



Zoning Board of Appeals

January 07, 2016

I. CALL TO ORDER:

Chairman Hammond called the meeting to order at 7:51 p.m.

II. ROLL CALL:

Tom Betsinger	Present	John Francis	Present
Tom Yakaitis	Present	Mildred McNeal-James	Present
Patrick Kelsey	Present	Butch Distajo	Present
Mike Hammond	Present		

Also present: Senior Planner Jerad Chipman; Village Attorney Laura Julien; Village Engineer Tim Paulson; Trustee Denny Lee; Executive Director of MEDC Charlene Coulombe-Fiore and members of the audience.

III. APPROVAL OF MINUTES:

MOTION: Motion was made by Commissioner Distajo to approve the minutes of the November 5, 2015 Zoning Board of Appeals Meeting. Commissioner Francis seconded.
The roll call vote was 7-0 as follows:

Ayes: Distajo, Betsinger, Yakaitis, Kelsey, Hammond, Francis and McNeal-James
Nays: None.

IV. NEW BUSINESS:

1. ZBA 2016-011 V Public Hearing and Consideration of an Alternative Surfaces Setback Variance for ATMI Precast, Inc. Located at 900 Knell Road.

Senior Planner Chipman stated the Petitioner has applied for a variance to Sections 11.02 Standards: (5) of the Zoning Ordinance to permit alternative surfaces within the two hundred and fifty (250) foot setback from a public right-of-way.

Chipman read through the findings of fact:

- 1) That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located; *It is the Petitioner's opinion that the property would yield a lower return as the building is located diagonally in relation to Route 31 creating challenges to the usability of the side yard.*

Staff understands that the building is located at an angle to Route 31, however, Route 31 borders the side of the building and the building is parallel to the street that it fronts onto, Knell Road.

- 2) That the plight of the owner is due to unique circumstances; *The Petitioner believes that their situation is unique as Route 31 proceeds diagonally past the storage area.*

Staff believes that this is not a unique situation. The building on this property was constructed to be parallel to Knell Road to the south and Ashland Avenue to the north, and the third street that borders the property is located diagonally to the building. Other properties in the M-1 Limited Manufacturing District are situated similarly, as they often parallel the street that they front and have another adjacent street border them at an angle.

- 3) That the variation, if granted, will not alter the essential character of the locality; *The Petitioner believes that the variance will not alter the essential character of the locality as the non-conforming surface is already in existence in the location that the Petitioner intends to use.*

Staff believes that allowing continued use of the buffer area as an alternative surface does affect the essential character of the locality.

- 4) That the particular physical surroundings, shape, or topographical conditions of the specific property involved will bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out; *The Petitioner believes that the physical surroundings create a hardship due to the diagonal orientation of Route 31 to the building.*

It is staff's opinion that there are no physical characteristics of the site that render a hardship for the Petitioner. Many businesses have smaller side yards than this site, rendering them unable to obtain a special use for alternative surfaces.

- 5) That the conditions upon which the application for variation is based would not be applicable generally to other property within the same zoned classification. *The Petitioner has indicated that they believe that the conditions of hardship are unique to their property as the Petitioner would be the only parcel in the Village to use an outdoor overhead crane to stack the panels.*

It is staff's opinion that the conditions upon which the application is based would be applicable to other properties within the same zoning classification. Other properties in the M-1 Limited Manufacturing District utilize heavy equipment in their operations.

- 6) That the need or purpose of the variation is not based exclusively upon a desire to make more money out of the property;

Staff believes that the storage area would have a positive financial effect on the property owner and the Petitioner.

- 7) That the granting of the variation will not be detrimental to the public welfare or unduly injurious to other property or improvements in the neighborhood in which the property is located;

Staff believes that the variation should not cause detriment or injury.

- 8) That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood." *The Petitioner has indicated that they believe that the variance will not impair light, air and property values as measures will be taken to control dust.*

Staff believes that the variation has potential impacts to the neighborhood as there is the potential for dust to be generated and distributed off site.

Attorney John Philipchuck representing ATMI Precast, Inc. explained the need for the setback variance due to the physical characteristic and unique circumstances related to the site layout. He has confidence that several concerns listed on the findings of fact can be worked through and requests to allow the variance.

Chairman Hammond opened the public hearing. No comment from the public and the public hearing was closed.

Commissioner Kelsey asked if the current ground is all gravel and questioned if this variance only ensures eliminating a nonconforming condition.

Senior Planner Chipman responded that Kelsey is correct and the variance will eliminate the nonconforming use.

MOTION: Motion was made by Commissioner Kelsey for the Commission to approve the ZBA 2016-006 V ATMI, Precast Setback Variance to include the amendments to the findings of fact that the Petitioner presented. Commissioner Betsinger seconded.

The roll call vote was 5-0 as follows:

Ayes: Kelsey, Hammond, Francis, Bettsinger and Yakaitis,
Nays: McNeal-James and Distajo

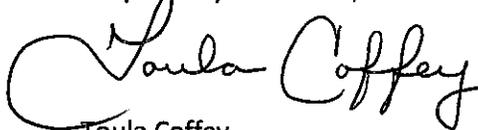
V. OTHER BUSINESS:

No other business to report at this time.

VI. ADJOURNMENT:

Having no further business to discuss, the Zoning Board of Appeals was adjourned at 8:09 p.m. by Chairman Hammond

Respectfully submitted,



Toulia Coffey
Zoning Board of Appeals
Administrative Assistant