

Village of Romeoville

1050 W Romeo Rd



Meeting Minutes - Final

Tuesday, March 8, 2016

7:00 PM

Village Hall Board Room

Zoning Board of Appeals

CALL TO ORDER

ROLL CALL

Present: Paul Scieszka, Dan Repetowski, Petra Burgess, Jim McConachie, David Venn and Gary Hoffman

Absent: Rick Gougis

A motion was made by Petra Burgess, seconded by David Venn, to Approve the Agenda. The motion carried by a voice vote.

PUBLIC HEARING

16-2175 A Public Hearing for a Parking Lot Setback Zoning Variance for 1352 Enterprise Drive

A motion was made by David Venn, seconded by Gary Hoffman, that this matter be Opened. The motion carried by a voice vote.

Planner Jamie Tate read the Project Compliance Report

Summary:

Chad Allison, the current property owner and formerly of Allison's Lift, has applied for a variance from the Zoning Code for the rear parking lot setback.

Over the past decade, Allison's Lift had been storing equipment, vehicles and product outside in the rear of 1352 Enterprise Drive on grass and gravel. During this time, the Village had contacted the property owner (Allison's Lift) about paving the area that they had been using for storage as the Village does not allow outside storage on unapproved surfaces (i.e. grass, gravel, dirt, etc.). All storage and parking of vehicles and equipment must be on asphalt or concrete throughout the Village.

In the summer of 2014, the Community Development Department was made aware that there was paving being done at 1352 Enterprise Drive without engineering approval or a building permit. Staff from the Department approached the parties involved and stopped their work until they received the proper permit. Since the work was already near completion, the property owner at 1352 Enterprise was given a permit from the Community Development Department to finish the paving improvements, although it did not meet the required rear setback of 50 feet. The M-1 Zoning District requires a fifty (50) foot rear setback for properties that abut a residential zoning district. The new distance to the rear property line is 31.08 feet at the closest point.

The Village did not pursue the owner any further at that point, although not meeting the rear setback was considered a zoning violation. At the end of 2015, a property transfer stamp request came through the Community Development Department. In practice, the Village does not release transfer stamps for properties that have outstanding zoning and building code violations. The property owner was notified of the issue of the setback and told to resolve it in order to receive the proper sign-offs from the Village.

Mr. Allison was given two (2) options to resolve the setback issue:

1. Work with an engineer to provide the Village with As-Built drawings verifying the drainage and new pavement is satisfactory as installed. Apply for a variance from the Zoning Code to rectify the setback encroachment.

2. Remove the new pavement and hire a new engineer to submit drawings to Village verifying any new proposed pavement is satisfactory. Apply and obtain a building permit

to perform any work on the parking lot before the work begins.

Mr. Allison chose option 1 and hired an engineer to provide the Village with the necessary plans. An engineering review was completed by the Village Engineer. The Village Engineer signed off on the plans and concluded the new pavement met all codes and ordinances except the setback encroachment. Mr. Allison has since applied for a variance from the Zoning Code for the setback encroachment of 18.92 feet in the rear of the property. According to Section 159.82 (E)(2), the code requires at least a 50 foot setback along the rear property line when the property abuts a residential zoning district. Below are the standards to which the Zoning Board of Appeals (ZBA) shall use when recommending a variance to the Village Board:

(1) *Standards.* The Zoning Board of Appeals shall not recommend a variance to the regulations of this chapter to the Village Board of Trustees unless it shall make findings of fact based upon the evidence presented to it in each specific case that:

(a) *The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations of the district in which it is located;*

(b) *The plight of the property owner is due to unique circumstances; and,*

(c) *The variance, if granted, will not alter the essential character of the locality.*

(2) *Supplemental Standards.* For the purposes of implementing the provisions of this section, the Zoning Board of Appeals shall also, in making its determination/recommendation as to whether or not there are practical difficulties or particular hardships. They shall take into consideration the extent to which the following facts favorable to the applicant have been established by the evidence submitted:

(a) *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were not carried out;*

(b) *The conditions on which a petition/application for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property within the same zoning classification;*

(c) *The alleged difficulty or hardship is caused by this Chapter and has not been created by any person presently having an interest in the property;*

(d) *The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and,*

(e) *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 to the public safety, or substantially diminish or impair property values within the neighborhood.*

Method of Investigation

The Development Review Committee has reviewed the proposal.

Findings of Fact:

The following are the findings of fact based on Section 159.172C. The findings in this section must be met for staff to recommend approval.

Standards:

- 1. The property would be able to yield a reasonable return under the regulations of the district.*
- 2. The plight of the property owner is not due to unique circumstances.*
- 3. The variance, if granted, will not alter the essential character of the neighborhood.*

Supplemental Standards:

- 1. There is no hardship because of particular physical surroundings, shape, or topographical conditions of the specific property involved. The request is considered more of an inconvenience.*
- 2. The conditions on which the application for the variation is not unique to the property as compared to others in the same zoning district.*
- 3. The alleged difficulty or hardship does not appear to be caused by this Chapter rather it is by the applicant having an interest in this property.*
- 4. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and,*
- 5. 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 to the public safety, or substantially diminish or impair property values within the neighborhood.*

Recommendation:

As outlined in Section 159.172C regarding the standards for granting zoning variances, the Development Review Committee cannot recommend approval because hardship criteria cannot be met. The Zoning Board of Appeals can approve, deny or approve with comments the parking lot setback variance request for 1352 Enterprise Drive.

Commissioner Burgess asked if the work at the site is already complete.

Planner Tate stated that the parking lot is complete and showed the aerial photo comparison from 2013 and 2015.

Commissioner Venn asked if it meets all the code standards.

Planner Tate stated that the Engineering Department did a review and the only issue they have is with the setbacks.

Chad Allison, Sworn - Mr. Allison has been at this location for 12 years and has a contract on the property. Mr. Allison is aware of the Code Violations and wants to correct the issues so he can proceed with the sale. The improvements that were done to the parking lot have actually helped with traffic safety and the drainage issues in the Honeytree Subdivision which borders the property.

Commissioner Venn asked if the potential buyer would be adding to the run off in the area.

Mr. Allison stated that the buyer is a Logistics Company who is also buying the property next door at 1350 Enterprise. The office staff will be at 1350 Enterprise does not feel it would have any effect on run off.

Chairman Scieszka asked if there is any lighting in the rear area.

Mr. Allison stated that there are two LED flood lights one in the back of the property and one on the side.

Commissioner Venn asked if there was any type of berm in the back.

Mr. Allison stated that the area is slightly higher than the curb now but before the curb was put in the area behind had flooding issues.

No one from the public wished to speak.

A motion was made by Petra Burgess, seconded by Dan Repetowski, that this matter be Closed. The motion carried by a voice vote.

NEW BUSINESS

ORD16-1263 An Ordinance Approving a Parking Lot Setback Zoning Variance for 1352 Enterprise Drive

A motion was made that this matter be Recommend for Approval. The motion carried by the following vote:

Aye: 6 - Repetowski, Burgess, Scieszka, Venn, Hoffman and McConachie

Absent: 1 - Gougis

OLD BUSINESS

NONE

CITIZENS TO BE HEARD

NONE

CHAIR'S REPORT

NONE

VILLAGE BOARD LIAISON REPORT

NONE

COMMUNITY DEVELOPMENT DEPARTMENT REPORT

NONE

ADJOURNMENT

A motion was made by Petra Burgess, seconded by Gary Hoffman. The motion carried by a voice vote.