



# Village of Fox River Grove

## MINUTES OF THE PLANNING & ZONING COMMISSION MEETING TUESDAY, FEBRUARY 23, 2021

### **CALL TO ORDER**

Chairman Celske called the meeting to order at 7:02 p.m.

### **ROLL CALL**

Present were Chairman Dan Celske and members Anderson, Bloom, Buster, Cramer, Dimmick and Riley. Also, present were Village Administrator Soderholm, Assistant to the Village Administrator Bechler and Village Clerk Caesar.

Chairman Celske introduced and welcomed new member James Buster.

### **APPROVAL OF THE NOVEMBER 11, 2020 MINUTES**

A MOTION was made by Cramer and seconded by Dimmick to approve the November 11, 2020 minutes. Members Anderson, Bloom, Buster, Celske, Cramer, and Dimmick were in favor. Member Riley abstained. Motion Carried.

### **ZONING CASE 2021-01: VARIANCE, REAR YARD SETBACK – 27 BRIGHTON CT.**

Chairman Celske opened the public hearing for zoning case 2021-01 and accepted the proof of mailing certificates as well as a picture of the required posting. He explained that the Petitioners were requesting a variance to allow a rear yard setback of fifteen feet (15') from the required forty feet (40') in R-2 districts to accommodate the addition of a three-season room. Member Cramer stated that the yard backs up to a tree line and does not see any issues with obstructing view or impeding on neighboring properties.

The public hearing for zoning case 2021-01 was closed at 7:10 p.m.

**A MOTION was made by Cramer and seconded by Riley to make recommendation for approval of the request for a variance to permit the rear yard setback at 27 Brighton Ct. The findings of fact, as well as factual assertions as presented are adopted into this motion. A voice vote was taken. Anderson—yes, Bloom—yes, Buster—yes, Celske—yes, Cramer—yes, Dimmick—yes, and Riley—yes. Motion Passed.**

### **ZONING CASE 2021-02: REZONING AND VARIANCE, OUTDOOR STORAGE – 1005 ROUTE 22**

Chairman Celske opened the public hearing for zoning case 2021-02 and accepted the proof of mailing certificates as well as a picture of the required posting. He explained that the Petitioners were seeking to rezone the property from R-1 to B-2, a variance to store business trucks in the open between the hours of 6:00 p.m. and 8:00 a.m. and to allow business to be conducted outside of a completely enclosed building. Chairman Celske identified the lot in this case as the vacant lot adjacent to the building located at 1005 Route 22, previously occupied by Ringers Landscaping. James Corty and Oleksandr Matios joined the meeting remotely to answer questions. Member Bloom asked what size trucks and trailers were going to be stored on the premises. Oleksandr stated his fleet consists of heavy-duty pickup Ford 350s, low profile trailers. Administrator Soderholm addressed concerns regarding trees currently screening the Subject Property from the residential homes on North Road. Corty replied that there was no plan to

remove any trees unless they were dead. Chairman Celske stated that he felt this property was not reasonable for residential development. Mr. Terry Soroka, a homeowner on North Road, spoke remotely requesting that should any trees need to come down, they would be replaced with new ones to ensure a proper screening. Corty responded that he would agree to replace any trees that had to be removed.

During the Variance discussion, Member Buster expressed concern about allowing outdoor storage. He added concerns with monitoring compliance. Chairman Celske asked Mr. Corty if he would be willing to get some screened gates installed at both opening in the current structure, if the variance were to be approved.

Meeting was paused for five minutes due to technical difficulties and reconvened at 7:35 p.m. once all remote participants disconnected and rejoined the meeting.

Corty agreed that gates would be added on both entrances if required to do so.

Chairman Celske read aloud the Staff recommended conditions should the rezoning and variances be granted.

**A MOTION was made by Celske and seconded by Anderson to make recommendation for approval of the request for rezoning and a variance for outdoor storage with the following conditions:**

- All trucks associated with the business must be parked behind the fence located on the Subject Property;
- All trucks and trailers associated with the business that are stored outside the building must be parked behind the fence located on the Subject Property;
- All work or operations on the Subject Property that creates noise (such as loading of materials into trucks, back up safety alarms, banging of dump truck gates, or other noises of a similar nature) that could disturb the surrounding property owners shall be restricted to the following hours of operation:
  - Monday through Friday: 6:30 AM to 6:00 PM
  - Saturday: 7:30 AM to 5:00 PM
  - Sunday: Prohibited.
- All equipment utilized by the Petitioner shall be equipped with ambient back up alarms to help minimize the noise generated from operations on the Subject Property.
- The Petitioner shall permanently maintain a 10' high fence line from a point on the east end of the building located 35 feet from the front (north side) of the building that then runs east to the property line (i.e.: at the same location of the existing fence, 35' south of the front of the building). The fence shall attempt to screen the rear of the Subject Property from Route 22. The fence shall consist of a gate that shall extend to the east side of the building and a second gate approximately 100' further east on the property. In the event the fence falls into disrepair, it must be fixed or replaced to at least these minimum standards.
- Gates shall be added to current fence and must be constructed of comparable materials.
- Trees shall not be removed without prior approval from the Village and shall be replaced to maintain a satisfactory buffer between the open lot and the neighboring residents.



