Village of Spring Grove
Plan and Zoning Commission
Regular Meeting Agenda

1. Call to Order
2. Roll Call
3. Approval of Minutes – September 5, 2018
4. Public Hearing – 9106 Nicholas Lane – A variance to allow a 12 ft. x 20 ft. accessory building to be constructed within the 50 ft. building setback line
   A. Swearing in of Petitioner
   B. Presentation by Petitioner
   C. Questions by Planning & Zoning Commission
   D. Questions by Zoning Officer
   E. Public Comment
   F. Further Commission Discussion
   G. Motion to Adopt the Findings of Fact
   H. Motion of Recommendation to Village Board

5. Public Hearing – 7216 Ridge Court – A variance to reduce the building setback line from 50 ft. to 30 ft.
   A. Swearing in of Petitioner
   B. Presentation by Petitioner
   C. Questions by Planning & Zoning Commission
   D. Questions by Zoning Officer
   E. Public Comment
   F. Further Commission Discussion
   G. Motion to Adopt the Findings of Fact
   H. Motion of Recommendation to Village Board

6. Public Comment
7. Other Business
8. Adjournment

Posted: October 31, 2018 at 3:00 p.m.
Council Chambers, Spring Grove, Illinois, November 7, 2018; a Regular Meeting of the Planning and Zoning Commission was held this date at 6:00 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 Mike Bukolt, Bill Greenhill, Mike Lee, Paul Tierney, Ted Trzaskowski and Trent Turner – 7. Absent: None. Also present for the Village was Sandi Rusher, Village Clerk.

Approval of the September 5, 2018 Minutes. Commissioner Tierney moved, seconded by Commissioner Lee to approve the minutes as presented. On voice vote, the motion carried.

Public Hearing – 9106 Nicholas Lane – A variance to allow a 12 ft. x 20 ft. accessory building to be constructed within the 50 ft. building setback line.

Swearing in of Petitioner. David and Tenia Oudshoorn, property owners, were sworn in at the commencement of the hearing.

Presentation of Petitioner. Mr. Oudshoorn stated he is seeking a variance to construct an accessory building within the 50 ft. setback line to store yard equipment and various tools required on a daily basis for his business as they do not fit in the attached two car garage. The variance is necessitated because of the position of the home on the 50 ft. setback line, the left side of the home has utilities and a low area that retains water. In addition, the septic field is located in the back yard along with trees and the ground is unstable because he buried trees back there. The paved area at the end of the driveway is ideal because it enables him to store and access the large and heavy pieces of equipment that have small wheels that will not travel across the grass, Photos of the equipment were attached with the application.

The home is unique in that it has two different style roofs. The front has a standard gable and the side with the garage and near where the accessory building would be located has a Dutch hip. Because of this, Mr. Oudshoorn presented two building styles with each roof line. Both plans were reviewed by Trustee and ARC Chair Jeff Letzter to determine which better compliments and coordinates with the home, in architectural style and material selection. Trustee Letzter opined the Dutch hip roofline doesn’t compliment the architectural style of the home and recommended the gable roof line because it matches the front of the home. Mr. Oudshoorn prefers Dutch Hip roof line because it matches the roof line above the sideload garage, where the accessory building would locate closest too, but will honor the village’s preference of a gable roof.
He went on to describe the accessory building, Petitioner’s Exhibit A, that will have an overhead garage door instead of pocket doors, two windows on the street side with none on the home side, a rectangle window above the garage door (the half-moon window will be removed), cedar siding to match the color of the house and installed horizontally to also match the house, shingles the same color as the home; antique brick will be added to the front of the building; and there will be no lights on the front of the building because it will have no electricity.

Mr. Oudshoorn read the staff comments and recommendations. With regard to the staff comments related to employee parking and exterior evidence of a home occupation, the employees now take the work vans home with them, which eliminates the need to come to the home to pick them up. The construction of the accessory building will remove the exterior evidence of operating a home business and the unmarked van in the driveway that is used as storage will be removed. As for the staff recommendations, he agreed to abide by them.

He has spoken to several adjoining and neighboring property owners, all of which support the variance because it will get rid of the van and items stored outside. He submitted a letter from Bob Quigley, Petitioner’s Exhibit B, who reviewed the site and building plans and supported the variance because it is much needed and will alleviate the poor storage conditions that currently exist.

Questions by Planning and Zoning Commissioners. Commissioner Lee stated the village received a letter from The Robersons, adjoining property owners, who expressed concerns with the petitioners running a plumbing business out of the home, an inoperative van parked in the driveway that is used for storage, employee parking on the street, safety issue for bus turning down street because the intersection is a school bus stop, the location of the building could cause a line of sight issue at the intersection of Nicholas and Anthony Lanes, and if the variance is granted what assurance would be given that when the building fills to capacity there would be no additional materials stored outside of it.

