



MINUTES

MEETING OF VILLAGE OF FRANKFORT PLAN COMMISSION / ZONING BOARD OF APPEALS

August 11, 2022–VILLAGE ADMINISTRATION BUILDING

432 W. NEBRASKA STREET

- Call to Order:** Chair Rigoni called the meeting to order at 6:31 PM
- Commissioners Present:** Chair Maura Rigoni, David Hogan, Jessica Jakubowski, Brian James, Will Markunas, Nichole Schaefer
- Commissioners Absent:** Dan Knieriem
- Staff Present:** Director of Community and Economic Development Mike Schwarz, Senior Planner Chris Gruba, Planner Drew Duffin
- Elected Officials Present:** None

A. Approval of the Minutes from July 14, 2022

Motion (#1): Approval of the minutes, as presented, from July 14, 2022

Motion by: Jakubowski Seconded by: James

Approved: (4-0, Commissioners Markunas and Schaeffer abstained)

Chair Rigoni swore in any members of the public who wished to speak at the meeting.

B. Public Hearing: 229 N. Locust Street – Norman Variance

Chris Gruba gave the staff report.

Chair Rigoni asked the applicant to stand.

Gabriel Garcia, architect for the applicant, approached the stand. He stated he was available to answer any questions.

Chair Rigoni asked if any members of the Plan Commission had any questions.

There were none.

Chair Rigoni opened the Public Hearing, and asked if there were any members of the public who wished to speak.

There were no comments.

Motion (#2): Motion to close the public hearing.

Motion by: Schaeffer

Seconded by: James

Approved: (6-0)

Chair Rigoni asked if the Commission had any other comments or questions. She asked for comments on the variations first before discussion shifted to a possible text amendment.

Commissioner Hogan noted that the side yard was already nonconforming with the Zoning Ordinance, so he did not have any comments.

Commissioner Jakubowski asked if the proposed side yard setbacks were exactly the same as the existing.

Staff responded that they were.

Commissioner Markunas stated that the proposal seemed appropriate for the area.

Chair Rigoni noted that she liked the additions proposed, especially in that part of Frankfort. She liked that the addition would not alter the visual character of the neighborhood along the streetscape. She asked if the proposed brick would match the existing brick.

The architect responded that the proposed brick would be stained to match the existing brick. There was some hardship in meeting the code due to costs. He asked if the property was a legal nonconformity in regard to the basement requirement.

Staff responded that the basement requirement had been applied for any property which does not conform to the Zoning Ordinance. Staff was also looking for direction from the Plan Commission on how to address the regulation in the future through a potential Text Amendment.

Chair Rigoni stated she would like others to understand that the current regulation, applied to all nonconforming properties, was restrictive. She asked for the thoughts of the other members of the Plan Commission.

Commissioner Hogan remarked that the current case was the third recent case which required a basement variation.

Commissioner Schaeffer noted that in this case, a first-floor addition pushed the property out of compliance with the regulation. In her opinion, granting a variation for the basement size was alright in that case. A home which was torn down and rebuilt which sought a variation for the basement would not be allowable. A future change to the regulation should consider factors such as the number of floors on the home, the size of the addition, and whether the project in question was an addition or new construction.

Commissioner Markunas agreed, and added that other nuances arising from the conditions of the site should be considered as well, such as size, shape, and location of both the home and the basement.

The architect added that there is often a large construction impact when expanding a basement. Some older homes might require a large amount of work to bring into compliance.

Commissioner James stated that he liked to see older homes renovated, and did not want to have regulations in place that would discourage the practice.

Chair Rigoni suggested that the size of a basement did not really seem like a zoning matter in the first place.

Mike Schwarz suggested that staff could go back through Village records to determine the original intent behind the regulation, and move forward from there.

Motion (#3): Recommend the Village Board approve the variance from Article 6, Section B, Part 1 of the Village of Frankfort Zoning Ordinance to permit a north side yard setback of 7' 6", whereas at least 10' is required with a total of 25' on both sides, resulting in a deficiency of 6' ½", for the property located at 229 Locust Street, in accordance with the reviewed plans, public testimony and Findings of Fact.

Motion by: Markunas

Seconded by: Schaeffer

Approved: (6-0)

Motion (#4): Recommend the Village Board approve a variance from Article 6, Section B, Part 2(1) of the Village of Frankfort Zoning Ordinance to permit the construction of a basement that is 50.9% of the area of the ground floor of the house whereas 80% is required, for the property located at 229 Locust Street in accordance with the reviewed plans, public testimony, and Findings of Fact.

