

Planning & Zoning Meeting
March 18, 2024

At 7:00 p.m., March 18, 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 Mahaffay, John Hawkinson, Richard Crotteau, Jill Breneman, Cody Krug and Maria Lewis. Also in attendance were, Kyle Watson, deputy building inspector, Trustees Pamela Noffsinger and Bill Mincey and Matt Fritz, village administrator.

The minutes of the March 4, 2024 meeting were reviewed. Crotteau moved to approve the minutes with corrections, second by Hawkinson. Roll call-Ayes; Mahaffay, Hawkinson, Crotteau, Brenemen, Krug and Lewis. Nays; none. Abstain; Burns. Motion carried.

There was no public comment at this meeting.

ZONING BOARD OF APPEALS, PUBLIC HEARING - Craig VanDuyne/Multi-Family 3 Unit @833/835/837 E. First St.

Deputy Clerk, Linda Sula swore in those that would be speaking at the meeting.

Mr. Fritz stated that Mr. VanDuyne was there with more conforming proposals than the last one he presented. Fritz explained there are two different drawings, one with garages and the other without. The new proposals also have all units exceeding 1,250 sq. ft. as requested. The variances required were also presented for each proposal.

Mr. Krug inquired if this would be investment property as its intended use, to which VanDuyne stated yes. Krug also asked why VanDuyne chose to go with a tri-plex versus a duplex. VanDuyne explained his original proposal (previous petition) was a 4-unit, however after a previous meeting with the board and the discussion of density he lowered it to a 3-unit. Krug wanted to know if the property was already purchased from 6S Orly as of yet. To which VanDuyne responded the closing had not yet occurred.

Mrs. Breneman asked how high the knee walls were in the loft so that the square footage being presented was accurate. Breneman also questioned what the square footage of the living space was with the garage. Multiple responses were that it was identical to the proposal without the garage because the garage is positioned below the living space. The total living space for the units is 1,346 sq. ft.

Mr. Crotteau asked if the units were still going to be disability accessible, which VanDuyne indicated that he is putting in the ramps, larger doorways etc. Mr. Crotteau stated he didn't see how the loft area could be handicapped accessible as part of living space. VanDuyne stated that it is partially handicapped accessible and he has multiple tenants from other rentals looking for spaces with these features.

Mrs. Lewis reminded the board members that the board has no purview over ADA compliance.

Mr. Hawkinson stated the permeable pavers are located by the post office if the board wanted to look at them and 40% of that is considered green space. Hawkinson stated he wasn't sure how that works into the calculation as far as permeability. Hawkinson conveyed his biggest concern with the units that have garages is the resulting 5' set back at the northwest corner of the structure; if the garages were removed it would move that back 18' on the north side which is preferred. Hawkinson also commented the south side of the building has moved up off the lot line, which gives more breathing room from the easement and the building. Hawkinson conveyed if the board wanted to go with the plans without garages he was in agreement. Hawkinson asked if there would be dormers in the loft area per their previous conversation during a meeting with, Fritz, Lewis,

Hawkinson and VanDuyne. VanDuyne stated it would either be dormers or a tilt up sky light window which would be second form of egress.

Mr. Mahaffay conveyed that on both proposals there was a variance missing regarding the permeable drive instead of concrete and wasn't sure if this would have to be redone. There was discussion regarding what the Residential Guidelines state as acceptable material. Mahaffay stated they must have garages as it was a big change to the previously submitted petition. Mahaffay asked if the garages were 220 sq. ft. which numerous responses was they are 270 sq. ft. Mahaffay indicated he was more in favor of the garages then having concern regarding the set back requirements.

Mrs. Burns indicated that her questions were satisfied by the board.

Deputy clerk Sula, swore in a resident wishing to speak.

Ms. Cheryl Beverly at 840 E. Division St. stated that when she purchased her property it was her understanding that she owned up to the alley. Beverly stated she wanted to make sure that the land she purchased was accurate. Mrs. Lewis asked Fritz if O'Reilly's surveyed this out before anything took place and he stated yes, but he could take a look at it again if it is something easily shown and can be confirmed. Fritz and Beverly had a discussion regarding the lot lines and it was determined Beverly's stated issue would be between the two landowners. Beverly indicated she does have title insurance, which Fritz stated that if there is an issue that is what the insurance is for. Mahaffay stated that wherever the pin is in the ground the survey company will get the exact location. Crotteau asked if part of the board's job was boundary disputes? Fritz indicated that is not the board's job, but it is what Beverly is asking.

Mrs. Lewis asked for a board member to make a motion for one of the proposals either with the garages or without.

Hawkinson moved to accept the proposal as presented without the garages. Lewis read the variances required as follows: Minimum setback to include a 5' variance from a 25' front yard setback to provide a 20' setback; a variance of 16' from the 25' rear yard setback requirement to provide a minimum 9' setback; a variance of 7' from the 25' corner side yard setback requirement along the north side of the multi-family building to provide a setback as minimal as 18' at the building's northwest corner; a 62% reduction in total square footage per RM-1 required lot area per dwelling unit. The final consolidated lot shall provide 11,490 square feet which fall short of the 30,240 square feet required within the village code. Adherence to the residential design guideline requirements – this development shall: not provide garages for each of the dwelling units; adherence to public improvement submission and construction requirements for newly established subdivisions. Mahaffay inquired about the concrete driveway/permeable paver variance. Hawkinson amended his motion to not require concrete driveways and substitute it with permeable pavers. Lewis asked Fritz if the public notice that went in the paper covers the substitution, and the answer was yes. Lewis asked for a second, there was no second. Motion failed.

Burns moved to accept the variance proposal with garages. The variances to be included were: a variance of 5' from the 25' front yard setback requirement to provide a 20' setback; a variance of 16' from the 25' rear yard setback requirement to provide a minimum of 9' setback; a variance of 20' from the 25' corner side yard setback requirement along the north side of the multi-family building to provide a setback as minimal as 5' at the building's northwest corner; a 62% reduction in total square footage per RM-1 required lot area per dwelling unit. The final consolidated lot shall provide 11,490 square, which fall short of the 30,240 square feet required within the village code; a variance from the total lot coverage requirement of 3% to allow 38% lot coverage (as measured by total permeable space remaining) instead of meeting the code requirement of 35%; adherence to public

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improvement submission and construction requirements for newly established subdivisions as well as varying from the concrete driveway to permeable pavers. Lewis asked for a second, there was no second. Motion failed.

Mahaffay moved to deny the variance request, second by Krug. Roll Call-Ayes; Mahaffay, Hawkinson, Crotteau, Breneman and Krug. Nays; Burns and Lewis. Motion carried. Lewis stated this will go to the Village Board at their next meeting on Monday, March 25, 2024.

Mahaffay moved to adjourn, second by Crotteau. All were in favor and meeting adjourned at 7:39 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