

PLANNING & ZONING COMMISSION

**City Council Chambers
800 Game Farm Road, Yorkville, IL
Wednesday, July 10, 2019 7:00pm**

Meeting Called to Order

Chairman Jeff Olson called the meeting to order at 7:00pm, roll was called and a quorum was established.

Roll Call:

Jeff Olson-present, Richard Vinyard-present, Danny Williams-present, Deborah Horaz-present, Rusty Hyett-present

Absent: Don Marcum

City Staff

Krysti Barksdale-Noble, Community Development Director
Jason Engberg, Senior Planner
Tim Paulson, Engineer/EEI

Other Guests

Christine Vitosh, Vitosh Reporting Service	Carol Frey, Heartland Circle
Lynn Dubajic, City Consultant	Angie Cramer, Coldwell Banker
Richard Barbieri, Van Emmon Road	Dick Heath, Van Emmon Road
Ralph LeGrand, Bridge St.	Margaret LeGrand, Bridge St.
Carrie Steinmann	

Previous Meeting Minutes May 8, 2019

The minutes were approved as presented on a motion and second by Commissioners Vinyard and Williams, respectively.

Roll call: Olson-yes, Vinyard-yes, Williams-yes, Horaz-yes, Hyett-yes. Carried 5-0.

Citizen's Comments None

Public Hearings

Chairman Olson explained the procedure for the Hearings and swore in those who would speak. At approximately 7:03pm a motion was made and seconded by Mr. Williams and Mr. Vinyard, respectively, to open the Hearing.

Roll call: Vinyard-yes, Williams-yes, Horaz-yes, Olson-yes, Hyett-yes. Carried 5-0.

Chairman Olson read each of the Public Hearings as follows:

1. **PZC 2019-15** Ivaylo Gramatikov, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting rezoning

classification. The real properties are located at the southwest and southeast corner of the E. Van Emmon Street and Benjamin Street intersection. The petitioner is requesting rezoning approval from B-2 Retail Commerce Business District to R-1 Single-Family Suburban Residence District for the property at the southwest corner of the intersection and rezoning approval from O Office District to R-1 Single-Family Suburban Residence District for the property at the southeast corner of the intersection.

2. **PZC 2019-17** Margaret LeGrand, petitioner, has filed applications with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification and bulk regulation variance approval for the property located at 701 N. Bridge St. The Petitioner is requesting rezoning approval from B-1 Local Commerce Business District to R-2 Single-Family Traditional Residence District. Additionally, the petitioner is requesting variance approval for minimum lot size, lot coverage, and front yard setback requirements within the R-2 Single-Family Traditional Residence District to allow the existing dwelling to remain on the property.
3. **2019-18** United City of Yorkville, Kendall County, Illinois, petitioner, is proposing a text amendment to two Chapters of the United City of Yorkville, Zoning Ordinance including “Chapter 2: Definitions” and “Chapter 3: General Zoning Provisions.” The amendment to Chapter 2 revises the definition for a “Zoning Lot” to include contiguous parcels under single ownership. The Chapter 3 amendment will provide that accessory buildings or uses located on a contiguous zoning lot which have an existing primary structure and is under single ownership are permitted as long as the building or use is located within the rear, corner or side yard setback as stipulated in the zoning ordinance for that district.

(See Court Reporter Transcripts)

(Responses to Standards for Case #2/LeGrand, to be entered into public record)

The Hearings were closed at approximately 7:19pm on a motion by Mr. Vinyard and second by Mr. Williams.

Roll call: Olson-yes, Vinyard-yes, Williams-yes, Horaz-yes, Hyett-yes. Carried 5-0.

Unfinished Business None

New Business

1. PZC 2019-15 Ivaylo Gramatikov (see narrative #1 above)

Mr. Engberg said the lot at the SW corner of Van Emmon and Benjamin was originally zoned B-2 and the development agreement expired in 2015. The lot at the SE corner was zoned office. The petitioner wishes to rezone both lots to R-1. Currently there is no water at the sites.

Action Item

Rezone Request

Chairman Olson read the Findings of Fact and a motion to approve the Findings and the petition, was made by Mr. Vinyard and seconded by Ms. Horaz.

Motion read by Mr. Vinyard: In consideration of testimony presented during a Public Hearing on July 10, 2019 and approval of the Findings of Fact, the Planning and Zoning Commission recommends approval to the City Council of a request for a map amendment to rezone the property stated in the staff memorandum dated July 1, 2019 from a B-2 Retail Commerce Business District to R-1 Suburban Residence District and from O Office District to R-1 Suburban Residence District.

Roll call: Vinyard-yes, Williams-yes, Horaz-yes, Hyett-yes, Olson-yes. Carried 5-0.

2. PZC 2019-17 LeGrand (see narrative #2 above)

This property was originally a residential property and later rezoned to be operated as a business. It is now being requested to be used as a home again with R-2 zoning. Three variances are also needed to become compliant with the R-2 zoning: 1) minimum lot size reduced to 11,000 square feet from the required 12,000 square feet, 2) maximum lot coverage increased from 45% to 48%, 3) minimum front yard setback reduced to 10 feet from 30 feet. Some of these changes occurred during the Rt. 47 widening project. It was noted there are other instances like this due to the widening.

