

BOARD OF ZONING APPEALS

June 28, 2021

MEETING

ROLL CALL

The meeting was called to order at 7:00 p.m. and the assemblage was invited to stand and recite the Pledge of Allegiance.

Members Present:

Vice Chairman Jeremy Taylor, John Marshall, Dick Sauerma, Daniel Rohaley

Members Absent: Chairman Nick Nochevich

Staff Present:

Executive Secretary Anthony Schlueter, Assistant Planner Grace Roman, Recording Secretary Jenni Pause

APPROVAL OF MINUTES

Vice Chairman Jeremy Taylor asked if there are any corrections, deletions, or modifications to the June 1, 2021 meeting minutes. Daniel Rohaley motioned to approve minutes as presented. Dick Sauerma seconded the motion. With 4 Ayes, 0 Nays, and 0 Abstentions, the minutes were approved.

OLD BUSINESS

None

NEW BUSINESS

21-12 DVG Team, Inc., Petitioner/Coach Properties, LLC, Owner

Request: Variance from Development Standards

Purpose: Allow the parking addition to encroach the front setback

Location: 1217 North Main Street

Robin Pappenheim, DVG, 1155 Troutwine, came before the Board and provided an overview of the petition. Pappenheim introduced Dr. Collard. Pappenheim provided details about the business. Pappenheim stated they are looking to add 4 spaces, 3 of those spaces would be permeable pavers over the current detention area. Pappenheim stated they will need to work with Engineering on an alternate drainage plan. Pappenheim stated those 3 spaces would be for staff only. Pappenheim stated they will be mirroring the handicap space which received a variance. Pappenheim detailed the existing screening and fencing which would remain as is. Pappenheim reported on the Finding of Facts.

Executive Secretary Anthony Schlueter reported on the location, zoning, and history of business as well as previous approvals. Schlueter reported the petitioner would like to add 4 additional parking spots which would include 3 spaces for employees only. Schlueter reported if approved the petitioner will need to obtain approval from the Engineering Dept. for their alternate drainage plan. Schlueter reported there is adequate screening and fencing. Schlueter recommended approval subject to approval from the Engineering Dept. for the new drainage plan.

Dick Sauerman asked if the additional parking spaces will change the view for people from the outside looking in. Pappenheim stated it would not change the view because these spaces will mirror the opposite side curb line. Schlueter asked the petitioner to verify that the additional parking will not affect the vegetation. Pappenheim confirmed it will not.

Daniel Rohaley stated in 2016 he knew this was going to happen so he can say I told you so. Rohaley stated there is just too much on this lot. Rohaley stated instead of just doing a band aid on this lot have they thought about completely reconfiguring the drainage and making underground allowing for even more parking spaces. Pappenheim stated there is a light pole that would need to be moved. Pappenheim stated they did not get into the engineering for a redesign, she stated there is probably a solution, but they did not get into that yet. Rohaley asked if they have looked at this as a line-of-sight issues because they do not want to create a problem. Rohaley stated he does not feel the need is there for a variance, he thinks re-engineering the drainage could solve the problem without a variance.

Marshall stated Rohaley did mention in 2016 that he thought there would eventually be a parking problem at this location. Marshall stated he understands the need for more parking, but he does not get the pavers and asked why they do not just pave those spaces. Pappenheim explained the reasoning for the permeable pavers. Marshall stated ordinance requires curbing on commercial properties and asked if there would be curbing. Pappenheim detailed how they would handle the curbing. Marshall agreed with Rohaley that they should go ahead and do the other 3 parking spots. Pappenheim stated if they did that, they would need to move the light pole and it might be problematic. Marshall just does not want this to be a problem down the road if the building changes ownership and/or use.

Sauerman asked if there is currently a parking issue or are they planning an expansion. Dr. Collard explained they have more employees and more patients then when it first opened which is why they need more parking.

Schlueter recommended adding the additional spot by the light pole and designing it that way to get as much parking as possible. Schlueter stated if they get the variance and do it that way it will add 5 additional spots. Marshall agreed.

