

ZONING BOARD OF APPEALS
VILLAGE OF ROSCOE
10631 Main Street Roscoe, Illinois
May 17, 2023
5:30 P.M.

MEETING TO BE CONDUCTED IN-PERSON AT VILLAGE HALL
10631 MAIN STREET

1. Call to Order:

2. Roll Call:

Present: Durstock, Swanson, Smith, Wagaman, Hoglund
Absent; Prosser, Baluch

3. Approval of April 12, 2023, ZBA minutes.

Chairman Durstock entertained a motion to approve minutes,
Wagaman made a motion to approve.
Second by Swanson
Voting Aye: Hoglund, Wagaman, Swanson, Smith and Durstock
Motion Passed: 5-0-0

4. ZBA 23-007: Design Review for Approval of an 8 SF urban chicken coop with an integrated 32 SF run at 9679 Merino Run (PIN: 08-04-477-002)

Chairman Durstock summarized the request and swore in requester Jeremy Morgan. Mr. Morgan requested approval of chicken coop, stating he has a daughter with special needs, and she is taking part in 4H. The coop would aid with this involvement. Administrator Sanders supplied the dimension of the coop stating the size is eight sq and run is 32 sq. Wagaman asked if there was a visual aid of the coop to verify, and it was provided by requester.

Chairman Durstock entertained a motion to approve,
Wagaman made a motion to approve.
Second by Swanson
Voting Aye: Swanson, Smith, Wagaman, Hoglund
Voting Nay: Durstock
Absent: Prosser and Baluch
Motion Passed: 4-1-0

5. ZBA 23-008: Design Review for Approval of a 24 SF urban chicken coop with an integrated 32 SF run at 6497 Sutter Drive (PIN: 08-03-379-010)

Chairman Durstock summarized the request and swore in requester Deanna Cabara. Ms. Cabara requested approval of chicken coop for six chickens, The coop would be built by herself and grandfather. A design was provided to the board, with the dimensions. The run may go bigger, but currently will be at the ordinance request. Administrator Sanders stated that it is an urban setting. Administrator Sanders supplied

the dimension of the coop stating the size is eight sq and run is 32 sq.

Chairman Durstock entertained a motion to approve,
Smith made a motion to approve.

Second by Wagaman

Voting Aye: Hoglund, Wagaman, Swanson, Smith

Voting Nay: Durstock

Absent: Prosser and Baluch

Motion Passed: 4-1-0

6. ZBA 23-006: Public Hearing for a Special Use Permit to allow construction of a multi-purpose Community Open-Air Pavilion, including live musical performances, at 4562 Hononegah Road (PIN: 04-29-251-015)

Chairman Durstock called on requester, and swore in Attorney Thomas Green, who represents the Roscoe Township. Mr. Nowicki and Mr. Saaverda. Attorney Green introduced himself providing an overview of the request stating there are two applications this evening to be presented. The first is the layover from April 12, special use for the pavilion and the second is for the waving of paving of curb and gutters for parking lot. The special use permit is for the Pavilion, and at the earlier meeting on April 12, it was requested to have a site plan to give an overview of the use for the site. The site plan was given and provided detail of the area and usage. The rule of township will be no amplified music, if someone ones to use the pavilion and have some type of amplified sound they will need to go to the Village of Roscoe and get approval. In reference to the parking variance, the request is for a one year from the day of occupancy. The variance will help financially, as the development has been done by grants and will allow more time to the Township to complete the development. Mr. Saaverda provided an overview of the layout of the development, including the design of the walking paths and the site. Mr. Saaverda provided the overview of the parking design, and the tree lines will remain as well. They will also increase with Blue Spruce Evergreens along with additional landscaping. Mr. Nowicki

Swanson inquired about the trails and walking path will they be groomed as well, and it was stated yes. Swanson inquired about a crosswalk to Farmers Market connecting the path, and it was stated by Attorney Green it is a great idea and would cooperate as it is outside their jurisdiction. (It was stated this would be controlled by Winnebago County). Chairman Durstock inquired about the live music, how would this be handled, and Administrator Sanders stated it would be brought to the Village of Roscoe and controlled by the Village for approval. Attorney Green stated it would be handled by Village of Roscoe and Nowicki stated it would be treated similar to Leland Park, and a permit would be needed for amplified music. The dead-end street would be a private drive and gated and only open when there are events at the Community Center. There would be no cut thru from that entrance. The North will be open space, walking paths. Chairman Durstock asked about the road from Prairie Rose Drive has that been approved, and it was stated no from Administrator Sanders. It is contingent on engineering review and currently identified as a future drive. Administrator Sanders presented the proposal design for the parking and use for the one-year variance. Administrator Sanders stated there are two things presented to this board, the Special Use as well as the Variance for one year. Swanson inquired if the existing parking lot have curb and gutter, it was stated yes, it is finished with curb and gutter. The interior islands have curb and gutter.