Motion by: Jakubowski

Seconded by: Schaeffer

Approved: (6-0)

C. Public Hearing: 21195 S. La Grange Road – Wild Flower Hair Salon

Drew Duffin gave the staff report.

The applicant, Sydney White, approached the podium.

Chair Rigoni asked how the proposed use differed from the previous use.

Staff responded that the current use did not offer massage services, which were offered by the previous tenant. In addition, the applicant would occupy less space than the previous tenant had.

Chair Rigoni confirmed that the use was the same, but was less intense than the previous tenant.

Chair Rigoni asked if there were any comments from the public.

There were none.

Motion (#5): Motion to close the public hearing.

Motion by: Schaeffer Seconded by: Markunas

Approved: (6-0)

Commissioner Markunas stated he agreed there was no issue with the amount of parking on the site.

Commissioner James agreed he saw no issue with parking. He stated that the required parking for the dentist's office on the site seemed high.

Chair Rigoni clarified for the Plan Commission that the first motion for this item was a formal acknowledgement of the parking, rather than a variation requested by the applicant.

Motion (#6): Approve an adjustment to the total Zoning Ordinance-required parking for the subject property based on the availability of both joint parking and shared parking for the proposed salon and the current office tenants.

Motion by: Schaeffer Seconded by: Markunas

Approved: (6-0)

Motion (#7): Recommend the Village Board approve a Special Use Permit for Personal Services for a salon located at 21195 S. La Grange Road, Units 1B and 1C, in accordance with the submitted plans, public testimony, and Findings of Fact.

Motion by: Schaeffer

Seconded by: Jakubowski

Approved: (6-0)

D. Workshop: 213 Nebraska Street – Plantz Residence

Chris Gruba gave the staff report.

Chair Rigoni asked the applicant to step forward.

Gabriel Garcia approached the stand, the architect for the applicant. He asked if he should point out some of the changes proposed.

Chair Rigoni said he should.

The architect pointed out that the garage was small, only 1.5 cars wide. The regulations for the height of accessory structures was limiting, particularly for the slope of the roof of the garage. The applicant wanted the pitch of the garage to match the pitch of the home. It was historically appropriate to have a higher roof pitch, since in the past garages stored carriages. He stated that he brought color renderings to show how the originally proposed garage matched the proposed changes to the house.

Chair Rigoni asked if the request for a higher roof pitch on the garage was for architectural reasons or functional reasons.

The architect responded that the request was an architectural consideration. In regard to impervious lot coverage, one of the changes made to comply with code was a reduced patio area, and the removal of sidewalks which led from the garage to the back door of the home. With the changes, the proposed patio was now very small, only eight feet by eight feet. This was done so that the home was at least ten feet away from the garage.

Chair Rigoni asked staff for clarification on that regulation.

Staff responded that patios are defined as accessory structures, and that accessory structures needed to be at least ten feet away from the main structure.

Staff responded that the patio counted as part of the main structure, and that accessory structures needed to be at least ten feet away from the main structure.

Chair Rigoni asked what the patio was going to be made of.

The architect responded that they would be using pavers.

Chair Rigoni noted that she thought the ten-foot separation requirement related only to bulk, not paved surfaces, and was designed for fire safety reasons.

Staff noted that patios must be set back at least 10' from property lines and from other accessory structures, but that the text could be amended again if needed.

The architect stated that the patio was more landscaping than anything else. There was no sidewalk from the garage to the back door, either, and was removed to meet the impervious coverage regulation. He understood that the applicant was asking for a lot of variances, but there was not much yard on the site to begin with.

Chair Rigoni opened up the discussion to the other six variances the applicant originally requested in addition to the five presented. She cautioned other members of the Plan Commission to be limited in their comments since they did not have the same amount of information for the additional six as for the original five.

Commissioner Markunas asked staff to explain which aspects of the existing house were nonconforming.

Staff responded that the front yard setback was existing nonconforming, but the nonconformity was being increased. The non-masonry materials and accessory structure setbacks were nonconforming as well, but required variations.

The architect noted that the design altered the location and dimensions of the garage's footprint to avoid flooding.

Chair Rigoni asked what the maximum rear yard coverage calculation was.

Staff responded that they calculated 37%, whereas 30% was allowed.

The architect noted that another linear foot, or 18 square feet, was added to the garage.

Staff remarked that the variation for accessory structures was increasing in intensity then.

Chair Rigoni summarized that front yard setbacks and lot coverage were increasing in intensity. She asked if any of the members of the Plan Commission had any comments about the masonry requirement.

There were none.

Chair Rigoni turned the discussion to the accessory building setback. She asked the applicant what was to the north of the garage.

Staff responded that another garage was to the north.

