



MINUTES
MEETING OF VILLAGE OF FRANKFORT
PLAN COMMISSION / ZONING BOARD OF APPEALS
MARCH 14, 2019 – VILLAGE ADMINISTRATION BUILDING
432 W. NEBRASKA STREET

Call to Order

Chair Don Schwarz called the meeting to order at 6:30 P.M.

Commissioners Present: Margaret Farina, Maura Rigoni, Alicia Hanlon, Lisa Hogan, Gene Savaria, and Chairman Don Schwarz

Commissioners Absent: Jessica Petrow

Staff Present: Assistant Director of Development Services Zach Brown and Utilities Executive Assistant Marina Zambrano

Elected Officials Present: Mayor Jim Holland, Trustee Mike Stevens, Trustee Bob Kennedy and Trustee Keith Ogle

A. Approval of the Minutes from February 28, 2019.

Motion (#1): Approval of the minutes from February 28, 2019.

Motion by: Hogan

Seconded by: Farina

Approved: (5 to 0)

Chair Schwarz swore in all those wishing to provide public testimony.

B. Public Hearing Request: LeMahieu Variance (Ref. #102)

Public Hearing Request: Variances of accessory structure area from 144 sq. ft. to 288 sq. ft., and setback from 10 feet to 5 feet to permit the construction of storage shed in the rear yard of the property located at 445 Meadow Avenue.

Assistant Director of Development Services, Zach Brown presented the staff report and provided an overview of the requests. The applicant, Keith LeMahieu was present and further explained his project.

During the Plan Commission discussion:

- Resident, Marsha Mondry at 416 Michigan Road noted that she is not in favor of large sheds and the lack of upkeep that normally follows after they are constructed. Ms. Mondry noted that her brother lives behind the subject property and although he could not attend the meeting stated that he also opposed the shed;
- Commissioners discussed the existing shed that the applicant proposed to retain noting that they were not in favor of having two sheds on the property. Commissioner Rigoni noted that Village ordinance contains requirements for

“a” shed and expressed her belief that the ordinance is intended to limit properties to a single storage shed;

- The applicant agreed to remove the existing shed prior to construction of the new shed;
- Commissioners were generally supportive of the reduced side yard setback citing the non-conforming lot width of the subject property and the letter of support from the property owner to the east;
- Members discussed the size of the proposed shed and expressed concern that it was double the allowable square footage of the ordinance;
- Staff noted that if the shed were built as an addition to the rear of the existing garage and compliant with all applicable building codes an area variance would not be required;
- Member Hanlon questioned the building materials, noting that a sample was not provided. Applicant stated that the shed would be finished in natural unfinished cedar siding to match the existing home. Mr. Brown added that the Cedar will take some time to weather and match the existing cedar on the home;
- The applicant indicated that the shed would be used for both storage and occasional woodworking. Several commissioners expressed concern regarding the use of the shed as it relates to the proposed size noting that the need for a woodworking area would not constitute a hardship under the standards of variance;
- The applicant noted that he currently does woodworking in his driveway in front of his home, feels it would be more appropriate to do in the proposed shed, and questioned the difference between the two scenarios;
- Staff noted that Village ordinance does not specifically regulate the interior usage of storage sheds;
- Member Hogan questioned whether the shed will be heated and if electricity will be provided. Applicant noted there will be no heat and electricity will be provided via an extension cord;
- Members suggested the applicant consider reducing the size of the shed and rotating the shed to an east west orientation to limit the impacts of the requested variances;
- Commissioner’s discussed tabling the request to allow the applicant time to revise the proposal. Staff noted that the size of the shed could be reduced without the need for a new legal notice or public hearing;

- The applicant requested the motion be revised to reduce the size of the shed from 288 square feet to 180 square feet (10' x 18').

Commissioners discussed the standards of variance and entered the following findings of fact:

Accessory Structure Setback

1. *That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone;*

Sheds are common improvements on single-family residential properties. Meeting the required setback would compromise the useable area of the back yard and thus reduce the resale value of the property.

2. *That the plight of the owner is due to a unique circumstances; and*

The subject property is non-conforming with respect to lot width thereby reducing the useable area of the rear yard.

3. *That the variation, if granted, will not alter the essential character of the locality.*

Many accessory structures in the area maintain reduced setbacks as they were constructed prior to the adoption of the current zoning ordinance requirements.

Accessory Structure Area

1. *That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone;*

Reducing the size of the shed would substantially reduce the amount of storage space provided on the property and thereby reduce its resale value.

2. *That the plight of the owner is due to a unique circumstances; and*

The existing home was not constructed with a basement thereby limiting the storage area within the home.

3. *That the variation, if granted, will not alter the essential character of the locality.*

Many accessory structures in the area exceed the maximum area requirements as they were constructed prior to the adoption of the current zoning ordinance requirements.

Motion (#2): Recommend the Village Board approve an accessory structure setback variance from 10' to 5' along the eastern property line to permit the construction of a shed in the rear yard of the property located at 445 Meadow Avenue in accordance with the reviewed plans and public testimony and conditioned upon the removal of the existing storage shed.

