

**Plan Commission and Zoning Board of Appeals Minutes
April 10, 2002 Joint Public Hearing**

Plan Commission Members Present: David Nordentoft, Steve Park, Cheryl Ross, Jim Sula, & Chairman Lyle Foster

Plan Commission Members Absent: Frank Papp & Bryan Winter

ZBA Members Present: David Kauffman, Daniel Kloczkowski, Richard McFarlane, Stuart Vieth, & Karen Wasser

ZBA Members Absent: Chairman Tom Hood

Other Officials Present: Rudy Magna, Village Attorney; Al Maiden, Planning Consultant from Rolf C. Campbell & Associates; Tracy Velkover, Village Planner; & Michael Lange, Associate Planner

1. Chairman Lyle Foster called the joint hearing of the Plan Commission & ZBA to order at 7:30 p.m.
2. Approval of Minutes: Ms. Wasser motioned to approve the January 23, 2002 Joint Plan Commission and Zoning Board of Appeals Public Hearing Minutes, seconded by Mr. Kloczkowski.

Roll Call Vote:

Ayes: Kauffman, Kloczkowski, McFarlane, Vieth, & Wasser

Nays: None

Motion Carried: 5-0

3. Public Hearing: Proposed Text Amendment - Floor Area Ratio for Legal Non-Conforming Lots

Mrs. Velkover provided some background information stating there are lots in the Village that were platted prior to the adoption of the Village's Zoning Ordinance (1980) that do not meet the minimum lot width or size requirements. These lots are considered legal non-conforming lots. The Zoning Ordinance provides a formula for reduced setbacks for these lots. However, the ordinance does not provide for any relief from the Floor Area Ratio (FAR). Recently, staff has received 2 inquiries about the potential to build homes on legal non-conforming lots. One of the lots is in the northeast area of town (Greenwood Ave.) and the other is off of O'Plaine Road. Both lots are substandard in the lot width and size. Staff is looking for feedback from the Commissions to determine if the FAR in the underlying zoning districts is appropriate non-conforming lots. On one hand, there may be a concern that the FAR may limit home size too much, causing the home to be out of character with others in the area and possibly devalue properties in the area. On the other hand, there is a concern that the home size not be too large so that the intensity (bulk) is out of character.

Mr. McFarlane stated changing the FAR to .30 for non-conforming lots in the R-2 district will allow more floor area for non-conforming lots than what is already permitted. He questioned the minimum home size requirement for each district.

Mr. Vieth asked what could be done under the code now and what other municipalities have done.

Mrs. Velkover stated the minimum home size is 1,200 sq. ft. in the R-2 district and 1,000 sq. ft. in the R-3 district. A property owner could apply for a variation, if they wanted to exceed the FAR. The variance process would address each lot individually and the thought was to try to handle this on a comprehensive basis.

Mr. Al Maiden stated it may be difficult to meet the variation standards because of the hardship. A request for increased square footage is not a hardship. For this reason, his recommendation to staff was either to proceed with a text amendment or leave the code as it exists.

Mr. Magna concurred that wanting a bigger house is not a hardship. He suggested that the commission explore the option of providing a "bonus" for non-conforming lots that would allow a little more flexibility for FAR. He suggested that this should apply only to non-improved lots.

Mr. Sula stated the changing the FAR for non-conforming lots may be opening the door for something else. He also questioned the ramifications of giving increased square footage to non-conforming lots while conforming lots

have to meet the FAR. He asked what the zoning and FAR requirements were for the non-conforming lots prior to the adoption of the ordinance.

Mrs. Velkover stated the lot in the northeast area of town was developed in the County and annexed to the Village. She warned that changing the FAR for non-conforming lots may provide an incentive for property owners to develop these "sliver" lots instead of combining the lots into as conforming a lot as possible.

Mr. Park stated he thought the idea of establishing a minimum lot size before allowing additional FAR was an appropriate approach. He stated raising the FAR to something that would be more reasonable with the neighborhood may allow for compatible homes without providing a mansion. If a bonus were to be given, then it should be modest and the applicant would have to apply and meet some standards or criteria. He stated a concern if a garage is not calculated as part of the FAR that someone may want to build a detached garage as big as the house.

Mrs. Helen Binning, the owner of the legal non-conforming lot in the northeast area of town, stated she purchased the lot on Greenwood Avenue 2 years ago and was told by the Village it was build-able. She is only looking to build a reasonable size home that a family would want.

Mrs. Velkover stated the lot is build-able however the FAR limits the size of the house. A garage is not calculated as part of the FAR so she would be allowed a maximum of 1375 square feet for a home. She stated that changing the FAR is not a simple fix and there may be other ramifications for existing conforming lots.

Mr. Magna asked if we have a limit on a FAR for accessory structures or as a percentage to the main structure.

Mr. Maiden stated that a 50% or half the size of the main structure can be used as an interpretation for restricting the size of accessory structures. He stated it was the intent of the Village not to hold public hearings to handle each non-conforming lot or structure individually. The code currently addresses the combination of non-conforming lots. Adding a text change for unimproved lots may create more administrative work by keeping track of all the non-conforming lots, the sale of these lots, and the development of them.

Mr. Kloczkowski questioned how text amendments would affect improved lots looking to build additions.

Mrs. Velkover stated the lots illustrated are a sample of the non-conforming lots that are currently unimproved. There are non-conforming lots with buildings on them existing in the Village. The text change could be structured to address only unimproved non-conforming lots. However, she noted that it would be a very difficult task to determine which legal non-conforming lots in town are currently unimproved and then keeping track of them as they are improved.

She asked how the commissions would like to proceed with this issue.

Mr. Magna stated the text change may discourage the combination of non-conforming lots and require more administrative tasks than necessary. He noted that meeting the standards for a variation, particularly the hardship standard, would be difficult.

Ms. Wasser & Chairman Foster both stated that they would be in favor of some flexibility for additional square footage for legal non-conforming lots. However, they acknowledged that such flexibility would be difficult to craft. The remainder of the ZBA and Plan Commission felt that the FAR text should remain unchanged.

4. Mr. Park motioned, seconded by Mr. Park, to adjourn the joint hearing. The meeting was adjourned at 8:10 P.M.

Submitted by,

Michael G. Lange
Joint Commission Secretary