

VILLAGE OF ROSCOE ZONING BOARD OF APPEALS
MEETING MINUTES
October 16, 2019

1. **Call to Order** - The meeting was called to order at 5:30P.M. by Chairman Durstock.
2. **Roll Call** – Present: Chairman Jay Durstock, Laura Baluch, Jennifer Deuth Fritts, George Wagaman Ryan Swanson, Mike Lunde and Michael Prosser
Chairman Durstock welcomed Village of Roscoe Trustee Tony Keene. Mr. Keene came to observe the ZBA meeting.
3. **Approval of August 28, 2019 ZBA Minutes.** Chairman Durstock entertained a motion to approve the minutes from the August 28, 2019 meeting of the Zoning Board of Appeals. **Deuth Fritts moved to approve, seconded by Lunde.** Roll call vote as follows:

Voting Aye: Swanson, Deuth Fritts, Baluch, Wagaman, Lunde, Prosser and Durstock

Voting Nay:

Abstain:

Absent:

Motion passed: Motion Passed 7-0-0

4. **ZBA 19-013: Public Hearing for a Design Review of a 3.008, combined SF Two Family and 4,519 combined SF Three Family Residential Structures at the Villas of Willow Creek, Willow Creek lane. PIN: 04-28-426-004. Greg Maurer, Applicant.** Mr. Maurer was present and sworn in to request the Design Review. This design review was visited in 2017 with a different builder and developer and it was favorably recommended at that time. Mr. Maurer explained that the project is just a continuation of the previous one in 2017. Mr. Maurer is proposing 7 structures two will be 2- families units and then five more 3- families. Mr. Maurer stated that he will put in windows on the East facing side as well as an extension of the brick. Chairman Durstock entertained a motion to approve. **Deuth Fritts moved to approve** with compliance of all applicable building codes, review and approval of the final site engineering by Village engineer in regards to elevation, continuation of the stone base treatment along the East facing side of each structure and the Eastern most two structures will have windows added to the eastern façade (facing Willowbrook). The motion was **seconded by Lunde.** Roll Call Vote as follows:

Voting Aye: Swanson, Wagaman, Deuth Fritts, Durstock, Lunde, Prosser and Baluch

Voting Nay:

Abstain:

Absent:

Motion Passed 7-0-0

5. **ZBA 19-014: Public Hearing for a Variance Request to increase the allowable size of an accessory structure in the R Zoning District from 672 SF to 1,200 SF, and too allow a second driveway at 9382 Ramboulliet Road. PIN: 08-09-226-004.Cecil Miller, Applicant.** Cecil Miller was present and sworn in. Mr. Miller would like to add an additional garage on his property to store a boat and extra cars owned by his children. Neighbor John Wegner came forward and was sworn in. He stated that he was opposed to the structure being

built. He felt that a building of this size is too big and will bring down the value of the subdivision. Neighbor Bill Pritz came forward and was sworn in. He is also a neighbor. Mr. Pritz is opposed to the structure being allowed. He does not want a garage that large so close to his house nor a driveway. Tom Meyer, another neighbor was sworn in. He was concerned about the large scale of the structure especially in a residential area. Rebecca Carlson of 9426 Corridale Run came forward and was sworn in. Ms. Carlson lives down the block from the applicant. She stated that she feels like the Board approves too many Variance Requests. She has reservations about the size of the structure and does not think it should be allowed. Jon Stafford came forward and was sworn in. He is also a neighbor to the east of Mr. Miller. Mr. Stafford explained that the structure is not going to be a pole barn but will have studded walls and would be well maintained. Mr. Stafford is not opposed to the applicant building the structure. Mr. Miller explained that he does not have enough room in his garage to store all of the equipment he has for his yard, his boat and vehicles. He likes to keep a well maintained yard. The structure is not being designed to be a shop of any kind. It will match his house and have a standard garage door. He does not plan on having a lot of traffic coming and going. Chairman Durstock Closed the Public Hearing for Board review. After looking at an aerial view of the applicants property and surrounding area Chairman Durstock had concerns that if this variance was allowed more residents would be coming forward with requests. Chairman Durstock reopened the Public Hearing to allow Tom Meyer to come forward again. Mr. Meyer stated that even though the structure is hidden behind trees at this time he is worried that if the trees die the building will become an eyesore. He is concerned that other neighbors will follow suit and want to also build large structures. Chairman Durstock closed the Public Hearing for Board discussion after allowing Mr. Meyer to speak. Mr. Swanson stated that if it were approved it should be clearly added that the structure must match the house in color and textures and the trees remain in place. Scott Sanders ask the Board to consider the following: Does compliance with Ordinance cause a hardship as opposed to an inconvenience. Secondly; are the conditions of the property unique? Lastly, can a majority of the finding of facts be met. **Dusstock moved to approve, seconded by Baluch.** Roll Call Vote as follows:

