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VILLAGE OF PLAINFIELD
ZONING BOARD OF APPEALS
RECORD OF MINUTES

DATE: October 18, 2011

Chairman Sobkoviak called the meeting of the Zoning Board of Appeals to order at 7:00 p.m. and led the pledge to the flag.

ROLL CALL:
Commissioners Seggebruch, O'Rourke, Renzi, Kiefer, Heinen, Fulco, and Chairman Sobkoviak; and Fire District were present.

Park, School, and Library Districts were absent.

Also present were Michael S. Garrigan; Village Planner, Jonathan Proulx, Planner II and Merrilee Trotz, Recording Secretary

Approval of Minutes: The last Zoning Board of Appeals minutes of September 20, 2011 were accepted as presented.

PUBLIC COMMENTS: Chairman Sobkoviak asked for public comments on items that are not on the agenda. There was no response.

Chairman Sobkoviak welcomed students from Plainfield North High School.

DEVELOPMENT REPORT: Mr. Garrigan stated the Village Board considered the case for Latter Day Saints Church; there was general support for the annexation and site plan but continued the hearing to revise the plan to incorporate a full access point on Ridge Road.

OLD BUSINESS:
None

NEW BUSINESS:
Case No. 1564-092311.V Mueller Private Storage Building
Mr. Proulx stated this variance request requires a public hearing and the appropriate notices have been posted and published in accordance with state statute and local ordinance. The site is located on the western side of Eastern Avenue south of the railroad tracks and consists of approximately 23,000 square feet. The applicant previously submitted a concept plan and asked to rezone the property. There was some support of the proposed use but concerns with the potential future uses that would be permitted if the parcel was rezoned. The applicant proposes to construct an accessory building of approximately 5100 square feet prior to or without construction of a principal structure on a lot that is currently zoned single-family residential (R-1.) The adjacent land uses are light industrial to the north and residential to the east, south and west.

Mr. Proulx reviewed the findings and indicated that if construction of the accessory structure in a design that would fit in with the residential character of the neighborhood in advance of a home would be

generally consistent with the spirit and intent of the zoning ordinance at this location; some of the conditions that apply to the subject property may make the property less ideally suited for the location of a home; if the accessory storage structure is designed appropriately to maintain a residential feel, its construction would not result in negative impacts to the neighborhood. Staff recommended that the applicant should be required to submit building plans for administrative site plan review or Planning Department approval prior to issuance of a building permit if the variance was approved.

Chairman Sobkoviak swore in the petitioner Gerald Mueller.

Commissioner Seggebruch asked if the variance were approved would the petitioner come back for site plan approval. Mr. Proulx indicated Staff's recommendation and the wording in the motion would be for administrative site plan review, but that is up to the Zoning Board.

Commissioner Kiefer asked if the variance were granted, the property would still be zoned R-1; would this preclude them from adding a residence; and indicated there are other homes closer to the tracks. Mr. Proulx indicated sighting of the foot print of the building would be a factor. Chairman Sobkoviak indicated there is an industrial building between the tracks and this property.

Commissioner Renzi asked if the variance would be to simply allow a very large garage to be built; would the variance be for perpetuity as long as the building is standing; would they be able to add a bay or a second floor at a later date. Mr. Proulx indicated Staff's intent was for this specific proposal before you.

Chairman Sobkoviak said according to the National Planning Association – when you have a non-conforming situation generally you do not allow it to expand.

Commissioner Renzi asked if there should be a fourth stipulation. Mr. Proulx indicated the zoning ordinance has limitations on size and setbacks and allowance of coverage of the lot. Commissioner Renzi was concerned with the possible expansion of the building due to the size of the lot; if this property is in the carriage house area. Mr. Garrigan said they would check into this.

Commissioner Renzi stated he might not have agreed to the previous subdivision of the lot if that person indicated he would try to sell the property as something other than a residential lot.

Commissioner Kiefer indicated discussion at the presentation of the concept plan dealt more with the re-zoning of the property and the impacts that could follow that commercial zoning; if the variance was allowed if they could run a business out of this large shed.

Commissioner O'Rourke asked the size of the building. Mr. Mueller indicated 30' X 170' which would allow the 30' setbacks in both front and rear of the property. Mr. Proulx said that would be approximately 5100 square feet.

Commissioner O'Rourke asked if it was to be used for private storage. Mr. Mueller indicated the front section would be storage for his construction company; the rest would be like rental units for his family who has old cars and maybe other things they want to store. Mr. Mueller said the units would be 14 feet X 30 feet; he would take the front 40 feet and there would be an additional nine equal units. Commissioner O'Rourke asked if there would be outdoor storage. Mr. Mueller said there would be no outdoor storage. Commissioner Seggebruch asked if each of the nine bays would have a garage door. Mr. Mueller stated he hoped to put in an overhead door with an entrance door next to it; he would blacktop about 40 feet or the rest of the property from the building to the end of the property line.