Residents Sworn in by Chairman Durstock for Public Comment:

- Janet Lock, inquired about having a gate where the construction equipment is entering will that be closed off, it was stated yes it will be closed off as it was for construction purpose. This was a field access for the farmer previously and will not be used for access. Ms. Lock requested if there can be no parking on the side of road? It was stated there will be more parking spaces than needed, if a problem occurs the Township can react. Putting no parking would prevent residents from parking on the streets. Ms. Lock inquired about taking trees on Frances Lane, and feels it is a barrier. Mr. Nowicki stated the Black Locus trees are the issue and make it hard for the mowing equipment.
- Glen Sommers inquired why there will be an entrance from Prairie Rose when there is plenty of space on the frontage. Mr. Sommers stated there are so many kids that play on the road, learning to ride bikes and feels this would be unsafe to come through residential area. Mr. Sommers inquired why would they direct traffic thru a subdivision? Administrator Sanders stated that entrance is currently not approved.
 - Chairman Durstock asked if there was any thought about an entrance on Hononegah Road, Administrator Sanders stated that is up to Winnebago County. Chairman Durstock stated he feels there is a misconception of how big these events will be.
- Donna Beaumont stated she lives in the Prairie Road Subdivision, and she is concerned about noise and extra activity in the area. What happens if the tree barrier is not added. She is concerned on how big this is going to get as the development keeps growing.
- Scott Egge stated he echoes Glen Sommers about the concerns of the quiet drive and kids playing. He feels that it is opposed and will bring more traffic which is not designed, and he lives there because it is quiet, and this will be a safety issue. This is opposed as a thru way and hopes the board will respect the opinions of the residents that live there.
- Sharon Townsend stated she opposes Bruce Spruce, and they get fungus and die from the base up. They are not for this area, and they become skeletons plant trees that are for this area.
- Kelly Winterland stated she is the property manager at Prairie Rose and echoes the voice of the residents. She has supplied an email / letter to the board opposing the pavilion and the extra traffic.
 - Noise
 - Traffic
 - Misconduct from the patrons
 - Damage
 - Hours/lighting/safety
 - Mr. Nowicki stated he has not seen any signs of dirt bikes, atvs on the property. He stated it would not have

been stopped prior to the Township owning the property. There will be a gate now and this is a separate issue than what is being requested tonight. Administrator Sanders addressed the hours of operation, which was presented as hours ending by 8 am – 10 pm or earlier. Weeknights ending at 9pm and Fridays and Saturdays ending at 10 pm. There is no amplified music. There will be no concerts its not going to be like an OSD. This will be a family friendly site. Administrator Sanders stated the hours contradict and wanted clarification to understand if it is closing at 9pm or 10pm as it says 7 days a week from 8 am to 10 pm. The music would end at 9pm and people out by 10pm. This will be clarified.

- Fran Drews, inquired if there will be any liquor? Is there not another place for the pavilion. She also stated that she opposes the use of the drive from Prairie Rose, it is a peaceful street.
 - Chairman Durstock asked if there will be liquor? Administrator Sanders stated that if a caterer is coming in, they can request liquor to be part of the package. There is a class T temporary license that could be requested, which would be done through the Village of Roscoe liquor Commission. The scope of event would be reviewed prior to approval. Administrator Sanders gave examples of Fall Festival as well as Mud Volleyball.

Chairman Durstock closed the public hearing.

Wagaman wants to know why Village of Roscoe is controlling the amplified music, it should not have to come from the Village and feels it would solve some of the issues here. Chairman Durstock asked the board if they would be good with the amplified music?

Chairman Durstock entertained a motion with condition of no amplified music

Smith made a motion to approve.

