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**Village of Gurnee**  
**Planning and Zoning Board Minutes**  
**June 5, 2019**

**1. Call to Order and Roll Call**

The meeting was called to order at 7:30 p.m.

Planning and Zoning Board Members Present: Chairman James Sula, Tim Garrity, David Nordentoft, Edwin Paff, and Laura Reilly.

Planning and Zoning Members Absent: Brian Baugh and Josh Pejsach.

Other Officials Present: David Ziegler, Community Development Director; Tracy Velkover, Planning Manager; Clara Gable, Associate Planner; and Bryan Winter, Village Attorney

**2. Pledge of Allegiance**

**3. Public Hearing: Variance for Larry May, on behalf of Kimbar Inc (Southeast Corner of Kenwood Avenue and Unimproved Greenleaf Street)**

*Larry May, on behalf of Kimbar Inc, has petitioned for a Variance to increase the subject property's buildable area by reducing the west building setback from 25 feet to 10 feet. The subject property is zoned R-3, Single Family Residential, and is located at the southeast corner of Kenwood Avenue and Greenleaf Street (unimproved).*

Introducing this matter, Ms. Gable stated that Kimbar Inc., owned by Mr. Larry May, has submitted a petition for a Variance to reduce the west building setback from 25 feet to 10 feet. Mr. May believes that the lot is incorrectly identified as a corner lot and therefore, the interior side setback of 10 feet should be applied along the west property line. The subject property is a corner lot based on the definitions of "corner lot" and "street" in the Zoning Ordinance. The subject property is zoned R-3, Single Family Residential, and is located at the southeast corner of Kenwood Avenue and unimproved Greenleaf Street ROW. As with all Variance petitions, the Planning and Zoning Board will make a recommendation, based upon the standards for a variance, which will be forwarded to the Village Board for their determination. The petitioner is in attendance to present his request and answer any questions the board may have.

Mr. Sula then turned the floor over to the Petitioner, and asked him if he had anything to add.

Mr. May stated that the PZB has his book (submission) and that he isn't going to present anything, but can answer questions.

Mr. Sula asked if there were any questions/comments from members of the Board.

Mr. Nordentoft asked staff if the lot is buildable as it is zoned and set up as of today, with the setbacks set forth in the code at this time.

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Ms. Velkover answered that it is buildable given the current setbacks.

Mr. Paff stated that, as long as the right-of-way for Greenleaf Street exists, he doesn't think the setback should be changed. He stated it would be different if the ROW for the roadway was vacated.

Mr. Winter responded that the right-of-way exists, not a street. He stated that ROWs are useful to the Village even if not constructed as roadways. He noted that, on occasion, the Village vacates ROWs. He elaborated that this request is for a Variance, as the Village intends to keep the right-of-way.

Mr. Paff stated that the Village has vacated ROWs before.

Mr. Winter noted that there is a path in the ROW currently.

Mr. Ziegler stated that a complication with vacating the ROW in this area is that there is half a roadway built (southern half of the block has a road constructed) upon it and the Village typically does not vacate ROW part-way through a block.

Mr. Paff asked if the Village never vacates part of a ROW like this.

Mr. Ziegler stated that, typically the Village does not and does whole block vacations.

Mr. Sula clarified that there are other uses for ROW besides roadways.

Mr. Paff then asked, if the variance was granted and the setback was reduced from 25 feet to 10 feet, could a road still be constructed there.

Mr. Ziegler answered that a road could still be built as long as the ROW remained.

Mr. Sula then questioned whether there would ever be a purpose for a road to be built at that location.

Mr. May stated that the plat was first recorded in 1925; so the roadway has not been installed in 94 years.

Ms. Reilly asked about if that was a street or path from Harper Avenue to Blackstone Avenue.

Mr. Ziegler responded that it is a trail.

Mr. Winter stated that there are no plans for it to change, as it is a pretty established route.

As this was a Public Hearing, Mr. Sula opened the floor to the public, and—as a few members of the audience had stepped in after the meeting has started—asked that anyone wishing to speak on this matter be sworn in at this time. Mr. Winter conducted the swearing-in.

Mr. Peter Kennedy, 4009 Kenwood Avenue (immediately west of the subject property), stated that he did not receive notice of this hearing, but was there to express some concerns. He stated that the berm along Greenleaf Street was negotiated about 15-20 years ago, when Lidstrom was still building on Kenwood Avenue. The berm was the result of what he described as a “very intense dialogue” between the Village and homeowners on Kenwood. The berm was

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put in for the purpose of beautifying the area (this was before the bike path was installed). He asked, if the variance is granted, what will happen to the berm and wildlife that has settled within it.

Mr. Sula stated that the requested Variance will have no impact on the berm.

Mr. Kennedy persisted, asking what would happen to it if a road was built.

Mr. Sula then asked for more specific details as to the location of the berm.

