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), Scott Cherry, Karen Clementi, Tom LeCuyer (arrived at 7:20), Donna McKay (Vice-Chair) and Dick Thompson
Members absent: Dick Whitfield
Also present was: Mike Hoffman-Teska Associates, Inc.
In the audience: Frank Schmalz, John Rice, Jim Williams, James Ort

MINUTES
Mr. Mohr asked if there were any corrections to the minutes. Ms. Clementi stated that she did not make the motion on approval of zoning on Petition #15-06 Village of Millbrook/Keller as she voted no. Ms. McKay stated she made the motion. Motion to approve April 27, 2015 minutes as corrected by Scott Cherry, seconded by Karen Clementi. Approved 4-0.

PETITIONS
1. 15-10 Frank Schmalz
Request Variance
Location 23 Old Post Road, Montgomery
Purpose Request for a variance to allow a trailer to be parked in the front yard setback (missed the cut of to register them back in 2006)

Mr. Hoffman stated that Mr. Schmalz is request a variance to allow a trailer to be parked in the front yard at 23 Old Post Road. It has been there since about 1995. In 2006 the County amended zoning ordinance to not allow trailers in the front yard; however, an owner could apply for exemptions prior to 2006. This was only for the original property owner. Mr. Schmalz was not aware of the exemption and therefore did not apply.

Kendall County Planning, Building, and Zoning has been out to the property. There is some rationale to Mr. Schmalz’ request as there is some slope to the property and it would be difficult to relocated the trailer behind the setback line. Mr. Hoffman stated that staff recommends approval. Mr. Hoffman stated that instead of a variance to the original setback, that a variance to the exemption regulation is recommended. This would mean that a new owner would not be allowed to have a trailer in the front yard unless a new variance was granted. Also, there is a letter on file from adjacent property in support of the requested variance.
Mr. Cherry asked the original intent of the variance. Mr. Hoffman stated that it was a grandfather clause. Ms. Clementi went to examine the property and the property owner allowed her to enter the property. She stated that the pictures of the property did not represent the entire situation well as there is a severe drop-off that limits the position of the trailer. She also stated that the neighbor has a trailer in the front yard, and it is common in that area.

Mr. Hoffman stated that he drove by as well and saw the adjacent trailer. He spoke to Brian Holdiman, the County Code Official, who said that citations are given on a complaint basis and there have been complaints regarding Mr. Schmalz’s trailer, but not the adjacent trailer. The Zoning Board of Appeals discussed the prevalence trailers and the variances, and the small number of complaints received. The Board discussed the different requirements that could be placed on the variance.

Chairman Mohr opened the meeting for public testimony. Chairman Mohr swore in anyone interested in talking at this meeting.

Frank Schmalz, the petitioner, of 23 Old Post Road in Montgomery spoke first. Ms. McKay asked him if the trailer has been the same one for the entire twenty years. He answered in the negative. She asked if it was larger. He said it was very similar to previous trailers. She asked the purpose of the trailer. He answered it was used for business purposes in his employment with Aurora Bearing. Chairman Mohr asked if the Mr. Schmalz would accept conditions for only a singular trailer of the same size. Mr. Schmalz replied in the affirmative. Chairman Mohr also reiterated that the variance would not transfer. Mr. Schmalz stated he understood. Mr. Schmalz also entered into record another letter from a neighbor in support.

Mr. Hoffman read for the record a letter from Gabrielle Torres of 21 Old Post Road. It states the acknowledgement of the meeting and states her lack of objection to the variance.

John Rise of 26 Old Post Road spoke next. Mr. Rise stated that in his observations the trailer has not moved. He expressed concern as he has heard other neighbors’ state that the trailer has affected appraisals on their home when trying to sell or refinance. He also stated another neighbor had the same issue but instead moved the trailer. He stated that Mr. Schmalz does not keep up around the trailer and that he wishes the property would be better maintained. Chairman Mohr asked if when Mr. Rise moved in if the trailer was there. Mr. Rise stated it was but it has not moved for a couple of years.

Jim Williams of 64 Old Post Road. He stated that he has lived in Boulder Hill for thirty-eight years since he was a sophomore in high school in 1961 when he was a young man. He stated after the collapse the Boulder Hill Civic Association that there has not been an overseeing body in Boulder Hill. He knows Mr. Holdiman as he has made complaints before. He stated that it takes many complaints and a long time to get property cleaned up. He stated that Mr. Schmalz has an inoperable vehicle in addition to the trailer. He also stated other neighbors in the similar
situation have been able to move their trailers out of the front yard. He continued to say Boulder Hill appearance has been in decline for years. He stated he did not know how far he could make a complaint. He was told that if he lived in the County that he could make a complaint. Chairman Mohr stated that he was on the Planning Committee when the ordinance regulating trailers was passed, and Boulder Hill has been a challenge. Mr. Williams stated he has been cited himself in 1989 and that he cleaned up his property.

