



**MINUTES
MEETING OF VILLAGE OF FRANKFORT
PLAN COMMISSION / ZONING BOARD OF APPEALS
JANUARY 27, 2022–VILLAGE ADMINISTRATION BUILDING
432 W. NEBRASKA STREET**

Call to Order: Chair Rigoni called the meeting to order at 6:30 P.M.

Commissioners Present: Chair Maura Rigoni, Dan Knieriem, Will Markunas, Nichole Schaeffer and Ken Guevara

Commissioners Absent: David Hogan (Lisa Hogan no longer serving)

Staff Present: Senior Planner Christopher Gruba and Community and Economic Development Department Director Michael Schwarz

Elected Officials Present: Trustee Petrow, Trustee Borrelli

A. Approval of the Minutes from January 13, 2022

Motion (#1): Approval of the minutes, as presented, from January 13, 2022

Motion by: Markunas Seconded by: Schaeffer

Approved: (4 to 0, Guevara abstained)

B. Workshop: 330 Oregon Street – Thomas Residence

Chair Rigoni introduced the workshop. The applicants, Sarah and Ryan Thomas, are requesting four (4) variances for a tear-down and rebuild of the house located at 330 Oregon Street.

Gruba presented the case. Summarized, he stated:

- Four variances would be required for the project as submitted:
 1. Front yard setback for the primary structure at 20'8" instead of the required 30';
 2. Detached garage side yard setback at 4' instead of the required 10';
 3. Detached garage rear yard setback at 4' instead of the required 10';
 4. Driveway width approximately 5' wider than the width of the garage.
The Ordinance requires that driveways within 20' of the garage to be no

wider than the width of the garage.

- No variance is being requested for 1st floor building materials, which is unusual for a new home construction in the downtown area. The 1st floor will be entirely wrapped with white face brick. The 2nd floor will be mostly constructed of LP smart siding (a wood composite) and the roof will be mostly shingled, with a smaller portion being metal.
- Gruba provided a GIS map of all parcels along the south side of Oregon Street, noting the lot area and width of each. Also illustrated were the existing front yard setbacks for all of the existing homes, in order to compare how the proposed home would align with other homes on the street. He noted that the average front setback along the south side of Oregon Street is 30', although this number is slightly skewed because the house at 282 Oregon is set back approximately 59' due to a drainage ditch.
- The lot is 100' wide and 165' deep, which exceeds the minimum 100' wide by 150' deep requirements for the R-2 zone district.
- As proposed, the house and garage amount to a lot coverage of 19.8%, whereas 20% is permitted.
- The proposed house measures 32'9" tall, whereas 35' tall is permitted.
- In 2014, a variance was granted to create the undersized parcel at 254 Oregon Street, measuring 65' wide and 165' deep resulting in a ¼-acre lot. In 2020, three (3) variances were granted for this property to allow a house and detached garage to be constructed. The variances were to allow a lot coverage of 23.17% lot coverage whereas 20% is permitted and allow a 5' side yard setback and 7.5' rear yard setback for the detached garage, whereas 10' is required for both property lines.

During Commissioner discussion:

- Chair Rigoni invited the applicants to the podium. Ryan and Sarah Thomas approached the podium and stated that they did not have any information to add to the staff report.
- Commissioner Knieriem asked if the garage was a 2-car or 3-car garage. The applicants responded that it was a 3-car garage. He asked if there is any reason for the driveway width variance. The applicants responded that the driveway was widened to provide pedestrian access to a side door on the garage. He asked why they wanted a detached garage. The applicants responded that they looked at an option of an attached garage but decided that a detached garage would provide for better use of the yard and because the Downtown Frankfort Residential Design Guidelines recommend detached garages. He asked why they want a front yard setback. The applicants responded that they felt it would make better use of the property.
- Commissioner Markunas stated that his questions were answered.
- Chair Rigoni asked if a tree survey was done. Ryan Thomas stated that he did consult with a tree expert and several trees will need to be removed. Sarah Thomas stated that they will try to save some trees. Chair Rigoni commented that having a 3-car garage is a concern for her because it causes the need for

two of the variances. She asked what is unique about the property that would necessitate the variance requests for the garage side and rear setbacks. Rigoni noted that it would make sense if the garage were set back as proposed if it meant saving certain trees on the lot, but that doesn't appear to be the case.

