Village of Spring Grove
Plan and Zoning Commission
Meeting Agenda

1. Call to Order
2. Roll Call
3. Approval of Minutes – December 7, 2016
4. Reconsideration and Additional Public Hearing for 9300 Champion Court - A variance to reduce the minimum frontage on a cul-de-sac from 75 ft. to 36 ft. for Lot 1, 44 ft. for Lot 2, and 60 ft. for Lot 3 in the proposed Williams' Oak Subdivision
   A. Motion to reconsider variance
   B. Swearing in of Petitioner
   C. Presentation by Petitioner
   D. Questions by Planning & Zoning Commission
   E. Questions by Zoning Officer
   F. Public Comment
   G. Further Commission Discussion
   H. Motion to Adopt the Findings of Fact
   I. Motion of Recommendation to Village Board
5. Continuation of the Tentative and Final Plat for the Williams' Oak Subdivision
   A. Developer Presentation
   B. Consultant and Staff Comments and Recommendations
      1. Engineer
      2. Attorney
      3. Building & Zoning
      4. Police Department
      5. Fire Department
   C. Questions by the Planning and Zoning Commission
   D. Public Comment
   E. Further Commission Discussion
   F. Motion of Recommendation to the Village Board
6. Public Comment
7. Other Business
8. Adjournment

Posted: December 30, 2016 at 3:00 p.m.
Council Chambers, Spring Grove, Illinois, January 4, 2017; a Regular Meeting of the Planning and Zoning Commission was held this date at 6:04 p.m., at the Municipal Centre, 7401 Meyer Road; Chairperson Gajewski presiding.

Roll Call. Roll call vote showed the following commissioners to be present at the meeting: Chairperson Mike Gajewski and Commissioners Joe Broz, Sr., Mike Bukolt and Bill Greenhill – 4. Absent: Commissioners Mike Lee and Paul Tierney – 2. Also present for the Village was Sandi Rusher, Village Clerk; Trent Turner, Building and Zoning Officer; Scott Puma, Village Attorney; and Steve Bicking, Village Engineer.

Approval of the December 7, 2016 Minutes. Commissioner Broz moved, seconded by Commissioner Greenhill to approve the minutes as presented. On voice vote, the motion carried.

Reconsideration and Additional Public Hearing for 9300 Champion Court – A variance to reduce the minimum frontage on a cul-de-sac from 75 ft. to 36 ft. for Lot 1, 44 ft. for Lot 2 and 60 ft. for Lot 3 in the proposed Williams’ Oak Subdivision.

Motion to reconsider variance. Commissioner Greenhill moved, seconded by Commissioner Broz to reconsider the variance. Roll call vote: Ayes: Broz, Bukolt, Gajewski and Greenhill – 4. Nays: None. Motion carried.

Swearing in of Petitioner. Dave and Diane Williams, owners of the property, were sworn in at the commencement of the hearing.

Presentation of Petitioner. The Williams’ own 13 plus acres between Champion and Carmel Courts commonly known as 9300 Champion Court. They had previously requested the property be subdivided into 3 parcels and have since withdrawn their request for a 3 lot subdivision and have combined Lot 2 and Lot 3 from their original plan into a single lot and are only seeking variances for Lots 1 and 2. Lots 1 and 2 would have ingress and egress off Champion Court from the existing driveway.

Questions by Planning and Zoning Commissioners. In response to questions from the commission, the Williams stated they changed their zoning application as a result of the neighbors on Carmel Court objecting to access off of Carmel Court and they want to have the subdivision approved in a timely manner. The only change on Champion Court will be lessening the radius of the driveway to make it more accessible for fire department vehicles and widened enough for 2 cars. The only change to the Plat of Subdivision was removing the division line between Lots 2 and 3.

Questions by Zoning Officer. No questions were asked.
Public Comment. Chairperson Gajewski then opened the hearing up for comments by the public.