Taylor stated he feels this corner and business is a very well kept, beautifully landscaped building and does not see any issues with the variance.

Taylor opened the public portion of the building. With no public coming forward, the public portion of the meeting was closed.

Taylor entertained a motion. Marshall motioned approve Petition #21-12 with all Staff comments, Engineering approval of detention and curbing all the way around the parking lot. Sauerman seconded the motion. With a roll call vote of 3 Ayes, 1 Nays, and 0 Abstentions Petition #21-12 was approved.

21-13 Golden Meadows, LLC, Petitioner/Franciscan Sisters of Chicago Service Corporation, Owner

Request: Variance from Development Standards

Purpose: Allow 70' wide lots in an R-1 Residential District

Location: South of Burrell Drive between Marshall Street and West Burrell Drive

Taylor asked if they could hear Petitions #21-13 & 21-14 together and then vote on them separately. Irak stated he feels that is acceptable, but it is up to the Board. The Board agreed to hear the petitioner together.

Ryan Fleming, 219 N Main Street, Unit C, came before the Board and provided an overview of both petitions. Fleming stated there is some detention on the property for the existing 2 commercial lots and they intend to incorporate that into their plan. Fleming state they have 29 lots on the proposed drawing but lot 9 is pretty much out of the works and they will have to rework that with Engineering. Fleming stated they plan to do something similar to the Ellendale Old Town units. Fleming detailed the proposed square footage and setbacks. Fleming detailed the proposed development. Fleming reported on the Finding of Facts.

Executive Secretary Anthony Schlueter reported on the location, proposed setbacks, and proposed subdivision. Schlueter reported that the development will consist of 29 single family cottage style homes that will be similar to the homes located in Old Town development. Schlueter reported the variance is recommended vs a zone change provided that a condition is applied that this variance is approved subject to the architectural design and materials as presented at this meeting. Schlueter recommended approval of both petitions.

Irak asked Fleming if he would be willing to put a written commitment together, committing to the conditions mentioned by Schlueter regarding architectural design, materials, and elevations, that could be recorded. Fleming stated what they presented will not be the exact same because the garages will be on the front, but he would be willing to sign a commitment. Irak stated if the Board approved this petition, he would like to see this condition being added.

Marshall agreed with Schlueter on the variance vs the zone change. Marshall stated he is not a fan of the smaller lots but feels these fits on this property.

Sauerman asked if they adhered to the 80' standard how many lots would they get in. Fleming stated he has not run that scenario, so he is not aware of that number. Fleming stated he knows it is not a sub substantial change. Sauerman asked Fleming why then they would not just go 80' and not concerning themselves with this change. Fleming stated the buyers of this type of home predominantly want their yard in the front and not in the back. Fleming stated the cottage home simply fits better on a narrow lot. Sauerman asked Schlueter if they have set a precedence with having smaller lots or is this the first time, they have done that. Schlueter stated he does not feel it will set a precedent and they have approved smaller lots in the past with conditions. Sauerman asked Fleming to verify that he feels the interest would diminish if they went to the 80' lots. Fleming stated he could not say one way or another, but these types of homes are designed more for empty nesters that prefer this type of design. Fleming stated there will be a limited maintenance type of element to this development. Fleming stated they are still working on what that will entail but mostly likely be lawn maintenance and snow removal. Sauerman asked Fleming to verify that about 2/3 of the development would fall into that 70' width but the lots on the cul-de-sac are larger. Sauerman asked Fleming if those will be a different type of buyer. Fleming stated those lots may come with a premium, but they are only wider due to the design of a cul-de-sac. Sauerman stated his only concern is setting a precedence. Fleming detailed why he feels this is not setting a precedence.

