KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
January 5, 2015 – 7:00 p.m.

CALL TO ORDER
At 7:00 p.m., Chairman Randy Mohr called the Zoning Board of Appeals meeting to order.

ROLL CALL
Members present: Randy Mohr (Chairman), Karen Clementi, Tom LeCuyer, Donna McKay (Vice-Chair), Dick Thompson & Dick Whitfield
Also present was: Planning & Zoning Manager- Angela Zubko
Absent: Scott Cherry
In the audience: Joe and Cathy Nash & Rob and Amy Allison

A quorum was present to conduct business.

MINUTES
Karen Clementi motioned to approve the December 8, 2014 ZBA meeting minutes as written. Dick Whitfield seconded the motion. All were in favor and minutes were approved.

Chairman Mohr swore in anyone interested in talking at this meeting.

PETITIONS
#14-38 Joe Nash
Planner Zubko stated the property is located at 150 Longbeach Road in the Boulder Hill subdivision on the north side of Longbeach about 0.05 miles east of Winrock Road. The petitioner is requesting a variance to allow a 7’ fence in the side and rear yards. The maximum height permitted by the Zoning Ordinance is 6’. Staff would recommend approval of the variance as long as there are no objections. Staff has received one phone call from a neighbor but they did not want to attend the meeting or have a written objection. The reasoning was that it’s too tall and does not match the existing fences that exist out there.

Chairman Mohr opened the meeting for public testimony.

Mr. Joe Nash introduced himself and stated the fence starts at 6’ and the backyard slopes down so the fence stays level instead of going along the ground line. The fence in front is about 6’6” and in the back 7’.

Mr. Rob Allison introduced himself stating he lives behind Mr. Nash’s property and is in support of the taller fence. He feels it adds privacy, improved the condition of the fence line and people have replaced fences around.

With no further testimony made, Chairman Mohr closed the testimony.

The Findings of Fact were reviewed for a variance, they were approved as follows:

*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations*
were carried out. The fence in the back was already there when the petitioners purchased the house and they would like a taller fence to keep the neighbors dogs and children out. The fence starts out at 6’ in the front and follows the slope to the backyard creating a 7’ fence.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Other properties surrounding could request the same variance.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The fence in the back already existed; the fence between the two homes was just built.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The requested variance should not affect any of the neighbors nor be detrimental to the public welfare or injurious to other property or improvements in the neighborhood as they are similar. The neighbor to the east would be most impacted and they have not voiced any concerns to date.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The fence height will not impair and adequate supply of light and air to adjacent properties, or increase the congestion in the public streets or endanger the public safety or diminish property values.

With no further discussion Tom Lecuyer made a motion, seconded by Donna McKay to approve the findings of fact with one modification and approve the variance for a 7’ tall fence in the side and rear yards. With a roll call vote of 6-0 were in favor and the variance was approved.

#14-41 Greg Randa
Planner Angela Zubko did an overview of the request stating the property is located at 55 E. Charles Street on the east side of Rickard Road, about 0.11 miles north of Route 34. This is located in the Lynwood subdivision. The property faces Rickard and used to have a driveway off of the Charles Street extension but that was changed in 2007 so the driveway is now off of Rickard Drive. The petitioner is working to get the address changed. The petitioners are requesting a variance to construct an attached garage that will be located in the 50’ side/front setback from the Charles road right-of-way. The structure will be located 28’ from the property line, requesting a 22’ variance. Planner Zubko stated she has heard from many neighbors but after they hear what the petition is they have not voiced any concerns. Staff would recommend approval of the requested variance.

There were a few questions on the existing driveway and if a subdivision will be built to the east. Planner Zubko stated the property has been for sale for a long time and if Charles went through the driveway would probably be off Charles again.

Chairman Mohr opened the meeting for public testimony, with no testimony made, Chairman Mohr closed the testimony.

The Findings of Fact were reviewed for a map amendment, they were approved as follows:
That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The petitioners are adding an attached garage and converting their existing garage into a family room. In order to utilize the existing driveway it would need to be located on the south side of the home. Staff also thinks that to the north of the home is the location of the well and septic system.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Since Charles Street (east) has been ‘abandoned’ per the township highway department and determined to be used for a drainage easement, the owner wishes to excuse the Charles street 50’ setback requirement.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The current owners did not construct the driveway or relocate the driveway. The garage would need to be on the south side of the home in order to utilize the existing (recently moved) driveway.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The requested variance will help improve the appearance of the home and allow vehicles to be parked inside.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. As the two car garage is mostly behind the dwelling, we firmly believe the impact will be minimal to any surrounding home owners.

With no further discussion Donna McKay made a motion, seconded by Dick Whitfield to approve the findings of fact as written and approve the variance to construct an attached garage that will be located in the 28’ from the Charles road right-of-way. With a roll call vote of 6-0, all were in favor and the variance was approved.

REVIEW PBZ APPROVALS BY COUNTY BOARD & CHANGES
Petition 14-35 Daron & Kimberly Spicher: Village of Plattville approved on 12.15.14
Petition 14-33 Bee Keeping text amendment- going to PBZ on 1.12.15

NEW BUSINESS/OLD BUSINESS – None

PUBLIC COMMENT: There were no members in the audience to comment.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS- Next meeting will be on February 2, 2015
Donna McKay made a motion to adjourn the ZBA meeting, Karen Clementi seconded the motion. Chairman Randy Mohr adjourned the Zoning Board of Appeals meeting at 7:30 p.m.

Respectfully Submitted,
Angela L. Zubko
Planning & Zoning Manager & Recording Secretary