

AGENDA  
COMMITTEE OF THE WHOLE  
July 19, 2022  
2200 Harnish Drive  
Village Board Room  
7:45 P.M.

Trustee Glogowski - Chairperson  
Trustee Dianis  
Trustee Smith  
Trustee Brehmer  
Trustee Auger  
Trustee Spella  
President Sosine

- AGENDA -

1. **Roll Call – Establish Quorum**
2. **Public Comment – Audience Participation**  
*(Persons wishing to address the Committee must register with the Chair prior to roll call.)*
3. **Community Development**
  - A. Consider a Special Event Permit for St. Margaret Mary’s Summer Fest on August 27, 2022
  - B. Consider a Special Event Permit for Art on the Fox on September 10 and 11, 2022
  - C. Consider a Front Yard Setback Variance for 628 Gaslight Drive
4. **General Administration**
5. **Public Works & Safety**
6. **Executive Session** (If needed)
7. **Other Business**
8. **Adjournment**



# Village of Algonquin

2200 Harnish Drive, Algonquin, IL  
(847) 658-2700 | www.algonquin.org

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## AGENDA ITEM

<b><u>MEETING TYPE:</u></b>	Committee of the Whole
<b><u>MEETING DATE:</u></b>	July 19, 2022
<b><u>SUBMITTED BY:</u></b>	Danielle Pfaff, Community Development Intern
<b><u>DEPARTMENT:</u></b>	Community Development
<b><u>SUBJECT:</u></b>	St. Margaret Mary Church Summerfest on August 27 <sup>th</sup> , 2022

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### **ACTION REQUESTED:**

Magda and Pawel Kopec, on behalf of the St. Margaret Mary Church is seeking approval of a public event/entertainment license for the St. Margaret Mary Church Summerfest on August 27<sup>th</sup>, 2022 with set-up on August 19<sup>th</sup>, August 26<sup>th</sup>, and the morning of the event. This is an event that includes a festival with a live band from 2:00PM until 10:00PM, educational opportunities, food vendors, children's games, and other social activities. The organization requests presence of Algonquin Police and Algonquin Fire to be present mainly for the educational purposes of children. They will utilize the parking on-site and additional parking will not be needed. The organizers intend to follow all IDPH and CDC guidelines for the event

The applicant has applied for two (2) temporary banners located at both entrances to the church/school parking lot. The dimensions of these temporary banners shall be four (4') by three (3') feet in dimension.

### **DISCUSSION:**

Staff has reviewed the request and recommends approval with the following conditions outlined below.

### **RECOMMENDATION:**

Approval contingent upon the following:

- Village Police officers and other officials shall have free access to the event at all times to ensure that the event is in compliance with the Municipal Code;
- All garbage/debris from the event shall be deposited in on-site trash bins by the event coordinator; The required electrical, stage, and fire inspections shall be allowed to be conducted by Village and Fire Department staff;
- Temporary Food Service permit(s) shall be obtained from the McHenry County Health Department by all food vendors and the necessary inspections shall be allowed;
- Final site and circulation plans are subject to review and approval by CD Staff, Police, Fire, and Public Works as needed;
- Public Event License Fees must be paid prior to the event;
- A Special Event Permit to sell alcohol must be obtained from the Village and State Liquor Commissioners;
- The event coordinator is responsible for suspending or canceling the event in case of structural concerns, electrical malfunctions, or storms that may include wind in excess of 40 mph, lightning, tornado warnings, unruly crowds, or any other issues that may pose a risk or danger to the public;
- The St. Margaret Mary Summerfest Committee shall abide by all provisions of the Algonquin Municipal Code with specific attention to the Public Event/Entertainment section along with all

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provisions/requirements of the Public Event/Entertainment License Application checklist and the application provided;

- Prior to commencing any of the activities approved by the Public Event License, the applicant, at no expense to the Village, shall obtain and file with the Village, no less than 30 days prior to the event, evidence that its insurance meets the minimum requirements;
- The five (5) temporary banners shall not be installed more than 30 days prior to event and taken down the day after. A temporary sign permit shall be required.
- No alcohol shall be served in areas none compliant with our Auxiliary Liquor Design Guidelines. Areas must be fenced off.
- All employees with approved BASSET training shall be present when alcohol is being served on site.
- There shall not be cooking within a tent that is attached to a dining tent. Food vendors can use an “ez-up” type tent over their cooking areas so long as its not attached to a dining tent. This tent shall be at least 20 feet (20’) from the dining tent.
- There shall be at least one fire extinguisher within 75 feet (75’) of the cooking area.
- Should propane tanks be used for cooking equipment, the tanks shall be secured to prevent tipping.
- Site plan utilized shall be approved by all staff members.

**ATTACHMENTS:**

- Public Event License Application
- BASSET Certification
- Site Layout



Village of Algonquin  
**PUBLIC EVENT/ENTERTAINMENT LICENSE APPLICATION**

In order for the Village of Algonquin to assist you with your Public Event, please fill out the information below and return to the Ganek Municipal Center (2200 Harnish Drive) or permits@algonquin.org at least 45 days prior to the event.

Please type or print legibly.

**Official Name of the Event:** St. Margaret Mary Church Summerfest 2022

**Sponsoring Organization:**

Name: St. Margaret Mary Church Contact Name: Magda Remesz- Kopec  
 Address: 111 S. Hubbard St  
 City, State, ZIP: Algonquin, IL 60102  
 Phone: 847-658-7625 Email: \_\_\_\_\_

**Event Coordinator:**

Name: Magda Remesz Kopec  
 Home Address: 111 S. Hubbard St.  
 City, State, ZIP: Algonquin, IL 60102  
 Phone: [REDACTED] Email: artmeg@interfa.pl

**Event Information:**

Describe the Nature of the Event: 2022 Parish Summerfest

New Event  Repeat Event  If repeat, will anything be different this year? NO

Event Address: 111 S. Hubbard St., Algonquin, IL 60102

Date(s) and Time(s) of the Event: Saturday, August 27, 2022

Rain Date(s), if applicable: N/A

Set-Up Date/Time: Day before, Friday, August 19 and morning of the event, if needed

Maximum Number of Attendees/Participants Expected: 2,500

Admission Fee: Yes  No  If Yes, list fee(s) to be charged: \_\_\_\_\_

How will the revenue be used (include donations to non-profit or charitable organizations): \_\_\_\_\_

All proceeds will be used solely for the church purpose

Event Website: None

**Event Details:**

Describe provided security, including who will be providing the security (name and contact information), hours, and a security plan: \_\_\_\_\_

The following people will be in charge of security at the event: Dariusz Saletnik [redacted], Bartłomiej Kucharczyk [redacted]

Włodzimirz Szyda [redacted] These people will be present at the event at all times

Describe parking or traffic control, including the location of extra parking and the number of spaces allocated, and how overflow parking will be handled: \_\_\_\_\_

The entire parking (both church and School) will be utilized during the event

Will there be a need for road closures? Yes  No  If Yes, please explain: \_\_\_\_\_

Are you requesting Algonquin Police Officer(s) presence? Yes  No  If Yes, to perform what function?

For the educational purpose maily for the children

Do you want a fire truck or ambulance present? Yes  No  If Yes, for what hours and to perform what function? \_\_\_\_\_

Fire truck for the educational purposes maily for the children

Are you wishing to post temporary sign(s) announcing the event? Yes  No  If Yes, please describe desired size, location and date(s) that the signage will be displayed: \_\_\_\_\_

The signs will be posted at both entrances to the church/school parking lot

The size will be about 4x3Ft

Do you wish to serve alcoholic beverages? Yes  No

If Yes, do you have DRAM Shop Insurance for the sale/consumption of alcohol? Yes  No  If Yes, attach a copy of the policy.

Will you have live entertainment? (e.g. bands, D.J., amplified sound, etc.) Yes  No

If Yes, please describe type, band name(s), and hours of performance and if there will be a stage: \_\_\_\_\_

The James Pedicone Band will be playing from 2-10PM

Do you foresee any other special needs for this event? (Physical set-up assistance, waste removal, portable toilets and hand washing stations, electricity, generator, running water, tent(s), etc.): \_\_\_\_\_

No special needs required

Do you plan on holding a raffle during this event? Yes  No   
(Must be an Algonquin-based, non-profit organization)

Name of on-site contact during the event (please print): Magda Remesz-Kopec

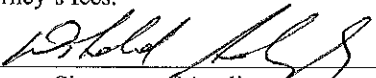
On-site contact's cell number:                     

On-site contact's work number:                     

On-site contact's home number:                     

**Affidavit of Applicant:**

I, the undersigned applicant, or authorized agent of the above noted organization, swear or affirm that the matters stated in the foregoing application are true and correct upon my personal knowledge and information for the purpose of requesting the Village of Algonquin to issue the permit herein applied for, that I am qualified and eligible to obtain the permit applied for and agree to pay all fees, to meet all requirements of the Algonquin Village Code, and any additional regulations, conditions, or restrictions set forth in the permit and to comply with the laws of the Village of Algonquin, the State of Illinois, and the United States of America in the conduct of the Public Event described herein. In addition, Applicant certifies, by signing the application, that, pursuant to 720ILCS 5/11-9.4(c), no sex offenders are employed by the carnival operator, and that no carnival employees are fugitives from Illinois or any other state's law enforcement agencies. I (or the above named organization) further agree(s) to hold harmless and indemnify the Village, its officials, employees and successors and assigns, for any and all liability, damages, suits, claims and demands for damages at law or in equity it incurs as a result and arising either directly or indirectly out of the public event noted above including but not limited to damages and attorney's fees.

  
\_\_\_\_\_  
Signature of Applicant

06/26/2022  
\_\_\_\_\_  
Date

Fr. Witold Adamczyk, Pastor  
\_\_\_\_\_  
Printed Name of Applicant

# Certificate of Completion

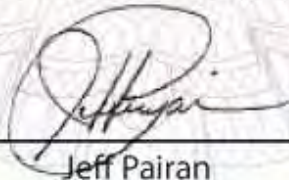
**American  
Safety Council**

PAWEL KOPEC

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Has diligently and with merit completed the  
On-Premise BASSET Alcohol Certification on 7/12/2022

from the American Safety Council.