Action Item

Rezone Request

Chairman Olson reviewed the Findings of Fact. A motion was made and seconded by Commissioners Vinyard and Horaz, respectively.

Motion read by Mr. Vinyard: In consideration of testimony presented during a Public Hearing on July 10, 2019 and approval of the Findings of Fact, the Planning and Zoning Commission recommends approval to the City Council of a request for a map amendment to rezone the property stated in the staff memorandum dated July 1, 2019 from B-1 Local Commerce Business District to R-2 Single-Family Traditional Residence District.

Chairman Olson noted that this motion is for the rezoning and there will be a separate motion and vote for each variance request.

Roll call: Williams-yes, Horaz-yes, Hyett-yes, Olson-yes, Vinyard-yes. Carried 5-0.

Action Item

Lot Size Variance

Chairman Olson entertained a motion for approval of the Findings of Fact and lot size variance. So moved by Mr. Vinyard and seconded by Ms. Horaz.

Motion read by Mr. Vinyard: In consideration of testimony presented during a Public Hearing on July 10, 2019 and approval of the Findings of Fact, the Planning and Zoning Commission authorizes approval of a request to vary the minimum lot size for the R-2 District contained in Section 10-7-1 of the United City of Yorkville Zoning code from 12,000 square feet to 11,041 square feet as stated in the staff memorandum dated July 1, 2019.

Roll call: Horaz-yes, Hyett-yes, Olson-yes, Vinyard-yes, Williams-yes. Carried 5-0.

Action Item

Lot Coverage Variance

Commissioners Vinyard and Horaz moved and seconded, respectively, to approve the Findings of Fact and lot coverage variance.

(motion below was read in error, see correction in Additional Business)

Motion ready by Mr. Vinyard: In consideration of testimony presented during a Public Hearing on July 10, 2019, the Planning and Zoning Commission recommends approval to the City Council of a request to amend the United City of Yorkville Zoning Ordinance as presented by Staff in a memorandum dated June 11, 2019.

Roll call: Vinyard-yes, Williams-yes, Horaz-yes, Hyett-yes, Olson-yes. Carried 5-0.

Action Item

Front Yard Setback Variance

Chairman Olson entertained a motion to approve the Findings of Fact and front yard setback variance request. So moved by Commissioner Vinyard and seconded by Commissioner Horaz.

Motion ready by Mr. Vinyard In consideration of testimony presented during a Public Hearing on July 10, 2019 and approval of the Findings of Fact, the Planning and Zoning Commission recommends approval to the City Council of a request to vary the minimum front yard setback for the R-2 District contained in Section 10.7.1 of the United City of Yorkville Zoning Code from 30 feet to 10.1 feet as stated in the staff memorandum dated July 1, 2019.

Roll call: Williams-yes, Horaz-yes, Hyett-yes, Olson-yes, Vinyard-yes. Carried 5-0.

3. 2019-18 Text Amendment (see narrative #3 above)

The facts for this amendment were presented in the Public Hearing and there was brief discussion on the size of sheds and that they should be smaller than the primary structure. A permit is required if the structure/shed is over 100 square feet.

Action Item

Text Amendment

Mr. Vinyard moved and Mr. Williams seconded the motion to approve the text amendment.

Motion read by Mr. Williams: In consideration of testimony presented during a Public Hearing on July 10, 2019, the Planning and Zoning Commission recommends approval to the City Council of a request to amend the United City of Yorkville Zoning Ordinance as presented by staff in a memorandum dated June 11, 2019.

Roll call: Horaz-no, Hyett-yes, Olson-yes, Vinyard-yes, Williams-yes.

Carried 4 yes, 1 no

Additional Business

Mr. Engberg noted an incorrect motion had been read for the LeGrand rezoning request. A motion to make a correction was made by Mr. Vinyard and seconded by Mr. Williams.

Roll call: Hyett-yes, Olson-yes, Vinyard-yes, Williams-yes, Horaz-yes. Carried 5-0.

Action Item (correction to earlier motion)

Rezone Request

A motion was made by Mr. Vinyard and seconded by Mr. Williams to approve the Findings of Fact and Rezoning Request. Mr. Williams read the motion as follows:

Motion: In consideration of testimony presented during a Public Hearing on July 10, 2019 and approval of the findings of fact, the Planning and Zoning Commission recommends approval to the City Council of a request for a map amendment to rezone the property stated in the staff memorandum dated July 1, 2019 from B-1 Local

Commerce Business District to R-2 Single-Family Traditional Residence District.
Roll call: Olson-yes, Vinyard-yes, Williams-yes, Horaz-yes, Hyett-yes. Carried 5-0.

1. City Council Action Updates

Mr. Engberg noted that Morton Buildings PZC 2019-10 rezoning has been approved by City Council.

(Back to) New Business

Ms. Noble said a new Planning and Zoning Chairman is usually selected at this time of year, however, there was no meeting in June. Since Mr. Olson just became Chairman, a new Vice-Chair is needed. Ms. Horaz nominated Mr. Vinyard as the new Vice-Chairman and he was approved on a unanimous voice vote.

