Village of Spring Grove
Plan and Zoning Commission
Meeting Agenda

1. Call to Order
2. Roll Call
3. Approval of Minutes – April 3, 2019
4. Public Hearing – 2509 Highview – A special use permit to amend Ordinance No. 2017-30 to allow for the outside storage of a storage container on the east side of the building and paragraph H of Section 3 of Ordinance No. 2017-30 to allow the storage container to exceed the height of the fenced in area and a variance to allow a 0 foot side yard setback instead of the required 10 foot for a storage container.
   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 Comment
6. Other Business
7. Adjournment

Posted: May 22, 2019 at 4:00 p.m.
MINUTES OF A REGULAR MEETING OF THE
PLANNING & ZONING COMMISSION OF THE
VILLAGE OF SPRING GROVE
JUNE 5, 2019

Council Chambers, Spring Grove, Illinois, June 5, 2019; a Regular Meeting of the Planning and
Zoning Commission was held this date at 6:05 p.m., at the Municipal Centre, 7401 Meyer Road;
Chairperson Gajewsbi presiding.

Roll Call. Roll call vote showed the following commissioners to be present at the meeting: Chairperson
Mike Gajewski and Commissioners Mike Bukolt, Kevin Hessenthaler, John Sullivan, and Ted
Trzaskowski – 5. Absent: Commissioners Bill Greenhill and Paul Tierney - 2. Also present for the
Village were Bob Walczak, Zoning Officer; Scott Puma, Village Attorney; and Sandi Rusher, Village
Clerk.

Approval of the April 3, 2019 Minutes. Commissioner Trzaskowski moved, seconded by
Commissioner Bukolt to approve the minutes as presented. On voice vote, the motion carried with
Commissioner Sullivan abstaining.

Public Hearing – 2509 Highview – A special use permit to amend Ordinance No. 2017-30 to allow
for the outside storage of a storage container on the east side of the building and paragraph H of Section
3 of Ordinance No. 2017-30 to allow the storage container to exceed the height of the fenced in area
and a variance to allow a 0 foot side yard setback instead of the required 10 foot for a storage container.

Swearing in of Petitioner. Michael Hagi Jr., owner of JR Auto Works, Inc. was sworn in at the
commencement of the hearing.

Presentation of Petitioner. Neil Anderson, attorney for the petitioner, introduced the zoning
application and the testimony of Mr. Hagi followed. Mr. Hagi operates an auto, small engine and lawn
and garden tractor repair and sales business and has been at this location since November 2017. Part
of the lawn and garden tractor business requires him to have a certain turnover of inventory. He has
been selling lawn and garden tractors for the past year. The purpose of the storage container is to protect
the crated mowers from the weather and theft and help with the erosion onto his property from the
property to the east that is 2 feet higher. He was unaware that it was prohibited and approval was needed.

It was noted Commissioner Hessenthaler arrived at 6:08 p.m.

The storage container is visually blocked by a fence to the north and his building to the west and was
painted to match the building. The only portion of the storage container that is visible is that portion
above the fence. The adjoining neighbor to the east rents and sells heavy machinery and has outside
storage that is taller than the fence that surrounds the property. The neighbor’s building also doesn’t
have any windows on the building closest to his so he won’t be able to see the storage container from
his property.
Questions by Planning and Zoning Commissioners. The commission reviewed the detailed timeline of events that has led to the hearing contained in the Staff Report. The commission expressed their displeasure with Mr. Hagi for not following through with the deadlines and disregarding communications from Zoning Officer Walczak. They noted he has failed to comply with the conditions of his special use permit by having more than three vehicles parked outside the fenced in area with some of those vehicles stored for more than four consecutive nights, has crates and pallets stored outside the fenced in area and the outside storage inside the fenced in area exceed the height of the 6 foot fence, which includes the 8 foot crate and items stored on top of it.

Commissioner Trzaskowski questioned why Mr. Hagi hasn’t resolved the issues when brought to his attention. He stated the Village is pro-business and has been trying to work with him but he is not following through and working with the Village. Mr. Hagi replied he has applied to amend his special use permit to allow for the storage container to make it right as he was unaware that approval was needed to have the storage container since he already had permission for outside storage. He was not able to construct an addition due to the roof elevation and topography. Chairperson Gajewski responded that Mr. Hagi knew that any outside storage could not exceed the height of the fenced in area as this was a condition of the special use permit granted in 2017.

Chairperson Gajewski stated in April, August and September 2018, Mr. Hagi was notified by Zoning Officer Walczak that the storage container was not permitted and was to be removed and it wasn’t until October 2018, six months after communications were started, that Mr. Hagi finally tried to remedy the situation. He further questioned why there is a hearing on this matter and not having a hearing to rescind the special use permit. Attorney Anderson replied Mr. Hagi tried to remedy the situation without having to go through the special use permit process again.

Commissioner Sullivan questioned why there is stuff on top of the container and skids and pallets outside the fenced in area and in the parking lot. Mr. Hagi replied he needs to have a certain number of skids and pallets before they will be picked up. He called two weeks ago for a pickup and agreed to move them if they are still there within the next 30 days.

Commissioner Bukolt also expressed concern with the number of items being stored outside the fenced in area and questioned how Mr. Hagi got a tractor on top of the storage container. Mr. Hagi responded with a fork lift.