Second by Swanson

Voting Aye: Swanson, Durstock, Smith, Wagaman, Hoglund

Voting Nay: none

Absent: Prosser and Baluch

Motion Passed: 5-0-0

7. ZBA 23-009: Public Hearing for a requested Variance to parking lot design standards, waving surface paving and curb and gutter requirements for a defined period at 4562 Hononegah Road (PIN: 04-29-251-015)

Chairman Durstock entertained a motion with variance for one year from date of occupancy, Swanson made a motion to approve.

Second by Smith

Voting Aye: Hoglund, Wagaman, Smith, Swanson, Durstock

Voting Nay: none

Absent: Prosser and Baluch

Motion Passed: 5-0-0

Administrator Sanders addressed the public that this will move on to the Committee of the

Whole Meeting on Tuesday June 6, 2023, and Tuesday June 20th, 2023, to the Village Board for approval. There is a process of how these moves, which follow State Statute.

8. ZBA 23-010: Public Hearing for a Map Amendments from the CR: Commercial Retail District to the CG: Commercial General District for a property commonly known as 11076 Main Street (PIN: 04-33-177-015)

Chairman Durstock requested applicant; Attorney Thomas Green represents the applicant Mr. Nelson. Attorney Green made the request for map amendment from CR Commercial Retail to CG Commercial General District. Attorney Green stated that it matches the consistent use of the area. The current business is on Metric Road, and the applicant wishes to move family business. The business Nelson Imports is a positive business with positive comments from the public. This is an auto repair shop as well sale of automobiles. It would be small in the sales of automobiles, just a few cars 2-10, with primary use for service of import cars. It is felt it will benefit the area, and customers can walk over to the retail shops while car is being serviced. The CR shopping area is mix use of hair salons, laundromat, bank, dentists, business offices, along with retail business. It will diversify the neighborhood and once the zoning is approved the property will be closed on. They will come back with development of the site. Attorney Green asked to look favorably on the request. This is a three-generation family operation and feels it would benefit the area. The business has been in the area for 15 years.

Swanson inquired what the business does, it was stated general service strictly import cars. It is mechanical work, general auto repair but specialized. As far as the number of cars it would be no more than ten, they also have license to do so. Currently there are nine cars for sale, it is a small lot. Smith asked how this fall into place? If the land is not purchased, does it change the land use? Administrator Sanders stated yes it would be change. Changing from Commercial Retail (CR) to Commercial General (CG) give the automotive use. There is no site plan yet, just an image of the building. It would have to come back for design review and conditions can be applied during that step. It was compared to the Roscoe Glass how it has improved the area, and this site would be no different. The size of the new building would be the same as the original building. Hogle asked about their hours, it was stated 8 am -5 pm Monday thru Friday.

Public Sworn in by Chairman Durstock:

- Sharon Columbi stated this is not compatible to what is in the area and does not feel it fits, Sharon feels by changing it only opens a can of worms. What happens when they leave. Sharon does not feel it is fair to the area and a proper zoning and refers to spot zoning.
- Attorney Rodriguez, representing Telegraph Road LLC who owns Main Street Square, and his client opposes the change and its does not fit the retail area. This would impact the existing retail environment and would hamper them. Inquired about the cars, those being sold as well as repaired. His client feels this does not meet the use of the area.

Attorney Green stated this is a consistent use and matches the use in the area. Main

Street has mixed business, manufacturing, gardening, pet grooming, and its 50% retail in the square.

Chairman Durstock closed public hearing.

Wagaman stated this is just dealing with the zoning change only. Swanson stated it provides another service in the area and there is an opportunity here. Smith stated that the Glass shop deals with automotive glass, they just built an expansion onto building, and it looks nice. This is similar and just down the street, and an example of a job well done stated Chairman Durstock. Chairman Durstock stated this does not really fall into spot zoning. It can be addressed at design review for the conditions.

Chairman Durstock entertained a motion for Map Amendment from CR to CG, Swanson made a motion to approve.

