

ZONING BOARD OF APPEALS/PLAN COMMISSION

MEETING MINUTES

Thursday, February 18, 2021, at 7:30 pm
(Virtual Meeting via MS Teams)

Village Hall, 1 N. Prospect Avenue, Clarendon Hills, Illinois

I. **CALL TO ORDER.**

Chairman Kuhn called the Zoning Board of Appeals/Plan Commission meeting to order at 7:35 pm.

II. **ROLL CALL.**

Present: Chairman Greg Kuhn, Peter Jablonski, Karin Hanke, Tom Szurgot, Krista Casper, Jeff Keiner

Absent: Andriy Striltschuk

Others Present: Trustee Matt DeDobbelaere
Trustee Greg Jordan
Community Development Director Dan Ungerleider
Mark Slaby, 355 Ruby

Chairman Kuhn introduced the newest member of the ZBA/PC, Peter Jablonski. Mr. Jablonski explained that he has been a resident for 26+ years, has three kids. Trustee DeDobbelaere recommended he volunteer for the ZBA/PC. Each of the other members introduced themselves.

III. **APPROVAL OF MINUTES.**

December 17, 2020 – Mr. Szurgot made a motion, seconded by Mrs. Hanke, to approve the minutes from the ZBA/PC meeting held on December 17, 2020. The motion passed by a unanimous voice vote.

IV. **NEW BUSINESS.**

- a. **Case No 500 / Village-initiated text amendment to Article 10 providing regulations regarding the storage of commercial and recreational vehicles (RV) on private property.** Mr. Ungerleider summarized Staff's report. In October 2020, the Village adopted a comprehensive amendment to the Village's zoning regulations. This amendment reorganized and modernized the entire Zoning Ordinance, resulting in a legally sound, user-friendly development tool that will serve the community well for many years. It was brought to Staff's attention that the regulations regarding the storage of recreational and commercial vehicles had inadvertently not been transferred from the old to the new Zoning Ordinance. These regulations were initially contained in each of the Articles regulating the use of properties zoning R-1 Single-Family, R-1A Single-Family Dwelling Residential and Limited Office District, R-3 Medium Density Multiple-Family Residence District, and R-4 High-Density Multiple-Dwelling Residential District. Consistent with the format used in the new Zoning Regulations, these regulations were supposed to have been relocated and consolidated into Article 10 Off-Street Parking and Loading of the new Zoning Regulations. These regulations were unintentionally omitted.

Currently, there are between 10 and 20 RVs stored on properties throughout the Village. A question has been raised about whether the Village wishes to continue regulating or prohibiting the storage of recreational and commercial vehicles on residential property. Last February, the Village Board directed Staff to work with the ZBA/PC to restore these regulations in the Zoning Ordinance.

Mr. Ungerleider noted that three exhibits were included with his report: Exhibit A – Language from ordinance before the comprehensive zoning ordinance amendment, Exhibit B – Language contained in the current for of the ordinance, and Exhibit C – Proposed language regulating the storage of both commercial and RV storage on private property. The proposed language, when applied with the regulations of the Village's Property Maintenance Code, provides similar standards as its predecessor prior to the comprehensive zoning ordinance amendment. Mr. Ungerleider acknowledged that it would be the ZBA/PC prerogative to move forward with the existing policy or make recommendations to change that policy.

Chairman Kuhn entertained questions of clarification from the members of the Board. Mrs. Hankey asked for the definition of a livery vehicle. Mr. Ungerleider explained that according to the dictionary, a livery vehicle, such as a taxi or limousine, is used for-hire used by business to generate revenue by transporting people. Mr. Keiner asked if the Staff intended to restore the ordinance before the comprehensive zoning ordinance amendment. Mr. Ungerleider explained that the Village Board had not provided direction to change policy, however in keeping with the energy put forth by the ZBA/PC during the comprehensive amendment exercise, he thought review and possible modification of the current policy were warranted.

Mr. Szurgot asked about the differences between commercial vehicles and trucks having a commercial license plate. Chairman Kuhn asked about different classes and types of plates. Mr. Ungerleider took note of the research after the meeting. He asked for the definition of a logo of a specific size, vehicle wrap. He also asked about box vans. Mr. Ungerleider directed the Board to refer to the commercial vehicle definition provided in Exhibit B of his report.

