

Planning & Zoning Meeting Minutes  
January 15, 2024

At 7:00 p.m. on Monday, January 15, 2024, in the boardroom of the Village Hall, chairwoman Maria Lewis called to order the meeting of the Planning & Zoning Board. Roll call-Members; Amanda Burns, Walt Mahaffey, John Hawkinson, Richard Crotteau, Jill Breneman, Cody Krug and Maria Lewis. Also in attendance were, Kyle Watson, deputy building inspector, Trustee Pamela Noffsinger and Matt Frtiz, village administrator. Absent; none.

The minutes of the January 2, 2024 meeting were reviewed. Crotteau moved to approve the minutes with changes, second by Burns. Roll call-Ayes; Burns, Mahaffey, Hawkinson, Crotteau, Breneman, Krug and Lewis. Nays; none. Motion carried.

There was no public comment at this meeting.

ZONING BOARD OF APPEALS, PUBLIC HEARING, 833/835/837/839 E. First St. – Craig VanDuyne

Mr. Fritz reiterated that VanDuyne submitted plans for a 3-unit on a consolidated property at the previous meeting on January 2, 2024. Fritz explained he included a list of variances required for the 3-unit to be accommodated within the final parcel. Fritz indicated resident Cheryl Beverly at 840 E. Division was in the audience and they had a conversation to go over as many materials as possible during the week so she understood everything.

Lewis asked the board if everyone looked through the previous minutes and had any variances that may have been missed and need to be added. The board had nothing to add. Lewis asked if Beverly had anything to ask or talk about.

Linda Sula, Deputy Clerk swore in all those that would speak at this public hearing.

Beverly, requested a fence be put up in the rear of her property by VanDuyne. Fritz explained it could be added in as a condition. Beverly indicated she would like a 6' fence along the SW end of her property.

Mahaffey moved to re-zone the property at 833/835/837/839 E. First St. from C-3 to RM-1, second by Burns. Roll call-Ayes; Burns, Crotteau, Breneman and Lewis. Nays; Mahaffey, Hawkinson and Krug. Absent; none. Motion carried.

Fritz stated the motion with the list of variances and numbers is for the information before them. Mahaffey moved for 833/835/837/839 E. First St. for 5' front yard setback, 14' rear yard setback, 2 – 20' corner side yard setbacks, a 56% instead of 65% variance for total lot coverage, a variance to allow 1,127 sq. ft. instead of 1,250 sq. ft. minimum, variance for the exterior unit to not be brick or stone and variance for the adherence of public improvement submission and construction requirements for newly established subdivisions, second by Burns. Roll call-Ayes; Burns, Breneman and Lewis. Nays; Mahaffey, Hawkinson, Crotteau and Krug. Absent; none. Motion failed.

The Board requested the Findings of Fact surrounding this recommendation be recorded as follows:

Findings of Fact. The Zoning Board of Appeals determined the following concerning the Variances for 833 E. First Street:

1. **Special Circumstances Not Found Elsewhere.** Special and unique circumstances exist that are peculiar to this property including the physical character of the subject property's dimensions; the petitioner is consolidating two adjacent parcels of available land that remain from former more intense land uses that had been approved upon the property in the past.
2. **Unnecessary Hardship.** This variance will overcome the inherent difficulty that exists due to the property's dimensions to allow the utilization of the property in the same manner as adjacent existing owners on the east side of E. First Street.
3. **Consistent with the Rights Conferred by the District.** This variance is necessary for the applicant to preserve and enjoy a substantial property right possessed by other properties within the same zoning district.
4. **Necessary for Use of the Property.** Alternative construction plans that more closely meet setback requirements and total lot coverage requirements provide a preferred utilization of the property.
5. **Minimum Variance Recommended.** The property land owner can develop different multi-family land usage designs that differ from what had been submitted that would result in less overall coverage variance requirements and result in additional dwelling unit square footage provision.

A majority of the criteria were not met resulting in a majority of the board members rejecting the petitioner's variance request.

Mahaffey moved to include a 6' privacy fence installation requirement as a condition for the consideration of VanDuyne's request along the SW property line of VanDuyne's lot, second by Hawkinson. Roll call-Ayes; Mahaffey, Hawkinson, Crotteau, Breneman, Krug and Lewis. Nays; Burns. Motion carried.

Hawkinson indicated from what he has read, the garages VanDuyne would like to include do not comply with the ADA regulations. He referenced a website of Universal Design Living Laboratory for garages, mini-van or full size vans with wheel chair ramps on the side need a space of at least a 1 ½ car garage, which would be a minimum of 16 ft. The interior space of the garage needs to be deep enough to accommodate a large van with rear door openings so when the person gets out of the van at the rear they can wheel themselves out there with the garage door closed and around the van and into the entrance of their unit. Lewis requested Hawkinson email this information to Fritz so he can addendum it to the Village Board presentation. Also, the height of the garage door should have adequate clearance for a high top van as well.

Burns asked if ADA requirements are part of our review or something for which the Village controls? Watson explained with 4 units it steps into the IBC which is considered more commercial but not something that the Village certifies but if he had 4 units or more and advertised as ADA it would have to be certified somehow but not by the village. Commercial does have to be ADA compliant no matter what. At that point Burns indicated it would have no factor upon the approval of this request to which Watson agreed.

The board had a discussion regarding the missing findings of fact. Fritz explained the findings and indicated the board could approve those findings at a later meeting which would be February 5, 2024 meeting. This will go in front of the Village Board on February 14, 2024.

Lewis asked the board to review the zoning map. Lewis had questions regarding the McCoy property on Division. Lewis requested the board email any changes or questions to Fritz and then the board could address those at the next meeting and move forward.

The board discussed text amendments to limit tobacco sales. Lewis questioned why the text only included C3 and not all of the commercial zones and requested it change to all zones. Fritz stated legal is looking this over and the amendment will have moratorium for now, which means no more tobacco or vaping stores. Once legal reviews, the new amendments should be ready by the end of this school year.

Krug and Watson questioned a statement made in the minutes from January 2, 2024 regarding ADA compliance. Fritz stated that Sula will go back to the recorded minutes with the board's approval and confirm the statement was accurate at her accord.

Burns moved to adjourn the meeting, second by Mahaffey. All were in favor and the meeting adjourned at 7:31 p.m.

A handwritten signature in black ink that reads "Linda Sula". The signature is written in a cursive, flowing style.

Linda Sula, Deputy Clerk