Chair Rigoni asked if the other members of the Plan Commission had any comments.

There were none.

Chair Rigoni asked the applicant why they did not shorten the garage's length.

The architect responded that they wanted to allow tandem parking in lieu of side-by-side parking.

Commissioner Hogan noted that the garage on the other side of the alley was larger than the one proposed by the applicant.

The architect reiterated that they were only adding 18 square feet to the garage.

Chair Rigoni remarked that no portion of the proposed house would be located within the required rear yard.

Commissioner Markunas noted there was no real visual encroachment either.

Commissioner Schaeffer agreed that it would not impact the existing yard.

Commissioner Markunas said that it was a difficult piece of property to work on.

Chair Rigoni stated that meeting the square footage required by the code was hard due to the dimensions of the lot. The code set a maximum at 20%, and 33.2% was proposed.

Commissioner Markunas asked what the existing lot coverage was.

Staff responded that the existing lot coverage was 23.2%.

Chair Rigoni asked whether if the property were on a standard 15,000 square foot lot, it would meet the 20% requirement.

Staff responded it would.

Commissioner Markunas calculated the lot coverage for the property as if it were on a 15,000 square foot lot.

Chair Rigoni asked for any other comments while Commissioner Markunas completed the calculations.

Commissioner James noted that past variations that were granted nearby had higher lot coverage rates that 33%.

Commissioner Markunas stated that lot coverage on a typical R2 lot would be 10%.

Discussion continued comparing the existing site to the R2 regulations. The proposed home was 2,602 square feet whereas the minimum house size is 2,600 square feet, now complying with the Ordinance.

Commissioner Markunas stated he understood the reason behind requesting so many variances, given the dimensions of the lot. The proposed changes seemed appropriate for the site and would have been appropriate for a typical R2 property.

Commissioner Schaeffer noted that she agreed with the proposed changes from both a qualitative and quantitative standpoint.

Commissioner James stated he saw no issue with the proposed lot coverage.

Commissioner Hogan asked if the applicant had shared their plans with the neighbors yet.

The architect replied that they had not.

Chair Rigoni asked for any other comments on lot coverage.

There were none.

Chair Rigoni asked for comments about the front yard setback.

The architect noted that the proposed porch was adding to the existing porch. In his experience the Village liked seeing porches added to homes.

Chair Rigoni stated she saw this project as essentially a brand-new house, which made it hard to justify the addition of such a large porch. The applicants would then be the closest to the front lot line along the whole block. The new façade was not similar to the existing one. Losing two trees to install it was also a hard sell.

The applicant stated that the porch created a more inviting feel for the home.

Commissioner Markunas stated that the porch was something he liked. It tied the look of the home in with others along the street.

The architect stated that there was limited space in front of the home.

Commissioner Schaeffer recalled a case heard by the Plan Commission earlier in the year somewhere along Oregon Street. They had also added a porch to their home. The Plan Commission approved the addition of that home because of the positive aesthetic changes. She also noted that some subdivisions in the Village varied the distances of homes from the front lot lines, and wondered how bad that might look in this context.

The applicant asked if the existing home could be shown on the screen.

Staff pulled up Google Street View of the home.

Commissioner Hogan asked if the porch would replace the landscaping in front of the house currently, and not come closer forward than the existing brick wall which surrounded the front stairs.

Staff said that was correct.

Chair Rigoni suggested that her issue with the porch then was with the volume. The proposal included a full-width porch, where the existing home only had a partial-width porch.

Commissioner Markunas asked if the applicant intended to add any trees to replace the two that would be removed.

The applicant stated that there was an intention to landscape the property, but no formal plans existed yet. Looking at the existing porch on Street View, the addition would not come any closer to the front lot line than the existing brick wall did. The expansion would not look as large in reality as the drawing suggested.

Chair Rigoni stated that the fact that the proposed porch was covered added to the bulkiness. In her opinion, the existing uncovered porch looked fine.

The applicant noted that they tried to match the design of the house immediately to their east.

Staff noted that the property being emulated was 211 W. Nebraska.

Commissioner James remarked that the proposed addition would be ten feet closer to the front lot line than 211 W. Nebraska.

Commissioner Schaeffer stated that the depth of the porch at the subject property was 7 feet, 4 inches. The covered porch at 211 W. Nebraska is set back further from the property line, but did not feel massive.

Chair Rigoni stated that the use of brick added to the feeling of massiveness.

The architect noted that the design of the addition treated the property as a corner lot, and so wrapped the porch around the side in order to increase curb appeal.

Commissioner Jakubowski stated that the proposal was an improvement to the site. She expressed a desire to focus more on the property in question rather than discuss the neighboring property. She said that the project overall would enhance the neighborhood.