  
Jeff Pairan

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## Illinois BASSET Training

This card certifies that:

PAWEL KOPEC

has completed the  
On-Premise BASSET Alcohol Certification

  
Jeff Poiran

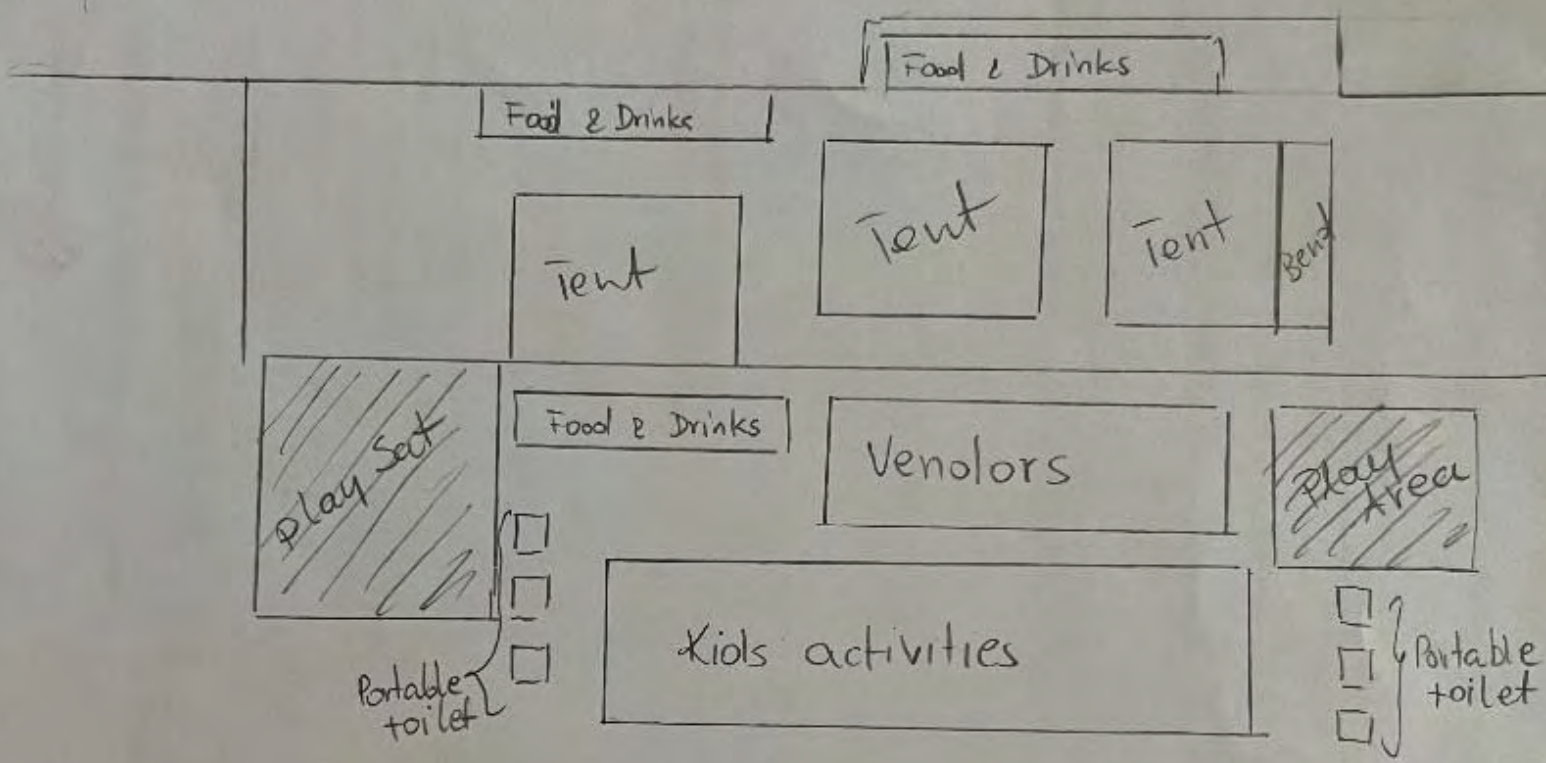
8/11/2022

Exp. Date:



Algonquin Rd

# School



Eastgate Dr.

Application

# Soccer Field



# Village of Algonquin

The Gem of the Fox River Valley

DATE: July 12, 2022

TO: Committee of the Whole

FROM: Jason C. Shallcross, AICP, Community Development Director

SUBJECT: Public Event/Entertainment License Application – Art on the Fox

The Village of Algonquin is seeking approval of a Public Event License for the Art on the Fox art festival that will take place in downtown Algonquin on September 10 and 11, 2022. This event is being put on by the Village of Algonquin and organized by Amdur Productions, Inc. The Art on the Fox is a free public cultural event that features original art of all medias and also live music. The Art on the Fox last occurred in 2021 on Main Street.

After last year's success, the festival is planned to return to Main Street between Algonquin Road and Madison Street. Police and Fire have given preliminary approval of the event map and Public Works has preliminarily approved the street closure. The Art on the Fox will have two 8x8 platform stages with live music from 10 am – 5 pm on both days. One of the stages will be located at the north end of Main Street near Algonquin Road and the other stage will be located at the south end of Main Street near Madison Street. Along with the platform stages, approximately 85 artist booths are planned to be located along Main Street.

The Village Board hereby approves a Public Event Permit for Art on the Fox for September 10 and 11, 2022, waiving the serving and consumption of alcohol restrictions, within the designated area, for certain permitted licensees: Bold American Fare, Whiskey and Wine, Cucina Bella, Creekside Tap, Bullseye, Cattleman's Burgers and Brew, and The Black Bear Bistro. It will be the responsibility of the current liquor license holder to apply to the State of Illinois for a Special Use Permit. Attached are the guidelines for alcohol sales during Art on the Fox.

To prove that customers have been carded, businesses will provide wristbands when the customer purchases alcohol. The wristband will be one color (Yellow) with an Art on the Fox logo. If any of the businesses wish to sell outside of their licensed area, they will need to obtain a Special Event Permit from the State of Illinois. The festival may also include food vendors that would sell products different from those offered by downtown restaurants.

Staff has reviewed the request and recommends approval with the following conditions:

- The applicant shall abide by all provisions of the Algonquin Municipal Code with specific attention to the Public Event/Entertainment section along with all provisions/requirements of the Public Event/Entertainment License Application checklist and the application provided.
- Temporary Food Service permit(s) shall be obtained from the McHenry County Health Department by all food vendors and the necessary inspections shall be allowed.
- The required electrical and fire inspections shall be allowed to be conducted by Village and Fire Department staff.
- A Public Event Liquor Permit to sell alcoholic liquor must be obtained from the Village and State Liquor Commissioners OR proof of Village permission to have downtown restaurants sell alcohol for consumption off-premises.
- In the event of unfavorable weather conditions, the tent area(s) shall be vacated if there is a severe thunderstorm, if there is a tornado warning/watch issued, or in the case of high winds or gusts in excess of 40 mph.
- Final site and circulation plans are subject to review and approval by CD Staff, Police, Fire, and Public Works as needed.

## Guidelines for the Sale of Alcohol

As we approach Art on the Fox I wanted to make sure everyone is clear on business requirements regarding liquor consumption and sales outside for the business' that hold a Village/State Liquor License.

- No business without a liquor license is allowed to sell alcohol.
- Any business, within the footprint of the gated area, with a liquor license is allowed to sell alcohol within their current business foot print for consumption within the business as well as consumption within the gated area/right of way. There is no special state license needed for this scenario.
- Any business, within the foot print of the gated area, with a liquor license planning to sell alcohol outside their business walls will need a Special Use Permit through the State of Illinois. This business will also need a letter from the Liquor Commissioner indicating they were approved by the Liquor Commission to sell within the contained event for their State submission.
- All business' that are to allow unpackaged alcohol outside their establishment for consumption within the event footprint/right of way will need to be included in the Board Approval of the event. Their current license does not allow them to have patron leave their establishment with open alcohol so the restriction needs to be waived by the Village Board. (i.e. Approve a Public Event Permit for Art on the Fox September XXX on South Main Street, waiving the serving and consumption of alcohol restrictions, within the designated area, for certain permitted licensees as described within the application).
- All patrons purchasing alcohol during the event and that are allowed to leave the footprint/walls of the establishment must obtain and wear an event wrist band supplied to the establishment by the Event Coordinator/Village.
- All alcohol served/consumed outside the footprint of the establishment, must be in a prescribed plastic event cup. (Event cups are to be purchased from the Event Coordinator/Village by the establishment prior to the event).

Some may argue that we now have a "Combined" liquor license. However, a combined license allows sale of **packaged** goods/alcohol for consumption on and off premise. Allowing unpackaged containers is not allowed by the Village or the State under their current liquor license.



Village of Algonquin  
**PUBLIC EVENT/ENTERTAINMENT LICENSE APPLICATION**

In order for the Village of Algonquin to assist you with your Public Event, please fill out the information below and return to the Ganek Municipal Center (2200 Harnish Drive) or [permits@algonquin.org](mailto:permits@algonquin.org) at least 45 days prior to the event.

Please type or print legibly.

**Official Name of the Event:** Art on the Fox

**Sponsoring Organization:**

Name: Village of Algonquin Contact Name: Jason Shallcross, Director Community Development  
Address: 2200 Harnish Drive  
City, State, ZIP: Algonquin, Illinois  
Phone: 847-658-2700 Email: jasonshallcross@algonquin.org

**Event Coordinator:**

Name: Amdur Productions, Inc. Amy Amdur  
Home Address: P.O. Box 550  
City, State, ZIP: Highland Park, IL 60135  
Phone: [REDACTED] Email: aamdur@aol.com

**Event Information:**

**Describe the Nature of the Event:** Art on the Fox is a free outdoor event featuring original art of all media,

live music, food and beverages provided by the downtown businesses. The event is family friendly and will bring people from  
near and far to the downtown.

New Event  Repeat Event  If repeat, will anything be different this year? \_\_\_\_\_

This year the event will feature 85 vendors as opposed to 60 vendors in 2021.