2. Planning Training Series: Basic Drainage and Site Engineering Presentation from EEI

As part of the ongoing training for the PZC Commission, Tim Paulson from EEI presented this topic. He said EEI's role is to review plans, engineering, work with developers and approve plans. He showed a Powerpoint presentation, discussed each point and addressed some questions from the Commissioners. Ms. Noble also said Mr. Paulson will be part of the Unified Development Ordinance (UDO) committee.

Adjournment

There was no further business and the meeting was adjourned at 8:20pm on a motion by Mr. Vinyard and second by

Respectfully submitted by Marlys Young, Minute Taker

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UNITED CITY OF YORKVILLE
YORKVILLE, ILLINOIS

PLANNING AND ZONING COMMISSION
PUBLIC HEARING

800 Game Farm Road
Yorkville, Illinois

Wednesday, July 10, 2019
7:00 p.m.

1 PRESENT:

2 Mr. Jeff Olson, Chairman,

3 Ms. Deborah Horaz,

4 Mr. Richard Vinyard,

5 Mr. Danny Williams,

6 Mr. Rusty Hyett.

7
8 ALSO PRESENT:

9 Ms. Krysti Barksdale-Noble, Community
10 Development Director;

11 Mr. Jason Engberg, Senior Planner,

12 Ms. Marlys Young, Minute Taker.

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1 (WHEREUPON, the following
2 proceedings were had in
3 public hearing:)

4 CHAIRMAN OLSON: We will move on to the
5 next item on the agenda, which is public
6 hearings. There are three public hearings
7 scheduled for tonight's Public and Zoning
8 Commission meeting.

9 The purpose of this hearing is to
10 invite testimony from members of the public
11 regarding the proposed requests that are being
12 considered before this commission tonight.

13 Public testimony from persons
14 present who wish to speak may be for or against
15 or to ask questions of the petitioner regarding
16 the request being heard.

17 Those persons who wish to testify
18 tonight are asked to speak clearly, one at a
19 time, state your name at the podium, sign in at
20 the podium, and state who you represent, if
21 anyone other than yourself. You are also asked
22 to sign in. I said that.

23 If you plan to speak during
24 tonight's hearing as a petitioner or as a member

1 of the public -- so if you are going to give a
2 presentation or are going to ask questions --
3 please stand now, raise your right hand and
4 repeat after me.

5 (Witnesses sworn.)

6 CHAIRMAN OLSON: Thank you. The order
7 for receiving testimony during the public hearing
8 portion of tonight will be as follows: First
9 we'll have the petitioner present; then we will
10 have those who speak in favor of the
11 presentation; and then those who speak in
12 opposition. And with that, we will get started.

13 May I have a motion to open up the
14 public hearing on petition number PZC 2019-15?

15 MR. WILLIAMS: So moved.

16 MR. VINYARD: Second.

17 CHAIRMAN OLSON: Roll call on the
18 motion, please.

19 MS. YOUNG: Yes.

20 Vinyard.

21 MR. VINYARD: Yes.

22 MS. YOUNG: Williams.

23 MR. WILLIAMS: Yes.

24 MS. YOUNG: Horaz.

1 MR. HORAZ: Yes.

2 MS. YOUNG: Olson.

3 CHAIRMAN OLSON: Yes.

4 MS. YOUNG: And Hyett.

5 MR. HYETT: Yes.

6 CHAIRMAN OLSON: The public hearings up
7 for discussion tonight are PZC 2019-15, Ivaylo
8 Gramatikov, petitioner, has filed an application
9 with the United City of Yorkville, Kendall
10 County, requesting rezoning classification.

11 The real properties are located at
12 the southwest and southeast corner of the East
13 Van Emmon Street and Benjamin Street
14 intersection.

15 The petitioner is requesting
16 rezoning approval from B-2 Retail Commerce
17 Business District to R-1 Single Family Suburban
18 Residence District for the property at the
19 southwest corner of the intersection and rezoning
20 from O Office District to R-1 Single Family
21 Suburban Residence District for the property at
22 the southeast corner of the intersection.

23 The second one for tonight is PZC
24 2019-17, Margaret LeGrand, petitioner, has filed

1 applications with the United City of Yorkville,
2 Kendall County, Illinois, requesting rezoning
3 classification and bulk regulation variance
4 approval for the property located at 701 North
5 Bridge Street.

6 The petitioner is requesting
7 rezoning approval from B-1 Local Commerce
8 Business District to R-2 Single Family
9 Traditional Residence District.

10 Additionally, the petitioner is
11 requesting variance approval for minimum lot
12 size, lot coverage, and front yard setback
13 requirements within the R-2 Single Family
14 Traditional Residence District to allow the
15 existing dwelling to remain on the property.

16 The third proposal up tonight is
17 from the City, United City of Yorkville, Kendall
18 County, petitioner, is proposing a text amendment
19 to two chapters of the United City of Yorkville
20 Zoning Ordinance, including "Chapter 2:
21 Definitions" and "Chapter 3: General Zoning
22 Provisions."

23 The amendment to Chapter 2 revises
24 the definition for a zoning lot to include

1 contiguous parcels under single ownership. The
2 Chapter 3 amendment will provide that accessory
3 buildings or uses located on a contiguous zoning
4 lot which have an existing primary structure and
5 is under single ownership are permitted as long
6 as the building or use is located within the
7 rear, corner or side yard setback as stipulated
8 in the zoning ordinance for that district.