Mr. Jablonski asked how the proposed text would regulate or affect the use of short-term rental trucks in residential neighborhoods. Examples would include a U-Haul truck rented to transport a child's belongings to school.

Mr. Ungerleider summarized the proposed text regulating the storage of commercial vehicles on commercial property.

Mr. Ungerleider summarized the text regulating the storage of RVs on residential properties. He noted that there are quite a few existing RVs being stored behind homes throughout the community. He acknowledged that as the community is changing, storing large RVs gives the limited spaces between newer homes being built throughout the Village. The proposed text is consistent with current and past code enforcement practices.

Mr. Keiner limits the size/length of an RV and is restrictive of the time needed to load and unload the RV before and after a family trip. Mr. Ungerleider took note, noted that similar language could be considered as was proposed for temporary use of a commercial vehicle. He added that the code would limit the storage of an RV on a home's driveway, extending the public sidewalk and displacing a car into the street. Chairman Kuhn noted that the proposed text includes a time limit as discussed.

Mrs. Hanke expressed that 48 hours is reasonable. She questioned the use and storage of a box truck or van on residential property. She noted that these vehicles had been used for recreational use. Mr. Ungerleider explained that the definition of an RV is based on the use of the vehicle, not necessarily its appearance.

Mr. Jablonski noted that a standard box van is 20 feet in length. Many RVs are much larger than a standard vehicle. Chairman Kuhn noted that the size of the vehicle has an impact on the owner and the neighbor's use of the property. The purpose of the ordinance is to maintain the neighborhood's character, balanced with the rights of an individual's use of their property.

Mr. Ungerleider noted that dimension for discussion later.

Chairman Kuhn asked for the definition of a structure vs. a temporary storage tent. Mr. Ungerleider explained that the proposed text requires the use of a permitted, permanent primary or accessory structure, thus preventing someone from covering the vehicle with a tent or tarp.

Mr. Szurgot noted that storage of a large RV in the rear yard would require a large hard, approved surface. An approved surface would be required to comply with lot coverage, permeable surface, and stormwater management regulations.

Chairman Kuhn swore in members of the audience interested in providing comment. Chairman Kuhn recognized Mark Slaby of 355 Ruby. Mr. Slaby thanks the ZBA/PC members for the opportunity to speak. He appreciated the discussion and comments made by the Board. He agreed that the community is changing. Current or previously established policies may be outdated. The storage of large RV's in the back yard impact the use and values of neighboring homes. He asked the ZBA/PC if the Village should continue to encourage this property to give the ongoing investment of new homes throughout the community. He questioned why RV's need to be continuously connected to utilities. Storage of these vehicles have impacted his home and others.

Chairman Kuhn asked Mr. Slaby for more details of his circumstance. Mr. Slaby reported that his neighbor has a large RV in their backyard that, by appearance, has not been moved in the last 18 months. Staff acknowledged the circumstances described by Mr. Slaby. Mr. Ungerleider noted that this had been the subject of property maintenance inspections.

Mr. Slaby expressed that neighbors should have a voice in whether a vehicle could be stored in the back yard of a property. He asked that the Village require a public process for approval, assuring the appropriate use of the property and minimizing the impact on neighboring properties. Mr. Slaby asked what the next steps in the process.

Chairman Kuhn will consider the text, make a recommendation to the Village Board of consideration and action. Mr. Ungerleider noted that any amendment to the zoning ordinance wouldn't necessarily change the use of properties according to current regulations before the amendment. These uses are considered legal-nonconforming. Mr. Ungerleider asked the ZBA/PC to consider what conditions could be put in place to mitigate the impact of having an RV on the neighbor's property. Mr. Slaby asked the owner of the RV to provide 100% screening. The Board continued discussion about managing "grandfathered" conditions.

Chairman Kuhn closed the public hearing portion of the meeting. He reminded the Board that a decision is not required this evening. The case can be continued for further research and consideration by the Board at a later meeting.