Commissioner O'Rourke asked if Mr. Mueller owned the lot. Mr. Mueller stated he has only an option until he knows if he can construct this building. Mr. Proulx indicated the subdivision of the lot was done by the party would owned the home; since then another purchaser has bought this lot and we believed the current owner purchased the lot with the intention of building a home.

Commissioner Fulco asked how you would monitor the rental of this storage facility. Mr. Mueller said if family did not take the space, then he would like to be able to rent it to someone else that would like to store something that you agree can be stored.

Chairman Sobkoviak swore in Fred Bliznick, owner of the lot. Mr. Bliznick indicated he has asked repeatedly for street sweepers in this area; some residents have parked their vehicles on their front lawns; the area of Eastern Avenue has changed and he no longer wants to build his new residence on this lot; and feels this is a perfect lot for Mr. Mueller's proposal.

Commissioner O'Rourke asked if Mr. Bliznick had marketed the lot for another single-family residence. Mr. Bliznick indicated he and Mr. Mueller have reached an agreement. Commissioner O'Rourke asked if he had tried to sell it as a residential lot. Mr. Bliznick indicated no that Mr. Mueller had approached him; the buyer of the Valentino building has been improved and it looks nice but there is still no asphalt, drainage or striping, and 70 trees were removed. Mr. Bliznick no longer wants to build his house on this lot; Mr. Mueller's proposal would block the lighting and parking from the Valentino building, and the train noise.

Commissioner Sobkoviak swore in Michael Lambert. Mr. Lambert would like the Village to look at this corridor and come up with a plan instead of reviewing things piecemeal; disagreed with Staff's findings; the homes in this area are generally small in nature; a 5100 square foot building is very out of character on Eastern Ave with the exception of the industrial building that has been recently rehabbed to be a lighter and less intense use that it had been historically; Eastern Avenue is identified as a minor arterial; the crossing at Eastern Avenue has been identified as potential via duct location along the Canadian National; concerned with additional development adjacent to the potential crossing would eliminate that possibility and create more hardship for the residents of Eastern Avenue; there are other homes closer to the tracks that are occupied; felt there are other uses available to this lot; agreed the neighborhood has changed significantly, there are lots of rental property, houses in foreclosure; lots of maintenance issues; and previously the information he received was that it was for personal use while tonight the applicant indicated it could be put out for general rental.

Chairman Sobkoviak felt the mass of this building was not just an accessory structure and through the petitioner's own testimony that it is possible that parts of it would be available for rent which is totally outside the scope of the original proposal. Chairman Sobkoviak indicated he would have problems agreeing with this proposal.

Commissioner Renzi indicated he did not feel the size of the building was in harmony with the general purpose and intent of the zoning; did not feel the findings were met.

Commissioner Heinen was not in support of the re-zoning initially but felt this variance was a creative way to handle this; however after hearing testimony tonight and learning the fact that it is some private storage but is still essentially a commercial use with the ability of renting it out which would be to the nearby residents; also felt it could be a transition from the industrial to residential use but the homes in

this area are only 1000 square feet but it is an odd transition due to the size of the facility. Commissioner Heinen indicated he would not be in support of this variance.

Commissioner Kiefer asked if there was any feedback from residents on Center Street to the west. Mr. Proulx indicated notice was sent out and we did not receive any correspondence of any type.

Chairman Sobkoviak said Mr. Lambert indicated that people are dismayed with Village Government and do not feel there would be any purpose served by coming in.

Commissioner O'Rourke agreed with Commissioner Renzi that the four findings of fact were very challenging.

Commissioner Seggebruch agreed with the other Commissioners as well; conceptually a building of this type and size would not be unusual on an industrial lot; this is almost a 1/2 acre lot that conceptually this could work; as an accessory structure a house would have to be larger than the proposed structure; and a rental business is not permitted in the residential zoned area. Commissioner Seggebruch indicated the owner could come back with a smaller building that could truly be an accessory structure even if he does not intend to build the residential structure; if it was sold in the future someone else could still build a house.

Chairman Sobkoviak felt a structure this size would preclude the possibility of a residence being built.

Mr. Mueller explained he would clean up the lot, plant trees on all four sides, dress the building up with windows on the south side, brick the front to give a more residential look and place the bays facing north toward the industrial property.

Commissioner Seggebruch said by definition of an accessory structure you would still have to have the ability to build a house that was bigger than this building to truly fit in the R-1 zoning; also felt if this variance was granted, the applicant would need to return with site plan review.

Commissioner Heinen made a motion to recommend denial of the proposed variance to Section 9-16(6) of the zoning code to allow an accessory structure to be constructed prior to or without construction of a principal structure at 14914 S Eastern Avenue.

Seconded by Commissioner Renzi.

Commissioner Seggebruch verified that a yes vote would deny the request of a variance.

Vote by roll call: Fulco, yes; Kiefer, yes; O'Rourke, yes; Seggebruch, yes; Renzi yes; Heinen, Yes; Sobkoviak, yes. Motion to recommend denial is carried 7-0.

Adjourned at 7:40 p.m.

Respectfully submitted by

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Merrilee Trotz
Recording Secretary