Second by Smith

Voting Aye: Swanson, Wagaman, Hoglund, Smith and Durstock

Voting Nay: none

Absent: Prosser and Baluch

Motion Passed: 5-0-0

9. ZBA 23-011: Public Hearing for a Map Amendments from the CR: Commercial Retail District to the R2: Two-Family Residential District for a group of four properties commonly known as 5459, 5473, 5487, 5501 Hodges Run. (PIN 04-33-180-003, 04-33-180-001, 04-33-180-002, 04-33-251-009)

Chairman Durstock called on Greg Powers. Administrator Sanders provided an overview of the request giving a visual presentation of the lot in question and request. Mr. Powers was sworn in by Chairman and gave an overview of the request and compared it to the same as the design behind Mary's Market. Mr. Powers stated this is to look more residential and wanted to stay away from two stories. The drive would be from Hodges Run, not on Main Street. The current request is to change the zoning to build four two family units which would be rental properties, this is not a design review. Mr. Powers stated that the ones next to Prairie Rose is higher end and older renters. They are requesting the zoning change to develop. Administrator Sanders stated this has always been zoned CR, and never as residential.

Public Sworn in by Chairman Durstock:

- Jeff Schooning gave a summary of the subdivision as thirty-seven single family home and four commercial lots. The homes were built as semi-custom homes and the area is a small family-oriented area and the idea of four multifamily homes would add extra traffic and against the original design. The entrance they proposed is right near the stop sign. Mr. Schooning provided the plat of the area. The homes are all different, and the residents have been long time residents and the value of the homes are considerable and he does not want to see that go down with two family homes.
 - Mr. Powers provided feedback that each unit would be different, unique styles, colors and unique to fit with the area. Mr. Powers gave the pros to the board as not having extra traffic, no extra lighting, or disruptions.
- Paul Graham stated the area is small and there is one stop sign in the

subdivision with two cul-de-sacs. These are nice homes and there are kids who play, and people are walking their dogs, there are no sidewalks. Everyone in the subdivision has a lot of pride and feels there is a difference between owning your property and a rental. This is a concern to him, as it is zoned as commercial (soft commercial) the lot has been emptied forever and the original intent was commercial retail.

- Caroline Pratt stated she echoes her neighbors' statements and feels this is just not what was envisioned, she moved to the neighborhood because of the uniqueness many were show homes. She wanted to express that she does oppose the change.
 - Administrator Sanders stated he checked, and the land was platted in 1994 as Commercial Retail
- Mr. Christmas stated he was concerned for the children as well as the property value going down. He feels when you get the wrong individuals in the neighborhood it runs the neighborhood and hurts the community. He stated low-income person will destroy the property and he has had experience before, and you have to worry about the renter. He disagrees with the change and building something that you cannot guarantee. He is concerned about his property.
- Jennifer Temple stated she soft commercial offices close at business office and normally not open on weekends. Adding the residential units adds more traffic and Hodges Run is used as a bypass from Main Street to 2nd Street. She echoes her neighbors' concerns as well.
- Jana Beck concern about driving down Hodges Run and seeing their back door, grills, trash, ac units etc. Its not appealing to see this and has concerns. It is a narrow street and concerned what it will look like.
 - Mr. Powers stated that it would block by landscaping, and not allowed to have these visible. Mr. Powers stated all the traffic is not even entering the subdivision. Mr. Powers stated you see ac from the road and on side of road.
- Sharon Columbi states that she has lived in the area 40 years, and it should not be changed into residential that people will use Hodges Run to get to Louie's Tap House. She stated that the people from Main Street hop from the bars using Hodges Run.

Mr. Powers stated whether its retail or residential there will always be people cutting thru Hodges Run and has no bearing on the residential request. They do credit checks, background checks, and only accept class A renters.

Chairman Durstock closed public hearing.

Swanson inquired about the soft retail. Administrator Sanders stated that there is not "soft retail," and its zoned Commercial Retail. Swanson stated what is proposed is quality, but commercial is still the best use for the area. Chairman Durstock asked if the board read the staff review, and it was stated yes.

Chairman Durstock entertained a motion for Map Amendment from CR to CG,
Smith made a motion to approve from CR to CG.

Second by Wagaman

Voting Aye: Wagaman

Voting Nay: Smith, Swanson, Durstock and Hoglund

Absent: Prosser and Baluch

Motion Failed: 1-4-0

Administrator Sanders stated it would move on to the board as a failed
recommendation

10. Old Business:

None

11. Public Comment:

None

12. Adjournment:

Chairman Durstock entertained a motion to adjourn

Swanson made a motion to adjourn,

Second by Hoglund

Voting Aye: Smith, Swanson, Wagaman, Durstock and Hoglund

Voting Nay: none

Absent: Prosser and Baluch

Motion Failed: 5-0-0

APPROVED
JUNE 21, 2023