**Event Address:** South Main Street, from Rt. 62 to Madison Street

**Date(s) and Time(s) of the Event:** September 10 and 11, 2022, 10:00 am to 5:00 p.m.

**Rain Date(s), if applicable:** NA

**Set-Up Date/Time:** 2:00 a.m. on September 10, 2022.

**Maximum Number of Attendees/Participants Expected:** 5,000 estimated attendance over the weekend

**Admission Fee:** Yes  No  If Yes, list fee(s) to be charged: \_\_\_\_\_

**How will the revenue be used (include donations to non-profit or charitable organizations):** \_\_\_\_\_

Event Website: www.amdurproductions.com

**Event Details:**

Describe provided security, including who will be providing the security (name and contact information), hours, and a security plan: Amdur productions professional staff will be on site during the set up, event hours and tear down of the event. Overnight

Amdur will coordinate security to serve as our eyes and ears during the night time hours. Overnight security will be directed to call 911 in case of an emergency

Describe parking or traffic control, including the location of extra parking and the number of spaces allocated, and how overflow parking will be handled: Artist parking will be in the funeral home parking lot, and in Towne Park, if accessible.

The Village has secured St. Johns Church parking lot for additional parking during the event. All traffic will be directed off of the by-pass, at South Main Street and to take Railroad Street and Madison Street.

Will there be a need for road closures? Yes  No  If Yes, please explain: South Main Street will be closed at 2:00 a.m. on Saturday, September 10, 2022 and will be reopened on Sunday evening, September 11, 2022 by 9:00 p.m.

Are you requesting Algonquin Police Officer(s) presence? Yes  No  If Yes, to perform what function? Last year we had a police officer on site. We would anticipate the same level of service as provided in 2021.

Do you want a fire truck or ambulance present? Yes  No  If Yes, for what hours and to perform what function? \_\_\_\_\_

Are you wishing to post temporary sign(s) announcing the event? Yes  No  If Yes, please describe desired size, location and date(s) that the signage will be displayed: \_\_\_\_\_

Throughout the event weekend we will post signs that say "Art Festival" with an arrow to the event. We will also be using signage on Rt. 31 to direct people to exit on South Main Street.

Do you wish to serve alcoholic beverages? Yes  No

If Yes, do you have DRAM Shop Insurance for the sale/consumption of alcohol? Yes  No  *If Yes, attach a copy of the policy.*

Will you have live entertainment? (e.g. bands, D.J., amplified sound, etc.) Yes  No  *If Yes, please describe type, band name(s), and hours of performance and if there will be a stage: \_\_\_\_\_*

There will be two stages of entertainment within the footprint of the festival area. Music will be from 10:00 a.m. to 5:00 p.m. both days.

Do you foresee any other special needs for this event? (Physical set-up assistance, waste removal, portable toilets and hand washing stations, electricity, generator, running water, tent(s), etc.): \_\_\_\_\_


The Village will need to have a dumpster placed in the ASB parking lot, along with 10 portable toilets and hand washing station. PW will need to assist with a water truck to fill water barrels for the tents. We will need to work with PW on the location for the electrical hook ups for the entertainment and artist request.

Do you plan on holding a raffle during this event? Yes  No   
(Must be an Algonquin-based, non-profit organization)

Name of on-site contact during the event (please print): Amy Amdur, Amdur Productions  
On-site contact's cell number: 847-924-1407  
On-site contact's work number: 847-926-4300  
On-site contact's home number: \_\_\_\_\_

**Affidavit of Applicant:**

I, the undersigned applicant, or authorized agent of the above noted organization, swear or affirm that the matters stated in the foregoing application are true and correct upon my personal knowledge and information for the purpose of requesting the Village of Algonquin to issue the permit herein applied for, that I am qualified and eligible to obtain the permit applied for and agree to pay all fees, to meet all requirements of the Algonquin Village Code, and any additional regulations, conditions, or restrictions set forth in the permit and to comply with the laws of the Village of Algonquin, the State of Illinois, and the United States of America in the conduct of the Public Event described herein. In addition, Applicant certifies, by signing the application, that, pursuant to 720ILCS 5/11-9.4(c), no sex offenders are employed by the carnival operator, and that no carnival employees are fugitives from Illinois or any other state's law enforcement agencies. I (or the above named organization) further agree(s) to hold harmless and indemnify the Village, its officials, employees and successors and assigns, for any and all liability, damages, suits, claims and demands for damages at law or in equity it incurs as a result and arising either directly or indirectly out of the public event noted above including but not limited to damages and attorney's fees.







  
\_\_\_\_\_  
Signature of Applicant  
Tim Schloneger  
Printed Name of Applicant

7-14-22  
\_\_\_\_\_  
Date

# ART ON THE FOX

ALGONQUIN



	Artist Booths
	Restrooms
	Fest Sponsor
	Cupcakes
	Live Music
	Food







# Village of Algonquin

2200 Harnish Drive, Algonquin, IL  
(847) 658-2700 | www.algonquin.org

## AGENDA ITEM

<b><u>MEETING TYPE:</u></b>	Committee of the Whole
<b><u>MEETING DATE:</u></b>	July 19, 2022
<b><u>SUBMITTED BY:</u></b>	Jason C. Shallcross, AICP Danielle Pfaff, Community Development Intern
<b><u>DEPARTMENT:</u></b>	Community Development
<b><u>SUBJECT:</u></b>	Front Yard Setback Variance at 628 Gaslight Drive

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### **ACTION REQUESTED:**

Calvin Braker, the “Petitioner,” is requesting one (1) variation for the parcel at 628 Gaslight Drive, the “Subject Property,” to allow for a front yard setback reduction of four feet (4’) to accommodate a new covered front porch. The Subject Property is located in the R-1 zoning district, but has a larger front yard setback per the plat of subdivision.

### **BOARD/COMMISSION REVIEW**

The Planning and Zoning Commission reviewed the request and held a Public Hearing for Front Yard Setback Variance at 628 Gaslight Drive at the July 11<sup>th</sup>, 2022, Planning and Zoning Commission Meeting (See the attached P&Z staff report for Case No. PZ-2022-12). One citizen from the public made comment at the Public Hearing to suggest approval and encouragement of the variance request.

After some discussion regarding the setting of precedences and the standards for a variation, the Planning and Zoning Commission accepted staff’s findings as the findings of the Planning and Zoning Commission and did not recommend approval of the variance request.

The Petitioner also brought a neighborhood petition signed by twenty (20) Gaslight Terrace Residents to display the support of many surrounding property owners, Exhibit D.

### **DISCUSSION:**

Calvin Braker, the “Petitioner,” is requesting one (1) variation for the parcel at 628 Gaslight Drive, the “Subject Property,” to allow for setback reduction of four feet (4’). The variation request is required to accommodate the Petitioner’s proposed eight foot (8’) wide front covered porch.

The Zoning District Bulk Chart in the Village’s Zoning Code requires a minimum front yard setback of thirty feet (30’) in the R-1 One Family Dwelling Zoning District. However, the Gaslight Terrace Subdivision plat of subdivision requires a forty foot (40’) minimum front yard setback for

all lots in the subdivision. The Gaslight Terrace subdivision is more restrictive than the R-1 Zoning District per the 1973 Plat of Subdivision.

**RECOMMENDATION:**

Staff recommends denial of the Front Yard Setback Variance for 628 Gaslight Drive, as outlined in the staff report for case PZ-2022-12, of the following motion:

1. “To deny a variation to allow a four-foot (4’) reduction to the front yard setback of the Subject Property, also known as 628 Gaslight Drive”

**ATTACHMENTS:**

- Exhibit A Legal Description
- Exhibit B Plat of Survey as prepared by LUCO Surveying, with the latest revision date of February 4<sup>th</sup>, 2020
- Exhibit C Plat of Subdivision with the latest revision date of February 12<sup>th</sup>, 1973
- Exhibit D Neighborhood Petition to Obtain 4-foot Variance
- Exhibit E Proposed Covered Porch
- Exhibit F Planning & Zoning Commission Staff Report for Case No. PZ-2022-12
- Exhibit G Planning & Zoning Commission Minutes (July 11<sup>th</sup>, 2022)

# **Legal Description of 628 Gaslight Drive**

Legal Description:

Lot 43 of Gaslight Terrace, Unit No. 2, in the Village of Algonquin, Kane County, Illinois.

