



VILLAGE OF MONTGOMERY

*Special Zoning Board of Appeals Meeting Minutes
October 22, 2020 7:00 P.M.
Village Hall Board Room
200 N. River Street, Montgomery, IL 60538*

I. Call to Order

Chairman Hammond called the meeting to order at 7:00 pm.

II. Pledge of Allegiance

All present gave the Pledge of Allegiance.

III. Roll Call

Absent: None

Present: Marion Bond, Tom Yakaitis, Patrick Kelsey Mike Hammond, Mildred McNeal James and Joe Yen.

Also present: Village Attorney Brandan Rissman, Village Engineer Tim Paulson, Director of Community Development Rich Young, Senior Planner Jerad Chipman, and members of the audience.

IV. Approval of Minutes from May 2, 2019

Motion: Motion was made by Commissioner McNeal-James to approve the minutes of May 2, 2019. Commissioner Bond seconded the motion. Motion passed 6-0.

Ayes: Bond, Yakaitis, Kelsey, Hammond, McNeal-James, and Yen

Nays: None

Abstain: None

V. Public Comment Period

There were no comments from the public and this period was closed.

VI. Items for Zoning Board of Appeals Action

- a. ZBA 2020-010 V Public Hearing and Consideration of a Variance to Section 11 of the Zoning Ordinance Regarding Setbacks for Alternative Surfaces and the Eastern Side Yard Located at 30 Baseline Road – Central States Bus Sales.

Senior Planner Chipman gave an overview of the site and provided a description of the surrounding area and that there was no access from Pasadena. Chipman stated that staff recommended alternative surfaces, however, the larger stone had been approved by the village engineer with low expected dust levels. Chipman stated the staff had received two inquiries from residents voicing concerns for the dust and well contamination from potential dust mitigation sprays. Senior Planner 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 cost of paving the storage area would result in the development not being economically viable. In addition, the presences of floodplain traversing the property condenses the useable area on the site restricting the location of the storage area towards the existing rights-of-way and property lines.

Staff understands that a large portion of the property would be required to be paved and that the floodplain restricts the area that is located outside of the 250 feet setback from US Route 30 and Pasadena Drive. Those roads are not able to be utilized as access to the site. It is staff's opinion that the primary goal of the additional setback from public rights-of-way was to limit the amount of gravel that is carried to the public road via the tires of the stored machinery, and that goal is accomplished as all traffic will enter and exit the site from Baseline Road.

2) That the plight of the owner is due to unique circumstances; The Petitioner believes that their situation is unique as the additional alternative surface setbacks are being imposed from roads that the site does not have access to, and the location of the floodplain on the property limiting the usable space.

It is staff's opinion that few properties are affected by floodplain as severely as this property.

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 other surrounding properties utilize alternative surfaces. Many of those properties are in a state of non-conformity.

Staff believes that the development of the site with alternative surfaces located closer to the rights-of-way of US Route 30 and Pasadena Drive will not alter the essential character of the locality as there are a number of locations in the vicinity, along Baseline Road, that currently utilize alternative surfaces.

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 topography of the site creates a hardship due to the presence of floodplain traversing the southern portion of the property.

It is staff's opinion that the floodplain does create a challenge to developing the site.

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 due to the orientation of the site and the rear yard abutting a public right-of-way. Additionally, the presence of floodplain traversing the site is considered to be a hardship by the Petitioner.

It is staff's opinion that the site is unique and that many properties have floodplain on them, however, the floodplain is often located on the periphery of a site rather than bisecting it. A property abutting other rights-of-way is not unique, however, the fact that the Petitioner is not able to access those rights-of-way should be taken into consideration.

6) That the need or purpose of the variation is not based exclusively upon a desire to make more money out of the property; The Petitioner has indicated that the development would not be viable as the outdoor storage would be reduced by more than fifty percent (50%) and that the cost to pave the area would be prohibitive.

Staff believes that the utilization of the site would be limited as the storage area would be reduced or be required to be paved effecting the ability to develop the site.

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; The Petitioner has indicated that they believe that granting the variance will not cause detriment to other properties in the neighborhood.

Staff believes that the variation should not cause detriment or injury as long as dust mitigation practices are strictly adhered to. In addition, staff is working with the Petitioner to bolster the landscaping along the western property line that borders the homes on Pasadena. This item was raised at the Plan Commission Meeting. The Petitioner will also comply with the transitional yard setback requirement of thirty (30) feet as previously discussed at the Plan Commission Meeting.

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. However, Village staff and the Petitioner have worked together regarding dust control measures and staff believes that the measures will decrease the likelihood of dust being distributed off site.

Commissioner Kelsey stated that the calcium chloride used for dust mitigation is the least environmentally offensive, and its positives typically outweigh negatives.

Chairman Hammond inquired if staff had received any complaints about Michels who has a similar parking area. Senior Planner Chipman stated that staff had received none so far.

Commissioner Kelsey stated that he had not seen dust problems there, however the equipment and vehicle movement is very slow.

Commissioner McNeal-James inquired if additional landscaping might help and the number of homes most directly adjacent. Chipman stated that there were three homes, and the additional evergreens might bolster efforts. Chipman also clarified that the operations on the site would be for sales and storage, not busses coming and going on daily routes.

Commissioner Kelsey inquired if the stormwater requirements had been met. Chipman responded that the petitioner was working with engineering on the final plans.

Commissioner Yen asked if the property to the south performed any dust mitigation measures. Chipman replied that Keen Trucking was 100' away and is legal non-conforming. Director of Community Development Rich Young added that the business might not have stone at all and does not have any known practices.

Commissioner McNeal-James voiced concern for the nearby residents experiencing dust issues during the summer months when they may wish to be outside or have windows open.

Director Young stated that an alternative option could be to ask for a hard surface to be utilized within 250 feet or eliminate the parking area that is encroaching on the setback from the street.

Commissioner Yen inquired if the setback was to prevent the gravel from going on the street. Chipman replied that yes, it was in part but also to reduce dust and further tracking.

Commissioner McNeal-James added that homeowners could opt to add additional landscaping themselves as well and liked the proposal from Director Young.

Commissioner Bond reminded the commissioners that there was an eight-foot-tall solid wood fence around the property as well, in addition to landscaping.

Motion: Motion was made by Commissioner Bond to approve ZBA 2020-010 V Public Hearing and Consideration of a Variance to Section 11 of the Zoning Ordinance Regarding Setbacks for Alternative Surfaces and the Eastern Side Yard Located at 30 Baseline Road – Central States Bus Sales. Commissioner Kelsey seconded the motion. Motion passed 6-0.
Ayes: Bond, Yakaitis, Kelsey, Hammond, McNeal-James, and Yen
Nays: None
Abstain: None

VII. Other Business

Senior Planner Chipman informed the commissioners that the November Plan Commission meeting would be cancelled and in its place the village would be holding the Unified Development Ordinance Steering Committee meeting. Chipman also stated that the new McAlister's restaurant was expected to open on Monday.

VIII. Next Meeting: November 5, 2020

IX. Adjournment

Having no further business, Chairman Hammond adjourned the Meeting at 7:38 pm.

Respectfully submitted,



Chris Wagner