

ZONING BOARD OF APPEALS
March 13, 2007

CALL TO ORDER

Chairman Hughes called the meeting to order at 7:30 p.m.

ROLL CALL

Quid polled the members present: Haselhorst, Hughes, Murren, Rosch, Ruckoldt and Schneider. Celske arrived shortly after roll call. Also present were Peter Rosenthal, Village Attorney, Dennis Bowman, Trustee, Ron Hameetman, PEDC and Curt Ulrich, Sup't of Bldg. & Zoning.

APPROVAL OF NOVEMBER 15, 2006 MINUTES

A motion was made by Rosch and seconded by Murren to approve the minutes from the November 15, 2006 meeting. A roll call vote followed with all in favor. The motion was passed.

ZONING CASE #2006-11 (205 Grove Avenue, Fox River Grove)

The continuation of public hearing #2006-11 opened at 7:35 p.m. Those wishing to speak were sworn in.

To recap the background of this hearing, the petitioners have requested a variation pursuant to Article VI.D.8.b. Side Yards. They would like to construct a house addition that would result in a side yard of less than 8 feet in width as required in the R1A Zoning District.

Mr. Raviolo has returned with a new plan, increasing the side yard request from 3 ft. to 6 ft. After discussion by the Board, the petitioner agreed to provide new plans prior to the Public Health & Safety meeting.

********MOTION***

A motion was made by Rosch and seconded by Ruckoldt to recommend to Public Health & Safety that the variance be approved with a 6 ft. side yard setback. A roll call vote followed with all in favor. The motion was passed.

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The public hearing closed at 7:45 p.m.

ZONING CASE #2007-01 (908 Norge Parkway)

The public hearing opened at 7:46 p.m. Return receipts of adjacent property owners and a photo of the posted public hearing sign were submitted. Those wishing to speak were sworn in.

The Village is proposing an amendment to the Zoning Map which will change the classification of the above property from B3 "Commercial Recreational Area" to R1A "Single Family Residential".

Bob Schmude, Development Manager of Kenar, addressed the Board. This is the second phase of the Ski Hill Subdivision I. This has the same basic configuration as the first phase but instead of developing the whole property at once, it was split into 2 sections while they waited for a study that would determine if the low pressure sanitary sewer service line would have to be extended thus preventing them from developing the whole parcel at the same time. The 4th lot (8/10 of an acre) will be dedicated to the Village. They allowed the Bike Race to use this out lot last year as the starting point and since then, the Village has become interested in acquiring this land.

Each lot will have an E1 Sanitary Sewer System which is the same as Ski Hill Subdivision I and the Picnic Grove.

RESIDENTS COMMENTS

Several residents were present expressing concern regarding issues such as the sanitary sewer system, storm water run-off and the grade of the 4th lot which will be dedicated to the Village. Rosenthal, Village Attorney, explained that these are legitimate concerns but they relate to the subdivision and should have been looked by the Plan Commission (PEDC). The PEDC has recommended approval based on feedback they received from Baxter & Woodman and the Village Engineers. He recommended that they attend the Public Health & Safety meeting on April 3rd at 7pm and voice their concerns.

Mike Ireland, 504 Ski Hill Road

Concerned about the treatment of waste water. He wonders if that line is really feasible. He has questions about the study. ***Rosenthal: Baxter & Woodman are well aware of the capacity and treatment issues and have recommended approval of the additional 3 lots. Schmude added that the houses will have the pumps that were installed in the houses in the first 3 lots.***

Previous conversation was that there was no service available for additional homes. We still have previous homes that have failed septic systems and were not allowed to hook into that system. What has changed in 2 years? ***Rosenthal: The PEDC would not have recommended this unless there wasn't a problem.***

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Tom McCarthy, 409 Ski Hill Road

Would like to see the study and verify dates. He has concerns about Baxter & Woodman study. ***Ulrich: Copies will be available at the Public Health & Safety meeting.***

Why wasn't the Public Hearing for the zoning change held BEFORE the PEDC meeting?

Ulrich: The PEDC meeting is not a public hearing with a sign posted. Rosenthal: The ZBA and PEDC are focusing on different issues with regards to the development. The reason the PEDC completed their review of the plan before the ZBA is because the ZBA meeting scheduled in February was cancelled due to the weather.

It was also noted that he is opposed to the removal of trees on Ski Hill Road, and the grades of the property.

Ron Hameetman, 435 Woodbine Lane

Member of the PEDC. He stated that the plan is contiguous to the existing development. He's not sure if the severe changing of the grade of the property will cause a change to the environment. The decision of the Plan Commission is dependent on studies and recommendations of the Village consultants. Recommendations are made contingent upon all engineering issues being met before a building permit is issued.

John Berg, 400 Woodbine

He is concerned with the potential back drainage after the 9 ft of fill is added to the 4th lot. Will this lot be developed into a playground, etc? He would also like to see the study.

Rosenthal reiterated that the developer still has to secure a building permit and have an adequate means of providing a storm water system and septic sewer system. However, this is handled through the subdivision process and not through the Zoning Board. If these issues are not resolved, the zoning will remain the same.

The public portion of the hearing was closed at 8:24 p.m.

ZBA Discussion

Schneider

Concerns are valid and the ZBA must be certain that the rezoning will not be detrimental in any way. ***Schmude: The Storm water plans were submitted to McHenry County and then resubmitted after revisions on 2/12. They are waiting for final approval.*** Schneider wants this clarified and make approval subject to subdivision approval.

Rosenthal reminded the Board to look at the factors as to whether the zoning is proper. You'll not be approving the development by approving the zoning. You must decide whether residential use is consistent with others in the area.

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Rosch

Concerned about filling that land. Hughes reminded him that that issue isn't our concern.

Celske

Would recommend approval subject to final approval of the subdivision. We need to just decide if the homes would be compatible with the area. He feels that approval is appropriate.

*******MOTION**

A motion was made by Celske and seconded by Murren to recommend to Public Health & Safety approval of the rezoning subject to the approval of the subdivision. A roll call vote followed with all in favor. The motion was passed.

The Public Health & Safety meeting will take place on April 3rd at 7:00 p.m. The final decision will be made by the Village Board on April 19th.

The public hearing closed at 8:35 p.m.

OTHER BUSINESS

A Public Hearing is schedule to review the Comprehensive Plan on March 20, 2007 at 7:00 p.m.

ADJOURNMENT

A motion was made by Ruckoldt and seconded by Rosch to adjourn the meeting. The meeting adjourned at 8:36 p.m.

Pat Hughes, Chairman

Karen Quid, Secretary

Date approved