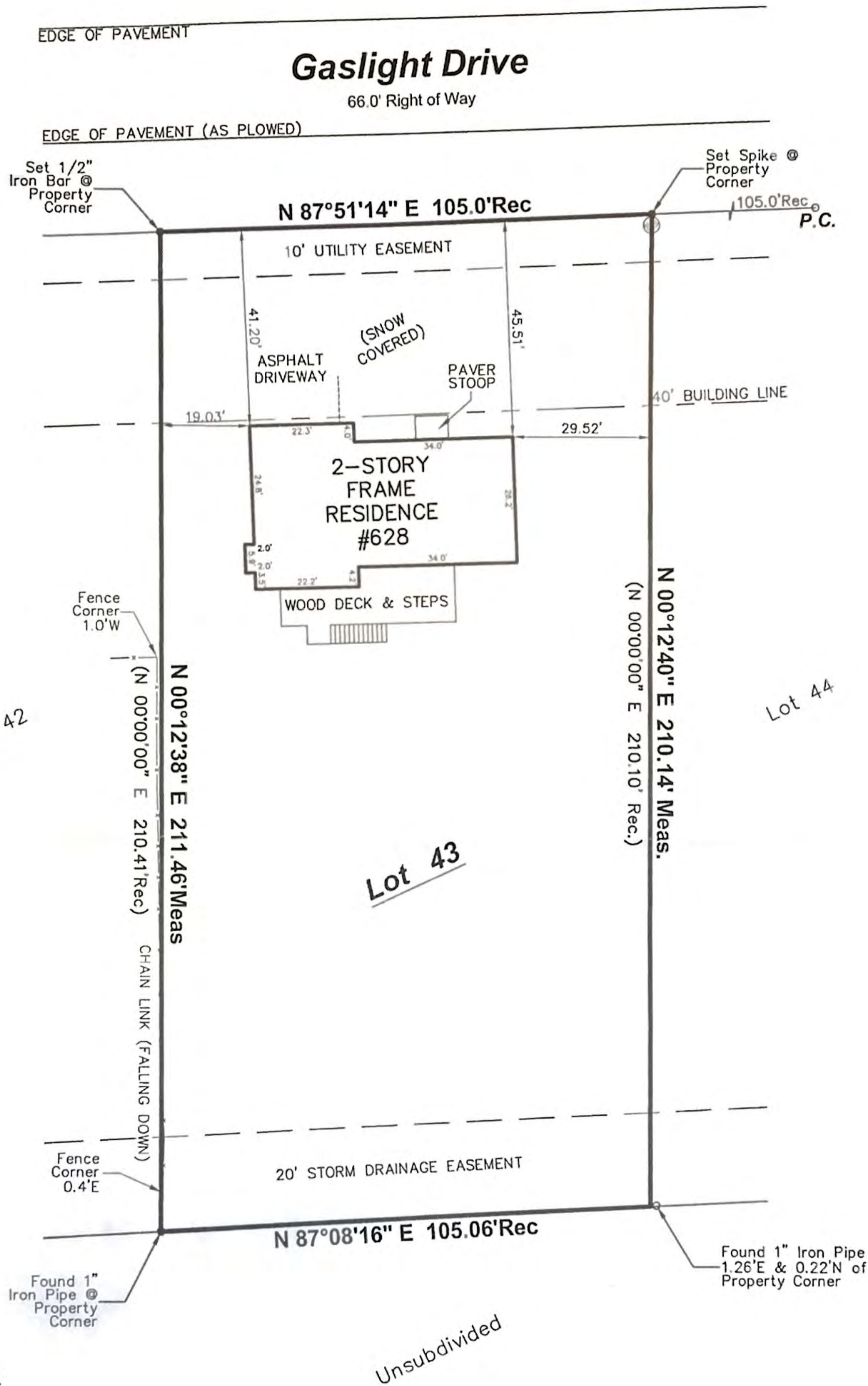
Parcel Area: 22115 Sq. Feet



# Plat of Survey

LEGAL DESCRIPTION:  
LOT 43 OF GASLIGHT TERRACE, UNIT NO. 2, IN THE VILLAGE OF ALGONQUIN,  
KANE COUNTY, ILLINOIS.

PARCEL AREA: 22115 Sq. Feet



THIS DOCUMENT IS NOT VALID WITHOUT THE SURVEYOR'S SEAL.

STATE OF ILLINOIS }  
COUNTY OF MCHENRY } s.s.

IN MY PROFESSIONAL OPINION, AND BASED ON MY OBSERVATIONS, I HEREBY CERTIFY THAT THE PLAT HEREON DRAWN IS A TRUE REPRESENTATION OF SAID SURVEY. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

*Jeffrey Spirek*  
JEFFREY A. SPIREK, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3898  
REGISTERED AGENT FOR LUCO SURVEYING, LICENSE TO BE RENEWED NOVEMBER 30, 2020

DATED February 04, 2020

NOTES:  
 \*COMPARE THE DESCRIPTION ON THIS PLAT WITH YOUR DEED AND REPORT ANY DIFFERENCE, IMMEDIATELY.  
 \*ALL DIMENSIONS ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF.  
 \*BEARINGS AS SHOWN ARE ASSUMED AND ARE SO INDICATED FOR INTERIOR ANGLES ONLY.  
 \*BUILDING LINES AND EASEMENTS AS SHOWN ARE BASED SOLELY ON PROVIDED DOCUMENTS.  
 \*UTILITIES WITHIN EASEMENTS OR UNDERGROUND UTILITIES (IF ANY), INCLUDING, BUT NOT LIMITED TO CONDUITS AND CABLES ARE NOT SHOWN HEREON.

LEGEND	
●	SET IRON PIPE
○	FOUND IRON PIPE
×	FOUND "X"
⊗	FOUND PK NAIL
⊙	STREET LIGHT
⊕	B-BOX
⊖	WATER VALVE VAULT
⊗	FIRE HYDRANT
⊙	MANHOLE
⊕	STORM MANHOLE
⊖	JUNCTION BOX
⊙	POWER POLE
⊕	ELECTRIC TRANSFORMER
—○—	WOOD FENCE
—x—	CL/METAL/WIRE FENCE
—○—	PLASTIC/VINYL FENCE



**LUCO SURVEYING**  
Professional Design Firm No. 184.007972  
54 Lou Avenue, Crystal Lake, IL 60014  
Ph: (815) 526-3974 Fax: (815) 526-3984  
E-mail: admin@lucosurveying.com

Common Address: 628 Gaslight Drive, Algonquin, IL  
PIN #: 03-04-228-013

Job Number: 20-50991      Drafted By: CER

Client: PMH&L, LTD      Reference:

Field Work Completion: 01/30/2020      Revisions:

# GASLIGHT TERRACE UNIT NO. 2

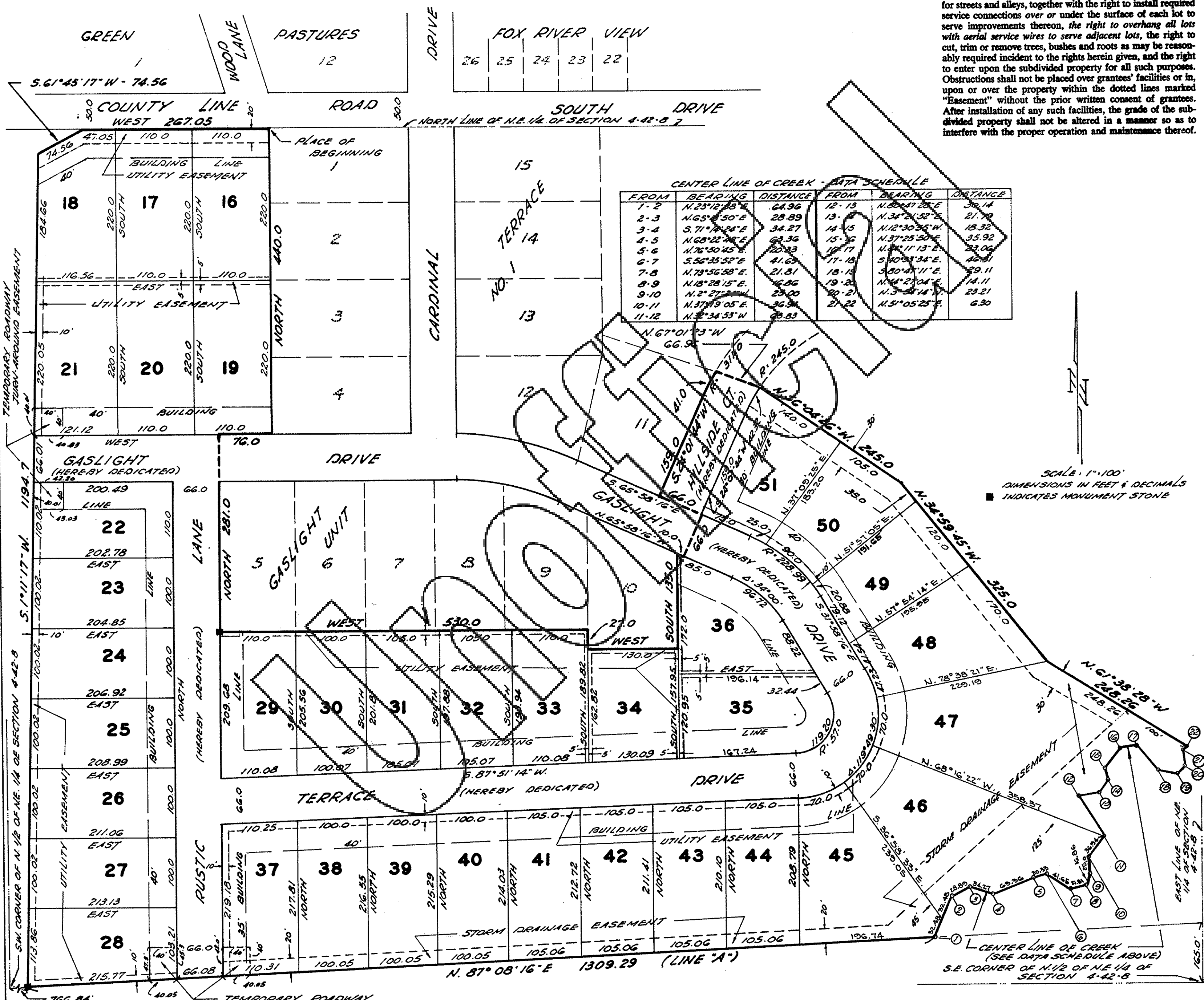
**EASEMENT PROVISIONS**  
An easement for serving the subdivision and other property with electric and communications service is hereby reserved for and granted to

Commonwealth Edison Company  
and

Illinois Bell Telephone Company, Grantee,

their respective successors and assigns, jointly and severally, to install, operate, maintain and remove, from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and sounds and signals in, over, under, across, along and upon the surface of the property shown within the dotted lines on the plat and marked "Easement", and the property designated on the plat for streets and alleys, together with the right to install required service connections over or under the surface of each lot to serve improvements thereon, the right to overhang all lots with aerial service wires to serve adjacent lots, the right to cut, trim or remove trees, bushes and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. Obstructions shall not be placed over grantees' facilities or in, upon or over the property within the dotted lines marked "Easement" without the prior written consent of grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered in a manner so as to interfere with the proper operation and maintenance thereof.

BEING A PART OF THE NORTH 1/2 OF THE NORTH  
EAST 1/4 OF SECTION 4, TOWNSHIP 42 NORTH, RANGE  
8 EAST OF THE THIRD PRINCIPAL MERIDIAN IN KANE  
COUNTY, ILLINOIS.