Rohaley stated he is glad to see 2 entrances. Rohaley asked how they will the park requirement. Schlueter reported they will either need to put the park in or pay the waiver for the park. Fleming stated they have not got into sculpting the subdivision yet and are not sure whether they will put the park in on maybe lot 9 or pay the waiver. Fleming stated they plan to have a workshop to get feedback from the Plan Commission. Rohaley asked if 70" would be the average. Fleming stated 70' would be the minimum for all the lots there would not be any lots with less than 70' frontage. Rohaley stated he agrees with Sauerman, that he does not want to set a precedence. Rohaley stated he felt they could control more with Old Town because it is a PUD. Fleming stated the only reason they went for a PUD with Old Town is because Curt Graves requested it, they actually would have only needed 3 variances for that development. Fleming stated he is not in favor of a PUD for this property because it is too small. Rohaley stated they could make this conditional to Plan Commission approval of the

design. Irak stated the approvals could be subject to the commitments acceptable by Staff, & Legal Consult and subject to Plan Commission approval of site plan. Rohaley asked if the houses on the northern tier would face 125th or would the backs face 125th. Fleming stated they would face the unnamed road with their backs to 125th because they have front loading garages.

Schlueter reported the point Staff is trying to make is any approval of this petition should be subject to this development having the same look and feel of the Old Town development. Marshall asked Schlueter to verify that site plan and review of renderings would be approved through Plan Commission. Irak stated he feels it is a good historical track record to reference this project. Irak stated he would also recommend the Board making any approval the same or similar design, materials and construction standards that were discussed at the meeting.

Taylor asked Fleming what they are planning along 125th on the back side of those lots. Fleming stated they have not gotten into it but they know they have to do some kind of screening and they felt that discussion was best for the workshop at Plan Commission.

Taylor opened the public portion of the building. With no public coming forward, the public portion of the meeting was closed.

Taylor entertained a motion. Sauerman motioned approve Petition #21-13 with all Staff comments, Engineering approval, a written recordable commitment outlining the criteria agreed upon, Plan Commission approval, lot configuration, structural orientation of the lot as presented, design and construction standards similar to Old Town which was what was presented. Rohaley seconded the motion. With a roll call vote of 4 Ayes, 0 Nays, and 0 Abstentions Petition #21-13 was approved.

21-14 Golden Meadows, LLC, Petitioner/Franciscan Sisters of Chicago Service Corporation, Owner

Request: Variance from Development Standards

Purpose: Allow 5' side setbacks in an R-1 Residential District

Location: South of Burrell Drive between Marshall Street and West Burrell Drive

Taylor entertained a motion. Rohaley motioned approve Petition #21-14 subject to all conditions listed for the approval for Petition #21-13. Sauerman seconded the motion. With a roll call vote of 4 Ayes, 0 Nays, and 0 Abstentions Petition #21-14 was approved.

21-15 Northshore Health Centers, Petitioner/Van Til's Real Estate, LLC, Owner

Request: Special Use

Purpose: Operate a Medical Clinic in a b-3 Business District

Location: 10851 Broadway (Inside Strack & Van Til)

Schlueter informed the Board that the petitioner has requested a deferral for Petition #21-15.

Rohaley asked Schlueter to verify that this was a request by the petitioner. Schlueter confirmed.

Taylor entertained a motion. Rohaley motioned to defer Petition #21-15 for 30 days. Marshall seconded the motion. With a roll call vote of 5 Ayes, 0 Nays, and 0 Abstentions Petition #21-15 was deferred.

MISCELLANEOUS AND PUBLIC COMMENT

No Public.

Sauerman asked about the Auto Sales place on Indiana Ave. that was approved subject to fencing and arbor vitae. Sauerman stated the arbor vitae has not been planted yet and he feels it has been a long time. Schlueter stated they have a deadline that is at the end of 2021. Sauerman asked Schlueter to check that, Schlueter stated he already checked, and they have until the end of this year. Sauerman asked if he has had any conversation with them. Schlueter stated he has had several conversations.

ADJOURNMENT

At 8:13 pm, Taylor entertained a motion to adjourn. Sauerman motioned to adjourn; motion was seconded by Marshall.

ATTESTMENT OF MEETING MINUTES.

The above minutes were approved and adopted by majority on the 26th day of July 2021.



Nick Nochevich, Chairman



Anthony Schlueter, Executive Secretary