

MINUTES
VILLAGE OF ELBURN PLANNING COMMISSION/ZONING BOARD OF APPEALS
NOVEMBER 6, 2018

Members Present: Commissioners Ryan Anderson, Mary Gustafson, Rob Houtz, Carolyn Jansons

Members Absent: Chris Gould, Chris Mulvihill, Chairman Jeff Metcalf

Staff Members Present: Building Commissioner Tom Brennan; Village Attorney Bob Britz; Village Admin John Nevenhoven

Others Present: Residents Troy and Elisabeth Peacock, Dennis Schenk

In the absence of Chairman Metcalf, a motion was made by Commissioner Anderson to nominate Commissioner Jansons as temporary chairman for the meeting this evening. The motion was seconded by Gustafson and passed by unanimous voice vote.

1. Call to Order – Temp Chairman Jansons called the meeting to order at 7:00 p.m.
2. Pledge of Allegiance – Commissioner Anderson led the assembly in the Pledge of Allegiance.
3. Roll Call – A roll call ensued.
4. Public Comment – Resident Dennis Schenk (200 South Street) stated he is contemplating purchasing property at the corner of Swain and South First Streets. He inquired if the Village would entertain subdividing the parcel into two lots. The lot is currently 110' x 150' and dividing the parcel would create two lots that are similar in size with other parcels in the vicinity. Village Admin Nevenhoven suggested this item be discussed later this evening under "Other Business." Village Attorney Britz stated the Commission is not able to make a decision tonight—a formal petition would have to be filed. There was consensus to discuss this item further under Other Business.
5. Approve Minutes – A motion to approve the September 5, 2018 Planning Commission minutes was made by Commissioner Houtz and seconded by Commissioner Gustafson. The motion unanimously carried by voice vote.
6. Open the Public Hearing Regarding the Application from Randall and Janelle Ream for a Special Use Permit for Live Music at 130 N Main Street – A motion to open the public hearing was made by Houtz and seconded by Anderson. The motion carried by unanimous voice vote.
7. Public Hearing Regarding the Application from Randall and Janelle Ream for a Special Use Permit for Live Music at 130 N Main Street – Building Commissioner Brennan stated this petition is for a Special Use to allow live entertainment and dancing. The property has already been approved for a liquor license and the Special Use will allow live entertainment—similar to Eddie Gaedel's and Schmidt's Towne Pub. The venue is very deep and there are two lots involved. Stuart Ream, representing Randy and Janelle Ream, was sworn in by Attorney Britz. When asked if the older storage building out back would be combined with the store, Ream stated no. The Village owns the alley behind the subject property. Morgan Demming reporting for Elgin Community College, was sworn in by Attorney Britz. Demming inquired what music will do for local businesses. It was responded that it will encourage people to go out for entertainment and may be healthy competition with some of the other venues.
8. Close the Public Hearing Regarding the Application from Randall and Janelle Ream for a Special Use Permit for Live Music at 130 N Main Street – Being no further comments, a motion to close the public

hearing was made by Houtz and seconded by Anderson. The motion carried by unanimous voice vote.

9. Vote on Findings of Fact – A motion to approve the findings of fact for a Special Use was made by Houtz and seconded by Gustafson. A roll call vote ensued. Ayes: Anderson, Gustafson, Houtz, Jansons. Nays: None. Motion carried.
10. Recommendation to the Village Board Regarding the Application for a Special Use at 130 N Main Street – A motion to recommend approval of the request, including conditions specified in Sections 2 3 and 4 of Village of Elburn Ordinance 2015-12, was made by Anderson and seconded by Houtz. A roll call vote ensued. Ayes: Anderson, Gustafson, Houtz, Jansons. Nays: None. Motion carried. This will be on the November 19, 2018 Village Board agenda for final action.
11. Motion to Reconvene the August 7, 2018 Public Hearing Regarding the Application from Troy and Elisabeth Peacock for a Variance at 261 E Shannon St to Allow Construction of a Detached Garage that is Larger and Taller and Thus Exceeds the Maximum Lot Coverage than the Village of Elburn Zoning Ordinance Allows – A motion to reconvene the August 7, 2018 public hearing was made by Houtz and seconded by Anderson. The motion carried by unanimous voice vote.
12. Public Hearing Regarding the Application from Troy and Elisabeth Peacock for a Variance at 261 E Shannon St to Allow Construction of a Detached Garage that is Larger and Taller and Thus Exceeds the Maximum Lot Coverage than the Village of Elburn Zoning Ordinance Allows – Commissioner Houtz asked if proper notifications were made to neighbors and if there are any objections. Mr. Peacock said yes, notifications were made and there are no objections from neighbors. Mr. Peacock was sworn in by Attorney Britz.

Building Commission Brennan stated all requirements in order to conduct a public hearing have been met. Brennan continued the variations requested are for an accessory structure taller than the ordinance specifies (15'), an accessory structure larger than the ordinance specifies (750 SF) and lot coverage that exceeds what the ordinance specifies (33%).