- Commissioner Schaeffer stated that her questions were answered.
- Commissioner Guevara asked how the applicants would envision the garage if it was attached. Discussion ensued among the Chair and the applicants regarding other houses nearby that have attached garages.
- Chair Rigoni asked the Commissioners if they could have a dialogue about the front yard setback.
- Commissioner Markunas stated that he would like to see the house set back slightly to be more consistent with the neighboring houses along the south side of Oregon Street. He asked the other commissioners if the intent of the front yard setback is to have a consistent streetscape. The response from the Chair was yes. He asked if the applicants could move the house an additional 5 feet back (to 25' 8") from the front property line. The applicants stated that they would need to make some changes to the front porch.
- Chair Rigoni stated that she is struggling with approving a front yard setback variance for a lot that is larger than the minimum lot size and does not appear to have any unique characteristics.
- Commissioner Knieriem asked if the garage location is presently staked. Sarah Thomas responded that it is not. Commissioner Knieriem asked if they could stake out both a 2-car and a 3-car garage which would be helpful for his decision. The applicants responded in the affirmative.
- Commissioner Markunas suggested that the driveway along the side of the garage be removed and changed to paver bricks to avoid the variance for the driveway width.
- Chair Rigoni asked the applicants if they were seeking a materials variance and they responded they were not. It will have white brick on the 1st floor elevation.
- Chair Rigoni asked if anyone was present in the audience who would like to comment.
- Lara Tokarz, a neighbor directly to the west (145 S. Locust Street) stated that she has a concern about the 4' setbacks for the garage due to an existing oak tree located on her property. She noted that the root system of the oak would be damaged and may likely kill the tree. She also stated a concern about drainage if a detached garage goes back there. Currently, her rear yard gets very wet and does not drain well after a heavy rain or snowfall and was concerned that the construction of a driveway and garage as proposed would exacerbate the problem. The Commission and staff noted that all new home construction projects require a grading plan prepared by a civil engineer to ensure proper drainage on subject property, which is reviewed by the Building Department.
- Chair Rigoni summarized that the house should be pushed back to be more in line with the other houses along Oregon Street, that the detached garage should be setback per the Zoning Ordinance, and that the portion of the driveway

adjacent to the garage should be removed to comply with the driveway width requirement.

- Sarah Thomas asked what happens next if they make changes to their plans. Chair Rigoni responded.
- Senior Planner Chris Gruba stated that potential future public hearing dates are February 24th or March 10th, depending on when revisions are submitted to staff.

C. Workshop: Text Amendment – Accessory Structures

Chair Rigoni introduced the case, noting that this is the 3rd workshop held by the Plan Commission regarding accessory structures.

Gruba presented the case. He noted that the first two workshops were dedicated primarily to discussing sports courts, but that the current workshop would be focused more on all other accessory structures. Summarized, he reviewed the separate topics for accessory structures individually and the Commissioners provided responses to each topic:

Pergolas, Cabanas, Trellises, Arbors, and Gazebos:

- There was consensus to increase the maximum square footage from 144 SF to 250 SF.
- There was consensus to maintain the minimum 10' side and rear yard setbacks.
- There was consensus to maintain the 15' maximum height limitation.
- There was consensus to maintain that these accessory structure count toward both the lot coverage and impervious lot coverage regulations.
- There was consensus to maintain a minimum 10' separation distance between accessory structures and also from the primary structure (house).

