

**Planning and Zoning Commission Meeting
Via Teleconference as authorized by Governor
Pritzker's COVID-19 Disaster Declaration**

**Village of West Dundee
Tuesday May 26, 2020 -7:30 p.m.**

I. CALL TO ORDER:

The Planning and Zoning Commission meeting was called to order at 7:30 p.m. by Chairman Pro Tem Bob Martin.

II. ROLL CALL:

Present were Chairman Pro Tem Bob Martin, Commissioners John Seaton, Brian Slovacek, Rick Magsamen and Jim Kotleba. Commissioner Jennifer Russel arrived at 7:34 p.m.

Also in attendance were Community Development Director Tim Scott and Village Planner Atrin Fard and seventeen (17) people in the audience.

III. PLEDGE OF ALLEGIANCE:

Village Clerk Traver led those in attendance in the Pledge of Allegiance.

IV. APPROVAL OF AGENDA:

MOTION: Moved by Commissioner Kotleba and seconded by Commissioner Slovacek to approve the agenda as presented. Upon roll call, the motion was approved.

AYES: Commissioners Seaton, Slovacek, Magsamen, Kotleba, Russell and Martin.

NAYS: None

V. APPROVAL OF MINUTES:

MOTION: Moved by Commissioner Slovacek seconded by Commissioner Kotleba to approve the minutes of January 27, 2020. Upon roll call, motion was approved.

AYES: Commissioners Seaton, Slovacek, Magsamen, Kotleba and Russell and Chairman Pro Tem Martin.

NAYS: None

VI. QUESTIONS FROM THE AUDIENCE:

There were none.

VII. NEW BUSINESS:

A. Public Hearing – Petition 20-01: 404 Washington Street – Consideration of Variations from West Dundee Zoning Regulations Related to Required Front and Side Yard/Setbacks for a Two-story Addition with a Two-Car Garage

MOTION: Moved by Commissioner Kotleba and seconded by Commissioner Seaton to open the Public Hearing for Petition 20-01. Upon roll call, motion was approved.

AYES: Commissioners Seaton, Slovacek, Russell, Magsamen, Kotleba and Chairman Pro Tem Martin
NAYS: None

The Public Hearing opened at 7:38 p.m.

Village Planner Fard said all notices and requirements have been filed.

Susan Lonnett, LaPage Architects was sworn in by Village Clerk Traver.

Chairman Pro Tem Martin said the petitioner, Susan Lonnett of LaPage Architects, representing homeowners, Heather and Dennis Buck, is requesting zoning variations granting relief from requirements regarding (1) side yard/setback and (2) the 15' setback from the front of the principal structure.

Director Scott said the subject property is located at 404 Washington Street at the northwest corner of Washington Street and North Fourth Street. He said the property is improved with a two-story frame residence. In lieu of a garage, the lot has a one car driveway with curb cut on Washington Street on the west side of the house.

Ms. Lonnett said the existing historic house is approximately 170 years ago, and the lot is zoned R-3 Single Family Detached Dwelling District. She said the petitioner's intent is to replace the existing screened-in porch on the west side of the home with an attached two car garage and a second floor master bedroom. She said the existing driveway would be replaced with a 20' wide concrete driveway and approach and be connected to the home's front walkway and main entry via a new three-foot wide sidewalk.

Ms. Lonnett said the plan would also include the removal of the existing non-conforming shed and add a new rear porch with two access doors from the proposed garage and mudroom. She said other improvements of the project would see repair of the roof's drainage system, upgrades to aging plumbing, electrical, and mechanical systems, and remodeling of the home's floor plan.

Commissioners held a discussion regarding setbacks, the configuration of the lot, if the proposed driveway depth was adequate so there would be no parking on the sidewalk (there is adequate space), materials for the reconstruction (all cladding is going to be similar to existing cladding on the house), design of the additional windows on the second floor of the addition (will be egress windows and will closely match the other windows of the house), and why it is not possible to construct on the Fourth Street side of the house (would be intrusive and violate the front yard setback established by the homes on N. Fourth St.).

Maureen Himmell, who lives adjacent to the property said this is the best solution and has no issues with the variances proposed.

There were no additional comments from the Commissioners or the public.

MOTION: Moved by Commissioner Slovacek and seconded by Commissioner Russell to close the Public Hearing. Upon roll call, motion was approved.

AYES: Commissioners Seaton, Slovacek, Russell, Magsamen, Kotleba and Chairman Pro Tem Martin.
NAYS: None

The Public Hearing closed at 8:06 p.m.