STATE OF ILLINOIS )  
COUNTY OF KANE )

This is to certify that I, Howard A. Meadows, a Registered Illinois Land Surveyor, have surveyed, subdivided and platted for the owners thereof that part of the North half of the Northeast Quarter of Section 4, Township 42 North, Range 8 East of the Third Principal Meridian described as follows: Beginning at the Northwest corner of Lot 1 in Gaslight Terrace, Unit No. 1, a subdivision in part of said North half; thence West, along the North line of said Northeast Quarter, a distance of 267.05 feet; thence South 61 degrees 45 minutes 17 seconds West, 74.56 feet; thence South 1 degree 11 minutes 17 seconds West, parallel with the West line of said Northeast Quarter, a distance of 1194.7 feet to a point in a line (hereinafter known as line "A") running Northeast from the Southwest corner of the North half of said Northeast Quarter to a point in the East line of said Northeast Quarter that is 165.0 feet North of the Southeast corner of the North half of said Northeast Quarter; thence North 87 degrees 08 minutes 16 seconds East, along line "A" heretofore described, a distance of 1309.29 feet to the center line of a creek; thence North 23 degrees 12 minutes 12 seconds East, along the center line of said creek, 64.96 feet; thence North 65 degrees 58 minutes 30 seconds East, along the center line of said creek, 20.89 feet; thence North 68 degrees 22 minutes 48 seconds East, along the center line of said creek, 34.27 feet; thence North 62 degrees 12 minutes 24 seconds East, along the center line of said creek, 24.36 feet; thence North 72 degrees 30 minutes 48 seconds East, along the center line of said creek, 22.83 feet; thence North 73 degrees 56 minutes 30 seconds East, along the center line of said creek, 21.81 feet; thence North 48 degrees 28 minutes 15 seconds East, along the center line of said creek, 16.86 feet; thence North 2 degrees 27 minutes 36 seconds West, along the center line of said creek, 20.00 feet; thence North 37 degrees 19 minutes 05 seconds East, along the center line of said creek, 36.33 feet; thence North 8 degrees 34 minutes 33 seconds West, along the center line of said creek, 29.83 feet; thence North 67 degrees 01 minutes 23 seconds West, 66.96 feet to the Northeast corner of Lot 11 in Gaslight Terrace, Unit No. 1, as aforesaid; thence Southwesterly, along the Easterly line of said Lot 11, being along a curve to the left, having a radius of 311.0 feet, a distance of 41.0 feet; thence South 24 degrees 01 minutes 16 seconds West, along the Easterly line of said Lot 11, a distance of 159.0 feet to the Southeast corner of said Lot 11; thence South 65 degrees 58 minutes 16 seconds East, along the Northerly line of Gaslight Drive, as aforesaid; thence North 65 degrees 58 minutes 16 seconds West along said Southerly line, a distance of 10.0 feet to the Northeast corner of Lot 10 in said Gaslight Terrace, Unit No. 1; thence South along the East line of said Lot 10, a distance of 135.0 feet to the Southeast corner of said Lot 10; thence West, along the South line of said Lot 10, a distance of 130.0 feet to the Southwest corner thereof; thence North along the West line of said Lot 10, a distance of 27.0 feet to the Southeast corner of Lot 9 in said Gaslight Terrace, Unit No. 1; thence West along the South line of Lots 9, 8, 7, 6 and 5 in said Gaslight Terrace, Unit No. 1, a distance of 530.0 feet to the Southwest corner of said Lot 5; thence North, along the West line of said Lot 5 and said West line extended, a distance of 281.0 feet to the North line of Gaslight Drive, as aforesaid; thence East, along said North line, a distance of 76.0 feet to the Southwest corner of Lot 4 in said Gaslight Terrace, Unit No. 1; thence North along the West line of Lots 4, 3, 2 and 1 in said Gaslight Terrace, Unit No. 1, a distance of 440.0 feet to the place of beginning. Being situated in the Village of Algonquin, Dundee Township, Kane County, Illinois.

I further certify that iron stakes have been set at all lot corners, points of curve and points of tangent and that the plat hereon drawn correctly represents said survey and subdivision.

I further certify that the above described property is within the corporate boundary of the Village of Algonquin, which has adopted an official plan and is not within 500 feet of water course or surface drain serving an area of 640 acres or more.

Dated at South Elgin, Illinois, this 12th day of February A.D. 1973.

*Howard A. Meadows*  
Howard A. Meadows  
Illinois Land Surveyor No. 1478

STATE OF ILLINOIS )  
COUNTY OF KANE )

This is to certify that the FIRST NATIONAL BANK OF ELGIN, as trustee under the terms of a trust agreement known as trust number 2176 dated December 1, 1971, has caused the above described property to be surveyed, subdivided and platted as shown on the plat hereon drawn for the uses and purposes therein set forth as allowed and provided by statute and the FIRST NATIONAL BANK OF ELGIN, as trustee, does hereby acknowledge said plat and adopts the same under the style and title of "GASLIGHT TERRACE, UNIT NO. 2."

IN WITNESS WHEREOF said THE FIRST NATIONAL BANK OF ELGIN, as trustee, as aforesaid, has caused these presents to be signed by its trust officer and attested to by its cashier and its corporate seal to be affixed thereto this 20th day of February A.D. 1973.

Attest: *Marylin C. Wienke*  
Cashier

By: *Barry K. Danielson*  
Trust Officer

STATE OF ILLINOIS )  
COUNTY OF KANE )

I, the undersigned, a Notary Public in and for the County of Kane, State of Illinois, do hereby certify that *Barry K. Danielson*, Trust Officer and *Marylin C. Wienke*, Cashier for THE FIRST NATIONAL BANK OF ELGIN, a corporation to me personally known by me to be the same persons whose names are subscribed to the foregoing instrument as such officers appeared before me this day in person and acknowledged the execution of the foregoing instrument as their free and voluntary act and the free and voluntary act of said Corporation for the uses and purposes therein set forth and that the Cashier did then affix the corporate seal of said corporation thereto as his own free and voluntary act and the free and voluntary act of said corporation.

Given under my hand and notarial seal this 20th day of February A.D. 1973.

(ADELINE E. BIRD)  
Notary Public My Commission expires \_\_\_\_\_

STATE OF ILLINOIS )  
COUNTIES OF McHENRY & KANE )  
VILLAGE OF ALGONQUIN )

Plat approved this 12th day of February A.D. 1973, by the Planning Commission of the Village of Algonquin, Illinois.

STATE OF ILLINOIS )  
COUNTIES OF McHENRY & KANE )  
VILLAGE OF ALGONQUIN )

Plat approved by the Village of Algonquin, Illinois, this 20th day of February A.D. 1973.

ATTEST: *Alfred T. Christian*  
Village Clerk

By: *Paul E. Seidenman*  
Chairman

By: *James E. Affensack*  
President

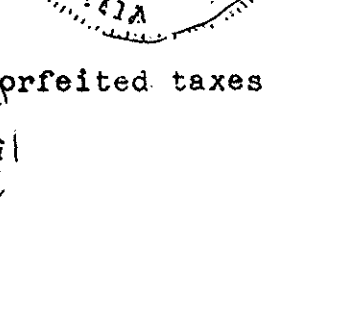
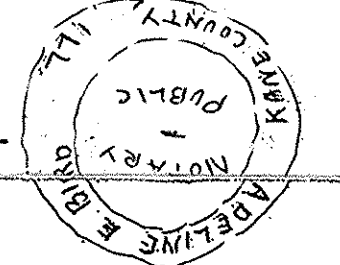
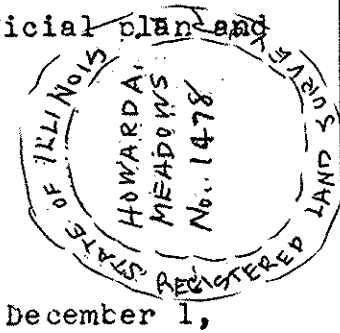
STATE OF ILLINOIS )  
COUNTY OF KANE )

This is to certify that I, William A. Vollrath, County Clerk for the County in the State aforesaid, find no redeemable or unpaid current taxes against any of the real estate included in the above plat.

I further certify that I have received all statutory fees in connection with the annexed plat.

Given under my hand and seal in Geneva, Illinois, this 4th day of February A.D. 1973.

*William A. Vollrath*  
County Clerk



# Petition to Obtain 4-foot Variance

Calvin & Julianne Braker, of 628 Gaslight Drive, are petitioning the Village of Algonquin in order to obtain a 4-foot variance to the front yard setback to build a porch addition on the front of their dwelling, pursuant to the requirements of Section 21.17(E) of the Algonquin Zoning Ordinance.

We, the undersigned neighbors in Gaslight Terrace, pledge our support for their application to obtain a variance.

#	Printed Name	Address	Signature
1.	Cheryl Kytina	634 Gaslight Dr.	
2.	Fred Brozco	627 Gaslight Dr	
3.	Ania Claude	625 Gaslight Dr.	
4.	Lauren Rasmussen	623 Gaslight Dr.	
5.	Timothy Duszka	621 Gaslight DR	
6.	CHRISTINA ELMORE	615 Gaslight Dr	
7.	Pam Maloney	630 Gaslight	
8.	Kathy Abdallah	632 Gaslight	
9.	Susan Murray	315 Rustic Ln, #1	
10.	Anna Sludunkile	304 Rustic Ln	
11.	Ana Mollenkamp	302 Rustic Lane	
12.	Paige Nune	300 Rustic Lane	
13.	Leah Johnson	601 Gaslight Dr.	
14.	Chris McCoub	619 Gaslight Dr	
15.	Narda Crespo	620 Gaslight DR	
16.	Paula Camann	617 Gaslight Dr	
17.	Dan Camann	617 Gaslight Dr.	
18.	Margaret Ann Haas	618 Gaslight Dr.	
19.	Roy W. Fisen	616 GASLIGHT DR.	
20.	Eugene ZSCHERNITZ	614 GASLIGHT DR	
21.			
22.			
23.			
24.			
25.			

