenue, East Dundee, IL

Jerecky stated that the neighborhood is a beautiful estate area and she is opposed to the proposed structure. She feels the structure belongs on properties with many acres of land and with no neighbors across the street.

Jeremy Jerecky – Resident at 619 Ashland Avenue, East Dundee, IL

Jerecky stated that spruce trees will look great to the owner but not to anyone else as there is not enough space to shield the structure with a natural look. He said the structure will affect property values in a negative way. He said he is opposed to the variance.

Christopher Pate – Resident at 110 Briarwood, Carpentersville, IL

Pate explained that he lives on a hill that overlooks this Maxwellton property and the proposed structure will affect the look, peace and tranquility of his view. He asked that the ordinance be abided by and that the variance be denied.

Maurice Martin & Nancy Wilson – Resident at 424 Maxwellton Road, East Dundee, IL

Martin asked if the request conforms in every way except for the placement within the Estate Zone. Building Inspector Ranieri advised that the structure is an allowed structure on that lot. Martin then asked how far the structure will be from the pavement. Ranieri advised that the survey does not have that information. Montague said that he took measurements. From Ashland Avenue, the road is 24 feet from his lot line. And from Kenilworth, the road is 21 feet from his lot line. If the variance is granted, the structure would be approximately 41 feet from Ashland Avenue and 45-50 feet from Kenilworth. Martin said that it is not his place to tell someone what they can or cannot build when the estate zoning says it is allowed. He said he is uncomfortable with the feedback from neighbors expressing comments that are controlling people's use of their own property.

Robert Schumacher – Resident at 507 Maxwellton Road, East Dundee, IL

Schumacher said that most of the public discussion so far has been about the decision to allow the building rather than the variance at question. He stated that the property owners have cleaned the property up considerably since purchasing it. He said they are trying to make it more beautiful by saving trees rather than making it an eyesore by cutting them down.

Kathleen Mahony – Resident at 554 Bonnie Dundee Road, East Dundee, IL

Mahony explained that she has served on this Planning and Zoning Commission in the past and appreciates tonight's discussion and decision-making with this consideration. She said she appreciates how this property has been restored and the owner's interest in trying to preserve the mature trees. She said the building is appropriate within the estate zoning code and is looking forward to the outcome based on how the owners have restored their home. She is in favor of granting the variance.

Sue Norton – Resident at 432 Maxwellton Road, East Dundee, IL

Norton stated that she does not oppose the variance request. She said she understands the location and grade of the land merits the best position of that building. She said the 509 Maxwellton property owners are good neighbors and have a lot of land to maintain. She said she hopes the variance is allowed. Commissioner Scarpelli advised that after the last zoning meeting, he met with the property owners to walk through what they are proposing to do. He said they have done a nice job with the house and property renovations. He said if all current ordinances are being followed, he has no issue with the variance request. He asked what land improvements are being done to prevent flooding. Montague advised that the building will be put at grade level or whatever the Village requires. Scarpelli questioned if the proposed height meets code. He also questioned what the structure will be used for. Montague advised that it will be used for storage and as a partial garage. Scarpelli questioned what process the applicant did to combine 10 legal, non-conforming lots following village ordinance. Attorney Smith explained that the zoning ordinance controls the use of a lot. The legal description of the deed of this property, which was filed in 2012 with the Kane County Recorder's office, consists of 10 separate lots of record. He stated that the zoning lot described in this deed is different from a sub division lot. He further explained that a lot of record is what is noted on a plat of subdivision, a zoning lot is what is noted on a deed. He said the accessory structure would be located on the same lot, referred to as a zoning lot in the village code, as the home at this property. He stated that the subdivision matter here is not a legal impediment to consideration of this matter.

Motion to close the public hearing by Holliman/Scarpelli.

7 Ayes (Scarpelli, Holliman, Apke, Steneck, Schock, Muscat and Brewer). 0 Nays. 2 Absent (Bernstein and Meyer). Motion carries.

Commissioner Scarpelli asked the property owner how far the west edge of the building will be from the east edge of Ashland Avenue. Montague advised that it will be approximately 44 feet from Ashland and 51 feet from Kenilworth. Commissioner Apke asked what the tallest allowable height is per village code for a structure to be built on this lot. Building Inspector Ranieri replied that the structure is not to exceed fifteen feet as a medium height. Village Engineer Heinz confirmed this height.

Motion to recommend approval for a variance request with the condition that spruce or evergreen trees be planted along Ashland Ave and Kenilworth Ave such that within five years, the growth would shield the structure from street view by Scarpelli/Holliman.

6 Ayes (Scarpell, Holliman, Apke, Steneck, Muscat and Brewer). 1 Nays (Schock). 2 - Absent (Bernstein and Meyer). Motion carries.

Motion to approve a Findings of Fact to recommend approval of a variance from Section 57.031(A)(6)(a) of the Zoning Chapter of the East Dundee Village Code requiring the front yard setback in the E- Estate District to be not less than 35 feet in depth by Hollimani/Steneck.

Motion to amend the motion to include in the Findings of Fact that spruce or evergreen trees are to be planted along Ashland Ave and Kenilworth Ave such that within five years, the growth would shield the structure from street view by Scarpelli/Steneck.

7 Ayes (Scarpell, Holliman, Apke, Steneck, Schock, Muscat and Brewer). 0 Nays. 2 Absent (Bernstein and Meyer). Motion carries.

Village of East Dundee
Kane County, IL
Planning and Zoning & Historic Commission
July 9, 2020

Motion to approve a Findings of Fact to recommend approval of a variance from Section 57.031(A)(6)(a) of the Zoning Chapter of the East Dundee Village Code requiring the front yard setback in the E- Estate District to be not less than 35 feet in depth and that spruce or evergreen trees be planted along Ashland Ave and Kenilworth Ave such that within five years the growth would shield the structure from street view by Holliman/Steneck.

7 Ayes (Scarpell, Holliman, Apke, Steneck, Schock, Muscat and Brewer). 0 Nays. 2 Absent (Bernstein and Meyer). Motion carries.

OTHER BUSINESS: None

Motion to adjourn the Planning and Zoning & Historic Commission Meeting at 8:45 p.m.by Scarpelli/Holliman.

7 Ayes (Scarpell, Holliman, Apke, Steneck, Schock, Muscat and Brewer). 0 Nays. 2 Absent (Bernstein and Meyer). Motion carries. Meeting adjourns.