Commissioner James agreed, saying that the home would look good to anyone passing by.

Staff suggested that if the Plan Commission made a favorable recommendation to the Village Board, it could add a condition that prevented the porch from being enclosed in the future.

Chair Rigoni stated that if they specified that the porch was covered, which did not move the front façade closer to the front lot line, that could achieve a similar result.

Commissioner Hogan agreed, and said that the covered porch looked great. That aesthetic effect would be lost if the porch were ever enclosed.

Chair Rigoni stated she may be in the minority, but believed that the extent of the changes transformed the property into functionally a new house. The proposed project was a complete deviation from the surrounding neighborhood.

The applicant noted that the structure was only 21 feet wide.

Chair Rigoni responded that there was also a large addition being proposed.

Commissioner Markunas liked the fact that the home deviated from the neighborhood, though he did not want to be rude to members of the Plan Commission who disagreed with him. He expressed having an issue with the front setback, but noted that the design of the house generally worked because the property acts like a corner lot, since it's adjacent to an alley.

Chair Rigoni agreed about the corner lot considerations. She stated she was trying to strike a balance herself. She wanted to be comfortable in her understanding of what existed now before deciding on the addition. It was obvious to those present what parts of the home would be from the addition and what would be original, but that may not be the case in the future, and she wanted to avoid setting the wrong precedent. She asked if there were any other comments on the height of the detached garage or the impervious lot coverage.

Commissioner Markunas asked what height the applicant was seeking for the detached garage.

Staff responded that they were looking for a 20' 6" height.

Commissioner James asked how that height compared to the large garage across the alley.

The architect responded that their request was for a greater height, but the garage across the alley was wider.

Commissioner Markunas asked what the pitch on the home would be.

The architect responded that it would be 12/12.

Commissioner Markunas responded that the originally proposed garage would match the proposed additions to the home.

The applicant asked if staff had included a photograph of the flooding garage in their report.

Staff had not.

Laura Plantz, one of the applicants, approached the Plan Commission to share a photo of the flooded parts of the garage.

Chair Rigoni stated that if the Plan Commission were to approve the height variation for the accessory structure, they would need to be clear that the change was for architectural reasons only and was not, for example, an accessory dwelling.

Mike Schwarz noted that zoning regulations in other municipalities measured the height of a structure to the midpoint of the roof, so as to give architects flexibility when designing the pitch of the roof. He was aware that the definition was just changed, but wanted the Plan Commission to be aware of the other method.

Commissioner Markunas remarked it might be a good change to make.

Chair Rigoni asked the applicant to clarify the reason for a lot coverage variation request.

The applicant stated it would be to increase the size of the patio and to add a sidewalk leading from the garage to the home.

Chair Rigoni noted that the applicant was currently 30 square feet under the allowed impervious coverage maximum with the presented changes.

The architect stated he was aware, but wanted to go with the original addition plans if possible.

Commissioner Markunas confirmed that the patio in the rear of the home would be a patio, and not a deck. He also asked what materials would be used for the patio.

The applicant responded that they would use pavers.

Commissioner Jakubowski asked what color the pavers would be.

The applicant responded that they did not know.

Commissioner Schaeffer asked whether the pavers would be uniform.

The architect responded that they would use uniform blue stone pavers.

Commissioner Markunas stated that pavers were an easier thing to approve for him, especially for a walkway.

Commissioner Schaeffer asked what the proposed walkway would look like and where it would go.

The architect responded that the walkway would run alongside the garage and lead to the home, allowing someone to park near the garage door and exit more conveniently from the garage door, and walk to the home.

Chair Rigoni asked what the impervious lot coverage calculation would be then.

The architect responded that it would be 43%.

Chair Rigoni recalled that the only time the Plan Commission approved something similar was for a property on a 5,000 square foot lot, though she was trying to recall a more similar case.

Commissioner Schaeffer noted that there was a similar case for a proposed home on 49 N. White Street. In that case, there was barely any grass anyway.

The applicant stated that all of the property's green space was on the west side.

Commissioner Hogan noted that a nearby home seen on the aerial photographs used stepping stones as a path from the detached garage to the home. He asked whether that was considered landscaping.

Chair Rigoni asked how the patio would be increased.

The architect responded saying the proposed patio was 8' by 8', which was small. 12' by 12' is typically needed to allow for dining on the patio.

Chair Rigoni asked what the setback was for the patio.

Staff stated it was ten feet.

The architect agreed with a previous comment, stating that a larger patio would not be a fire nor a structural concern.