9 Is the petitioner for PZC 2019-15
10 present and prepared to make its presentation of
11 their proposed request?

12 MS. CRAMER: Is that me?

13 MR. ENGBERG: Yes.

14 MS. CRAMER: Oh, yes.

15 CHAIRMAN OLSON: Come on up.

16 MS. Cramer: The PZC got me.

17 CHAIRMAN OLSON: Sorry. I should have
18 helped you along by telling you what it was. If
19 you would please sign in at the podium and let us
20 know your name, please.

21 ANGIE CRAMER,
22 having been first duly sworn, testified from the
23 podium as follows:

24 MS. CRAMER: I am Angie Cramer from

1 Coldwell Banker and I represent Ivaylo, and don't
2 ask me to spell his or say his last name. It's
3 very hard.

4 He has the two lots at Van Emmon
5 that are on the corner of Benjamin; one is a 1.5
6 acre and a 2.0 acre, and they are in front of the
7 Kendall Woods development. At one time I believe
8 they were residential and then they became
9 business commercial, and we are just asking for
10 them to be brought back and encompassed into a
11 residential for the neighborhood, so...

12 We have had it on -- for sale for
13 about a year and we've had no interest with it
14 being zoned the way it is, but we've had
15 potential people asking for residential, so...
16 Any questions?

17 CHAIRMAN OLSON: All right. We will
18 probably get back to that at a later part, so
19 thank you.

20 MS. CRAMER: Okay.

21 CHAIRMAN OLSON: Is there anyone present
22 who wishes to speak in favor of the request?

23 UNIDENTIFIED SPEAKER: Can I ask a
24 question? I didn't swear in. Are you guys just

1 talking about the property on top of the hill,
2 the 85 acre -- the 85 lots --

3 CHAIRMAN OLSON: No, sir, it's the two
4 properties --

5 MS. CRAMER: That's actually the
6 frontage --

7 CHAIRMAN OLSON: -- at the bottom of the
8 hill.

9 MS. CRAMER: That's actually the back of
10 this property.

11 CHAIRMAN OLSON: South side of Van
12 Emmon, there is the --

13 MS. CRAMER: It's right in the front of
14 Van Emmon.

15 UNIDENTIFIED SPEAKER: Van Emmon?

16 CHAIRMAN OLSON: Yes, it's the two
17 properties on either side of the access road
18 that used to go up to the five acres up there,
19 wherever it was, it's probably on either side of
20 that.

21 UNIDENTIFIED SPEAKER: It's all
22 residential, is that what you're asking for?

23 MS. CRAMER: Yes.

24 UNIDENTIFIED SPEAKER: So you will go

1 single family or multi family?

2 MS. CRAMER: Yes. No, single family.

3 CHAIRMAN OLSON: Is there anyone who
4 wishes -- Is there anyone who wishes to speak in
5 opposition of the request?

6 (No response.)

7 CHAIRMAN OLSON: Is there any questions
8 from the commissioners for the petitioner?

9 (No response.)

10 CHAIRMAN OLSON: So there is standards
11 that we have to meet in order to grant that.
12 Would you like those responses to those standards
13 entered into the public record for your case?

14 MS. CRAMER: Yeah, just so we know.

15 CHAIRMAN OLSON: All right. Move on to
16 the next one. Thank you.

17 Is the petitioner for PZC 2019-17,
18 which is the North Bridge Street rezoning
19 variance request, prepared to make their
20 presentation?

21 MARGARET LEGRAND,
22 having been first duly sworn, testified from the
23 podium as follows:

24 MS. LEGRAND: Hi. We are looking at --

1 CHAIRMAN OLSON: What's your name,
2 ma'am? I'm sorry.

3 MS. LEGRAND: I'm sorry. My name is
4 Margaret LeGrand and I own the property at 701
5 North Bridge and we are looking at rezoning it to
6 residential.

7 Due to my husband's health, we sold
8 the property on the Town Square Park and decided
9 to downsize, and we already own this property, so
10 we're trying to just do it residential, so we
11 could no longer keep up with the other property,
12 so --

13 CHAIRMAN OLSON: How long have you owned
14 that property?

15 MS. LEGRAND: Huh?

16 CHAIRMAN OLSON: How long have you owned
17 that property?

18 MS. LEGRAND: Five years. Might be
19 four, but I think it's five.

20 CHAIRMAN OLSON: Anything else you'd
21 like to add, ma'am?

22 MS. LEGRAND: Huh-uh, unless you have
23 any questions.

24 CHAIRMAN OLSON: I'll get to that in one

1 second. Is there anyone who wishes to speak in
2 favor of the request?

3 (No response.)

4 CHAIRMAN OLSON: Is there anyone who
5 wishes to speak in opposition to the request?

6 (No response.)

7 CHAIRMAN OLSON: Are there any questions
8 from the commissioners for Mrs. LeGrand?

9 (No response.)

10 CHAIRMAN OLSON: Thank you. Would you
11 like your -- I'm sorry, would you like your --
12 our responses to the standards entered into the
13 public record as well?

