

VILLAGE OF ROSCOE ZONING BOARD OF APPEALS
MEETING MINUTES
September 19, 2018

1. **Call to Order** - The meeting was called to order at 5:30 P.M. by Chairman Durstock.
2. **Roll Call** – Present: Chairman Jay Durstock, Adam Fuller, George Wagaman, Mike, Lunde and Michael Prosser Absent: Jennifer Deuth-Fritts and John Deasey
3. **Approval of August 22, 2018 ZBA Minutes.** Chairman Durstock entertained a motion to approve the minutes from August 22, 2018 meeting of the Zoning Board of Appeals. Wagaman moved to approve, seconded by Durstock. Roll call vote as follows:
 - Voting Aye: Chairman Durstock, Wagaman, Lunde and Fuller
 - Voting nay: None
 - Absent: Deuth-Fritts and Deasey
 - Abstain: Prosser
 - Motion passed: 4-0-3
4. **ZBA 18-014: Public Hearing for a Map amendment, changing from the CO (commercial Office) to the R1 (Single Family Residential) for property located at 11325 2nd Street (PIN 04-33-226-007). Don Hale: Applicant.** After being sworn in, Don Hale gave a brief history of the property. He explained that approximately 20 years ago, he had the property rezoned from UT (developed as residential) to CO in an effort to pursue commercial development. That development never materialized and now he is interested in selling the property and would like to turn it back into R1 (Single Family Residential). The house is currently being used as rental property. Administrator Sanders commented that in 1998 it was zoned as UT (Urban Transitional) which was typically the category that property was assigned to back then. Toni Rocha, an adjacent resident, was sworn in and voiced her concerns explaining that her family purchased the property just south of Mr. Hales' in 1952 before the Village was incorporated. She said that she was not aware that it was considered UT and asked why. She also stated she would like her property changed to R1. Administrator Sanders explained that he would not know when her property would have had its zoning designation determined unless he looked it up. He also told her that he could check into it at a later time. There were no further questions or comments. Prosser made a motion to approve the Map amendment; seconded by Wagaman.
 - Roll Call Vote as follows:
 - Voting Aye: Wagaman, Fuller, Prosser, Lunde and Chairman Durstock
 - Voting Nay: None
 - Absent: Deasey and Deuth-Fritts
 - Abstain: None
 - Motion Passed: 5-0-2**
5. **ZBA 18-015: Public Hearing for consideration of granting a Special Use Permit allowing the establishment of an automobile broker business in the CR (Commercial Retail) district at 11021 Main Street, (PIN 04-33-251-016) Derek Di Benedetto , USA**

Auto Brokers: Applicant Mr. DiBenedetto was sworn in. He stated that he has been a licensed car broker for the past 10 years and explained that there are several differences between his business and the traditional car lot. He keeps approximately 5 cars on hand and stores them inside a garage. He purchases them through Craig's List, FaceBook, or at auctions then uses an off-site mechanic and detailer to prepare the cars for sale. Once the work is completed he brings them to his business, stores them inside, posts them for sale on line. All paperwork is done in house. He does not charge a dealer fee. He also specified that he does not perform any mechanical or maintenance work at his location. Mr. Prosser questioned the reference to the numerous parking spaces on the side of the building. Mr. DiBenedetto responded that the spaces would be used for customer parking. David Hernandez, owner of the property, came forward and was sworn in. He explained that the space that Mr. DiBenedetto would be renting is the old Drop Zone Gun location. The other half of the garage is being used for storage. Mr. Hernandez assured the Board that he is not allowing any mechanical work to be done inside the garage. He also stated that there are no drains or dividers in the garage area. Mr. Lunde asked what the Fire Department's stance is as it relates to storing vehicles inside of a garage. Administrator Sanders stated that he would follow up with the Fire Protection District to confirm.

Mary Hogan came forward and was sworn in. She inquired about the previous car lot next to McDonalds and wondered if it was Mr. DiBendetto's. He explained that his previous location was on N.2nd in Loves Park. Sandra Lang came forward and was sworn in. She lives behind the discussed building and has concerns about noise. She was assured that there would not be any additional noise due to his business. Kathy Green –Kliebe came forward and was sworn in. She stated that her mother lives directly behind where the business would be located and is concerned about the amount of cars that might be parked outside. Mr. DiBendetto explained that he will never have more than 5 cars and that they will generally be inside.

Administrator Sanders listed suggested conditions for approval as follows: that no more than 5 broker vehicles stored on site at any time, that all vehicles for sale be stored either inside or in designated spaces south of the building, that no vehicles be visibly marked as 'for sale' on premises, that all signage comply with ordinance and permits obtained, and that no mechanical work be done on the premises. Mr. Prosser made a motion to approve contingent on said conditions as well as adding a condition requiring approval from the Harlem – Roscoe Fire Protection District for interior storage of vehicles. Mr. Fuller seconded the motion.

Roll Call Vote as follows:

Voting Aye: Wagaman, Prosser, Fuller and Chairman Durstock

Voting Nay: Lunde

Absent: Deasey and Deuth-Fritts

Abstain: None

Motion Passed 4-1-2

6. OLD BUSINESS;

Mr. Lunde inquired about the status of the burned down building located on Rockton Road. Administrator Sanders explained that there was an open investigation into a wrongful death

that occurred in the building. Mr. Sanders said that he would ask Chief Evans if the case had been concluded. If so a property maintenance project can be started.

Note: It was determined subsequent to the meeting that the property in question is not within the Village limits. Winnebago County has been contacted about the current condition.

7. New Business:

None

8. Adjournment: Chairman Durstock entertained a motion to adjourn the meeting at 6:45 PM.

Prosser made a motion; seconded by Lunde. Roll Call Vote as follows:

Voting Aye: Chairman Durstock, Prosser, Lunde, Fuller and Wagaman

Voting nay: None

Absent: Deasey and Deuth-Fritts

Abstain: None

Motion passed: 5-0-2

Lori Taylor, Village Clerk

Approved: _____