

Chairman John Brewer chaired the meeting and called the Planning & Zoning Commission meeting to order at 7:00 pm.

Roll: 8 Present (Brewer, Scarpelli, Holliman, Steneck, Bernstein, Apke, Muscat and Schock). 1 Absent (Meyer). Also present were Deputy Village Administrator/Village Clerk Heather Maieritsch, Deputy Village Clerk Katherine Holt and Associate Village Attorney Jim Binninger.

APPROVAL OF MINUTES:

1. Planning and Zoning/Historic Commission Meeting Minutes dated January 8, 2015

Motion to approve the January 8, 2015 meeting minutes by Scarpelli/Apke.

8 Ayes (Brewer, Scarpelli, Holliman, Steneck, Bernstein, Apke, Muscat and Schock). 1 Absent (Meyer). Motion carries.

PUBLIC COMMENT: None

Attorney Binninger gave an overview to the Commission on the principle standards for special uses and variances and how they relate to individual cases. He advised that it is important to keep in mind that a variance must have unique circumstances relating to the property and that it cannot change the character of the locality. He explained that special uses are uses which are not permitted, are different and unique and may create an issue to the community. He added that the Commission can impose conditions for a variance or special use request.

NEW BUSINESS:

- 1. PUBLIC HEARING: 212 Howard Ave:** Requesting variances to Sections 157.033 (B)(6)(1) and (2) to allow for a four (4) foot side yard instead of the required 10% or 30ft as required for a side yard abutting a street but would be 16 feet from the Village curb and street; and a variance of Section 157.33 (B)(6)(c) to allow for a rear yard setback of 28.9 feet to match the existing non-conforming structure building instead of the required 30 foot setback

Motion to open the public hearing for 212 Howard Avenue by Muscat/Scarpelli.

8 Ayes (Brewer, Muscat, Steneck, Apke, Scarpelli, Holliman, Bernstein and Schock). 1 Absent (Meyer). Motion carries.

Jeff Lynam addressed the Commission with his request for a variance to build a 2½ garage addition to the north side of his existing garage. He said the new structure will be 12-14 feet tall and will include a garage door. He said he plans to add a cement apron to the front of the addition that would tie into the existing driveway. Chairman Brewer asked Mr. Lynam what the unique circumstance of the property is that warrants a variance. He also asked him if there were any other homes in his locality that had large additions similar to what is being requested. Mr. Lynam replied that there are none that he can think of. Apke voiced a concern about the property incline combined with the height of the new structure being too overbearing from the court side of the property.

Motion to close the public hearing for 212 Howard Avenue by Holliman/Muscat.

8 Ayes (Brewer, Muscat, Steneck, Apke, Scarpelli, Holliman, Bernstein and Schock). 1 Absent (Meyer). Motion carries.

*Motion to approve the variance request for 212 Howard Avenue by Muscat/Holliman.
2 Ayes (Muscat and Steneck). 6 Nays (Apke, Scarpelli, Holliman, Bernstein, Schock and Brewer)
1 Absent (Meyer). Motion fails.*

2. Findings of Fact 212 Howard Ave

Clerk Maieritsch advised that the Findings of Fact was prepared based on an approval. She said she will update it to include the recommendation to deny the variance. Attorney Binninger recommended that the Finding of Fact include findings related to the standards. Based on this recommendation, he suggested that staff bring the Findings of Fact for this case to the next Planning & Zoning meeting for approval.

- 3. PUBLIC HEARING: 310 E. 1st Street:** Requesting a variance from 157.034(B)(5)(b)(1) which requires the side yard to be 10% of the total width and grant approval for a variance to allow one side yard to be 3ft instead of 6ft and a variance from 157.034(B)(5)(c) which requires a 30ft rear yard setback to allow for a 9.3ft rear yard setback.

*Motion to open the public hearing for 310 E. 1st Street by Holliman/Scarpelli.
8 Ayes (Brewer, Muscat, Steneck, Apke, Scarpelli, Holliman, Bernstein and Schock). 1 Absent (Meyer).
Motion carries.*

Gregory Thornton stated that the uniqueness to his older home is that there is only outdoor access to his basement. He said the access to the basement is difficult and creates a hardship for storage. He said he would like to increase the square footage of the garage to utilize it for storage. He said the curb appeal would be no different since the extension would be in the rear of the existing garage. He said that a line of shrubbery separates his lot from the neighboring lot behind him. Chairman Brewer said that he feels his condition can apply to any house in that neighborhood and sees no special circumstance that warrants a variance.

*Motion to close the public hearing for 310 E. 1st Street by Holliman/Berstein.
8 Ayes (Brewer, Muscat, Steneck, Apke, Scarpelli, Holliman, Bernstein and Schock). 1 Absent (Meyer).
Motion carries.*

*Motion to approve the variance request for 310 E. 1st Street by Holliman/Scarpelli.
5 Ayes (Holliman, Muscat, Bernstein, Schock and Steneck). 3 Nays (Apke, Scarpelli and Brewer)
1 Absent (Meyer). Motion carries.*

4. Findings of Fact 310 E. 1st Street

*Motion to approve the Findings of Fact for 310 E. 1st Street by Scarpelli/Holliman.
8 Ayes (Brewer, Muscat, Steneck, Apke, Scarpelli, Holliman, Bernstein and Schock). 1 Absent (Meyer).
Motion carries.*

- 5. PUBLIC HEARING: 555 Plate Drive Unit 11:** Requesting a special use to Section 157.065(c)(1) to allow for a gun shop.

Motion to open the public hearing for 555 Plate Drive Unit 11 by Muscat/Scarpelli.

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*8 Ayes (Brewer, Muscat, Steneck, Apke, Scarpelli, Holliman, Bernstein and Schock). 1 Absent (Meyer).
Motion carries.*

Clerk Maieritsch advised that there are some outstanding items to be worked out between the tenant and landlord and by their request, suggested postponing this item until the next meeting. She said at that time, both parties will either have come to an agreement or will withdraw their application.

*Motion to table the request for special use for 555 Plate Drive Unit 11 by Schock/Holliman.
8 Ayes (Brewer, Muscat, Steneck, Apke, Scarpelli, Holliman, Bernstein and Schock). 1 Absent (Meyer).
Motion carries.*

*Motion to close the public hearing for 555 Plate Drive Unit 11 by Schock/Scarpelli.
8 Ayes (Brewer, Muscat, Steneck, Apke, Scarpelli, Holliman, Bernstein and Schock). 1 Absent (Meyer).
Motion carries*

HISTORIC COMMISSION: None

*Motion to close the Planning and Zoning Meeting at 8:15 pm by Scarpelli/Berstein.
8 Ayes (Brewer, Muscat, Steneck, Apke, Scarpelli, Holliman, Bernstein and Schock). 1 Absent (Meyer).
Motion carries*