14 MS. LEGRAND: Yes.

15 CHAIRMAN OLSON: Thank you, ma'am.
16 Okay.

17 Krysti and Jason, please present the
18 memo for PZC 2019-18, Accessory Buildings and
19 Structures.

20 MS. NOBLE: Okay. Over the past few
21 months we've been working with a homeowner who
22 has two lots that they purchased in one of our
23 residential subdivisions, and one of the lots
24 they are using for their home, the adjacent lot

1 they are using as open space.

2 They had requested to have a
3 basketball court installed on the open parcel,
4 but the way that our ordinance reads now, there
5 is a stipulation that says a primary structure
6 must exist prior to you putting in an accessory
7 structure, so it doesn't clearly address if you
8 can have an accessory structure on a lot without
9 having a primary structure, or anticipating a
10 primary structure, so the staff did some research
11 of surrounding communities, kind of a request
12 that we've had like this in the past, and we've
13 had a few, but we've kind of directed residents
14 to consolidate the lots to a plat consolidation
15 or to not build the accessory structure.

16 Most of the time the people went
17 ahead and consolidated the lot, but this
18 particular homeowner found that it was more of a
19 financial burden to have the lot surveyed and
20 then recorded with the county, so we felt that we
21 need to address this in our code to make it a
22 little bit more friendly to residents that are
23 trying do this, and we know that there is a lot
24 of lots out there that are purchased for this

1 purpose.

2 So when we looked at other
3 communities, we looked at if they outright permit
4 accessory structures to be built on adjacent
5 parcels that do not have a primary structure, and
6 we found that out of the five that we surveyed,
7 that two -- which is the City of Plano and the
8 Village of Sugar Grove -- outright prohibit them,
9 and then Montgomery right now actually has a very
10 similar code to what the City of Yorkville has
11 now, and they are looking to update their zoning
12 ordinance to permit these uses.

13 CHAIRMAN OLSON: Do you know what the
14 historical basis is for why we wouldn't allow it?

15 MS. NOBLE: Well, you run into a couple
16 of issues if you allow an accessory structure to
17 be built on a lot that doesn't have a primary
18 building. One, the accessory structure could be
19 located in a place on the lot that would prohibit
20 a future primary structure from being built
21 because it may move into the --

22 CHAIRMAN OLSON: On the lot or
23 something.

24 MS. NOBLE: Correct. Also, when you

1 have lots that are purchased for this manner,
2 typically what triggers the installation of
3 sidewalk and parkway trees is a final occupancy,
4 so what you tend to find, if people do purchase
5 these lots and they don't put in a sidewalk or
6 the parkway trees, you have a gap in your
7 frontage along the street.

8 CHAIRMAN OLSON: Or right-of-way
9 improvements.

10 MS. NOBLE: In the right way. So those
11 are the issues.

12 So what we tried to do is provide
13 some stipulations that we would allow these
14 particular uses to happen, but we would then
15 require that they install the sidewalk and the
16 parkway tree, that it's situated in -- where it
17 would normally be if it was with a primary
18 structure -- and what else would be required --
19 and we also required that they only have one
20 accessory structural building on that vacant lot.

21 This is similar to how Oswego has
22 treated their ordinances for lots that are
23 contiguous, they have to have the same ownership
24 as well, and that way we can track when these

1 particular uses happen.

2 Now, the only -- this is only
3 required for those accessory structures that
4 require a building permit, so if you are just
5 putting like a swing set or trampoline or
6 something, it would not require this, so if you
7 have any questions for me, I am available to
8 answer.

9 MS. HORAZ: The only issue that I see is
10 like a large pole building in a subdivision where
11 it's mostly homes just piling up.

12 MS. NOBLE: So we have two recourses to
13 that; one is mostly most accessory buildings,
14 especially in a yard, would exceed the 15-foot
15 height, so you are really not going to get pole
16 buildings that are less than 15 feet in height,
17 and, secondly, most communities where you have
18 this additional lot are within HOAs, so HOAs
19 would have some type of --

20 MS. HORAZ: Most of them?

21 MS. NOBLE: Most of them, right, would
22 have some type of restriction on an accessory
23 structure as well.

24 MS. HORAZ: So that doesn't affect the

1 neighbors as well as far as value?

2 MS. NOBLE: No, it would not affect
3 value because it's visually seen as a
4 continuation of the yard.

5 The only difference that you would
6 know is if you were to pull up a plat and just
7 see that there is two separate PINs associated
8 with that.

9 MS. HORAZ: Like if it was on a corner,
10 what side would the accessory building be?

11 MS. NOBLE: It depends where the primary
12 building is. So they bought the corner lot --

13 MS. HORAZ: Yeah, if they put a house.
14 Are they going to make some of them that big,
15 could they be?

16 MS. NOBLE: No. Again, there are
17 setbacks for corner yards, which are similar to
18 front yards, so if you have a corner yard of
19 30 feet, you have a corner side of 30 feet, so
20 you are not going to be any closer with a
21 building.

22 CHAIRMAN OLSON: It would have to be
23 tucked in a corner.

24 MS. NOBLE: It would have to be tucked

1 in a very finite area, and also again, because it
2 would be a required yard -- rear yard actually or
3 side yard, it can't be taller than 15 feet.