Sheds:

- There was consensus to maintain the 144 square foot maximum area for sheds and this would also apply to child playhouses, outdoor fireplaces/stoves, greenhouses, laundry drying equipment and trash enclosures.
- There was consensus to maintain the minimum 10' side and rear yard setbacks.
- There was consensus to maintain the 15' maximum height limitation.
- There was consensus to maintain that sheds located only within manufactured home parks may be up to 225 square feet in size.
- There was consensus to maintain that these accessory structures count toward both the lot coverage and impervious lot coverage of the site.

Detached Garages (vehicles):

- There was consensus to adopt the proposed provision that detached garages cannot exceed the size of the footprint of the house.
- There was consensus that detached garages only within manufactured home parks cannot exceed 600 square feet.
- There was consensus that detached garages are subject to lot coverage and

- impervious lot coverage regulations.
- There was consensus to maintain that only 1 detached garage shall be permitted per property.
- There was consensus to maintain that detached garage architecture must be “similar and compatible” with the primary structure (house).
- There was consensus to maintain that 4-car garages must be side-loaded.

Decks, Terraces, and Patios:

- There was consensus to maintain that these accessory structures may encroach into any required yard but shall maintain a 10’ setback from any property line.
- There was consensus to maintain that these accessory structures do NOT count toward lot coverage.
- There was consensus to maintain that these accessory structures DO count toward impervious lot coverage.
- There was consensus to add language such that if attached decks, terraces or patios are equipped with a roof, that they then become part of the primary structure and shall abide by the required setbacks and regulations for primary structures.
- There was consensus that if *detached* decks, terraces or patios are equipped with a roof, that they would be treated the same as a gazebo, pergola or cabana, which may be up to 250 square feet in size.

Mechanical Equipment (A/C, generators, pool equipment, etc.):

- There was consensus that the Ordinance shall remain silent regarding maximum size of these structures.
- Some discussion ensued regarding the side yard placement of a/c units in the downtown versus in other areas with conventional subdivisions. Chair Rigoni was concerned that if the Zoning Ordinance was amended to require a 10’ side yard setback, consistent with other accessory structures, that it may lead to many future variance requests. Commissioner Knieriem did not want to see variance applications for A/C units. Commissioner Schaeffer did not want to memorialize setback regulations for these structures, especially within the downtown due to its unique nature. Commissioner Knieriem stated that A/C units will likely not be placed any further than 1’ from the house. Commissioner Markunas asked if Gruba could invite someone from Building or Administration to address this issue at the future public hearing. Commissioner Guevara stated that most residential side yards provide enough room for these structures. Commissioner Knieriem stated that for residential requests, the PC/ZBA usually does not see the location of A/C units. It may be helpful to start seeing these illustrated on the site plans. Gruba agreed.

Pole Barns, Silos, and Other Farm Structures:

- There was consensus to add language that such structures shall only be permitted in the A-G zone district.
- There was consensus to add language that such accessory structures shall meet the setbacks required for primary structures in the A-G zone district (75’ from

front, 100' from side & rear). This reflects how staff has currently been enforcing the standards for these structures.

- There was consensus that such accessory structures shall be limited to 35' in height, which is the maximum height permitted for primary structures within the A-G zone district.
- There was consensus that such accessory structures shall count toward lot coverage and impervious lot coverage regulations.

Area Measurement:

- There was consensus to add language that all structures with walls be measured from exterior walls, to reflect staff's current interpretation.
- There was consensus to add language that all structures with posts be measured from the outside edges of the posts, to reflect staff's current interpretation.
- There was consensus to add language that all structures with an impervious pad, such as a child's playhouse, count toward impervious lot coverage, and measured at the base of the pad.

Height Measurement:

- Gruba noted that the current definition of "building height" is overly complicated and confusing and that this language should be cleaned up to reflect how staff has been interpreting the language.
- Chair Rigoni expressed agreement that the definition could change but only if it remains consistent with how staff is presently interpreting it.
- Gruba stated that it would be helpful if someone from the Building Department would be available at the public hearing to confirm how they have been interpreting building height. Planning staff does review building height as well, but there are many building permit applications that only require Building staff review.