Voting Aye: Swanson and Prosser

Voting Nay: Durstock, Baluch, Lunde, Deuth Fritts and Wagaman

Abstain:

Absent:

Motion Fails 2-5-0

Moves on to Board with denial from ZBA

6. **ZBA 19-015: Public Hearing for regarding proposed Text Amendment to the Village of Roscoe Zoning Ordinance, amending § 155.09, §155.065, §155.049, and creating a new §155.025, all pertaining to the regulation of adult use recreational cannabis.** Scott Sanders came forward and was sworn in. Mr. Sanders explained that there was a bill passed that would now allow the legalized sale of adult recreational use cannabis. Each municipality is issued a couple of mandates. The state of Illinois is setting the rules pertaining to adult use cannabis. Municipalities are given specific and very minimal authority over this industry. One of them is zoning. The Village Board has decided that the Village will accept these business uses and that it will be moved on to establish acceptable zoning regulations to govern their development. One other decision the Board was faced with, was whether or not they would allow on premises consumption. All indications are that the Board will not vote

in favor to allow it. The medical marijuana industry only created two businesses. There are cultivators who grow the cannabis and dispensaries that sell it. The recreational industry created a number of businesses. One of them is the cultivator, which will be on two different scales. The first is the crafter which will have a maximum of 5,000 SF. The other is a commercial cultivator. There are also different businesses created through the production. There is the manufacturer license where infusers extract the THC and make other products like gummy bears, lemon drops and lotions. There are also the dispensaries where the products will be sold. There has been interest expressed by a couple of entities in opening dispensaries but not any cultivators at this time. The bill does allow some of these businesses to be co-located but there has not been any interest shown. The Village has thus far indicated a desire to not 'opt out'. For the craft grower the Board has proposed commercial highway and light industrial districts. The Zoning Board would always be allowed to review an application in the cannabis industry. Both of the Cultivation businesses were designated for Commercial Highway, Light Industrial and Light General. For the dispensaries the Board chose Commercial Retail, Commercial General and Commercial Highway. In all cases, the uses outlined above will always be approved only through a Special Use Permit. The decisions facing the ZBA are to approve the amendments. Chairman Durstock entertained a motion to approve. **Prosser moved to approve; seconded by Swanson.** Roll Call Vote as follows:

Voting Aye: Deuth Fritts, Lunde, Swanson, Durstock and Prosser

Voting Nay: Wagaman

Abstain: Baluch

Absent:

Motion Passed: 5-1-1-0

7. Old Business:

None

8. New Business:

None

9. ADJOURNMENT: Chairman Durstock entertained a motion to adjourn the meeting at 6:55PM.

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

Voting Aye: Baluch, Durstock, Deuth Fritts, Swanson, Lunde, Prosser and Wagaman

Voting Nay:

Abstain:

Absent:

Motion passed: 7-0-0

Chairman Durstock reopened the meeting at 6:55 for Public Comment

Rebecca Carlson came forward. She stated that she has concerns with Mr. Maurer's project regarding driveways and the congestion and traffic it would cause. She also had concerns with the cannabis being allowed in Roscoe.

Chairman Durstock entertained a motion to adjourn the meeting at 7:01. **Lunde made the motion; seconded by Prosser.** Roll Call Vote as follows:

Voting Aye: Baluch, Durstock, Swanson, Death Fritts, Wagaman, Lunde and Prosser

Voting Nay:

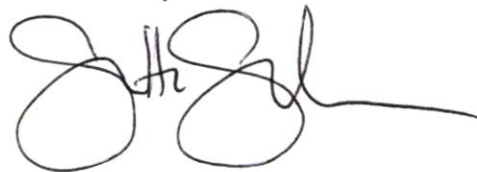
Abstain:

Absent:

~~Lori Taylor, Village Clerk~~

Approved:

11/20/19

A handwritten signature in black ink, appearing to read "Scott L. Sanders". The signature is stylized with large loops and a long horizontal stroke extending to the right.

SCOTT L. SANDERS
ZONING ADMINISTRATOR

4-0-3