Robert Hanlon, attorney representing Richard Kurowski who is an adjoining property owner and resident at 9118 Carmel Court, voiced his client’s objection to the application and requested that it be denied. He then cross-examined the Williams as to the accuracy of the zoning application and amendment to withdraw the request for Lot 3, variance standards, access to Carmel Court and where they currently reside. Mr. Hanlon stated the Williams failed to provide any evidence or support that the criteria for approving the variance have been satisfied.

Mr. Hanlon stated several times that should the Williams promise not to seek access to Carmel Court now and in the future, his client would waive his objection. The Williams responded they are not willing to make such a promise because things can change in the future.

Mr. Hanlon then addressed the commission with what he observed as procedural violations. He described how the petitioner failed to adhere to the notice requirements of the Zoning Ordinance. Specifically, the petitioner did not include in its notice the required information and failed to list all of the persons that have last paid taxes adjoining the property as reflected in Section 1517.6 of the Zoning Ordinance. He further raised an objection that no notice was published or mailed to the contiguous property owners for tonight’s hearing. Attorney Puma replied that the matter was referred back to the Planning and Zoning Commission (PZC) for the variance so no notice was required and that by appearing personally Mr. Kurowski and his attorney waived any objection to notice. Additionally, at the last PZC meeting the hearing on the Williams’ Tentative and Final Plat had been continued to January 4, 2017 so no notice was necessary.

Mr. Hanlon presented photos which he labeled as Group Exhibit C that showed the sign notice on Carmel Court was not posted within 10 ft. of the public right-of-way. Attorney Puma inquired as to the source of the photos in Group Exhibit C because whoever took them appeared to be trespassing onto the Williams’ property. Mr. Hanlon replied he did not know the source of the photographs; therefore no proper foundation was laid for this exhibit. Zoning Officer Turner verified the signs were posted on Champion and Carmel Court prior to the hearing on December 7, 2016. When he observed them there was no snow on the ground and they appeared closer to the cul-de-sac but he didn’t know the exact distance of the sign to the right-of-way on Carmel Court. Mr. Williams believed the sign on Carmel Court was moved as he didn’t recall it being in the location depicted in Group Exhibit C.

He then stated the petitioners had taken down trees which did not comply with the Village’s Comprehensive Land Use Plan. With respect to the Subdivision Control Ordinance, he said the petitioners did not address Appendix M, Security Requirements, Appendix W, McHenry County Stormwater Management Ordinance, and the temporary turn around at the end of Carmel Court that is located on his client’s property. It was noted by Attorney Puma that Mr. Hanlon was mistaken in his interpretation of several Village Code provisions which Mr. Hanlon had incorrectly referred to as requirements of the “statute”.

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Mr. Hanlon reiterated that should the Williams promise not to seek access to Carmel Court now and in the future, his client would waive his objection. The Williams again replied they are not willing to make such a promise because things can change in the future.

Attorney Puma inquired if Mr. Hanlon’s client subdivided his property without Village approval. Mr. Kurowski stated he did not. He added he purchased his home and then purchased vacant land from the Winn Family. Attorney Puma responded that the purchase of the vacant land from a larger parcel constituted as subdivision and that Mr. Kurowski had not complied with the Village Code when he bought it.

Rich Paull, resident at 9114 Carmel Court, had nothing further to add.

Keith Slove, renter and contract purchasers of 9300 Champion Court, voiced support for the Williams.

In response to the objections raised from Mr. Hanlon, the Williams’ thought they addressed Mr. Kurowski’s objection prior to the meeting because they are not seeking access on Carmel Court. They opined that Mr. Hanlon presented misinformation and they had addressed the issues that were previously raised. The water runoff was addressed on the plat that showed the topography of the land, the temporary cul-de-sac on Carmel Court has been addressed and states it is a temporary cul-de-sac on the plat. They have followed all the rules and restrictions and by subdividing the property, they would be allowed to put a house on Lot 2. They acknowledged that brush was removed from their property near Carmel Court but they did not remove trees. They further stated they could not address everything that was said by Mr. Hanlon much of it seemed to be incorrect.