4 So we have -- we have homes that are
5 not in this situation, but they have one lot that
6 are corner lots where you may see a shed in the
7 corner or a pool in the corner, but they -- they
8 have some kind of --

9 MS. HORAZ: So it can't be in the middle
10 of the extra lot.

11 CHAIRMAN OLSON: Right.

12 MS. NOBLE: No, it can't be in the
13 middle. It would have to maintain whatever
14 setback was --

15 MS. HORAZ: That was my concern, what I
16 was trying to drive at.

17 CHAIRMAN OLSON: With that immediate
18 primary structure.

19 MR. ENGBERG: The only way they could --

20 CHAIRMAN OLSON: You're trying to build
21 a she-shed in the middle.

22 MS. NOBLE: No, it couldn't be in the
23 center, it would have to be in the rear.

24 MR. ENGBERG: They could consolidate the

1 lots now, and then possibly, but this way these
2 are required yard setbacks.

3 MS. HORAZ: I just don't want to be a
4 stickler for certain -- so it doesn't look out of
5 place.

6 MS. NOBLE: Absolutely.

7 CHAIRMAN OLSON: Is there a homeowner's
8 association in White Oak?

9 MS. HORAZ: Yes.

10 CHAIRMAN OLSON: Would they have
11 appearance standards if they were to build --

12 MS. HORAZ: We don't even allow sheds.

13 CHAIRMAN OLSON: Okay.

14 MS. HORAZ: We're actually thinking
15 about changing that --

16 CHAIRMAN OLSON: Are there any --

17 MS. HORAZ: Got to get 50 percent of the
18 vote.

19 CHAIRMAN OLSON: Which subdivisions --
20 which, I would say in the last 20 years,
21 subdivisions in Yorkville don't have homeowner's
22 associations?

23 MS. NOBLE: There is two, Fox Hill and
24 Sunflower.

1 MS. HORAZ: They don't have somebody to
2 take care of the pond over there.

3 MS. NOBLE: Yeah.

4 MS. HORAZ: I don't know if there is any
5 lots over there.

6 MS. NOBLE: Yeah.

7 MS. HORAZ: Are there?

8 MS. NOBLE: Yeah, there is two, I think
9 one or two left.

10 MS. HORAZ: Are they together?

11 MS. NOBLE: I don't know. I just get
12 the data. I think there is one or two lots
13 there.

14 CHAIRMAN OLSON: Any other questions?

15 MR. WILLIAMS: Krysti, would this only
16 be for adjacent lots or could you, say, buy a lot
17 that's half a mile down the road?

18 MS. NOBLE: It's only for contiguous
19 lots, so they are adjacent and have to be under
20 the single ownership.

21 MR. WILLIAMS: Thank you.

22 MS. HORAZ: Does it say what corner it
23 has to be in?

24 MS. NOBLE: Does what say?

1 MS. HORAZ: Away from the street?

2 CHAIRMAN OLSON: The setback, yeah,
3 would make it, right?

4 MS. NOBLE: The setback will dictate
5 where the structure can be located, so sheds can
6 only be in the rear.

7 MS. HORAZ: Yeah, but not -- can it be
8 closer to the street or --

9 MS. NOBLE: No.

10 MS. HORAZ: That's another concern.

11 CHAIRMAN OLSON: Picture that lot as you
12 first come into White Oak, right, that lot with
13 all those pretty white oak trees. Let's say
14 that's a lot you could build on, right? Because
15 you have the street -- What is that first street,
16 White Oak Way?

17 MS. HORAZ: Norway.

18 CHAIRMAN OLSON: Norway.

19 MS. HORAZ: And there is a lot empty
20 right there.

21 CHAIRMAN OLSON: That Norway is a
22 30-foot setback, right, the front?

23 MS. NOBLE: Corner side.

24 CHAIRMAN OLSON: And they call -- is it

1 White Oak Way that's the first street in there?

2 MS. HORAZ: White Oak goes straight.

3 CHAIRMAN OLSON: Yeah. That also would
4 have a 30-foot setback, right, because that whole
5 street facing --

6 MS. HORAZ: They're all the same.

7 CHAIRMAN OLSON: Let's say that was a
8 buildable lot, that would stick that back in that
9 corner because it's a corner lot.

10 MS. HORAZ: See, I can't imagine in my
11 subdivision where they just don't allow sheds and
12 berming because the neighbors would go crazy,
13 even though it's, you know, contiguous with the
14 other structure.

15 MS. NOBLE: Right. So how this works,
16 because a permit would be triggered, we would get
17 the application and Jason and I would look at it,
18 and what we would do is we would determine what a
19 typical primary structure depth would be on the
20 lot and then we would then draw what the rear
21 yard and the required rear yard locations would
22 be. And again, this is only for accessory
23 structures, and most if not all accessory
24 structures are only limited to the rear and side

1 yard setbacks.

2 MS. HORAZ: What about architectural
3 controls on what goes in?

4 MS. NOBLE: We do not as a city
5 exercise --

6 CHAIRMAN OLSON: Not as a city, we
7 can't.

8 MS. NOBLE: We could if we enacted
9 one --

10 CHAIRMAN OLSON: We don't.

11 MS. NOBLE: -- but we don't. We do not.

12 MS. HORAZ: That's another discussion.

13 MS. NOBLE: Unless it's part of an
14 existing annexation agreement for that
15 subdivision.

16 MS. HORAZ: Right.

17 CHAIRMAN OLSON: That's another --
18 that's another committee.

19 MS. HORAZ: New chapter. Okay. Thank
20 you.

21 CHAIRMAN OLSON: Is there anyone present
22 who wishes -- I'm sorry. Any other questions?

23 MR. VINYARD: No. Thank you.

24 CHAIRMAN OLSON: Is there anyone present

1 who wishes to speak in favor of the request?

