

**PLANNING & ZONING COMMISSION**

**City Council Chambers**

**800 Game Farm Road, Yorkville, IL**

**Wednesday, September 11, 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:**

Don Marcum-yes, Greg Millen-yes, Jeff Olson-yes, Richard Vinyard-yes,  
Danny Williams-yes

Absent: Deborah Horaz, Rusty Hyett

**City Staff**

Krysti Barksdale-Noble, Community Development Director

**Other Guests**

Chris Vitosh, Vitosh Reporting Service  
Lynn Dubajic, City Consultant

Cole Helfrich, Knoche & Associates  
Chuck & Gayle Ashley

**Previous Meeting Minutes** August 14, 2019

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

Roll call: Marcum-yes, Millen-yes, Olson-yes, Vinyard-yes, Williams-yes. Carried: 5-0

**Citizen's Comments** None

Chairman Olson said Ms. Noble suggested honoring this day, September 11, and Mr. Olson read an inspiring statement remembering the sad events of that day in 2001.

**Public Hearing**

Vice-Chairman Olson explained the procedure for the Hearing and swore in those who would speak. At approximately 7:05pm a motion was made and seconded by Mr. Vinyard and Mr. Williams, respectively, to open the Hearing.

Roll call: Marcum-yes, Millen-yes, Olson-yes, Vinyard-yes, Williams-yes. Carried 5-0

Mr. Olson read the Public Hearing description.

**1. PZC 2019-20 Charles and Gayle Ashley, petitioners, have filed an application with the United City of Yorkville, Kendall County, Illinois, requesting a reduction in front yard setback from 30 feet to 20 feet for a residential parcel located at 208 E. Main Street. The purpose of this request is to allow for the reconstruction of an**

**attached covered porch, as was part of the original home, to be located within the required front yard. The real property, zoned R-2 Traditional Family Residence District, is located east of South Bridge Street (IL Route 47) and immediately south of East Main Street in Yorkville, Illinois.**

*(See Court Reporter Transcript)*

*(Findings of Fact to be entered into official record)*

The Hearing was closed at approximately 7:08pm on a motion by Mr. Marcum and second by Mr. Vinyard.

Roll call: Olson-yes, Vinyard-yes, Williams-yes, Marcum-yes, Millen-yes. Carried 5-0

**Unfinished Business:** none

**New Business:**

1. **PZC 2019-20** Ms. Noble said this is a Victorian home which had a curved porch that was removed at some point and the owner wishes to rebuild it. The original home had a setback of 21 feet from the property line like other homes in the neighborhood. These homes were built prior to the modern zoning and she said this is consistent with the neighborhood manual. Chairman Olson read the applicable standards.

**Action Item**

Variance Request

Commissioners Vinyard and Williams, respectively, moved and seconded to approve the variance request and Findings of Fact. Mr. Vinyard read the motion as follows: In consideration of testimony presented during a Public Hearing on September 11, 2019 and approval of the Findings of Fact, the Planning and Zoning Commission recommends approval of a requested reduction in the front yard setback in the R-2 Single-Family Traditional Residence District regulations from the required minimum 30 feet from the property line to the building to 20 feet for a residential parcel located at 208 E. Main Street.

Roll call: Vinyard-yes, Williams-yes, Marcum-yes, Millen-yes, Olson-yes. Carried 5-0

2. **PZC 2019-21 Tyler Edwards, petitioner, on behalf of Menard's, Inc. has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting final plat approval to resubdivide Lots 1 & 2 of the Menard's Commercial Commons, an approximately 37-acre parcel, located in the northeast quadrant of Marketview Drive and E. Countryside Parkway in Yorkville, Illinois.**

Ms. Noble said Menard's is seeking final plat approval on the 2 lots they own. They are proposing to extend a gate to create an automatic express lane where customers can scan a barcode and gain entrance to pick up their purchase. Since the gate is attached to the building, 60 feet is needed around the building and with that requirement, they could not maintain their sideyard setback. Lot 1 currently has the store and Lot 2 is an empty lot and they wish to move the lot line. Cole Helfrich was present on behalf of Menard's. He said they are making this improvement on all their stores and both lots are under the same ownership.