Commissioner Lee stated there are other homeowners in the community that have similar issues with trying to store a lawnmower and snowblower and having to walk across their lawn to get to their shed. He opined that the only hardship is not wanting to push the heavy business equipment across the lawn. He wants assurances that as the business grows there will be no more outside storage or a van used for storage purposes.

Mr. Oudshoorn replied the accessory building will not be exclusively for his business but also for his yard equipment and snowblower. He currently stores his tarped lawnmower at the end of the driveway and is trying to be a good neighbor by storing it and other items currently stored outside and in the van inside the accessory building. He has agreed to and has resolved the issue of on-street employee parking, he is allowed by village ordinance to have one letter van in his driveway and reiterated that if the variance is granted there will no longer be a need for the van that is used for storage. He has been in business for 15 years and the size of the accessory building will alleviate current and future storage needs.
Commissioner Bukolt questioned the number of vans kept at the home. Mr. Oudshoorn replied the business has three vans. Two vans are now kept at the employees’ homes and the unmarked one in the driveway will be removed once the accessory building is built so there will no vans in the driveway.

Commissioner Bukolt recommended the variance be reviewed annually to address any outside storage issues and should there be an issue and it not be addressed; the variance be revoked, a fine imposed, and the accessory building removed.

In response to Commissioner Greenhill’s questions, Mr. Oudshoorn stated the accessory building will not have electricity and equipment is stored in his basement if he is working on it and at employees’ homes and in the work vans stored at their homes.

In reply to Commissioner Tierney’s inquiry, the unmarked van used for storage in the driveway is operational but has 330,000 miles and needs a catalytic converter.

Commissioner Turner stated he was the Building and Zoning Officer three years ago that would not approve the accessory building because it was for his business and opined the storage of the business equipment should be in the garage and the lawn equipment could then go in a shed built in the back yard. He spoke of past issues with the property stating the vehicle was not operational and there was excessive outside storage of business equipment. He did not support the variance but did support staff and Commissioner Bukolt’s recommendations.

In answer to Commissioner Trzaskowski’s inquiries, the subdivision does not have an active HOA, only one shrub will have to be removed to construct the accessory building, and the lettered vans are kept at the employees’ homes. In reference to the Roberson’s letter, children are picked up between 8:00 and 8:30 a.m. and his employees arrived after 9:00 a.m. so there was no conflict. The location of the accessory building would not create a line of sight issue.

Chairperson Gajewski questioned if the shed could be moved closer to the home. Mr. Oudshoorn replied there is approximately 6-8 ft. between the aggregate sidewalk and the proposed location so he could possibly move it over a few feet but there is no way it could be constructed within the 50 ft. setback line because of the home’s close proximity to it.

Chairperson Gajewski expressed concern with a business being run in a residential area, especially with a van being used for storage in the driveway. Clerk Rusher reviewed the home occupation regulations and stated Mr. Oudshoorn was in violation of having exterior evidence that the home is being used for commercial purposes by have outdoor storage and employee parking on the street. When informed of these violations, Mr. Oudshoorn eliminated the employee parking on the street and has testified the construction of the accessory building would eliminate the outdoor storage issues, thus bringing the property into compliance. As for the unmarked van in the driveway, it needs to have a valid vehicle registration and vehicle sticker until it is removed. Mr. Oudshoorn agreed to update the registration and purchase a vehicle sticker for it.
Chairperson Gajewski opined the variance would improve the property but struggled with the stated hardships because many residents experience the same issues. He did not see any line of sight or drainage issues with the granting of the variance and also agreed with staff and Commissioner Bukolt's recommendations.

The commission sought assurances that with the granting of the variance, there would be no more outside storage and all equipment would be stored inside the accessory building. Mr. Oudshoorn stated he increased the length of the accessory building from 16 ft. to 20 ft. to ensure it would be large enough to accommodate his needs and there would be no more business equipment stored outside once the accessory building is constructed. He added there is a loft area that would be used for storage. He is willing to sign an agreement agreeing to the recommendation discussed and should he not abide by it will have to remove the shed and face penalties.

Questions by Zoning Officer. Clerk Rusher recommended the staff recommendations be adopted as discussed and amended.

Public Comment. Chairperson Gajewski then opened the hearing up for comments by the public.

Valerie Hoschouer, 9105 Anthony Lane and adjoining property owner, supported the variance because she would no longer have to look at the equipment and tarped lawnmower.

