

MINUTES
VILLAGE OF ELBURN PLANNING COMMISSION/ZONING BOARD OF APPEALS
MAY 1, 2018

Members Present: Commissioners Ryan Anderson, Chris Gould, Mary Gustafson, Rob Houtz, Chris Mulvihill, Chairman Jeff Metcalf

Members Absent:

Staff Members Present: Building Commissioner Tom Brennan

Others Present:

1. Call to Order – Chairman Metcalf called the meeting to order at 7:00 p.m.
2. Pledge of Allegiance – Chairman Metcalf led the assembly in the Pledge of Allegiance.
3. Roll Call – A roll call ensued.
4. Public Comment – None
5. Open the Public Hearing Regarding a Proposed Zoning Variance to Allow an Expansion of a Legal Non-Conforming Use on Lot 4 in the Keystone Industrial Park – A motion to open the public hearing was made by Mulvihill and seconded by Houtz. A roll call vote ensued. Ayes: Anderson, Gould, Gustafson, Houtz, Mulvihill, Metcalf. Nays: None. Motion carried.
6. Public Hearing Regarding a Proposed Zoning Variance to Allow an Expansion of a Legal Non-Conforming Use on Lot 4 in the Keystone Industrial Park – Building Commissioner Brennan stated this is to hear comments for/against a request for a variance regarding a parcel currently used for outside storage which is an accessory use and does not have a principal use (i.e., a building). Petitioner Joseph Improta and his attorney, Richard Williams, were sworn in by Chairman Metcalf. Improta stated he has owned the parcel since 2004 and it has always been used as a tow yard and storage. Improta said he has been trying to sell the parcel to no avail. He also owns two other parcels. Improta is asking to expand the existing non-conforming use and stated the use is consistent with CM zoning. There are no buildings on the parcel and is asking for relief to expand the use. Improta said there is interest to use the lot for storage of vehicles and construction equipment. If approved, the fence will be expanded to the front of the lot. Improta said he owns two other buildings within the industrial park. Improta said the expanded use will not be visible and confirmed dangerous materials will not be stored on the parcel. He added there have been no complaints for the current use.

When asked if the parcel would be used for public use, Improta said no—there will be no upgrades to the property other than putting down some gravel and expanding the fence. Improta said he may want to put up lights or electrical service if someone needs electric. Brennan stated the gravel is fine and the petitioner will have to landscape around the fence—the parcel will have to be brought up to code. Access to the parcel is from North Street and the existing driveway will be used. The lot will remain for sale and until someone purchases the lot, this use will bring in revenue.

Commissioner Gould stated he is supportive of the use however, one of the variation findings of fact addresses if a higher use could be made of the property. Attorney Williams stated the parcel has been for sale for seven years and for economic return his client can either rent the vacant land or construct a building which is not feasible.

Brennan stated the variation would remain with the current petitioner, not the property. Improta agreed with this.

7. Close the Public Hearing Regarding a Proposed Zoning Variance to Allow an Expansion of a Legal Non-Conforming Use on Lot 4 in the Keystone Industrial Park – Being no further testimony or questions, a motion to close the public hearing was made by Gould and seconded by Gustafson. A roll call vote ensued. Ayes: Anderson, Gould, Gustafson, Houtz, Mulvihill, Metcalf. Nays: None. Motion carried.

8. Vote on Findings of Facts – Chairman Metcalf read aloud the standards as follows:

The ZBA shall not recommend, and the Village Board shall not vary, the provisions of this Zoning, unless it shall find that the:

1. Property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zoning district;
2. Plight of the owner is due to unique circumstances;
3. Variation, if granted, will not alter the essential character of the locality.

For the purpose of supplementing the above standards, the ZBA, in making a recommendation that there are practical difficulties or particular hardships, shall also take into consideration the extent to which the evidence establishes, or fails to establish the following:

1. That the particular physical surroundings, shape or topographical condition of the specific property involved would bring particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out.
2. That the conditions upon which the petition or variation is based would not be generally applicable to other property within the same zoning district.
3. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property.
4. That the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property, or by the applicant.
5. That the granting of the variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. That the proposed variation will not:
 - o Impair an adequate supply of light and air to adjacent properties.
 - o Substantially increase the hazard for fire or other dangers to said property or adjacent properties.
 - o Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of Elburn.
 - o Diminish or impair property values in the neighborhood.
 - o Unduly increase traffic congestion in the public streets and highways.
 - o Create a nuisance.
 - o Result in an increase in public expenditures.
7. That the variation is the minimum variation necessary to make possible the reasonable use of the land, building or structure.

A roll call vote ensued. Ayes: Gustafson, Houtz, Mulvihill, Metcalf. Nays: Anderson, Gould. Motion carried.

9. Recommend to the Village Board to Approve a Zoning Variance to Allow an Expansion of a Legal Non-Conforming Use on Lot 4 in the Keystone Industrial Park – A motion to recommend approval was made by Houtz and seconded by Mulvihill. A roll call vote ensued. Ayes: Anderson, Gould, Gustafson, Houtz, Mulvihill, Metcalf. Nays: None. Motion carried.

10. Other Business – None

11. Adjourn – Commissioner Gustafson motioned to adjourn the meeting at 7:23 p.m. with Commissioner Gould seconding the motion. The motion passed by a unanimous voice vote.

Respectfully Submitted,



Diane McQuilkin
Village Clerk