### **Action Item**

#### **Final Plat Approval**

Chairman Olson entertained a motion for approval. Commissioners Vinyard and Williams, respectively, moved and seconded a motion read by Mr. Vinyard: In consideration of the proposed Final Plat of Resubdivision of Lots 1 & 2 of the Menard's Commercial Commons Seventh Addition, the Planning and Zoning Commission recommends approval of the plat to the City Council as presented by the Petitioner in a plan prepared by Craig R. Knoche & Associates, dated June 12, 2019.

Roll call: Williams-yes, Marcum-yes, Millen-yes, Olson-yes, Vinyard-yes. Carried 5-0.

### **Additional Business:**

Ms. Noble reported on these items:

1. City Council Updates

#### **PZC 2019-16 Adopt the 2018 International Code Council**

This will be voted on by the City Council on September 24.

#### **PZC 2019-19 Lenny's Gas N Wash**

Approved by City Council September 10<sup>th</sup>. Ms. Dubajic added that the petitioner has now closed on the property and is moving topsoil.

### **Adjournment**

There was no further business and the meeting was adjourned at 7:19pm on a motion by Mr. Vinyard and second by Mr. Williams. Approved on unanimous voice vote.

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, September 11, 2019  
7:00 p.m.

1       PRESENT:

2               Mr. Jeff Olson, Chairman,

3               Mr. Donald Marcum,

4               Mr. Richard Vinyard,

5               Mr. Danny Williams,

6               Mr. Greg Millen.

7  
8       ALSO PRESENT:

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

11             Ms. Marlys Young, Minute Taker.

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

4 CHAIRMAN OLSON: There is one public  
5 hearing scheduled for tonight's Planning and  
6 Zoning Commission meeting.

7 The purpose of this hearing is to  
8 invite testimony from members of the public  
9 regarding the proposed request that is being  
10 considered before this commission tonight.

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

15 Those persons wishing to testify  
16 tonight are asked to speak clearly, one at a  
17 time, state your name and who you represent. You  
18 are also asked to sign in at the podium, which I  
19 think you have.

20 If you plan to speak during  
21 tonight's meeting as a petitioner or a member of  
22 the public, please stand now, raise your right  
23 hand, and repeat after me.

24 (Witnesses sworn.)

1 VICE-CHAIRMAN OLSON: The order for  
2 receiving testimony here in the public hearing  
3 will be as follows: The petitioner's  
4 presentation, those who wish to speak in favor of  
5 the request, and then those who wish to speak in  
6 opposition to the request.

7 With that said, may I have a motion  
8 to open the public hearing on petition number PZC  
9 2019-20, Charles and Gayle Ashley, front yard  
10 setback reduction?

11 MR. VINYARD: So moved.

12 MR. WILLIAMS: Second.

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

15 MS. YOUNG: Yes. Marcum.

16 MR. MARCUM: Yes.

17 MS. YOUNG: Millen.

18 MR. MILLEN: Yes.

19 MS. YOUNG: Olson.

20 CHAIRMAN OLSON: Yes.

21 MS. YOUNG: Vinyard.

22 MR. VINYARD: Yes.

23 MS. YOUNG: Williams.

24 MR. WILLIAMS: Yes.

1 VICE-CHAIRMAN OLSON: Public hearing up  
2 for discussion tonight is the following: PZC  
3 2019-20, Charles and Gale Ashley, petitioners,  
4 have filed an application with the United City of  
5 Yorkville, Kendall County, Illinois, requesting a  
6 reduction in front yard setback from 30 feet to  
7 20 feet for a residential parcel located at  
8 208 East Main Street in Yorkville.

9 The purpose of this request is to  
10 allow for the reconstruction of an attached  
11 covered porch, as was part of the original home,  
12 located within the required front yard.

13 The real property, zoned R-2  
14 Traditional Family Residence District, is located  
15 east of South Bridge Street and immediately south  
16 of East Main Street, Yorkville, so I assume east  
17 of 47, east of the park.

18 Is the petitioner for PZC 2019-20  
19 present and prepared to make a presentation of  
20 their proposed request?

21 MR. ASHLEY: Yes.

22 VICE-CHAIRMAN OLSON: Would you please  
23 speak at the podium? We hear everybody better.  
24



1 CHARLES ASHLEY,  
2 having been first duly sworn, testified from the  
3 podium as follows:

4 MR. ASHLEY: We have wanted to put the  
5 porch back on; it was destroyed some time ago,  
6 back in the 60's we believe. We have pictures.