- No semi-trucks, semi-trailers or anything over a gross weight to be determined by the Village Board shall be allowed to park on the premises.

**The findings of fact, as well as factual assertions as presented are adopted into this motion. A roll call vote was taken. Anderson—yes, Bloom—yes, Buster—yes, Celske—yes, Cramer—yes, Dimmick—yes, Riley —yes. Motion Passed.**

The public hearing for zoning case 2021-02 was closed at 7:48 p.m.

**ZONING CASE 2021-03: REZONING, SPECIAL USE AND VARIANCE, LANDSCAPING SERVICES – DOYLE ROAD & NORTH ROAD**

Chairman Celske opened the public hearing for zoning case 2021-03 and accepted the proof of mailing certificates as well as a picture of the required posting. Celske stated that Petitioner, James Corty, is seeking rezoning from R-1 to B-2, a special use permit to allow a landscaping business to operate on the Subject Property, a variance to store business trucks in the open between the hours of 6:00 p.m. and 8:00 a.m. and a variance to allow business to be conducted outside of a completely enclosed building.

Chairman Celske asked Mr. Corty why he felt the lot was not viable zoned residential. Mr. Corty replied that given the location and surrounding businesses, it would not be conducive to someone wanting to build a home and live there. The general consensus of the commission was to match zoning of surrounding locations as B-2.

**A MOTION was made by Cramer and seconded by Bloom to make recommendation for approval of the request for rezoning of the parcel located at Doyle & North Road from R-1 to B-2. The findings of fact, as well as factual assertions as presented are adopted into this motion. A roll call vote was taken. Anderson—yes, Bloom—yes, Buster—yes, Celske—yes, Cramer—yes, Dimmick—yes, Riley —yes. Motion Passed.**

Discussion regarding the special use and variances began with Mr. Corty explaining to the Commission members that the landscaping business was a very small landscaping and snow removal operation. There would not be any heavy storage, all equipment would be well hidden from public view and there would not be more than a dozen vehicles parked there.

Administrator Soderholm noted that there was an opening previously created from the property accessing Doyle Rd. that was not authorized for use and should be noted that it cannot be used as an access with an approval of this variance.

Member Riley suggested limiting the number of vehicles that could be parked in the open between hours stated in the variance and should growth require a modification, a new case would have to be re-addressed with the Commission.

**A MOTION was made by Celske and seconded by Dimmick to make recommendation for approval of the request for special use and variances for Landscaping services as requested at Doyle & North Road Parcel with the following conditions.**

- As there is no structure currently located on the property, Petitioner must install a fence at least 8' in height to the South and West of business operations on the Subject Property that screen all trucks and equipment on the Subject Property from view from the street.
- All trucks and trailers associated with the business that are stored outside the building must be parked behind the fence located on the Subject Property;
- All work or operations on the Subject Property that creates noise (such as loading of materials into trucks, back up safety alarms, banging of dump truck gates, or other noises of a similar nature) that could disturb the surrounding property owners shall be restricted to the following hours of operation:
  - Monday through Friday: 6:30 AM to 6:00 PM
  - Saturday: 7:30 AM to 5:00 PM
  - Sunday: Prohibited.
- All equipment utilized by the Petitioner shall be equipped with ambient back up alarms to help minimize the noise generated from operations on the Subject Property.
- Tub grinding of wood, plant material or other landscape material shall be strictly prohibited on the Subject Property.
- Chipping of wood, plant material or other landscape material shall be strictly prohibited on the Subject Property.
- In no case shall outdoor storage of mulch, topsoil, compost, gravel, and sand (or other landscaping material of a similar nature) be located outside of storage bins with a maximum size of 10'W x 10'L x 5'H.
- Trees shall not be removed without prior approval from the Village and shall be replaced to maintain a satisfactory buffer that is currently in place.

**The findings of fact, as well as factual assertions as presented are adopted into this motion. A roll call vote was taken. Anderson—yes, Bloom—yes, Buster—No, Celske—yes, Cramer—yes, Dimmick—yes, Riley —yes. Motion Passed.**

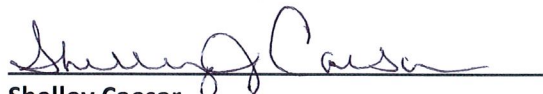
The public hearing for zoning case 2021-03 was closed at 8:32 p.m.

#### **OTHER BUSINESS**

None

#### **ADJOURNMENT**

A motion was made by Buster and seconded by Anderson to adjourn the meeting. All were in favor. The meeting adjourned at 8:35 p.m.



**Shelley Caesar**  
Village Clerk  
Village of Fox River Grove

April 27, 2021  
Date