Chair Rigoni asked if the variation request for the impervious lot coverage would be 43%.

The architect responded that they would need to calculate it to be sure.

Chair Rigoni asked if the number would be around 43%.

The architect said it would be.

Chair Rigoni said that there was a possibility the Plan Commission would hear that request, depending on the materials that were used.

The applicant responded saying they could bring a sample for next time.

Chair Rigoni said that if the home had an attached garage, she would be less amenable to granting so many variations. She confirmed with the applicant that the only trees to be removed were the two marked at the front of the house. She stated that the applicant should work with staff to try and make the next meeting a public hearing. So long as the calculations did not result in something unreasonably different than what was discussed, the next meeting could be a public hearing.

For future reference, staff asked the Plan Commission whether they should work with applicants to try to minimize the number of variances requested prior to a workshop or whether the plans should come before the Commission as originally submitted, for the Commission to then decide which variances were excessive. Staff recalled the Plan Commission's hesitation to some of the variances requested at 143 Kansas, in which the applicant requested 8 variations.

Chair Rigoni said that staff should continue to do work with the property owner to reduce the number of variations requested, but that each property had to be considered differently.

Mr. Garcia noted to the Commission that Mr. Gruba was good to work with.

E. Workshop: 25 Carpenter Street – Kerley Residence

Drew Duffin gave the staff report.

Chair Rigoni asked if the current home was not constructed of masonry.

Staff responded it was not.

Commissioner Markunas stated he had no issues with the building materials.

Chair Rigoni asked what the front yard setback was for the house to the north.

Staff responded they were unsure.

Chair Rigoni asked that that information be provided at the next meeting. She then asked if the north side yard setback was going to be maintained.

Staff responded it was.

Chair Rigoni shifted discussion to the lot coverage on the site. She asked if the lot coverage calculations for the existing site included the detached garage.

Staff responded it did.

Commissioner Markunas asked what the size of the lot was.

Staff responded the lot was 8,000 square feet.

Chair Rigoni remarked that the applicant was proposing 29% lot coverage.

Commissioner Markunas noted that the lot was just over 50% the size of a typical R2 lot. He had no issue with the lot coverage.

Chair Rigoni noted that Carpenter Street was narrower and less busy than other downtown streets such as Nebraska Street. She asked the applicant to be sure that what they brought to the Plan Commission was everything they wanted to do on the site, so they did not come back later to request more variances. Adding more driveway to the east of the proposed attached garage would require another variance, but is not shown on the submitted plans. A larger driveway may put the site into nonconformity with the impervious lot coverage.

Commissioners noted and commented on Carpenter Street being narrower than other streets in the Village.

F. Public Comments

There were none.

G. Village Board & Committee Updates

Schwarz noted that the following matters that previously came before the PC/ZBA were approved by the Village Board at its meeting on August 1:

- Root Residence Variations for 324 Center Road – the ordinance was approved.

In addition, an item which was on the agenda for the cancelled July 28th meeting of the Plan Commission for Facen4Ward, an indoor entertainment Special Use Permit for 20879 S. La Grange Road, was withdrawn by the applicants. They may file in the future at a different address.

At its meeting on August 10, the Committee-of-the-Whole made a recommendation to the Village Board to enter into a purchase and sale agreement with Integrus Development for Village property at 7 N. White Street, which is the western/front portion of the Prairie Park parking lot. The project will require future review by the Plan Commission and the Historic Preservation Commission.

Chair Rigoni asked about the status of 2 Smith Street.

Schwarz responded that there were four responses to the RFP for the sale of 2 Smith Street and two of those proposals appear to remain on the table for Committee consideration. One of those would reuse the existing building and the other would develop a new building on the existing parking lot closer to Smith Street. The latter proposal may be withdrawn as it appears that the developer is focused on 7 N. White Street property.

Chair Rigoni asked how many proposals were submitted for 7 N. White Street.

Schwarz responded only one proposal was submitted. He recalled that another development was proposed for the same site in 2018.

Chair Rigoni stated she hoped the current proposal for 7 N. White Street would be as good as the previous one was.

H. Other Business

There was no other business.

I. Attendance Confirmation (~~July 28th, 2022~~)^{August 25th}

Chair Rigoni asked the Commissioners to notify staff if they will not be in attendance on August 25th, and to notify to staff once they knew they could not attend.

Motion (#5): Adjournment 8:32 P.M.

Motion by: Schaeffer Seconded by: Markunas

Unanimously approved by voice vote.

Approved August 25th, 2022

As Presented X As Amended _____

Maura A. Rigoni /s/ Maura Rigoni, Chair

Christy A. Spake /s/ Secretary