7 Ron Clark actually gave us cards,  
8 and you have pictures in this, showing what those  
9 original pictures were, so we want to put that  
10 porch back on to look as much like that as we  
11 can.

12 VICE-CHAIRMAN OLSON: That's really  
13 lucky you have the pictures.

14 MR. ASHLEY: Yes.

15 VICE-CHAIRMAN OLSON: There is a lot of  
16 people here envious of you in town having those  
17 pictures. Anything else you want to add?

18 MR. ASHLEY: No.

19 VICE-CHAIRMAN OLSON: Thank you.

20 Is there anyone present who wishes  
21 to speak in favor of the request?

22 (No response.)

23 VICE-CHAIRMAN OLSON: Is there anyone  
24 present who wishes to speak in opposition to the

1 request?

2 (No response.)

3 VICE-CHAIRMAN OLSON: Are there any  
4 questions from Commissioners right now?

5 MR. MARCUM: No questions, but this is  
6 an impressive presentation here. Cudos for the  
7 work that you did on that. I am dazzled.

8 VICE-CHAIRMAN OLSON: Would the  
9 petitioner like to have the responses to the  
10 standards entered into the public record?

11 Those are the seven standards we  
12 have for a variance and answers in your petition.  
13 Would you like those entered into the record? We  
14 do recommend that.

15 MR. ASHLEY: Yes.

16 VICE-CHAIRMAN OLSON: Since all public  
17 testimony regarding this petition has been taken,  
18 may I have a motion to close the taking of  
19 testimony in this public hearing?

20 MR. VINYARD: So moved.

21 MR. WILLIAMS: Second.

22 VICE-CHAIRMAN OLSON: Roll call vote on  
23 the motion, please.

24 MS. YOUNG: Yes. Olson.

1 CHAIRMAN OLSON: Yes.  
2 MS. YOUNG: Vinyard.  
3 MR. VINYARD: Yes.  
4 MS. YOUNG: Williams.  
5 MR. WILLIAMS: Yes.  
6 MS. YOUNG: Marcum.  
7 MR. MARCUM: Yes.  
8 MS. YOUNG: And Mr. Millen.  
9 MR. MILLEN: Yes.  
10 VICE-CHAIRMAN OLSON: Public hearing  
11 portion of tonight's meeting is closed.  
12 (Which were all the  
13 proceedings had in the  
14 public hearings portion  
15 of the meeting.)  
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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 9, 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 September, A.D., 2019.

19 \_\_\_\_\_  
20 Christine M. Vitosh, CSR  
21 Illinois CSR No. 084-002883  
22  
23  
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## PZC - September 11, 2019 - Public Hearing

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## PZC - September 11, 2019 - Public Hearing

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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](http://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:

REQUEST A VARIANCE OF THE FRONT YARD SET BACK IN THE R-2 DISTRICT  
FROM 30' TO 20' TO ACCOMMODATE A FRONT PORCH  
TITLE 10, CH. 11 - ARTICLE C - SECTION 10-11 C-3.

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:

WE WOULD NOT BE ABLE TO CONSTRUCT A FRONT PORCH AS WAS ORIGINALLY  
PART OF THE HOME

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:

HOME WAS CONSTRUCTED BEFORE THE RULES WERE ESTABLISHED  
CREATING SET BACKS.

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:

HOME WAS CONSTRUCTED BEFORE THESE RULES WERE CREATED.  
MANY OTHER HOMES IN THIS NEIGHBORHOOD HAVE PORCHES THAT WOULD  
NOT MEET TODAY'S STANDARDS.



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 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:

*THIS PORCH WILL MATCH OTHERS IN THE NEIGHBORHOOD, ENHANCE THE HOME, AND BRING BACK SOME OLD TIME TOUCHES TO THE NEIGHBORHOOD*

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:

*THIS PORCH WILL HAVE NO ADVERSE EFFECT ON ANY SURROUNDING PROPERTY*

## 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.

*Charles R. Ashby*  
PETITIONER SIGNATURE

*6-20-19*  
DATE

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

*Charles R. Ashby*  
OWNER SIGNATURE

*6-20-19*  
DATE

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