Chairman Mohr asked Mr. Schmalz if the trailer was licensed currently. Mr. Schmalz answered in the negative due to the inoperability of the truck. Mr Schmalz noted that he was waiting on parts to be able to complete the repair of the truck’s transmission. Chairman Mohr explained that the inoperable vehicle was a violation also. Mr. Schamlz stated he had the renewal but Chairman Mohr stated he needed it to be licensed.

James Ort of 19 Cayman Drive. He has lived there since 1974. He stated that he often walked past Mr. Schamlz’ property for years. Not currently, but in previous years the property was in state of disorder; so much so they had to cross into the street when walking. Mr. Ort stated that he was not in favor of the variance as it would negatively affect property values and quality of life.

Chairman Mohr stated that the issue was not just looking at what was best for Boulder Hill, but also for the County as a whole. Any decision made in terms of the subdivision would be applied to all of unincorporated Kendall County.

Ms. McKay asked for clarification on the number of vehicles and their operability at the same property. Mr. Schmalz stated that the truck was not operable, but the vans were. Ms. McKay stated that there were now two issues, the inoperable truck and the unlicensed trailer in the front yard.

Chairman Mohr stated that he was closing the meeting to further public testimony.

Ms. McKay noted there seemed to be more issues than the trailer that may need to be addressed in the future. Chairman Mohr stated that the Board may have other options but that they were to decide on the issue of the trailer. Mr. Hoffman clarified some points of ordinance for the committee.

Chairman Mohr reviewed the findings of fact:
1. That the particular physical surroundings, shape, or topographical conditions specific to the property would result in a particular hardship or practical difficulty on the owner if the strict letter of the regulations were carried out. Ms. Clementi made the motion to approve. Mr. Thompson seconded. Approved 6-0.
2. That the condition upon the requested variances is based would not be applicable generally to other property within the same zoning classification. Ms. McKay made the motion to approve. Mr. LeCuyer seconded. Approved 6-0.
3. That the alleged hardship or difficulty has not been created by any person presently having an interest in the property. Ms. Clementi made the motion to improve. Mr. Cherry seconded. **Approved 5-1. Member Scott Cherry voting nay.**

4. 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. Ms. McKay made the motion to improve. Mr. Thompson seconded. **Declined 5-1. Member Dick Thompson voting aye.**
   a. The Board found that it is detrimental to property values based on testimony.

5. That the proposed variation will not impair adequate supply of light or air to the adjacent property, or substantially increase the congestion of the public street, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values in the neighborhood. Ms. McKay made the motion to approve. Ms. Clementi seconded. **Declined 5-1. Member Dick Thompson voting aye.**
   a. The Board found that it does impair property values in the neighborhood

Chairman Mohr asked for a motion for approval. Ms. Clementi moved to approve the variance with the following conditions: limited to one trailer in the front yard setback; that he is allowed to replace with in-kind; must be operable and licensed; and the pad must be maintained. Mr. Thompson seconded. **Tie: 3-3. Members Dick Thompson, Karen Clementi, Donna McKay voting in favor, Chairman Randy Mohr, Scott Cherry, Dick Thompson voting no. Request is denied.**

**REVIEW PBZ APPROVALS BY COUNTY BOARD & CHANGES** –

1. **Petition 15-01 - Nancy Austin**: Platteville agreed to annex to the road after coming to an agreement with the township.

2. **Petition 14-40 – Subdivision Control Regulations – Letters of Credit**: Approved

3. **14-37 Home Occupations - Landscape Businesses**: County Board had previously sent it back to Planning, Building, and Zoning Committee for revisions. PBZ sent it back to the County Board. It ended in a tie vote, effectively not passing.

**NEW BUSINESS/OLD BUSINESS** -
Garage Variance on Game Farm Road will be on the agenda for next month. Variance is for location of garage due to topography.

**PUBLIC COMMENT** - There were no additional comments by members in the audience.

**ADJOURNMENT OF THE ZONING BOARD OF APPEALS** - Next meeting will be on July 27, 2015. Mr. Cherry made a motion to adjourn the ZBA meeting, Ms. McKay seconded the motion. Chairman Randy Mohr adjourned the Zoning Board of Appeals meeting at 8:12 p.m.

Respectfully Submitted,

Andrez P. Beltran
Economic Development and Special Projects Coordinator