2 (No response.)

3 CHAIRMAN OLSON: Is there anyone present
4 who wishes to speak in opposition to the
5 request?

6 (No response.)

7 CHAIRMAN OLSON: Since all public
8 testimony regarding these petitions has been
9 taken, may I have a motion, please, to close the
10 taking of testimony in this public hearing?

11 MR. VINYARD: So moved.

12 MR. WILLIAMS: Second.

13 CHAIRMAN OLSON: Roll call vote on the
14 motion, please.

15 MS. YOUNG: Olson.

16 CHAIRMAN OLSON: Yes.

17 MS. YOUNG: Vinyard.

18 MR. VINYARD: Yes.

19 MS. YOUNG: Williams.

20 MR. WILLIAMS: Yes.

21 MS. YOUNG: Horaz.

22 MS. HORAZ: Yes.

23 MS. YOUNG: And Hyett.

24 MR. HYETT: Yes.

1 CHAIRMAN OLSON: The public hearing
2 portion of tonight's meeting is closed.

3 (Which were all the
4 proceedings had in the
5 public hearing portion
6 of the meeting.)

7 ---o0o---

1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF LASALLE)

4 I, Christine M. Vitosh, a Certified Shorthand
5 Reporter, do hereby certify that I transcribed
6 the proceedings from the audio recording taken at
7 the meeting and that the foregoing, Pages 1
8 through 26, inclusive, is a true, correct and
9 complete computer-generated transcript of the
10 proceedings had at the time and place aforesaid.

11 I further certify that my certificate annexed
12 hereto applies to the original transcript and
13 copies thereof, signed and certified under my
14 hand only. I assume no responsibility for the
15 accuracy of any reproduced copies not made under
16 my control or direction.

17 As certification thereof, I have hereunto set
18 my hand this 30th day of July, A.D., 2019.

19
20 _____
21 Christine M. Vitosh, CSR
22 Illinois CSR No. 084-002883
23
24

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United City of Yorkville
800 Game Farm Road
Yorkville, Illinois, 60560
Telephone: 630-553-4350
Fax: 630-553-7575
Website: www.yorkville.il.us

APPLICATION FOR REZONING

REZONING STANDARDS

PLEASE STATE THE EXISTING ZONING CLASSIFICATION(S) AND USES OF THE PROPERTY WITHIN THE GENERAL AREA OF THE PROPOSED REZONED PROPERTY:

R-Z

B-1

PLEASE STATE THE TREND OF DEVELOPMENT, IF ANY, IN THE GENERAL AREA OF THE PROPERTY IN QUESTION, INCLUDING CHANGES, IF ANY, WHICH HAVE TAKEN PLACE SINCE THE DAY THE PROPERTY IN QUESTION WAS PLACED IN ITS PRESENT ZONING CLASSIFICATION:

BOTH COMM. + RES.

PLEASE STATE THE EXTENT TO WHICH PROPERTY VALUES ARE DIMINISHED BY THE PARTICULAR ZONING RESTRICTIONS:

THEY ARE NOT

PLEASE STATE THE EXTENT TO WHICH THE DESTRUCTION OF PROPERTY VALUES OF PETITIONER PROMOTES THE HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE PUBLIC:

NONE



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APPLICATION FOR REZONING

REZONING STANDARDS

PLEASE STATE THE LENGTH OF TIME THE PROPERTY HAS BEEN VACANT AS ZONED CONSIDERED IN THE CONTEXT OF LAND DEVELOPMENT IN THE AREA IN THE VICINITY OF THE SUBJECT PROPERTY:

NOT Vac.

PLEASE STATE THE COMMUNITY NEED FOR THE PROPOSED LAND USE:

EXSISTING NEAR BY USES

WITH RESPECT TO THE SUBJECT PROPERTY, PLEASE STATE THE CARE WITH WHICH THE COMMUNITY HAS UNDERTAKEN TO PLAN ITS LAND USE DEVELOPMENT:

FUTURE LAND USE RESIDENTIAL

PLEASE STATE THE IMPACT THAT SUCH RECLASSIFICATION WILL HAVE UPON TRAFFIC AND TRAFFIC CONDITIONS ON SAID ROUTES; THE EFFECT, IF ANY, SUCH RECLASSIFICATION AND/OR ANNEXATION WOULD HAVE UPON EXISTING ACCESSSES TO SAID ROUTES; AND THE IMPACT OF ADDITIONAL ACCESSSES AS REQUESTED BY THE PETITIONER UPON TRAFFIC AND TRAFFIC CONDITIONS AND FLOW ON SAID ROUTES (ORD. 1976-43, 11-4-1976):

NONE



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APPLICATION FOR REZONING

REZONING STANDARDS

PLEASE STATE THE RELATIVE GAIN TO THE PUBLIC AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL PROPERTY OWNER:

NONE

PLEASE STATE THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE ZONED PURPOSES:

ALREADY House

AGREEMENT

I VERIFY THAT ALL THE INFORMATION IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND AND ACCEPT ALL REQUIREMENTS AND FEES AS OUTLINED AS WELL AS ANY INCURRED ADMINISTRATIVE AND PLANNING CONSULTANT FEES WHICH MUST BE CURRENT BEFORE THIS PROJECT CAN PROCEED TO THE NEXT SCHEDULED COMMITTEE MEETING.