MOTION: Moved by Commissioner Seaton and seconded by Commissioner Slovacek to recommend to the Village President and Board of Trustees Approval of Variations from the West Dundee Zoning Regulations Pertaining to (1) Required Side Yard/Setbacks and (2) Required Setback of a Garage from the Front of a Principal Structure to Allow Construction of a Two Story Residential Addition with an Attached Two Car Garage for Property Located at 404 Washington Street, subject to the following conditions:

1. Compliance with documents including the site plan as submitted with the Planning and Zoning Application; and,
2. Compliance with all other applicable Village codes and ordinances.

Upon roll call, motion was approved.

AYES: Commissioners Seaton, Slovacek, Russell, Magsamen, Kotleba and Chairman Pro Tem Martin.

NAYS: None

B. Petition 20-02: 202 Oregon Street – Consideration of a Variation from West Dundee Zoning Regulations Pertaining to Required Rear Yard/Setback for an Accessory Structure (Gazebo)

MOTION: Moved by Commissioner Slovacek and seconded by Commissioner Russell to open the Public Hearing for Petition 20-02. Upon roll call, motion was approved.

AYES: Commissioners Russell, Seaton, Slovacek, Magsamen, Kotleba and Chairman Pro Tem Martin

NAYS: None

The Public Hearing opened at 8:10 p.m.

Village Planner Fard said all notices and requirements have been filed.

Mr. Wilbrandt was sworn in by Village Clerk Traver.

Chairman Pro Tem Martin said the petitioner, Dan Wilbrandt, is requesting a zoning variation of required rear yard/setback regulation for an accessory structure.

Director Scott said the subject property is located at the northwest corner of Oregon Avenue and Second Street. He added that with two street frontages a corner lot possesses two front yards. He said the true front yard faces Oregon as it is where the front door is located and how the property is addressed, and the second front faces Second Street and that area/yard can be characterized as a side/corner side yard.

Mr. Wilbrandt said he is requesting a zoning variation that would allow construction of a detached accessory structure in the form of a gazebo immediately east of the existing garage which is located in the northwest corner of the lot.

Mr. Wilbrandt said the proposed gazebo would not be located in the side yard abutting the side street (Second Street), but its placement would be closer than three feet (3') to the rear lot line. Specifically, he added the requested placement of the gazebo would require relief of approximately five inches (5") from the three-foot rear yard setback from the lot's northern property line, leaving 2'7".

He further explained that the proposed plan would have a five (5") encroachment into the required three foot rear yard would be in two spots, namely, those intended to accommodate two (2) 6"x6" posts to help

support the proposed gazebo. The gazebo support posts would rest atop an existing masonry retaining wall.

A discussion was held by the Commissioners concerning the height of the proposed gazebo (won't be taller than the garage), type of roof on gazebo (standing seam metal roof), how the posts would be attached, and structure of the retaining walls (concrete masonry adhesive and anchors, with the existing walls also supported by their compacted gravel foundation).

There was no public comment.

MOTION: Moved by Commissioner Kotleba and seconded by Commissioner Magsamen to close the Public Hearing. Upon roll call, the motion was approved.

AYES: Commissioners Kotleba, Magsamen, Slovacek, Russell, Seaton and Chairman Pro Tem Martin

NAYS: None

The Public Hearing closed at 8:28 p.m.

MOTION: Moved by Commissioner Russell and seconded by Commissioner Kotleba to Recommend to the President and the Village Board of Trustees Approval of a Variation from the West Dundee Zoning Ordinance Pertaining to Required Rear Yard/Setback for an Accessory Structure (Gazebo) for Property Located at 202 Oregon Avenue in the Village of West Dundee, Illinois, subject to the following conditions:

1. Compliance with documents as submitted with the Planning and Zoning Application; and,
2. Compliance with all other applicable Village codes and ordinances.

Upon roll call, motion was approved.

AYES: Commissioners Russell, Kotleba, Seaton, Slovacek, Magsamen and Chairman Pro Tem Martin

NAYS: None

C. Petition 20-03: 441 Highland Avenue – Consideration of a Variation from West Dundee Building Regulations to Maintain Use of an Existing Plumbing Service to a Detached Accessory Structure.

MOTION: Moved by Commissioner Kotleba and seconded by Commissioner Magsamen to open the Public Hearing. Upon roll call, the motion was approved.

AYES: Commissioners Kotleba, Magsamen, Slovacek, Seaton, Russell and Chairman Pro Tem Martin

NAYS: None

The Public Hearing opened at 8:36 p.m.