Mr. Ungerleider summarized the discussion so far. He noted that the current code restricts the type and duration of storage permitted in the yard facing the street. The Board is interested in establishing, altering, or adding restrictions of vehicle storage in yards facing adjacent properties. Additional standards may include limiting the size of vehicle stored, increasing the minimum setback of stored vehicles, requiring screening between vehicles, and neighboring properties, limiting the duration of vehicle storage over a given period, and establishing a standard and condition of the vehicle. He also noted that the Board would like to have a better understanding of how other communities regulate the storage of commercial and recreational vehicles.

Mrs. Hanke asked for clarification about grandfathering and legal non-conforming regulations. Mr. Ungerleider explained that the legal non-conforming uses and structures portion of the zoning code allows legal use and conditions of properties to remain as is until significant changes are made to the property. The provision prevents the homeowner from upgrading their homes each time the Village chooses to change its regulations. The Village does have the ability to establish a "sunset clause," which establishes a reasonable time frame that would allow and require a property to comply with specific standards approved by ordinance. The Village

Attorney would need to provide counsel before establishing a "sunset clause" provision. The Board asked Staff to include this provision for further discussion.

Mrs. Kasper asked if the Village has been received many or constant complaints about commercial and recreation vehicle storage. Mr. Ungerleider responded that there have been very few issues or complaints raised over his 8-year tenure with the Village. When there is a complaint, the code enforcement process has successfully obtained compliance with the code.

Mr. Slaby explained that this issue impacts properties on the community's edges, limiting the number of overall complaints.

Chairman Kuhn noted that the ordinance has evolved over the years to address current issues. There is a balance. He asked Staff to consider conducted research on commercial vehicles, including type of license plate, definition of vehicle types (ie, box van), and vehicle signs/logo. The Board continued discussing related issues they would like researched and brought back to them later.

The Board directed Staff to research the issues raised and to seek counsel from the Village Attorney. Mr. Szurgot made a motion, seconded by Mrs. Casper, to continue the case to the March 18, 2021 ZBA/PC meeting. The motion was unanimously approved by a vote of 6-0. Chairman Kuhn announced that the motion passes.

V. **OLD BUSINESS**

- a. **Case No Z497 / Appeal to the Zoning Administrator's interpretation regarding 10 S Prospect.** At the petitioner's request, this continued public hearing has been postponed until the state emergency order regarding the covid-19 pandemic has been lifted. The public hearing notice will be republished at that time per village ordinance. The applicant has yet to withdraw their application.

VI. **COMMENTS FROM THE AUDIENCE. None**

VII. **DISCUSSION ITEMS.**

Mr. Ungerleider reported that the train station is partially open. Heating under the shelters is provided by push-button. The inbound station should be completed by summer. The outbound station project will begin in March and be completed by July 2021. The replacement of the existing gates system has been completed. Addition fencing and exist gates will be installed within the next 12 to 24 months, dependent upon State approval. The Village Board has directed Staff to begin working with the Downtown Design Review Board to design improvements for Burlington Plaza and the public alley at the southwest corner of Burlington and Prospect Avenues.

He reported that there are several new businesses joining the community: Terra Distillery and Coffee Shop (211 Burlington), Il Mio Italian Eatery (30 S Prospect), and The Open Door Tap House (20 S Prospect). Talley's has closed and available for a new restaurant. Walkers at 4 Walker is opened for business. Renovation and additions are in the works for the former Ebinezers Gift Shop building on Prospect Avenue.

Chairman Kuhn asked if there has been any interest in the former Quinn's Coffee Shop space. Mr. Ungerleider reported that there had been interest. However, a fire suppression system and other building code-related improvements are required before that space can be used. The Village recently created TIF District for the downtown. The TIF could be used to provide financial assistance to the property owner supporting these improvements.

Mr. Ungerleider reported that the Chamber is planning to relocate an expanded Farmers Market to the improved area in front of Village Hall.

- VIII. **ADJOURNMENT.** A motion was made by Ms. Kasper and seconded by Mrs. Hanke to adjourn the meeting at 9:35 pm. The motion passed unanimously by a voice vote.

Respectfully Submitted,



Dan- Ungerleider, Community Development Director