

MINUTES OF THE ZONING BOARD OF APPEALS
May 13, 2019

The regular meeting of the Zoning Board of Appeals was called to order by Chairman Kurt Schultz at 7:00 p.m. at the Village Hall.

Members present: Chairman Kurt Schultz, Amy Flores, Mark Moore, Walter Oakley, and Eric Steffe.

Members absent: Matthew Krummick and Richard Pyter.

A quorum was established.

Village Staff present: John Spoden, Director of Community Development; David Smith, Senior Planner; and Jeff Cooper, Village Engineer.

Board Member Oakley moved, seconded by Board Member Steffe, to approve the April 8, 2019, Zoning Board of Appeals minutes.

Motion carried 5 - 0.

Board Member Oakley moved, seconded by Board Member Steffe, to approve the April 22, 2019, Zoning Board of Appeals minutes.

Motion carried 5 - 0.

OLD BUSINESS:

**ZBA 19-15 536-42 North Milwaukee LLC, Applicant
 536-542 N. Milwaukee Avenue**

Request is for a variation to reduce the minimum required lot area from 12,000 square feet to approximately 9,396 square feet in order to accommodate eight (8) dwelling units for property located in the C-1, Downtown Core Commercial District.

**ZBA 19-16 536-42 North Milwaukee LLC, Applicant
 536-542 N. Milwaukee Avenue**

Request is for a variation to reduce the minimum required number of parking spaces from three (3) to two (2) in order to accommodate eight (8) dwelling units for property located in the C-1, Downtown Core Commercial District.

**ZBA 19-17 536-42 North Milwaukee LLC, Applicant
 536-542 N. Milwaukee Avenue**

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Request is for a variation for signage to allow two (2) marquee signs, one for each entrance into a building, for a non-motion picture land use for property located in the C-1, Downtown Core Commercial District.

Mr. David Smith, Senior Planner, stated that the petitioner is requesting multiple zoning requests that will enable them to rehab the second and third floors of the existing building located at the southeast corner of North Milwaukee Avenue and School Street. He stated that one of the requests includes a text amendment to the Zoning Code that will authorize the Village Board to grant variations to reduce the minimum required land area for property located in the C-1, Downtown Core Commercial District for dwelling units. Mr. Smith stated that during the April 22, 2019 Plan Commission meeting it was noted that additional limitations should be applied to this text amendment in order to reduce the likelihood that a precedent is created that will enable unchecked increase in density in future developments in the downtown.

Mr. David Pardys, Village Attorney, clarified the proposed additional limitations to be incorporated into the text amendment request. Mr. Pardys stated that the proposed text amendment states that the Village Board will have the authority to reduce by not more than twenty-five percent (25%) the required lot area for dwelling units within existing structures located in the C-1, Downtown Core Commercial District, provided, however that: 1) no such variation may be granted which would permit the development of more than two (2) dwelling units in addition to the number of dwelling units that could be developed in the absence of such variation; 2) no such variation may be granted which would permit any increase in the otherwise permitted maximum floor area; and 3) no such variation may be granted in connection with any plan which would result in the addition of a story on such existing building or any expansion of the footprint of such existing building.

Mr. Pardys stated that they are also proposing to add the following parenthetical statement to Zoning Code Section 16-8.5(a)(2): (See Section 16-8.5(a)(28) for authorized variations to minimum lot area relating to dwelling units located within existing buildings in the C-1, Downtown Core Commercial District).

Mr. Mike Kollman, petitioner, stated that he agrees with the additional Zoning Code text limitations.

Board Member Moore asked the petitioner if he would like for the Plan Commission and Zoning Board of Appeals to render their recommendation to the Village Board tonight. Mr. Kollman stated that he is ready for the Plan Commission and Zoning Board of Appeals to give their recommendation tonight.

In the matter of ZBA 19-15, Board Member Oakley moved, seconded by Board Member Flores, to recommend the Village Board of Trustees approve a variation to reduce the minimum required lot area from 12,000 square feet to approximately 9,396 square feet in order to accommodate eight (8) dwelling units for property located in the C-1, Downtown Core Commercial District, in accordance with the plans submitted.

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Motion carried 5 - 0.

Ayes: Schultz, Flores, Moore, Oakley, Steffe
Nays: None
Absent: Krummick, Pyter

In the matter of ZBA 19-16, Board Member Steffe moved, seconded by Board Member Moore, to recommend the Village Board of Trustees approve a variation to reduce the minimum required number of parking spaces from three (3) to two (2) in order to accommodate eight (8) dwelling units for property located in the C-1, Downtown Core Commercial District, in accordance with the plans submitted.

Motion carried 5 - 0.

Ayes: Schultz, Flores, Moore, Oakley, Steffe
Nays: None
Absent: Krummick, Pyter

In the matter of ZBA 19-17, Board Member Oakley moved, seconded by Board Member Flores, to recommend the Village Board of Trustees approve a variation for signage to allow two (2) marquee signs, one for each entrance into a building, for a non-motion picture land use for property located in the C-1, Downtown Core Commercial District, in accordance with the plans submitted.

Motion carried 5 - 0.

Ayes: Schultz, Flores, Moore, Oakley, Steffe
Nays: None
Absent: Krummick, Pyter

NEW BUSINESS: None.

STAFF COMMUNICATIONS AND DISCUSSION: None.

Board Member Oakley moved, seconded by Board Member Moore to adjourn the meeting.

Motion carried 5 - 0.

Meeting adjourned at 7:18 p.m.