General Regulations:

- The Commission recommended against adding a requirement that the total combined area of all accessory structures not exceed the area of the footprint of the primary structure (house). They felt that the 20% lot coverage maximum for most instances should provide enough safeguard against overcrowding on the lot.
- There was consensus adding language that accessory structures shall only be permitted within side and rear yards, except for the A-G zone district.

Other:

- There was consensus that any accessory structures not mentioned in the Ordinance shall abide by the requirements for sheds (144 SF max, 10' side and rear setbacks, etc.)
- There was consensus to maintain the regulation that driveways may not exceed the width of the garage when within 20' of the garage.
- There was consensus that regulations should not be added for balconies regarding setbacks or maximum size.

- There was consensus that flagpoles be set back at least 5' from any property line. Currently, flagpoles may be set on top of property lines for a 0' setback.

The Commission returned to the topic of sport courts to summarize the regulations proposed at the previous two workshops:

- Sports courts 650 square feet and under would be permitted by-right, but subject to specific regulations. Sports courts over 650 square feet would require a special use permit and be subject to specific regulations.
- Only one (1) sports court would be permitted per lot.
- Sports courts may only be located in the rear yard only.
- Sports courts must be set back at least 10' from side and rear property lines.
- Sports courts shall count toward the maximum impervious lot coverage regulation but shall not count toward the general lot coverage requirement pertaining to above-ground structures such as sheds and houses.
- Sports courts must be screened in the same manner as is currently required for a swimming pool.
- Sports courts shall not be illuminated.
- Sports courts shall only have one goal (basketball or otherwise).
- No appurtenances shall be over 15' tall.
- There was consensus that there should not be an overall maximum size stated in the regulations, but rather a maximum size would be determined as part of the special use permit request if over 650 square feet.
- There was discussion regarding temporary accessory structures such as hockey rinks and there was consensus that potential regulations are not being proposed at this time.

Trustee Petrow approached the podium and thanked the PC/ZBA for all the work that staff and the Commission did on this issue.

D. Workshop: Text Amendment – Indoor/Outdoor Recreation and Entertainment

Chair Rigoni introduced the case.

Schwarz presented the text amendment. Summarized, he stated:

- Staff has received instruction from Administration to amend the Zoning Ordinance regarding indoor recreation and entertainment and outdoor recreation and entertainment. He noted that several new categories would be created in the Table of Permitted & Special Uses and reviewed the individual uses proposed within each category.
- Commissioner Knieriem (?) asked if a trampoline facility could be added to “indoor entertainment”. He also asked if an “American Ninja” type obstacle course could be added as well.
- Chair Rigoni wanted to make sure that the existing “Indoor civic, cultural, religious and institutional” use which includes museums, would not conflict with any of the proposed new use categories. Schwarz responded that he will review this further to make sure that there is no conflict or overlap.

- Chair Rigoni suggested that “movie theater” also be checked for any conflict or overlap.
- A Commissioner suggested that “bowling alley” be added to the list of activities under “indoor recreation”.

Schwarz noted that both text amendments have been scheduled for public hearings at the February 10th Plan Commission meeting.

E. Public Comments - None

F. Village Board & Committee Updates

Schwarz noted that the variance requests for sports courts for 7403 Mayfield Drive and 22960 Hankins Court were tabled by the Village Board at its January 18th meeting to March 7th.

G. Other Business – None

H. Attendance Confirmation (February 10, 2022)

Chair Rigoni asked the Commissioners to notify staff if they will not be in attendance.

Motion (#2): Adjournment 8:15 P.M.

Motion by: Markunas Seconded by: Schaeffer

Unanimously approved by voice vote.

Approved February 10, 2022

As Presented ✓ As Amended

Maura A. Rigoni /s/Maura Rigoni, Chair

Christy Smith s/ Secretary