Mr. Winter cited its location within the maps of the packets Board Members' received in preparation of this hearing.

Mr. Kennedy stated that it was just east of the bike trail. He added that the berm kept his property from flooding recently.

Mr. Sula confirmed that the berm is within the right-of-way, and that there are no plans to disrupt the berm.

Mr. Kennedy then confirmed with Mr. Sula that—if the Variance is granted—the building may be a minimum of 10 feet from the property line as opposed to 25 feet, and that it only applies to areas within that property lines of that particular lot and does not include anything in the ROW.

Mr. Kennedy then asked if there was a Variance for the drainage, as there is a drainage point on the east side of the berm.

Mr. Ziegler responded that any drainage issues would be dealt with by the Engineering Department at the time of development of the site to ensure no other property would be adversely impacted.

Mr. Kennedy stated that properties were already adversely impacted in this area due to drainage issues.

Mr. Winter then stated that any relief requested in this Variance was not going to affect the 60-foot right-of-way.

Mr. Ziegler clarified that the ROW is land that was donated for the purpose of a road, and utilities, and the existing trail is about centered within it. He confirmed that if the roadway was built in the ROW that it would replace the trail.

Mr. Winter stressed that this petition is not asking for a road to be built.

Mr. Kennedy stated that the Variance would actually make the subject property different from every other comparable (approximately 80-foot wide) corner lot that is adjacent to the trail and that he has not been given reason as to why this Variance would be necessary.

Mr. Winter explained that it would be to allow for the same size house be built on the property as other properties in the area.

Mr. Kennedy then asked if any other property owners could be given such a Variance.

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Mr. Winter responded that every case would be handled base on the facts presented after a Petition was filed.

Mr. Kennedy then asked about property values, and how they would be affected.

Mr. May responded that he was requesting this Variance so that he could build a house that would fit in with the character of the neighborhood.

Mr. Kennedy questioned why the ability to build a comparable home would be in question, as the lots in the area are all similar sizes.

Mr. Sula explained that, as the lot in question is a corner lot, it is subject to different setbacks to allow for the safety of travel along the roadways. Mr. Sula then asked if Mr. Kennedy had any more questions.

Mr. Kennedy responded that he did not, but that he objected to this Variance based on what he feels is a lack of information given to him on it.

Mr. Sula then told Mr. Kennedy that he could follow up with staff regarding future notice and updates.

Mr. Sula then closed the floor to the public, and asked if there were any more questions from members of the Board.

Mr. Garrity offered that his concern over the potential for the road being put in has been overtaken by his concern that only an out of character, small house could be built on the property.

Mark Stackley asked to be sworn in.

Mr. Winter swore in Mr. Stackely.

Mr. Stackley, 4008 Kenwood Avenue, stated that his house is located kitty corner to the subject property; with frontage on Kenwood and the unimproved Greenleaf ROW. He noted that his lot is 80 feet wide and is built with a home that meets the required setbacks (25 feet for Greenleaf ROW and 10 feet to the interior side lot line). He noted that the Greenleaf ROW adjacent to his home also has a trail and no road. He stated that he didn't understand why a "small house" would have to be built on the lot as his home is nice sized and the subject lot could accommodate a similar size home. He stated that "small" is relative and he didn't know if a 2,500 sq. ft. house was small and if a 4,000 sq. ft. house was proposed on the lot. He noted that a house "in character" with the area can be built on the lot given the current lot width and setbacks.

Mr. Sula once again closed the floor to the public.

Mr. Nordentoft confirmed with staff the setbacks of nearby properties upon which there are houses comparable to others within the neighborhood.

Mr. Sula then offered that it is possible to consider a compromise on the reduction to the setback.

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Mr. Nordentoft said that he really didn't want to negotiate in this forum.

Mr. Winter explained that, while the Petitioner may amend his Petition, if he doesn't it would need to be voted on as presented.

Mr. Garrity motioned, seconded by Ms. Reilly, to forward a favorable recommendation regarding the petition of Kimbar, Inc. for a Variance to reduce the west building setback from 25 feet to 10 feet.

Mr. Sula asked if there was any discussion on the motion. As there was none, a vote was taken.

Roll Call Vote:

Ayes: Garrity, Reilly, Sula

Nays: Nordentoft, Paff

Abstain: none

Motion carried: 3-2-0

#### **4. Next Meeting Date: June 19, 2019**

Ms. Gable stated that, while there were no Public Hearings scheduled at the time, there may be other items.

#### **5. Public Comment**

There were no public comments made at this meeting

#### **6. Adjournment**

Mr. Nordentoft motioned, seconded by Mr. Garrity, to adjourn the meeting.

Voice vote:

All "Ayes," no "Nays," none abstaining

Motion carried: 5-0-0

The meeting was adjourned at 7:56 p.m.

Respectfully Submitted,

Joann Metzger,  
Recording Secretary, Planning and Zoning Board