When asked why such a large garage, Peacock explained there is no storage available in the basement of the residence due to flooding and the residence has no attic space for storage. The proposed garage is 1200 SF. Brennan stated the current lot coverage is 31.3% and would be 44.8% with the proposed improvement. Peacock stated the property used to be two lots that were combined into one parcel. He asked if he split the parcel into two lots again, would it make the process easier. Brennan said no and explained the Zoning Ordinance does not allow an accessory structure on a parcel unless there is a primary structure. The old garage on the parcel has been demolished. There is a utility pole that makes driveway access awkward. The Ordinance states maximum building height is 15' and the proposed garage is 6' taller than the Ordinance specifies. When asked about the finished driveway surface, Peacock stated the driveway will be pavers which will allow some drainage permeability. Brennan stated his calculation of lot coverage percentage includes the driveway.

Further discussion ensued regarding the hugeness of the proposed garage which will only be 21 SF smaller than the residence and will include an attic. Setbacks were discussed. The plans show the proposed structure will be 6' off the side property line (the ordinance requires a 5' side setback). Peacock said the garage will be more like 10' off the side lot line due to the home and garage next door (to the east) being so close to the lot line. The garage will create more watershed. Brennan added Peacock's property is located at the bottom of a hill which contributes to the drainage problem due to gravity. Peacock stated the elevation of the proposed garage will be brought up 18" so it will be even with the sidewalk. There is a walkway area between the garage and residence and the lot drops substantially behind the house. Commissioner Anderson stated he would like to see the proposed garage moved to the west with a 10' setback so it is not so close to the neighboring nonconforming lot (to the east). Brennan and Peacock agreed there is room to move the structure to

the west. Temp Chairman Jansons suggested a condition of approval be added that the garage must be a certain distance from side lot line so not to create an alley-type situation.

Regarding the size of the garage, Peacock asked the Planning Commission if they have a recommendation on what the size should be. Peacock stated there are other 4-5 car garages in town and added the new garage will look nicer than other structures in the neighborhood. When asked if we should worry about setting a precedent if the variances are approved, Village Admin Nevenhoven stated each petition is judged based on its own merits and said the ordinance can be recorded against the property to make future owners aware of stipulations.

Drainage was discussed and what might be done to better direct runoff such as buried downspouts and swales. Brennan stated the ordinance does not specify requirements for buried downspouts for an accessory building, but it does specify 8' for a residence. There was consensus from the Commissioners to recommend 8' gutters extended to the south on the property.

13. Motion to Close the Public Hearing Regarding the Application from Troy and Elisabeth Peacock for a Variance at 261 E Shannon St to Allow Construction of a Detached Garage that is Larger and Taller and Thus Exceeds the Maximum Lot Coverage than the Village of Elburn Zoning Ordinance Allows – Being no further discussion, a motion to close the public hearing was made by Houtz and seconded by Gustafson. The motion carried by unanimous voice vote.
14. Vote on the Finding of Facts – A motion to approve the findings of fact was made by Gustafson and seconded by Houtz. A roll call vote ensued. Ayes: Anderson, Gustafson, Houtz, Jansons. Nays: None. Motion carried.
15. Recommendation to the Village Board Regarding the Application for a Variance of 261 E Shannon St – A motion to recommend approval of the application for a variance of 261 E Shannon St was made by Houtz and seconded by Gustafson with the following stipulations: 1) Maintain a minimum east side lot line of 10' with grass/vegetation only (no impervious improvements) for the full length of the lot; 2) Accessory structure shall have 8' gutters to the south; 3) No additional impervious improvements will be allowed on the property; 4) The ordinance including all stipulations be recorded against the property. A roll call vote ensued. Ayes: Anderson, Gustafson, Houtz, Jansons. Nays: None. Motion carried.

The petition will be on the November 19, 2018 Village Board agenda at 6:45pm for final action.

16. Other Business – Resident Dennis Schenk discussed a parcel located at the southwest corner of First and Swain Streets (508 S First St). Schenk is interested in purchasing the parcel and would like to subdivide it into two lots. Brennan stated the parcel is zoned R1 which is 10,000 SF minimum lots—the proposed new lot would be 7,150 SF and the lot with the existing residence would be 9,350 SF. It would require subdivision with lot size variances on both lots. Schenk said he proposes to build a 1,800 SF ranch house on the second lot. No one is living in the existing house right now. Schenk said he received a variance and built a comparable home at 206 E Kansas St which also was a nonconforming buildable lot that did not meet current zoning code. Schenk will have to get setback variances as well. There are similar lots and homes in the subject area. Schenk has not yet spoken with any of the neighbors about his proposal. There is a water and sewer available at the intersection but no sidewalks. The house and garage will face First Street with the back yard pointing toward Route 47. The entire area is nonconforming and will not be something out of the ordinary in the area. When asked about installing sidewalk, Schenk said he would be OK with installing a sidewalk. There was consensus from the Commissioners that they will entertain this. Schenk will work with Commissioner Brennan to move forward.
17. Adjourn – Commissioner Houtz motioned to adjourn the meeting at 8:22 p.m. with Commissioner Gustafson seconding the motion. The motion passed by a unanimous voice vote.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Diane McQuilkin". The signature is fluid and includes a long horizontal flourish at the end.

Diane McQuilkin
Village Clerk