Further Board Discussion. Commissioner Broz questioned how the revised request for variances would be damaging to the objector (Mr. Kurowski) when the temporary cul-de-sac has been in existence since 2004.

Motion to Adopt the Findings of Fact. Given the concerns of the objector with Variance Standard #7, Attorney Puma questioned the commission if in their mind the petitioners are receiving a special privilege should a variance be granted for the reduction in minimum frontage on Champion Court. The commission agreed they would not. Commissioner Broz moved, seconded by Commissioner Bukolt to adopt the Findings of Fact with the amendment to Variance Standard #7 that the granting of the variance does not confer a special privilege ordinarily denied to other properties in the district because of the property’s unique layout abutting Champion Court. Roll call vote: Ayes: Broz, Bukolt, Gajewski and Greenhill. Nays: None. Motion carried.

Motion of Recommendation to Village Board. Commissioner Bukolt moved, seconded by Commissioner Broz to recommend the approval of the granting of the variance to reduce the minimum frontage on a cul-de-sac from 75 ft. to 36 ft. for Lot 1 and 44 ft. for Lot 2 in the proposed Williams’ Oak Subdivision. Roll call vote: Ayes: Broz, Bukolt, Gajewski and Greenhill. Nays: None. Motion carried.
Continuation of the Tentative and Final Plat for the Williams’ Oak Subdivision.

Developer Presentation. The Williams’ asked for approval of the two lot subdivision with access off of Champion Court. Lot 1 would be sold and they would build a home on Lot 2.

Consultant and Staff Comments and Recommendations.
Engineer. Engineer Bicking is in the process of finalizing his review and there are just a few minor comments regarding septic suitable soils being delineated on the plat.

Attorney. Attorney Puma stated his request to add additional language relative to the private access easement for the driveway has been included on the Final Plat and he recommended the Plats be approved subject to final engineering approval.

Building and Zoning Officer. No comment.

Police Department. No comments were received.

Fire Department. Fire Chief Rich Tobiasz has previously informed staff that they would like to see the turning radius improved for the existing house. The Williams’ are aware of their comments and will address this when their home is constructed on Lot 2.

Questions by the Planning and Zoning Commission. The commission sought clarification that they have the correct plats for approval as they indicate two lots but do not have revisions dates on them. The Final Plat has a Surveyor Certificate that states it was signed on January 2, 2017. The commission requested revision dates be added to the plats.

Public Comment. Chairperson Gajewski then opened the meeting up for comment by the public. Robert Hanlon, attorney representing Richard Kurowski who is an adjoining property owner and resident at 9118 Carmel Court, simply stated that he objected and offered no reason or testimony to support his objection to the Plats.

Further Commission Discussion. None.

Motion of Recommendation to the Village Board. Commissioner Bukolt moved, seconded by Commissioner Broz to recommend approval of the Tentative Plat as reviewed and subject to the revision dates being added to the plat. Roll call vote: Ayes: Broz, Bukolt, Gajewski and Greenhill – 4. Nays: None. Motion carried.

Commissioner Broz moved, seconded by Commissioner Greenhill to recommend approval of the Final Plat subject to Village Engineer approval and the revision dates being added to the plat. Roll call vote: Ayes: Broz, Bukolt, Gajewski and Greenhill – 4. Nays: None. Motion carried.

Public Comment. Chairperson Gajewski then opened the meeting up for comment by the public. Robert Hanlon inquired if the meeting was being recorded and if so he requested a copy. Clerk Rusher replied the meeting was not being recorded.
Other Business. None.

There being no further business, Commissioner Greenhill moved, seconded by Commissioner Broz to adjourn the meeting at 7:12 p.m. On voice vote, the motion carried.

Respectfully submitted,

Sandi Rusker, Village Clerk