Village Planner Fard said all notices and requirements have been filed.

Petitioner Joseph Ignoffo was sworn in by Village Clerk Traver.

Chairman Pro Tem Martin said the petitioners are seeking a variation to maintain use of an existing plumbing service to a detached three-car garage located at 441 Highland Avenue.

Director Scott said the request is for a variation from West Dundee Building Regulations related to a plumbing service to detached accessory structure. He added that such a variation may be considered for one of the specific use exceptions in the code (e.g., home office).

Director Scott gave a brief history of the property including the single-family home's illegal conversion to a rented-out two-flat and the garage second floor's illegal conversion to an apartment where the owner lived. He noted that this happened years ago and that there had been a Village effort to try and have the home and garage de-converted and brought into a compliant state.

Director Scott said the petitioners reportedly bought the home out of foreclosure and at the time of purchase learned that the residence would have to be restored to single-family use and that the space above the garage had been utilized as a separate dwelling unit in violation of the Village's zoning regulations, with work required to have the structure comport with code. He added that the Village has tried to work with the petitioners to follow through on matters of compliance.

Director Scott commented that the home was again being used as a single-family residence, although the required work had not yet been done to the garage. This was established and verified at an administrative adjudication hearing of the Village, where at its conclusion, the petitioners were given the opportunity to apply for a variation in accordance with the applicable code provision. He noted that according to code such space is prohibited for living purposes, including for one's own family, as the Village does not allow accessory dwelling units.

Mr. Ignoffo said he wishes to keep the second floor space for his family's general purposes. He commented that he would be willing to remove the shower and the toilet but would like to keep the sink and possible add another hand sink. With his own home-related remodeling business, he mentioned use of the space for an office or workshop and that there is would be no intent to either use it as a rental unit or living space. He added that he would be open to inspections.

A discussion took place among the Commissioners on the issue of plumbing, the idea of habitable space, the various types of heating in the garage building, what services, fixtures and appliances should be removed and to what extent to prevent the space's illegal use, using the area for a home office or a workshop, existing code violations, and having no compelling or legal reason to justify leaving things in place as-is since the second floor space was set up as an apartment which violates code.

There was no public comment.

MOTION: Moved by Commissioner Magsamen and seconded by Commissioner Seaton to close the Public Hearing. Upon roll call, the motion was approved.

AYES: Commissioners Magsamen, Seaton, Slovacek, Kotleba, Russell and Chairman Pro Tem Martin

NAYS: None

The Public Hearing closed at 9:14 p.m.

MOTION: Moved by Commissioner Magsamen and seconded by Commissioner Kotleba to recommend to the President and the Village Board of Trustees that the property owners of 441 Highland Avenue remove the shower and toilet and cap and fill lines accordingly for potential use of the space in accordance with the provisions included in Section 10-4-4-3B "No leasing or renting of a room within a

dwelling unit within a single-family residence in a Residential District for sleeping and living purposes” and include ongoing inspections. Upon roll call, the motion was denied.

AYES: Commissioners Russell and Kotleba

NAYS: Commissioners Magsamen, Seaton, Slovacek and Chairman Pro Tem Martin

D. Petition 20-04: Northeast Corner of Main Street/Rout 72 and Randall Road-Consideration of SD Special Development District Zoning Designation for Approximately 55 Acres Upon Annexation to the Village of West Dundee

MOTION: Moved by Commissioner Magsamen and seconded by Commissioner Kotleba to open the Public Hearing for Petition 20-04. Upon roll call, motion was approved.

AYES: Commissioners Magsamen, Kotleba, Russell, Seaton, Slovacek and Chairman Pro Tem Martin

NAYS: None

The Public Hearing opened at 9:29 p.m.

Village Planner Fard said all notices and requirements have been filed.

Attorney John Regan and Jim Frayne from Manhard Consulting were sworn in by Village Clerk Traver.

Director Scott said the 265 acres of land north of Main Street/Route 72 east of Randall Road and south of Binnie Road is commonly referred to as the Galvin Property, is located in unincorporated Kane County and is zoned F-Farming. He said there is a prospective buyer for a 55-acre parcel toward the southern end of the overall site.

Attorney Regan said the prospective buyer is interested in flexibility and has requested to have the land designated as SD-Special Development District so it can serve as an effective placeholder and offer flexibility with respect to planning and development over time. He added that his client wants to acquire the property, but has no firm plans for it at this time due to the current economic climate.

Chairman Pro Tem Martin asked for any public comment.