Commissioner Hessenthaler questioned if the fines have been paid and stated Mr. Hagi is not being a good neighbor by violating the conditions of his special use permit and is ruining his relationship with the Village and possibly the community, by not responding to the Village when again, they are trying to work with him. Staff replied they are unaware if his citation is paid but noted Mr. Hagi’s adjudication date was extended because he failed to show up to court.

Chairperson Gajewski questioned the necessity of the tractor parked in the lawn on the south side of the property that has weeds growing around it. Mr. Hagi stated it is used for the advertising of his lawn and tractor sales. Chairperson Gajewski asked Zoning Officer Walczak to make sure the necessity of the tractor is addressed by ARC when approval for the additional signs is sought.
Chairperson Gajewski found it bothersome that Mr. Hagi stated the size of the building was sufficient to meet the needs of this business in 2017 when the Village granted special use permit. He added the Village was very flexible to help his business succeed by delaying the paving of the outside fenced in year for five years. He explained to Mr. Hagi that being a good neighbor means treating staff with respect when it is trying to enforce the rules, regulations and ordinances of the village. He is personally opposed to allowing storage containers because every business needs more storage, even his, and this will lead to more businesses requesting them, which he opined is not a direction the Village wants to go.

Questions by Zoning Officer. Zoning Officer Walczak recommended any approval be subject to the conditions set forth in the Staff Report. He added the property needs to be brought into compliance with the conditions of the current special use permit as addressed previously. Mr. Hagi replied the vehicles parked outside are awaiting parts and was not aware there was a limitation on the amount and time length to be stored. Attorney Puma informed Mr. Hagi that we are way beyond his trying to understand and dispute the terms and conditions of the ordinance that he agreed to, a copy of which was provided to him in 2017. He was advised that if he had questions, he should have responded to the numerous contacts from the Village.

Referencing Ordinance 2017-30, Attorney Puma and Chairperson Gajewski reminded Mr. Hagi that should it be determined that the paving of the outside storage area needs to be done sooner because it is having a negative impact on the area, no outside storage will be allowed until paved. Chairperson Gajewski opined that it should be paved sooner than August 15, 2022. Mr. Hagi replied he would like to do it sooner and suggested he be allowed to pave this area in stages.

Public Comment. Chairperson Gajewski then opened the hearing up for comments by the public. Public Comment was closed as no one from the public wished to speak.

Further Board Discussion. Commissioner Trzaskowski opined Mr. Hagi is making it more difficult by not responding to the Village until a deadline is approaching.

Commissioner Bukolt inquired if the fenced in area could be expanded, the height of the fence increased. Mr. Hagi replied he offered to expand it but was told no by the Village. Staff replied the maximum height of a fence allowed in a commercial area is 6 feet.

Commissioner Hessenthaler struggled with Mr. Hagi no responding to the Village, which in his opinion is a bigger issue than the container and goes back to his comment about being a good neighbor.

A brief discussion commenced regarding allowing storage containers for storage as there are other businesses using them and are in violation of the Zoning Ordinance. The Zoning Ordinance itself conflicts itself by prohibiting them in all zoning districts but temporarily allowing them for 6 months in Industrial zoned properties. The adjoining business to the east received approval to retain the two storage containers in 2018 that were obtained when the property was purchased. The commission was informed the Village Board will be discussing this matter further at its June 18, 2019 meeting.

Chairperson Gajewski opposed the use of a storage container as a storage unit as that is what buildings and sheds are for. He would not be in favor of any motion that allow the storage container.
Attorney Anderson then asked the commission to continue the hearing to see how the Village Board handles the use of storage containers. This would also give Mr. Hagi the opportunity to attempt to rebuild his relationship with the Village.

Mr. Hagi reiterated that he was not able to add on to the building so the storage container gives him the ability to accommodate his growing businesses. He was not able to move the storage container before the April 30, 2019 deadline because the ground was too soft. He apologized for disrespecting staff and not responding to the Village.

Commissioner Hessenthaler stated he could vote on the matter now as he is not concerned with what Village Board will do with storage containers but a continuance may be beneficial to Mr. Hagi so he can attempt to rebuild his rapport with the Village.

Commissioner Bukolt moved, seconded by Commissioner Trzaskowski to continue the hearing until June 19, 2019 at 6:00 p.m. On voice vote, the motion passed unanimously.

**Motion to Adopt the Findings of Fact.** None.

**Motion of Recommendation to Village Board.** None.

**Public Comment.** Chairperson Gajewski then opened the meeting up for comment by the public.
Sandy Oehlsen, adjoining property to the petition at 7800 Winn Road, attended the meeting to see if the container would be allowed and the amount approved. One container would be acceptable to her as the area is somewhat industrial.

**Other Business.** Commissioner Bukolt questioned if there was a way the Village could assist businesses to prevent them from moving to another town to temporarily allow storage containers and make them aesthetically pleasing. Chairperson Gajewski replied maybe but questioned how long is temporary. Commissioner Hessenthaler stated a viable option for Mr. Hagi would be to store the storage container off site when it’s not needed to store lawnmowers.

There being no further business, Commissioner Trzaskowski moved, seconded by Commissioner Bukolt to adjourn the meeting at 7:10 p.m. On voice vote, the motion carried.

Respectfully submitted,

[Signature]

Sandi Ruscher, Village Clerk