**PORCH ADDITION  
BRAKER RESIDENCE  
628 GASLIGHT DRIVE  
ALGONQUIN, IL 60102**

**DRAWING INDEX**

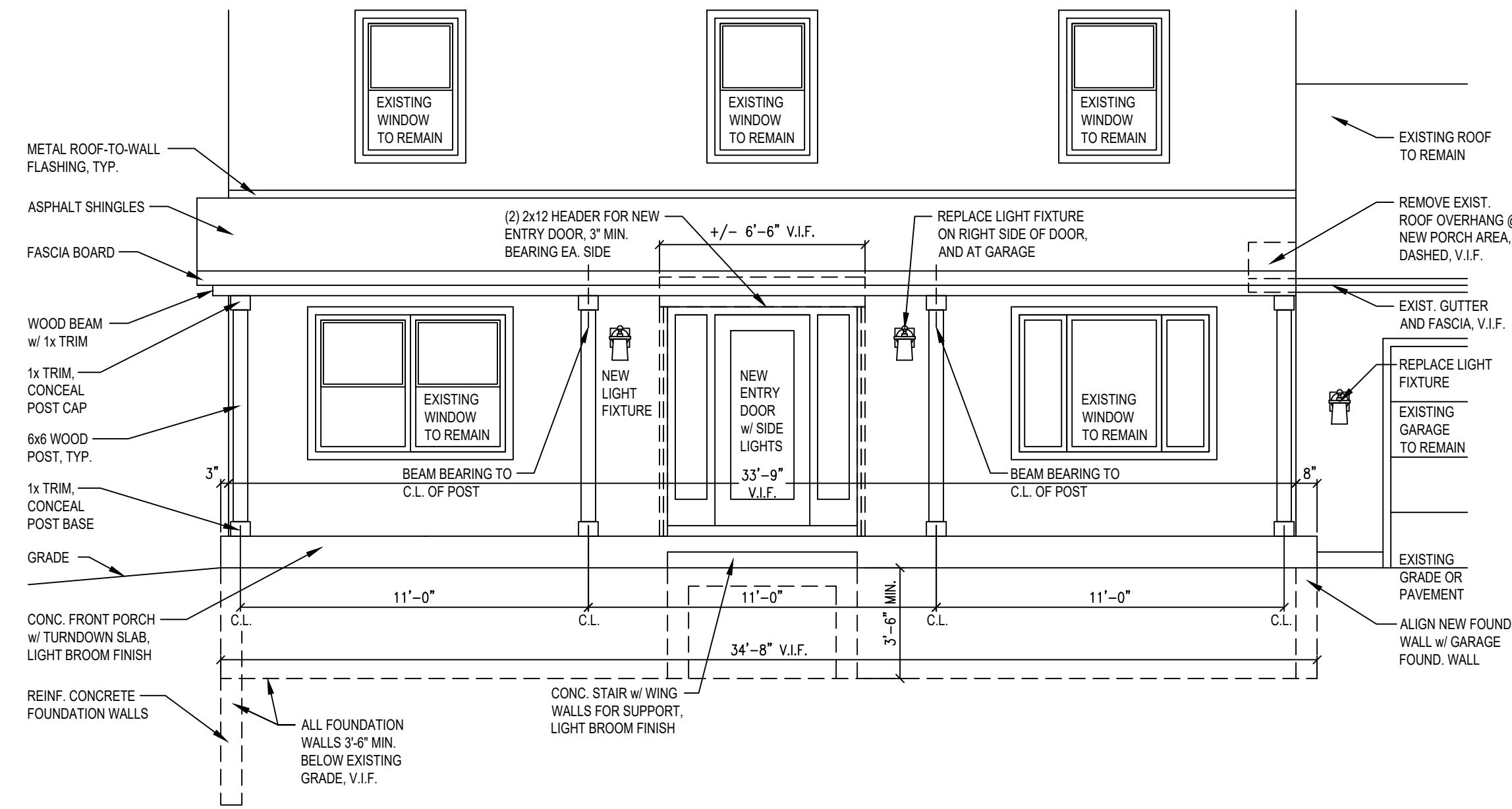
SHEET #	SHEET TITLE
CS1	COVER SHEET, ELEVATION & WALL SECTION

**PROJECT INFORMATION**

<b>OWNER / APPLICANT:</b>	<b>CALVIN &amp; JULIANNE BRAKER</b>
<b>CONTACT INFO:</b>	<b>PHONE: (815) 275-7795 (CALVIN) EMAIL: cbraker2@gmail.com</b>
<b>BUILDING CODE:</b>	<b>2018 INTERNATIONAL RESIDENTIAL CODE (w/ amendments)</b>
<b>ELECTRIC CODE:</b>	<b>2017 NATIONAL ELECTRIC CODE</b>
<b>NUMBER OF STORIES:</b>	<b>EXISTING, TWO (2) STORY RESIDENCE</b>
<b>NEW AREA:</b>	<b>FRONT PORCH = 280 S.F.</b>

**ISSUE / REVISION RECORD**

DATE	DESCRIPTION
04/30/22	FOR BUILDING PERMIT



**FOUNDATION NOTES:**

- FOUNDATION WALL SHALL EXTEND 6" MIN. ABOVE THE FINISH GRADE.
- FOUNDATION CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 3000 PSI AT 28 DAYS. SLAB AND EXTERIOR FLATWORK SHALL HAVE A 3500 PSI COMPRESSIVE STRENGTH.
- ALL FOOTINGS SHALL BEAR ON UNDISTURBED, INORGANIC SOIL WITH A MINIMUM BEARING CAPACITY OF 3000 PSF.
- FILL ANY FOUNDATION PENETRATIONS WITH NON-SHRINK GROUT.

**CONCRETE**

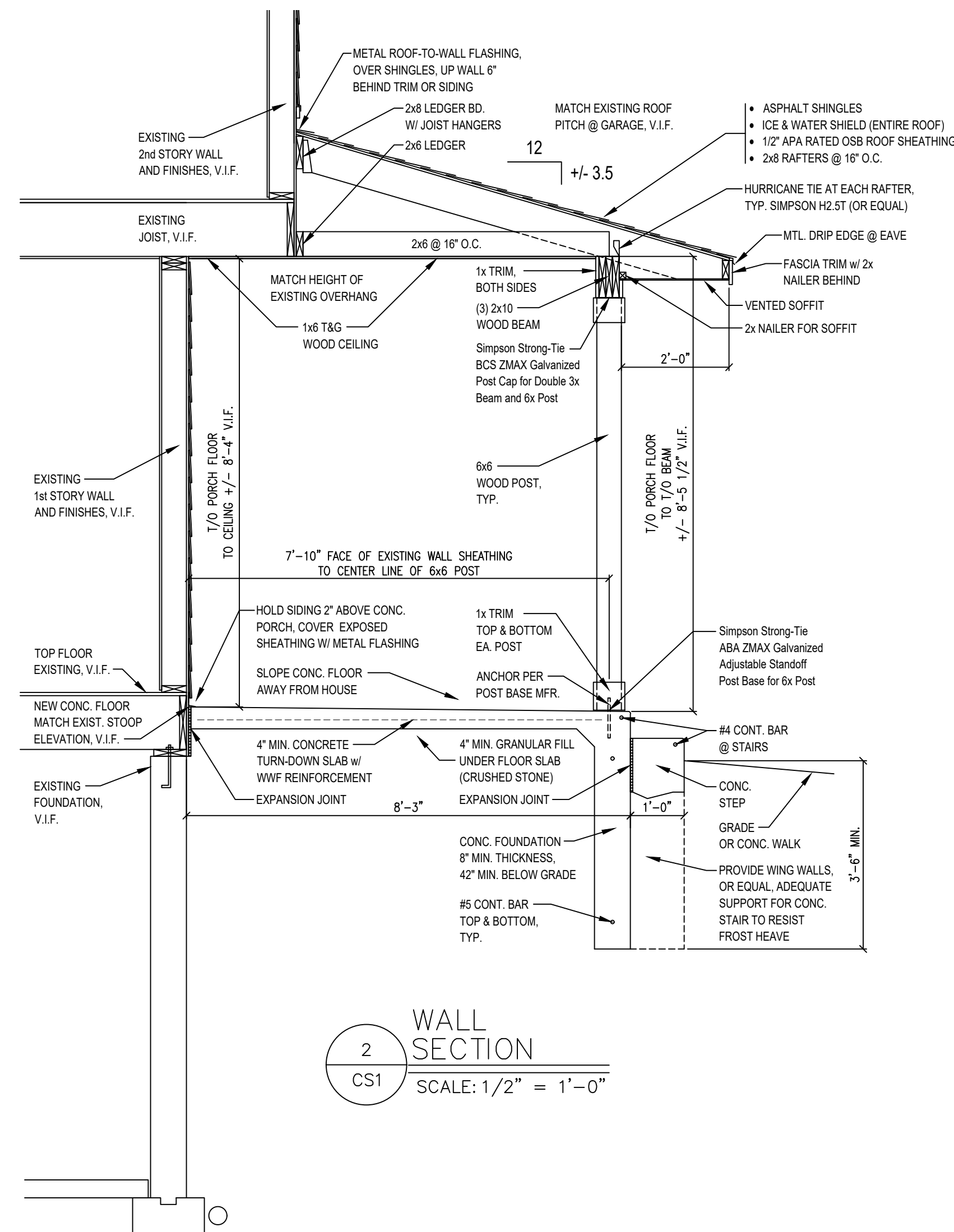
- ALL CONCRETE, FORM AND FINISH WORK SHALL CONFORM TO THE LOCAL BUILDING CODE.
- CONCRETE SHALL NOT BE POURED IF PRECIPITATION IS LIKELY OR UNLESS OTHERWISE INSTRUCTED.
- CONCRETE SHALL BE POURED AND COMPLETED IN SECTIONS ON HOT DAYS IN ORDER TO AVOID PREMATURE SETTING.
- EACH CONCRETE POUR TO BE DONE WITHOUT INTERRUPTION. NO MORE THAN ONE HALF HOUR BETWEEN LOADS OF CONCRETE TO PREVENT POOR BONDAGE AND SEAMS.
- CONCRETE TO BE POURED NEAR TO FINAL LOCATION TO AVOID EXCESSIVE WORKING. DO NOT THIN CONCRETE AT THE SITE FOR EASIER WORKING.
- ALL FORMS ARE TO BE PROPERLY OILED OR OTHERWISE LUBRICATED BEFORE BEING PLACED INTO SERVICE.
- ALL FORMS SHALL BE OF SUFFICIENT STRENGTH TO RESIST BOWING UNDER THE WEIGHT OF POURED CONCRETE.
- SAW-CUT CONTROL JOINS ON PORCH. VERIFY LOCATIONS IN FIELD W/ OWNER.
- EXPANSION JOINTS AT SIDEWALKS, EVERY 5' MAX.
- AIR ENTRAINED CONC. SHALL BE USED AT EXTERIOR AREAS / PORCHES.
- NO CONC. SHALL BE POURED IN EXCAVATIONS CONTAINING WATER.
- PROVIDE LIGHT BROOM FINISH ON FINISH CONCRETE.
- PORCH FLOOR SHALL SLOPE AWAY FROM HOUSE FOR PROPER DRAINAGE.