Alan Evans, 16N94 Oaks Lane, Andrew Bogott, 16 N730 Sumter Drive, and Shannon Kowal, 16N664 Sumter Drive were sworn in by Village Clerk Traver.

Mr. Evans said his main concern is for the springs that feed Lake Tara and wants to be sure that any future development will not affect the flow of water to the lake as well as have any silt contained. He also suggested that an escrow fund be set up to help with the cost of any remediation should any damage from a future development be incurred.

Attorney Regan said the developer would be expressly staying out of the wetlands and Jim Frayne, Manhard Consulting, said that storm water management guidelines will be followed in any future development.

Andrew Bogott asked which Kane County land use plan was being followed, 2020 or 2040. Mr. Frayne said the 2040 plan would be used. Mr. Bogott said the 2040 Land Use plan addresses future open space.

Shannon Kowal expressed concern about the well and septic systems and asked if future development would interfere with the underground springs that feed the wells and septic.

There was no other public comment.

MOTION: Move by Commissioner Magsamen and seconded by Commissioner Kotleba to close the Public Hearing. Upon roll call, motion was approved.

AYES: Commissioners Magsamen, Kotleba, Slovacek, Seaton, Russell and Chairman Pro Tem Martin

NAYS: None

The Public Hearing closed at 10:13 p.m.

MOTION: Moved by Commissioner Magsamen and seconded by Commissioner Kotleba to move to recommend to the Village President and Board of Trustees Designation of the Approximately 55-Acres of Property North of the Northeast Corner of Main Street/Route 72 and Randall Road as SD Special Development District upon Annexation to the Village of West Dundee with due diligence regarding Open Space.

Upon roll call, motion was approved.

AYES: Commissioner Magsamen, Kotleba, Slovacek, Seaton, Russell and Martin

NAYS: None

E. Petition 20-05: Consideration of Text Amendments Related to Banquet Halls and Commissaries/Commercial Kitchens in the Village's Business Districts

MOTION: Moved by Commissioner Slovacek and seconded by Commissioner Magsamen to open the Public Hearing. Upon roll call, motion was approved.

AYES: Commissioners Slovacek, Magsamen, Seaton, Russell, Kotleba and Chairman Pro Tem Martin

NAYS: None

The Public Hearing opened at 10:18 p.m.

Director Scott said the proposed text amendments would be (1) define and add banquet halls to the list of permitted uses for the B-2 Regional Business District and B-3 Business Service District; (2) define and add commissaries/commercial kitchens to the list of permitted uses in the B-2 Regional Business District and B-3 Business Service District and (3) add parking standards for banquet halls.

Director Scott said the proposed uses arose as the owner of Lifezone 360 has been working to further develop his multi-concept facility with the latest effort the potential addition of two new businesses, a banquet facility and a commercial kitchen.

With the uses not listed in the zoning code, Director Scott said staff is proposing that banquet hall and commissary/commercial kitchen uses be listed and addressed in the B-2 and B-3 classifications since these districts have the potential to offer larger lots, more parking spaces, better regional access, and greater separation from nearby residential neighborhoods.

A brief discussion took place regarding banquet halls and commercial kitchens as either permitted or special uses, a parking standard for banquet halls, and how a commercial kitchen user like food trucks would be accommodated.

There was no public comment.

MOTION: Moved by Commissioner Magsamen and seconded by Commissioner Russell to close the Public Hearing. Upon roll call, motion was approved.

AYES: Commissioners Magsamen, Russell, Kotleba, Seaton, Slovacek and Chairman Pro Tem Martin

NAYS: None

The Public Hearing closed at 10:39 p.m.

MOTION: Moved by Commissioner Magsamen and seconded by Commissioner Slovacek to recommend to the Village President and Board of Trustees Approval of Text Amendments to the West Dundee Zoning Ordinance Related to Banquet Halls and Commissaries/Commercial Kitchens, to list these uses as special, and to add a dedicated parking standard for banquet halls.

AYES: Commissioners Magsamen, Slovacek, Seaton, Russell, Kotleba and Chairman Pro Tem Martin

NAYS: None

VIII. Miscellaneous:

Director Scott said that Rogers Susanke has retired from the Planning & Zoning Commission after 39 years of dedicated service.

IX. Adjournment:

MOTION: Moved by Commissioner Seaton and seconded by Commissioner Slovacek to adjourn the Planning & Zoning Meeting. Motion was approved by unanimous voice vote.

The Planning and Zoning Meeting adjourned at 10:46 p.m.

Respectfully Submitted:



Barbara Traver
Village Clerk