I UNDERSTAND ALL OF THE INFORMATION PRESENTED IN THIS DOCUMENT AND UNDERSTAND THAT IF AN APPLICATION BECOMES DORMANT IT IS THROUGH MY OWN FAULT AND I MUST THEREFORE FOLLOW THE REQUIREMENTS OUTLINED ABOVE.

Margaret Legend

PETITIONER SIGNATURE

4/9/19

DATE

OWNER HEREBY AUTHORIZES THE PETITIONER TO PURSUE THE APPROPRIATE ENTITLEMENTS ON THE PROPERTY.

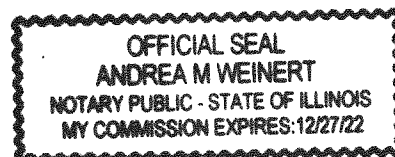
Margaret Legend

OWNER SIGNATURE

4/9/19

DATE

**THIS APPLICATION MUST BE
NOTARIZED PLEASE NOTARIZE HERE:**





United City of Yorkville
800 Game Farm Road
Yorkville, Illinois, 60560
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Fax: 630-553-7575
Website: www.yorkville.il.us

APPLICATION FOR VARIANCE

VARIANCE STANDARDS

PLEASE STATE THE VARIANCE REQUESTED AND THE CITY ORDINANCE INCLUDING THE SECTION NUMBERS TO BE VARIED:

R-2

Front yard
Lot size
Lot coverage

PLEASE STATE HOW THE PARTICULAR SURROUNDINGS, SHAPE OR TOPOGRAPHICAL CONDITIONS OF THE SPECIFIC PROPERTY INVOLVED, A PARTICULAR HARDSHIP TO THE OWNER WOULD RESULT, AS DISTINGUISHED FROM A MERE INCONVENIENCE, IF THE STRICT LETTER OF REGULATIONS WAS CARRIED OUT:

NONE

PLEASE STATE HOW THE CONDITIONS UPON WHICH THE APPLICATION FOR A VARIATION IS BASED ARE UNIQUE TO THE PROPERTY FOR WHICH THE VARIATION IS SOUGHT AND ARE NOT APPLICABLE, GENERALLY, TO OTHER PROPERTY WITHIN THE SAME ZONING CLASSIFICATION:

NONE

PLEASE STATE HOW THE ALLEGED DIFFICULTY OR HARDSHIP IS CAUSED BY THIS TITLE AND HAS NOT BEEN CREATED BY ANY PERSON PRESENTLY HAVING AN INTEREST IN THE PROPERTY:



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Yorkville, Illinois, 60560
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Fax: 630-553-7575
Website: www.yorkville.il.us

APPLICATION FOR VARIANCE

VARIANCE STANDARDS

PLEASE STATE HOW THE GRANTING OF THE VARIATION WILL NOT BE DETRIMENTAL TO THE PUBLIC WELFARE OR INJURIOUS TO OTHER PROPERTY OR IMPROVEMENTS IN THE NEIGHBORHOOD IN WHICH THE PROPERTY IS LOCATED:

NONE - ALREADY RES. ZONED AREA

PLEASE STATE HOW THE PROPOSED VARIATION WILL NOT IMPAIR AN ADEQUATE SUPPLY OF LIGHT AND AIR TO ADJACENT PROPERTY, OR SUBSTANTIALLY INCREASE THE CONGESTION IN THE PUBLIC STREETS, OR INCREASE THE DANGER TO THE PUBLIC SAFETY, OR SUBSTANTIALLY DIMINISH OR IMPAIR PROPERTY VALUES WITHIN THE NEIGHBORHOOD:

NONE

AGREEMENT

I VERIFY THAT ALL THE INFORMATION IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND AND ACCEPT ALL REQUIREMENTS AND FEES AS OUTLINED AS WELL AS ANY INCURRED ADMINISTRATIVE AND PLANNING CONSULTANT FEES WHICH MUST BE CURRENT BEFORE THIS PROJECT CAN PROCEED TO THE NEXT SCHEDULED COMMITTEE MEETING.

I UNDERSTAND ALL OF THE INFORMATION PRESENTED IN THIS DOCUMENT AND UNDERSTAND THAT IF AN APPLICATION BECOMES DORMANT IT IS THROUGH MY OWN FAULT AND I MUST THEREFORE FOLLOW THE REQUIREMENTS OUTLINED ABOVE.

Margaret Seligman

PETITIONER SIGNATURE

4/8/19

DATE

OWNER HEREBY AUTHORIZES THE PETITIONER TO PURSUE THE APPROPRIATE ENTITLEMENTS ON THE PROPERTY.

Margaret Seligman

OWNER SIGNATURE

4/9/19

DATE

**THIS APPLICATION MUST BE
NOTARIZED PLEASE NOTARIZE HERE:**