**FRAMING**

- ALL MEASUREMENTS WITHIN 1/4" AND PLUMB, PERPENDICULAR, & LEVEL.

**ROOFING**

- METAL FLASHING TO BE INSTALLED AT ALL ROOF-TO-WALL LOCATIONS.
- ROOFING NAILS TO BE CORROSION RESISTANT AND DRIVEN FLUSH WITH SHINGLES. ALL ROOFING PRODUCTS INSTALLED PER MFR'S INSTRUCTIONS.
- 3" ALUMINUM EAVE AND RAKE DRIP EDGES NAILED 10" O.C.
- 1/2" APA RATED OSB SHEATHING ON PORCH ROOF.
- ICE & WATER SHIELD OVER SHEATHING ON PORCH ROOF.



**SHEET TITLE**

**COVER SHEET,  
ELEVATION  
& WALL SECTION**

**SHEET NUMBER**

**CS1**



STAFF REPORT FROM THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Jason C. Shallcross, AICP  
Director of Community Development

Patrick M. Knapp, AICP  
Senior Planner

Date: June 28<sup>th</sup>, 2022

Case Number:  
PZ-2022-12

Applicant/Property Owner:  
Calvin Braker

Public Hearing Date:  
July 11<sup>th</sup>, 2022

Property Address/Location:  
628 Gaslight Drive, Algonquin, IL

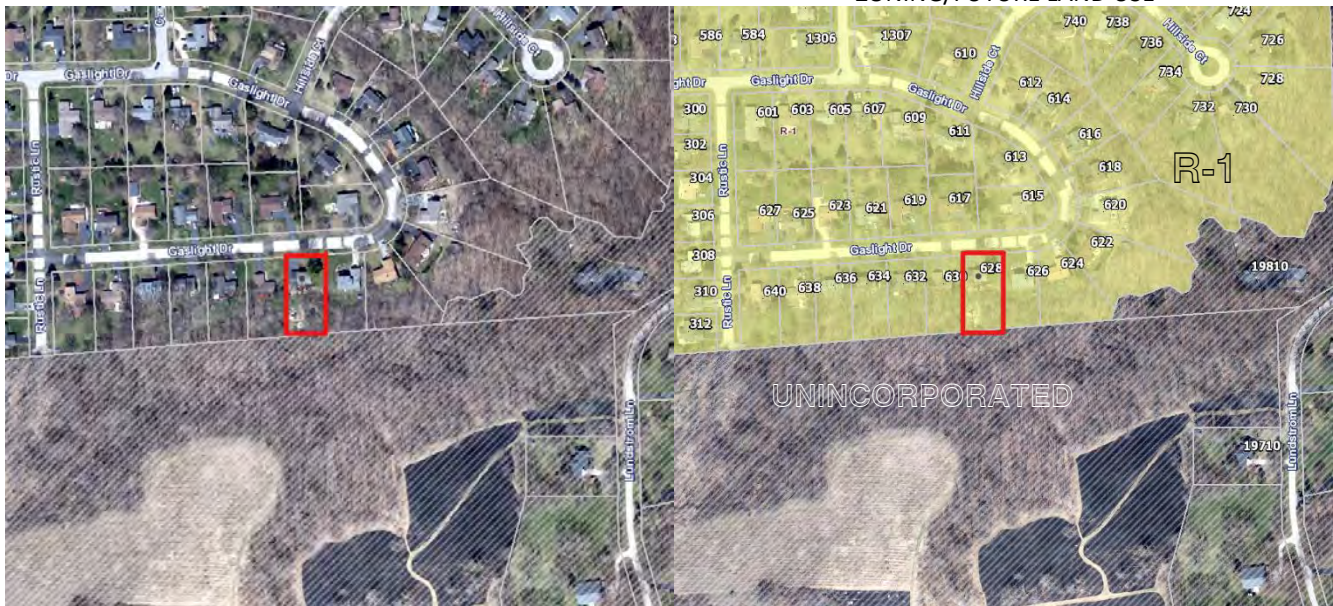
Brief Summary of Request and Background

Calvin Braker, the “Petitioner”, is requesting one (1) variation for the parcel at 628 Gaslight Drive, the “Subject Property”, to allow for a front yard setback reduction of four feet (4’) to accommodate a new covered front porch. The Subject Property is located in the R-1 zoning district, but has a larger front yard setback per the plat of subdivision.

Staff does not support the Petitioner’s request for the variation, as the proposal does not meet standards for a Variation.

LOCATION

ZONING/FUTURE LAND USE



Existing Zoning	Existing Land Use/Improvements	Surrounding Zoning & Land Use	Property Size
R-1   One Family Dwelling	Residential	North: R-1   Residential South: F   Open Space East: R-1   Residential West: R-1   Residential	22,115 sq. ft

Staff Recommendation Summary

Approve

Deny

Approve with Conditions



**Discussion of Staff Recommendation**

**Petitioner Proposal**

Calvin Braker, the “Petitioner”, is requesting one (1) variation for the parcel at 628 Gaslight Drive, the “Subject Property”, to allow for setback reduction of four feet (4’). The variation request is required to accommodate the Petitioner’s proposed eight foot (8’) front covered porch.

**Proposed Variation**

The Zoning District Bulk Chart in the Village’s Zoning Code requires a minimum front yard setback of thirty feet (30’) in the R-1 One Family Dwelling Zoning District. However, the Gaslight Terrace Subdivision plat of subdivision requires a forty foot (40’) minimum front yard setback for all lots in the subdivision.

The Petitioner proposes to build an eight foot (8’) front porch along the front face of their single family dwelling. This porch will extend approximately four feet (4’) beyond their approved building setback line. The Petitioner cannot reduce the size of the porch because the porch needs at least six feet (6’) of depth for the porch to be usable.

Figures 1 and 2 show the setbacks overlaid on the Plat of Survey and how the proposed covered front porch would be affected.

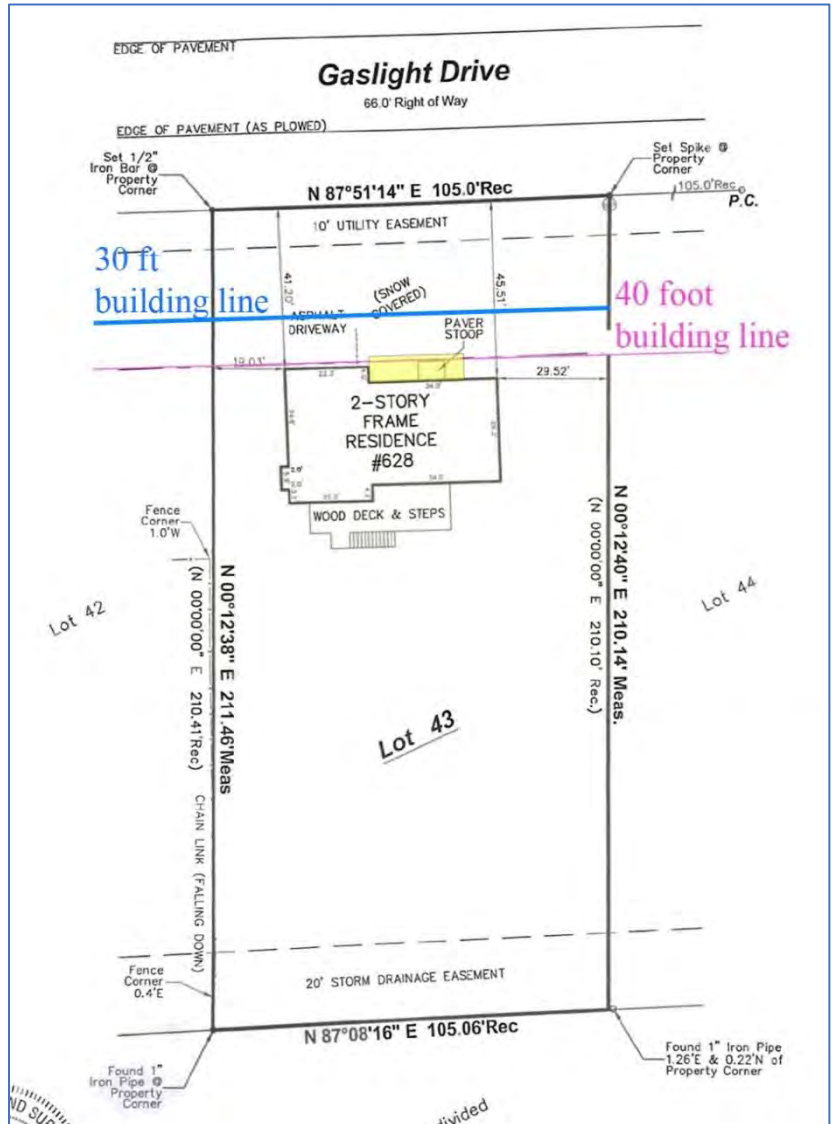


Figure 1: Front yard setback shown on the Plat (40 feet) and in the R-1 Zoning District (30 feet)