Motion by: Savaria

Seconded by: Hogan

Approved: (4 to 1)

Yay: (4) Hanlon, Hogan, Rigoni, Farina

Nay: (1) Savaria

Motion (#3): Recommend the Village Board approve an accessory area variance from 144 square feet to 180 square feet to permit the construction of a shed in the rear yard of the property located at 445 Meadow Avenue in accordance with the reviewed plans and public testimony and conditioned upon the removal of the existing storage shed.

Motion by: Hanlon

Seconded by: Rigoni

Approved: (3 to 2)

Yay: (3) Hogan, Rigoni, Hanlon

Nay: (2) Farina, Savaria

C. Public Hearing Request: Beck Variance (Ref. #103)

Public Hearing Request: Side yard setback variance from 25 feet to 12.5 feet to permit the construction of an attached garage addition along the eastern façade of the existing home located at 619 Prestwick Drive.

Assistant Director of Development Services, Zach Brown presented the staff report and provided an overview of the request. The applicants, James and Katherine Beck were present and further explained the request noting that the need for an additional garage is for storage purposes.

During the Plan Commission discussion:

- The applicant confirmed that the existing garage would not be converted to living space but would be retained for storage purposes;
- Commissioners discussed whether there were any residents concerned with the proposal. Mr. Brown noted that certified letters were mailed however no comments received from the neighbors. Staff noted that the Prestwick Homeowner's Association provided an approval letter;
- Members discussed the non-conforming lot width and noted that the combined side-yard setbacks exceed those of the R2 zoning district;
- Commissioners cited the non-conforming nature of many of the lots and homes in the Prestwick Subdivision and suggested the Village consider addressing the non-conformities through a rezoning process;

Commissioners discussed the standards of variance and entered the following findings of fact:

Side Yard Setback

1. *That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone;*

Meeting the required setback would require the reduction of the proposed garage to a single stall and therefore reduce the resale value of the property.

2. *That the plight of the owner is due to a unique circumstances; and*

The subject property is non-conforming with respect to lot width thereby reducing the useable area of the side yards.

3. *That the variation, if granted, will not alter the essential character of the locality.*

Many homes in the area maintain reduced setbacks as they were constructed prior to the adoption of the current zoning ordinance requirements.

Motion (#4): Recommend the Village Board approve a side-yard setback variance from 25 feet to 12.5 feet along the eastern property line to permit the construction of an addition to the existing home located at 619 Prestwick Drive in accordance with the reviewed plans and public testimony.

Motion by: Hogan
Approved: (5 to 0)

Seconded by: Savaria

D. Public Hearing Request: Paciorek Special Use (Ref. #104)

Public Hearing Request: Special use for personal service to permit the operation of a 1,400 sq. ft. hair salon in the unit located at 10179 W. Lincoln Highway, in the Brookside Office Complex.

Assistant Director of Development Services, Zach Brown presented the staff report and provided an overview of the request. The applicants, Genny and Joseph Paciorek were present and further explained the request. Mr. Paciorek noted that he did research on the parking in the area having visited the site at different times of the day and stated that there was always ample parking.

During the Plan Commission discussion:

- Commissioner Savaria questioned the adequacy of the parking in the development as a whole. Mr. Brown noted that the original PUD did give consideration for shared parking noting that the restaurants peak hours of operation differed from the traditional office users;
- Commissioners discussed the basement area and were supportive of a condition prohibiting its future conversion to salon suites citing increased parking demands;
- Members confirmed that employees would be limited to four stylists and that nail technicians and massage services would not be provided;
- The applicant confirmed that three of the salon suites would be utilized by his wife, daughter and himself and the fourth suite rented to another stylist. Mr. Paciorek noted that salon services will be provided by appointment only;

- The applicant indicated that they would utilize the permitted wall sign area to the side of the main entrance and stated that signage and visibility is not very important as the majority of their business is from returning clientele and from referrals;

Motion (#5): Recommend the Village Board approve a special use for personal service to permit the operation of Gen and Joe's Salon at 10179 W. Lincoln Highway in accordance with the reviewed plans and public testimony and conditioned upon limiting salon services to the four first floor suites only and no future construction of additional salon suites in the basement.

Motion by: Farina
Approved: (5 to 0)

Seconded by: Hogan

E. Public Comments

None

F. Village Update

Trustee Mike Stevens provided an update on the recent Village Board meeting noting that Corbett Variance, McLean Variance, and the Great American Bagel Special Use were approved.

G. Other Business

Staff noted that an open house for the draft downtown residential design guidelines would be held in the near future, date to be determined.

H. Attendance Update

Members present confirmed their availability for the next Plan Commission meeting to be held on March 28, 2019 except Lisa Hogan and Gene Savaria.

Motion (#6): Adjournment (7:55 PM)

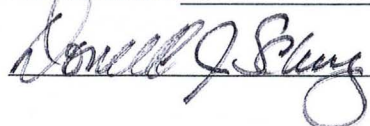
Motion by: Hanlon
Unanimously approved by voice vote.

Seconded by: Rigoni

Approved March 28, 2019

As Presented 

As Amended _____

 /s/Donnell Schwarz, Chairman

 /s/ Secretary