



Village of Fox River Grove

PUBLIC MEETING ZONING BOARD OF APPEALS JUNE 29, 2016

CALL TO ORDER

Chairman Celske called the meeting to order at 7:03 p.m.

ROLL CALL

Dal Compo polled the members present: Zoning Board members Celske, Karls, Murren, Riley, Schneider and Weber. Also present were Derek Soderholm, Village Administrator, Stephen Bechler, Management Assistant and Alison Dal Compo, Secretary. Rosch was absent.

Village President Nunamaker was also in attendance.

APPROVAL OF THE MARCH 14, 2016 MINUTES

A MOTION was made by Weber and seconded by Schneider to approve the March 14, 2016 minutes. Motion carried with one abstention.

ZBA CASE 2016-05 111 GRACE FENCE VARIANCE

Chairman Celske accepted the proof of mailing certificates and a picture of the required posting. He swore in those who wished to testify for both cases on the agenda.

Administrator Soderholm reported that the Zbroja family was seeking a variation to allow a picket fence to be installed on their corner lot. Chairman Celske asked if the configuration of their property is such that there is no backyard, he was told yes. He reiterated that the fence would be a slotted cedar white picket fence.

Member Murren asked why there was no fence line at the back end of the property. He was told that the new fence will be connecting with the neighbor's fence. Mrs. Zbroja further explained that the angle of the fence is due to the survey of the property lines. Member Murren asked how far the fence will be from the edge of the property line; he was told approximately 5 feet. Member Schneider asked if the fence will run behind an existing large tree. He was told yes.

Mrs. Zbroja explained that the fence will help prevent the neighbors from cutting across their yard with their dogs. Additionally, it will provide for more of a backyard feel since they do not have an actual backyard.

Chairman Celske explained that the current ordinance does not allow for a picket style fence.

A MOTION was made by Chairman Celske and seconded by Murren to approve the request for 111 Grace to install a picket fence not to exceed 4 feet in height. The findings of fact as presented are adopted into this motion. A voice vote was taken. Karls—yes, Murren—yes, Riley—yes, Schneider—yes, Weber—yes, Celske—yes. Motion Carried.

2016-05 case was closed at 7:17 p.m.

ZBA CASE 2016-03 LEADER ACE HARDWARE—VARIATION AND SPECIAL USE

Jeremy Melnick, representing Leader Ace Hardware, gave Chairman Celske the required certified mail receipts.

The variance is being requested because Ace would like to have a greenhouse 864 feet and 12 feet high. The current ordinance for accessory structures is as follows:

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- 1) 4A—structure more than 60 feet from the lot line
- 2) 4B—located in a side yard adjoining a street
- 3) 4C1—not more than 12 feet high
- 4) not more than 576 feet

The special use is in regard to the sale of goods more than 8 feet from the business' front entrance.

Administrator Soderholm explained that all of the variations are relative to having a larger greenhouse on the property than what currently exists. The dimension of the current greenhouse is 576 square feet. Administrator Soderholm said that the current size of the greenhouse is allowed, but the sale of goods more than 8 feet from the building is not. The greenhouse falls under the category of “accessory structure.”

Mr. Melnick explained that the greenhouse is a vital part of Ace's business. Chairman Celske asked who owns the triangular property where the current greenhouse is located. He was told that Ted Wagner owns it. Chairman Celske asked where the larger structure would be placed. He was told it will stay in the same location as the current one, it will just be larger.

Chairman Celske asked the members if they had any issues with the size or location of the greenhouse. Member Weber asked if the location will allow for a structure 864 square feet, he was told yes.

Member Murren commented that he feels there is too much stuff lying around in the yard of the business. He further said that he was not in favor of doubling the size of the existing greenhouse. Member Weber asked if the structure will create a signage issue for Subway.

Chairman Celske said that he was okay with the larger structure, but also does not like the arbitrary spread of items in the yard and parking lots. Member Schneider asked why Ted Wagner is not the one asking for the special use/variance, since he is the owner of the property. Administrator Soderholm said that Mr. Wagner is a signer on the petition at hand.

Member Murren commented that four parking stalls in the front are taken by mulch, as well as two stalls on the side. Additionally, it is difficult to walk on the sidewalk out front as this is also storing items for sale.

Member Riley asked if the intent of the greenhouse includes storage. He was told no, it is strictly for plants. Member Weber asked if the storage items could be put in another area away from the building. Mr. Melnick explained that it would be a huge inconvenience and not efficient for getting items into customers' vehicles.

