

ZONING BOARD OF APPEALS/PLAN COMMISSION

MEETING MINUTES

Thursday, October 17, 2019, at 7:30 PM
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 7:30 pm.

II. **ROLL CALL.**

Present: Chairman Greg Kuhn, Martha Kanter, Tom Szurgot, Karin Hanke, Andriy Striltschuk, and Jeff Keiner

Absent: None

Others Present: Community Development Director Dan Ungerleider
President Len Austin, Trustee Matt DeDobbelaere, Krista Casper, Lad Kucera

III. **APPROVAL OF MINUTES.**

- a. **August 15, 2019**– Ms. Hanke made a motion, seconded by Mr. Szurgot, to approve the minutes from the ZBA/PC meeting held on August 15, 2019. The motion unanimously passed by a voice vote.

IV. **NEW BUSINESS.** None

V. **OLD BUSINESS.**

Case No 491 / Plat of Consolidation of 404 Ridge Avenue - Chairman Kuhn introduced the case and asked Mr. Ungerleider to summarize the Staff Report. Mr. Ungerleider presented a request for approval of the Plat of Consolidation of 404 Ridge, a plat of subdivision consolidating a portion of 400 Ridge Avenue with 404 Ridge Avenue into a one (1) lot single-family residential subdivision. He explained that the petitioner, Paul McNaughton, plans to raise the existing home at 404 Ridge Avenue in preparation for the construction of one (1) new single-family home. Both resulting lots will continue to comply with the minimum lot standards established for properties within the R-1 Single-Family Residential District, the existing zoning designation for the subject property. Mr. Ungerleider added that the Village Engineer has reviewed the plat and has confirmed its compliance with village ordinance and the Illinois State Plat Act. He noted that Mr. McNaughton was in attendance and available to answer questions.

The ZBA/PC members discussed the case. At the conclusion of their discussion, Chairman Kuhn asked for a motion. Mr. Striltschuk made a motion, seconded by Ms. Kanter, to recommend APPROVAL of the Plat of Consolidation of 404 Ridge, a plat of subdivision consolidating a portion of 400 Ridge Avenue with 404 Ridge Avenue into a one (1) lot single-family residential subdivision. The motion unanimously passed by a vote of 6 to 0.

Mr. Ungerleider reported that the ZBA/PC recommendation is tentatively scheduled to be considered by the Village Board at the November 4, 2019, Village Board Meeting.

VI. **OLD BUSINESS.** None

VII. **COMMENTS FROM THE AUDIENCE.**

Trustee Matt DeDobbelaere, of 320 Ridge Ave, asked the ZBA/PC members if they should be considering, on a “one-off” basis, whether a service use should be permitted in the B-1 Retail Business District. Should service businesses

be given the ability to seek a variation to locate within the B-1 Retail Business District? He confirmed that his question is in reference to the barbershop that recently attempted to move into a storefront on Prospect Avenue. Chairman Kuhn explained that the ZBA/PC members might be aware of the recent circumstances regarding the subject barbershop. However, he would be hesitant to pre-judge any case. The retail requirement in the B-1 District is a long-standing policy of the Village. It would be inappropriate for the ZBA/PC to weigh-in without first receiving a formal request and a report providing all the pertinent facts. He added that this policy had undergone repeating review during two versions of the downtown master plan, and most recently, the comprehensive amendment to the zoning regulations.

The ZBA/PC asked how the existing service uses remain in the B-1 District, to name a few: Coldwell Banker, State Farm, Dominos. Mr. Ungerleider explained these businesses existed on Prospect Avenue before the zoning ordinance restricted them from the B-1 zoning designation. By ordinance, these businesses are considered legal nonconforming uses and are permitted to remain under the provisions of Article 16 — nonconformities in the Zoning regulations. The barbershop did not comply with the requirements of Article 16.

Chairman Kuhn explained that the current policy had been created with great thought in response to a proliferation of service uses displacing retail from Prospect Avenue, the Village's "main street." Other downtown streets would be better suited for service uses.

The board continued to discuss the merits of maintaining the current policy and having the ability to review this policy when considering revision of the comprehensive plan, or in this case, the Downtown Master Plan. Mr. Ungerleider recommended the ZBA/PC members review the Downtown Master Plan and supporting documents at www.clarendonhills.us/dtmp to gain an understanding of the Village's recent thought processes in maintaining this ordinance. The Village Board could instruct the ZBA/PC and other commissions to review the policy and make recommendations. Mr. Ungerleider added that the business in question has the ability to formally appeal by seeking a text amendment or map amendment (rezoning) to allow service businesses at this location. They have not done so.

The ZBA/PC continued to discuss the challenges and conditions of the downtown business environment, past and present.

VIII. DISCUSSION ITEMS.

Need to Require Residential Fence Permits. Chairman Kuhn raised that the Village consider changing the code to require permits for residential fence installation. A permit requirement would eliminate the neighbors from having to self-govern. The permit inspection process would shift enforcement to the Village. This would require a text amendment to the Building Code. Chairman Kuhn explained that he would be submitting a letter to the Board requesting they consider requiring a permit for a fence.

Mr. Ungerleider explained the Village had received complaints from neighbors regarding fences, but rarely get involved since this type of dispute typically is worked out among neighbors. The resources are in place to enforce a permit process for fencing if so directed. Costs to the resident will need to be considered (i.e., plat, permit fees, etc).

Cell Towers on Burlington Avenue. Mr. Szurgot asked if the two cell towers east of the water tower met zoning standards. Mr. Ungerleider explained that the two towers were installed to temporarily hold the existing antennas that had been on the water tower. The water is being recoated and branded. Once completed, the antennas will be reinstalled on the water tower, and the two towers will be removed from the site. Mr. Ungerleider noted that the vacant property would soon be developed for two mixed-use buildings, each containing six rowhomes, and

commercial face facing Burlington Ave. The development had been reviewed by the Downtown Design Review Commission. More information can be found on the project website at www.mycroftrow.com.

5G Small Cell Wireless installations. Chairman Kuhn reported that the federal and state government has superseded local authority and has allowed cell services the ability to install small cell wireless facilities within the public right of way. Mr. Ungerleider reported that the Clarendon Hills is reviewing 42 new poles proposed by Verizon. Clarendon Hills is coordinating with the Village Attorney and neighboring communities to ensure the Village is not being taken advantage of by 5G mobile providers.

Downtown Revitalization Project. Mr. Ungerleider provided an update about the upcoming train station improvement project (www.clarendonhills.us/dtrev). He explained that the project will begin in early to mid-November (update – this has now changed to mid-December). Notice has been provided to commuter parking permit holders that half of the lot will not be available for parking. Temporary parking will be provided in designated areas in the downtown (www.clarendonhills.us/altparking). The Streetscape Improvements will start in spring 2020. Project completion is expected in Fall 2020. Please be patient.

Downtown Tax Increment Financing. Mr. Ungerleider reported that the Village Board is following the formal process to designate a TIF district in the downtown. This financial tool facilitated the introduction of the Infiniti of Clarendon Hills on Ogden Avenue. More information can be found at www.clarendonhills.us/dttif.

- IX. **ADJOURNMENT.** A motion was made by Mr. Hanke and seconded by Mr. Szurgot to adjourn the meeting at 8:25pm. The motion passed unanimously by a voice vote.

Respectfully Submitted,



Dan Ungerleider, Community Development Director