

**ZONING BOARD OF APPEALS**  
**July 28, 2010**

**CALL TO ORDER**

Chairman Celske called the meeting to order at 7:00 p.m.

**ROLL CALL**

ZBA members present: Chairman Dan Celske, Tom Anderson, Dave Dufern, Rich Murren, Chris Ruckoldt, Fred Rosch, and Al Schneider. Staff present: Village Attorney John Donahue, Village Building Inspector John Spurgeon from B&F Technical Code Services, and Secretary Dal Compo. Also present were Trustees Duane Figurski and Michael Ireland.

**APPROVAL OF JULY 12, 2010 MINUTES**

A motion was made by Schneider and seconded by Rosch to approve the minutes from the July 12, 2010 meeting with amendment. The motion passed with all in favor.

**ZONING BOARD CASE 2010-04 – Special Use**

Chairman Celske explained that the Zoning Board is meeting tonight regarding the recommendation for a Special Use Permit for a Public Works garage. The previous meeting had adjourned to have the Findings of Fact compiled by Chairman Celske for review by this meeting. The discussion that followed included a section by section review of the entire document.

*Section A*—Village Attorney John Donahue suggested that the last sentence of the third paragraph should read “The pavement of both County Line Road and North Road is approximately 18 feet in width...”

*Section B.a.1* — no changes recommended

*Section B.a.2* — no changes recommended

Member Murren asked if a sidewalk would be put in from Route 22 to the beginning of the facility on County Line Road and was told yes.

*Section B.a.3* — no changes recommended

*Section B.a.4* — no changes recommended

Chairman Celske gave an overview of subsection b. It relates to the question of whether use is injurious to the use and enjoyment of other property in the immediate vicinity. Paragraph 2, subsection b discusses setback as well as the number of driveways and landscaping/wooded buffer issue.

A resident asked a question, which Chairman Celske fielded (although this meeting was technically a closed session). The resident asked if the ingress/egress of trucks was limited to the hours of 7 a.m. to 3 p.m. Chairman Celske said that the section was just a reiteration of the evidence, and then sets forth what might cause the trucks to be on site before or after those hours, such as snowfall, etc.

Member Murren commented that he felt Chairman Celske had done a good job with the document.

Member Ruckoldt stated that his understanding of the third paragraph under subsection B was that it should have allowed for a maximum of two driveways, not a maximum of three. Chairman Celske suggested that wording could be added to say “as set forth in the current proposal.” Member Schneider suggested that it could read “as shown in C4.”

*Subsection c* — no changes recommended

(Chairman Celske explained that cursory language is incorporated into this section because of its inclusion in the comprehensive plan).

*Subsection d* — no changes recommended

*Subsection e* — no changes recommended

*Subsection f* — Chairman Celske asked for Village Attorney Donahue’s assistance with the language presented. His only recommendation was for the word “be” to be added under F.1, so that the second part of the first sentence would read “and should not *be* permitted”.

The zoning ordinance defines the lot at the time of the building permit. The Village does own the detention pond east of the facility.

Under subsection f, 3 (corrected from a duplicate #2) Member Dufern suggested that at the end of the third line/beginning of the fourth line, the facility should be referred to as “salt and fuel storage units.”

Under C, Recommendations, Members had the following suggestions:

Member Dufern suggested that #2 should say “installing sidewalks *or pedestrian lanes*”. He further suggested that #4 should say “driveways *and residences*”.

Member Rosch stated that in regard to #4, if all three driveways were put in it would minimize the buffer zone. Village Attorney Donahue noted that the concern is not just the number of

driveways, it is also the headlight issue. Member Anderson pointed out that #6 also speaks to the headlight issue.

Member Schneider suggested that points 4 and 5 be switched.

**\*\*\*\*\*MOTION**

***A motion was made by Rosch and seconded by Murren to recommend approval of the petition for a Special Use for the Public Works Garage on County Line Road subject to the following six conditions as amended and with a formal approval of the findings of fact:***

- 1. That ingress and egress to the facility shall be off of County Line Road. only. North Road is to be used only for maintenance and public works functions on North Road.***
- 2. That the Village Board look at the desirability of installing sidewalks on County Line Road. between Route 22 and North Road.***
- 3. That a front setback shall be maintained at no less than 50 feet.***
- 4. Access to the property shall be limited to one driveway, if feasible, from an architectural and engineering standpoint, and under no circumstances, more than two driveways. In either case, the driveway design should minimize the impact on residences across from the proposed facility.***
- 5. That existing trees remain as a buffer in the front 50 foot setback unless not feasible from a drainage or engineering standpoint. If not feasible, create an earthen berm with evergreen trees planted on top should be constructed as a buffer.***
- 6. That if feasible, the Village should provide off-site shrubs on the west side of County Line Road right-of-way to buffer headlights. If not feasible or insufficient, landscaping should be provided on the private property across the street from the facility, but only if agreed to by affected property owners.***

***A roll call vote followed with Anderson, yes; Celske, yes; Dufern, yes; Murren, yes; Rosch, yes; Ruckoldt, yes; Schneider, yes. The motion was passed.***

Chairman Celske will deliver the document to the Village Clerk tomorrow.

Some residents were permitted to express their views on the Zoning Board's decision.

-- Barrington Hills resident Tom MacCarthy stated that under A. Background/General Findings of Fact, in the fourth paragraph, the sentence should read "an estate home situated on a seven acre lot" and that the word "vacant" should be struck from the sentence.

--Resident Joe Sgarbossa again brought up the subject of groundwater contamination, and how such contamination can travel for miles. Chairman Celske responded that the conclusion which was reached was to defer to the consulting engineer.

--A resident said that when the text amendment was approved, the ZBA had said it would have more control. Chairman Celske said that as a special use, the ZBA can put conditions on the property. The same resident further stated that the proposed storage facility is bigger than what any other neighboring village of a similar size has. Chairman Celske stated that he respected the opinion of the resident.

--A resident said that the job of the ZBA was to protect the community. Chairman Celske answered that the residents should bring their opinions to Village Board meeting on this topic.

--A resident expressed that the ZBA members have been the "good guys" in this circumstance. Member Rosch added that this was part of the reason why the size of the facility was recommended to be smaller.

Chairman Celske explained that he realized it was hard for some residents to accept, but the ZBA has limited scope. The decisions need to be made based on facts and rules. The ZBA took what they had heard from experts on both sides. He further stated that perhaps some on the ZBA would like to have had even more say so. He had set aside his personal feelings on the issue and tried to look at it from an outside perspective.

--A resident thanked the ZBA members for what they had already done and said that he appreciated the time spent. However, the resident was startled by the unanimous vote. Nonetheless, he again thanked the ZBA for allowing him to speak.

Chairman Celske thanked all in attendance for coming to the meeting. He reiterated that the perspective of the residents had been taken seriously. He stated that Case 2010-04 was closed.

### **FUTURE MEETING**

MJG Builders are asking for B1 Zoning change. .

Building Inspector Spurgeon noted that the Bettendorf Castle renovation may be coming up for discussion soon.

### **ADJOURNMENT**

A motion was made by Murren and seconded by Rosch to adjourn the meeting. A voice vote followed with all in favor. The meeting adjourned at 7:57 pm

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Daniel A. Celske, Chairman

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Alison Dal Compo, Secretary

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Date approved