Mr. Oudshoorn stated he has spoken with other neighbors and they too support the variance and appreciate that he has addressed the on-street parking issue.

Further Commission Discussion. None.

Motion to Adopt the Findings of Fact. Commissioner Bukolt moved, seconded by Commissioner Lee to adopt the Findings of Fact as presented. On voice vote, the motion carried.

Motion of Recommendation to Village Board. Commissioner Bukolt moved, seconded by Commissioner Tierney to recommend approval of the variance to allow a 12 ft. x 20 ft. accessory building to be constructed within the 50 ft. setback for a yard abutting a street, subject to the following conditions:

1. The accessory building and the 20 ft. setback line be staked out by a professional land surveyor prior to construction to ensure the accessory building does not encroach over the setback line.
2. The accessory building be constructed as depicted in Petitioner’s Exhibit A, with the modifications noted above.
3. The variance is only applicable for the proposed accessory building and not the single-family residential home or any other structure(s).
4. All vehicles parked overnight on the driveway shall be operational, have current state vehicle registration and current village vehicle stickers.

5. The outside storage of business-related equipment is prohibited.

6. On-street employee parking is prohibited.

7. Compliance with the terms of the variance shall be reviewed annually, or more frequently if deemed necessary, by the Building and Zoning Officer. Should the Petitioner not be in compliance with the terms, the variance will be revoked, fines imposed and the accessory building removed, subject to attorney approval.


**Public Hearing – 7216 Ridge Court** – A variance to reduce the building setback line from 50 ft. to 30 ft.

**Swearing in of Petitioner.** Allen and Christina Wagner, property owners, were sworn in at the commencement of the hearing.

**Presentation of Petitioner.** The Wagners are seeking a variance to construct a single-family residence on an irregularly shaped lot with a steep hill that begins at the road. The variance is needed because of the property’s elevation, irregular shape, septic restricted areas and location of the neighbor’s well thus limiting the area to where the septic can be located. In addition, the 50 ft. setback creates a several safety issue due to the steepness of the driveway, such as blind spots, limits the options of where the home can be placed and affects the appearance of the home. The current setback requires the house to be placed at the bottom of the hill close to the neighbor’s lot line rather than more centered on the lot and all you would see driving up is the roofline. By moving the home forward, they can improve the curb appeal of the home by centering it on the lot and being able to see the entirety of it as you drive up. From the road to where the house is placed, there is a 14 ft. difference in elevation. They have read the staff report and accept the staff recommendation to have the home and 30 ft. front yard setback line staked out by a professional surveyor prior to construction, as they already planned on doing so.

**Questions by Planning and Zoning Commissioners.** The commission supported the variance given the property’s location on a cul-de-sac as opposed to being on a main road, it makes the property buildable and it is not near the neighbor’s house.

Commissioner Bukolt commented the driveway will still slope to the home even with the variance. He recommended they work with an engineer to raise the driveway so they don’t have the water draining towards to the house. Mr. Wagner stated they will install a slotted drain in front of the garage to catch the water coming down the driveway.
In response to Commissioner Turner's comments, Mr. Wagner stated the variance allows them to build on an unbuildable lot and there is an 18 ft. difference in elevation from the back of the home to the road.

Commissioner Greenhill commented the neighboring properties also slope.

In answer to Commissioner Trzaskowski question, Mr. Wagner stated by moving the home forward they won’t have to dig out the garage as deep and gain elevation in the back.

Questions by Zoning Officer. Clerk Rusher recommended the staff recommendation be adopted as discussed.

Public Comment. Chairperson Gajewski then opened the hearing up for comments by the public. There was no one from the public present.

Further Commission Discussion. None.

Motion to Adopt the Findings of Fact. Commissioner Turner moved, seconded by Commissioner Greenhill to adopt the Findings of Fact as presented. On voice vote, the motion carried.

Motion of Recommendation to Village Board. Commissioner Lee moved, seconded by Commissioner Greenhill to recommend approval of the variance to reduce the minimum setback for a yard abutting a street from the required 50 ft. down to 30 ft. subject to the front yard setback line being staked out by a professional land surveyor prior to construction to ensure the home does not encroach over the setback line. Roll call vote: Ayes: Bukolt, Gajewski, Greenhill, Lee, Tierney, Turner and Trzaskowski — 7. Nays: None. Motion carried.

Public Comment. Chairperson Gajewski then opened the meeting up for comment by the public. There was no one from the public present.

Other Business. The next zoning hearing will be in November 28, 2018.

There being no further business, Commissioner Greenhill moved, seconded by Commissioner Tierney to adjourn the meeting at 7:02 p.m. On voice vote, the motion carried.

Respectfully submitted,

Sandi Rusher, Village Clerk