Member Weber said that he felt the sidewalk area should be clear of items for sale also. Administrator Soderholm said that they can store items there, but the ZBA can condition this storage.

Member Riley noted that there are cinder blocks with mulch on top more than 8 feet from the building. He felt that perhaps this is not the right location for this type of business since so much is stored away from the actual building.

Mr. Melnick explained that in order to compete with the big box stores, Ace needs to buy in bulk and be able to quickly load its customers' vehicles. They have already removed the bobcat equipment from the parking spaces in order to make the front area more appealing.

Chairman Celske asked if the greenhouse comes down at the end of a season. He was told yes. April through July is the range for the greenhouse.

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Member Schneider commented that he did not feel there was enough specific information, such as the plot plan, in order to make a good decision. Even the existing structure would have required a variance. Mr. Melnick explained that the new structure would be 9 feet high, and 48 feet long. Member Schneider asked if the additional 16 feet would go towards Ski Hill; he was told yes. Chairman Celske noted that the new structure would go up in April 2017.

Administrator Soderholm said that the primary issue should be whether or not to allow sale of goods beyond 8 feet from the building. Member Weber added that this also involves the storage of goods away from the building. Member Riley said that he understands why the goods are set outside, but the way they are set outside now looks terrible. Chairman Celske asked what the ZBA can do to help the business to be successful but still be aesthetically acceptable.

Member Riley asked if the items for sale or storage could be put in back of the Ace building, along Ski Hill instead of in front. Mr. Melnick stated that it would be a huge inconvenience to their business' operational efficiency. Member Weber asked if their bobcat has forks for a forklift. He was told no, but they do have a regular forklift.

Chairman Celske said that he would like to see the parking spaces out front be clean of the sale of goods. Display of items for sale could be adjacent to the triangle. Member Karls recommended that the east side of the building should be kept clear, to the most eastern part of the parking lot and continuing to the west side.

Member Weber observed that the height of the pallets storing items outside could also be an issue. Additionally, he calculated that 50 skids would take up 850 square feet. Administrator Soderholm said that there is an 8 foot height rule for materials.

A MOTION was made by Celske and seconded by Karls to approve the special use request from Leader Ace Hardware as to the sale of goods more than 8 feet from the building, along with the findings of fact as presented, with the following exceptions:

- 1) the greenhouse in the requested expanded dimensions to be allowed in its current position from April 1st to July 31st year to year.
- 2) the parking lots along Rt. 22 should be clean of any display or sale of goods.
- 3) the sidewalk area to the side of the building may be used for storage/display of goods, except that the sidewalk area adjacent to all handicapped parking stalls may not be used for storage/display of any goods;
- 4) the parking area to the east which borders the triangle shall be permissible for display and sale of goods 5 feet into the grass
- 5) the concrete area in front of the business shall be permissible for the sale of goods
- 6) the 8 foot height restriction for materials applies to the entire property

A voice vote was taken. Karls--yes, Murren--yes, Riley--yes, Schneider--yes, Weber--yes, Celske--yes. Motion carried with all in favor.

A MOTION was made by Celske and seconded by Karls to approve the request for a variance as to an accessory structure from Leader Ace Hardware along with the findings of fact as presented. A voice vote was taken. Karls--yes, Murren--yes, Riley--yes, Schneider--yes, Weber--yes, Celske--yes. Motion carried with all in favor.

ZBA case 2016-03 was concluded at 8:22 p.m.

OTHER BUSINESS

Member Schneider recommended that the Village put up a sign on Grace pursuant to the fence case making it clear that it is a street.

Member Murren asked about downtown redevelopment. Village President Nunamaker explained that the Village is working on agreements with District 3 and District 155 that would help ensure adequate bonding capacity to finance Phase I of the project. Member Karls asked if the second traffic impact study was ever done as requested. She was told yes.

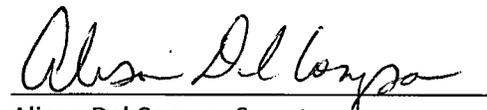
NEXT MEETING--(not currently known)

ADJOURNMENT

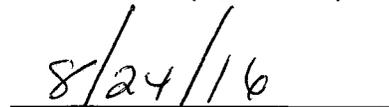
A motion was made by Murren and seconded by Weber to adjourn the meeting. All were in favor. The meeting adjourned at 8:30 p.m.



Daniel A. Celske, Chairman



Alison Dal Compo, Secretary



Date approved