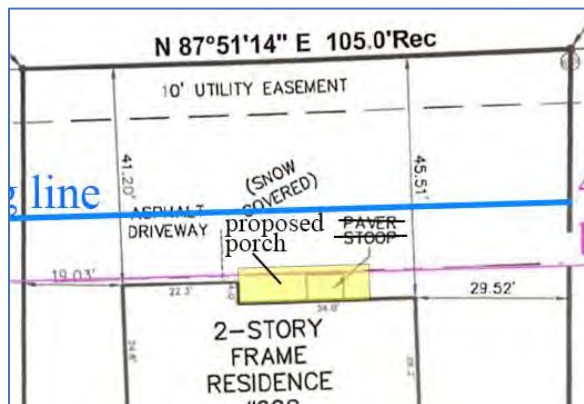


Figure 3: Proposed covered porch shown past the 40-foot front yard setback

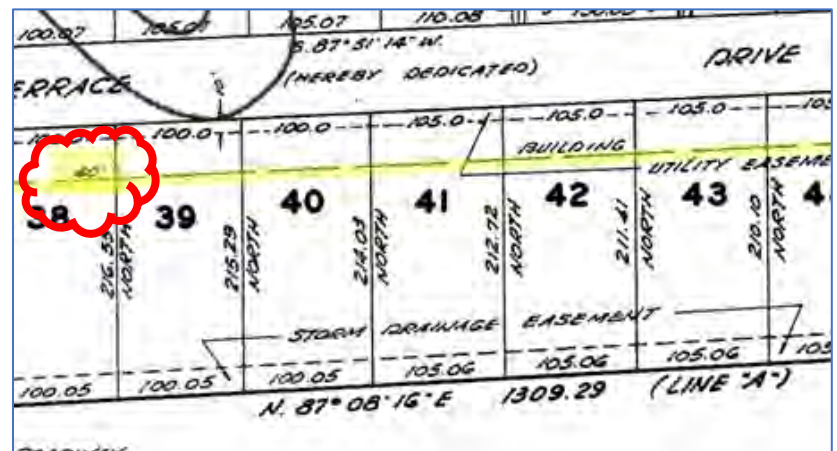


Figure 2: Gaslight Terrace Subdivision Plat showing the forty foot (40') building setback

The Petitioner is proposing a four-foot (4') variation to the Subject Property's minimum front yard setback as shown in Table 1.

Front Yard Setback on Plat	R-1 Front Yard Setback	Proposed Front Yard Setback	Variation
40 feet	30 feet	36 feet	4 feet

Table 1: R-1 Zoning District Setbacks and Proposed Variations

Staff will also note that the last variation for an existing dwelling to extend their footprint into a setback was in 1994. A majority of the variations approved by the village before 1995 were to allow a dwelling to expand into the approved sideyard setback which were larger than what the Village Zoning Code required.

**Standards for a Variation**

Chapter 21.17 of the Zoning Ordinance provides that before recommending any variation, the Planning and Zoning Commission shall first determine and record its finding that the evidence justifies conclusions that the proposed variation

- a) will not impair an adequate supply of light and air to adjacent property
- b) will not unreasonably diminish the values of adjacent property
- c) will not unreasonably increase congestion in the public streets or otherwise endanger public safety, and
- d) is in harmony with the general purpose and intent of this Chapter.

Where the evidence is not found to justify such conclusions, that fact shall be reported to the Village Board with a recommendation that the variation be denied.


**Staff Recommendation**

Staff finds that the standards for a variation have not been met and recommends denial of the variation listed in this staff report. Based on these findings, staff recommends that the Planning and Zoning Commission make a motion to adopt staff's findings as the findings of the Planning and Zoning Commission and recommend **denial** of the following motion:

1. "To deny a variation to allow a four-foot (4') reduction to the front yard setback of the Subject Property, also known as 628 Gaslight Drive.

The Village Board's decision is final for this case.

I concur:

  
 \_\_\_\_\_  
 Jason C. Shallcross, AICP  
 Director of Community Development

**Attachments:**

- Exhibit A Standards & Findings of Fact
- Exhibit B Plat of Survey
- Exhibit C Proposed Covered Porch

**Exhibit A – Standards & Findings of Fact**

**Variation Standards** – Section 21.17.E of the Algonquin Zoning Ordinance provides that Variation shall conform to the following requirements:

When evidence in a specific case shows conclusively that literal enforcement of any provision of this Chapter would result in a practical difficulty or particular hardship because of unusual surroundings or condition of the property involved, or by reason of exceptional narrowness, shallowness, or shape of the zoning lot, or because of unique topography, underground conditions, or other unusual circumstances, the Planning and Zoning Commission may determine and vary the application of the provision and the Village Board may grant, by ordinance, a variation to permit relief from any provision relating to the construction or alteration of buildings or structures.

The property owner's desire to build an accessory structure in a location only possible via a variation is not grounds for a variation if the improvement may be made elsewhere on the property without a variation. A reasonable alternative may include modifying the plans of the proposed structure, such as making it smaller than desired.

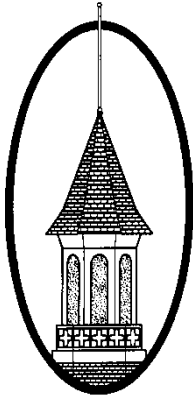
Before recommending any variation, the Planning and Zoning Commission shall first determine and record its finding that the evidence justifies conclusions that the proposed variation:

- a) will not impair an adequate supply of light and air to adjacent property
- b) will not unreasonably diminish the values of adjacent property
- c) will not unreasonably increase congestion in the public streets or other-wise endanger public safety
- d) is in harmony with the general purpose and intent of this Chapter.

Where the evidence is not found to justify such conclusions, that fact shall be reported to the Village Board with a recommendation that the variation be denied.

The Petitioner states that these variations will not interfere with the free flow of air or sunlight to their neighbor's properties, these variations will not reduce the values of their neighbor's properties, these variations will not impede traffic or make the neighborhood dangerous to their neighbors, and that these variations will enhance the area which is what they understand to be the purpose of the building and zoning codes.

Staff has reviewed the Petitioners' request and is not supportive of the variation. The Subject Property does not meet the standards for a variation as the Subject Property does not have any excruciating hardships associated with its shape, location, ordinance, etc... The Subject Property is double the size of the minimum lot size in the R-1 Zoning District and the Petitioner can either: a) reduce the size of their covered porch to fit in the approved building setback b) could extend their uncovered concrete slab, or c) could relocate the covered porch to the back of the dwelling. Staff would also like to note that approving a four-foot (4') front yard setback for the Subject Property will create a precedence that all lots in the Gaslight Terrace Subdivision shall be allowed a four-foot (4') variation should they request it.



# Village of Algonquin

The Gem of the Fox River Valley

## **Planning and Zoning Commission Minutes July 11, 2022**

### **Roll Call - Establish Quorum**

Chair Patrician called the meeting to order at 7:01 pm.

Community Development Director Jason Shallcross called the roll to check attendance. Five of the seven commissioners were present and could hear and be heard:

- Chair Patrician
- Commissioner Laipert
- Commissioner Kennealy
- Commissioner Sturznickel
- Commissioner Szpekowski

Members absent: Commissioner Neuhalfen and Commissioner Rasek

Staff Present: Community Development Director Jason Shallcross, Senior Planner Patrick Knapp, Community Development Intern Danielle Pfaff, and Attorney Brandy Quance

### **Public Comment**

Chair Patrician asked for public comments. No one from the public made a comment.

### **Approval of Minutes**

Chair Patrician asked for approval of the June 13, 2022, Planning and Zoning Commission minutes. A motion from Commissioner Kennealy and seconded by Commissioner Sturznickel to approve the minutes was made. The motion was approved on a 5-0 vote.

### **Change in Agenda Order**

Commissioner Szpekowski made a motion to move the Public Hearing for Case Number Pz-2022-12 before the Public Hearing for Case Number PZ-2022-09 and Commissioner Sturznickel seconded. The motion passed on a 5-0 vote.

### **Public Hearing Case Number PZ-2022-12**

Request for a variance from the 40-foot Front Building Setback Line to allow a 36-foot setback at 628 Gaslight Drive

Calvin Braker, Petitioner and owner of 628 Gaslight Drive, gave a presentation to the Commission on why the Commission should support his request for a variation and how the request met the

standards outlined in the Village’s Zoning Code. Mr. Braker also presented a petitioner in support of the variation. The petition included 20 signatures from his neighbors.

Ms. Pfaff presented the case for Village Staff and recommended that the Planning and Zoning Commission provide a negative recommendation as the variation did not meet the standards of the Village’s Zoning Code. She also let the Commission know that approving the variation would set a precedent that all future similar requests should also be approved.

Commissioner Kennealy asked staff why this subdivision had a 40 foot front yard setback and the Zoning Code setback for a front yard setback is 30 feet. Mr. Shallcross responded that sometimes subdivisions are approved with different setbacks and that the Gaslight Terrace Subdivision may have been approved to have more of a rural large-lot feel.

Commissioner Szpekowski stated that she appreciated the presentation and proposal.

Commissioner Laipert expressed that she is concerned that a precedent would be set with the approval and that the whole neighborhood could then apply for a variation.

Chair Patrician expressed concerns about the precedent being set and asked about a previous variation that was approved. Mr. Knapp stated that that variation was different in that it was for a non-conforming vacant lot and that the standards for a variation were met.

Chair Patrician called for the public comment to be open. Mr. Thomas Atchison of 1460 Springhill Drive stated that he lives in the neighborhood and does not have a concern about the precedent being set in that it would benefit the neighborhood to have porches closer to the street. He then stated that he would welcome this change. Chair Patrician then closed the public comment.

Commissioner Szpekowski further stated that she is concerned with the precedent being set.

Commissioner Kennealy stated that he feels that 40 feet is excessive for a front yard setback and that he has no issue with a reduction in the setback.

Commissioner Kennealy made a motion to approve a 4 foot reduction to the 40 foot setback with the Findings of Fact that the 40 foot front yard setback is overly restrictive compared to a 30 foot front yard setback. Commissioner Sturznickel seconded the motion. The motion failed on a 3-2 vote with Commissioners Kennealy, Szpekowski, and Sturznickel voting “Yay” and Commissioners Laipert and Patrician voting “Nay”. Without a majority of the Commissioners supporting the variation the request will move forward without a positive recommendation.

### **Public Hearing Case Number PZ-2022-09**

Request to amend Ordinance 2004-O-08 (An Ordinance Granting Zoning Upon Annexation and Approving a Preliminary Planned Development for Certain Property Known as the Cosman/Lundstrom property (Galleria Center)), approval of a Preliminary and Final Plat, a Preliminary Planned Development with respect to a portion of the subject property, a Final Planned Development for Lot 6, and approve a Special Use for a Drive-Through, and a Special Use for Open Air Dining for the Enclave Phase 1