

**MINUTES FOR VILLAGE OF GILBERTS
PLAN COMMISSION/ZONING BOARD OF APPEALS MEETING
Village Hall: 87 Galligan Road, Gilberts, IL 60136
Meeting Minutes
Wednesday, July 14, 2021**

1. CALL TO ORDER

Chairman Mills called the meeting to order at 7:00 p.m.

2. ROLL CALL / ESTABLISH QUORUM

Village Administrator Brian Bourdeau called the roll. Roll call: Members present: Commissioners McHone, Page, Sullivan, Lateer, and Chairman Mills. Commissioners Borgardt and DelVecchio were absent. Others present: Village Administrative Intern Riley Lynch, Building Inspector John Swedberg, and Village Attorney Kurt Asprooth.

3. PUBLIC COMMENT

There were no public comments at this time.

4. ITEMS FOR APPROVAL

A. A Motion to Approve Minutes from the May 12, 2021 Plan Commission Meeting

A Motion was made by Commissioner Page and seconded by Commissioner McHone to Approve the Minutes from the May 12, 2021 Plan Commission Meeting. Roll call vote: Commissioners Page, McHone, Lateer, and Chairman Mills voted Aye. 0-nays. Commissioner Sullivan abstained. Motion carried.

5. PUBLIC HEARING AND RECOMMENDATION TO THE VILLAGE BOARD ON A VARIANCE TO THE GILBERTS UNIFIED DEVELOPMENT ORDINANCE CONCERNING THE PROPERTY COMMONLY KNOWN AS 172 TYLER CREEK REGARDING DECREASING THE REQUIRED REAR YARD SET BACK IN ORDER TO INSTALL A DECK

A Motion was made by Commissioner McHone and seconded by Commissioner Lateer to Open the Public Hearing. Roll call vote: Commissioners Page, McHone, Sullivan, Lateer, and Chairman Mills voted Aye. 0-nays. 0-abstained. Motion carried.

Village Intern Lynch advised the Commission that the applicants have requested a variance from the rear yard building setback requirement for the purposes of constructing a wooden deck attached to their home. The Applicants' property itself is legally nonconforming, as the house already encroaches

on the 40ft required setback by about 6 feet. Any accessory structures built behind the house, including a deck, would also have to encroach into the rear setback.

A neighbor of the applicants, Kay Kumero of 184 Tyler Creek, approached the Commission and stated that she was in favor of the applicants building a deck in their yard.

A Motion was made by Commissioner McHone and seconded by Commissioner Page to Close the Public Hearing. Roll call vote: Commissioners Page, McHone, Sullivan, Lateer, and Chairman Mills voted Aye. 0-nays. 0-abstained. Motion carried.

A Motion was made by Commissioner Page and seconded by Commissioner Lateer to Advance to the Village Board a Positive Recommendation Regarding a Variance to the UDO Concerning the Property Commonly Known as 172 Tyler Creek Street Regarding Decreasing the Required Rear Yard Set Back in Order to Install a Deck. Roll call vote: Commissioners Page, McHone, Sullivan, Lateer, and Chairman Mills voted Aye. 0-nays. 0-abstained. Motion carried.

6. PUBLIC HEARING AND RECOMMENDATION TO THE VILLAGE BOARD ON A VARIANCE TO THE GILBERTS UNIFIED DEVELOPMENT ORDINANCE CONCERNING THE PROPERTY COMMONLY KNOWN AS 104 SUMMIT DRIVE REGARDING DECREASING THE REQUIRED REAR SET BACK IN ORDER TO INSTALL A POOL

A Motion was made by Commissioner Sullivan and seconded by Commissioner Page to Open the Public Hearing. Roll call vote: Commissioners Page, McHone, Sullivan, Lateer, and Chairman Mills voted Aye. 0-nays. 0-abstained. Motion carried.

Village Intern Lynch advised the Commission that the applicants have requested a variance from the rear yard setback requirements for the purposes of constructing an in-ground pool. The property borders single-family homes to either side of the parcel and Village owned wetlands and woods to the rear of the property. Under the PUD for this area, the minimum rear yard setback is 30 feet. As a result of the proposed pool size and location in the yard, the Applicant is seeking a variance to protrude 9 feet into the required rear yard. The available location of the pool is constrained, in part, by an existing patio protruding from the rear of the Applicant's house.

Neighbors of the applicant, Angelina Perez, Mike Shea, and Shaun Canary voiced their support of the applicant's request for the variance.

A Motion was made by Commissioner Sullivan and seconded by Commissioner Lateer to Close the Public Hearing. Roll call vote: Commissioners Page, McHone, Sullivan, Lateer, and Chairman Mills voted Aye. 0-nays. 0-abstained. Motion carried.

A Motion was made by Commissioner Lateer and seconded by Commissioner McHone to Advance to the Village Board a Positive Recommendation Regarding a Variance to the UDO Concerning the Property Commonly Known as 104 Summit Drive Regarding Decreasing the Required Rear Yard Set Back in Order to Install a Pool. Roll call vote: Commissioners Page, McHone, Sullivan, Lateer, and Chairman Mills voted Aye. 0-nays. 0-abstained. Motion carried.

7. PUBLIC HEARING AND RECOMMENDATION TO THE VILLAGE BOARD ON AN VARIANCE TO THE GILBERTS UNIFIED DEVELOPMENT ORDINANCE CONCERNING THE PROPERTY COMMONLY KNOWN AS 195 LOVELAND COURT REGARDING DECREASING THE REQUIRED FRONT SET BACK IN ORDER TO INSTALL A POOL

A Motion was made by Commissioner McHone and seconded by Commissioner Lateer to Open the Public Hearing. Roll call vote: Commissioners Page, McHone, Sullivan, Lateer, and Chairman Mills voted Aye. 0-nays. 0-abstained. Motion carried.

Village Intern Lynch advised the Commission that the applicants have requested a variance from the rear yard setback requirements for the purposes of constructing an in-ground pool. The property borders single-family homes on all sides. Under the PUD for this area, the minimum rear yard setback is 30 feet. As a result of the proposed pool size and location in the yard, the Applicant is seeking a variance to protrude 19 feet into the required rear yard. The available location of the pool is constrained, in part, by the existing wooden deck and Com-Ed utilities running through the Eastern portion of the Applicant's backyard.

A Motion was made by Commissioner McHone and seconded by Commissioner Lateer to Close the Public Hearing. Roll call vote: Commissioners Page, McHone, Sullivan, Lateer, and Chairman Mills voted Aye. 0-nays. 0-abstained. Motion carried.

A Motion was made by Commissioner Page and seconded by Commissioner Lateer to Advance to the Village Board a Positive Recommendation Regarding a Variance to the UDO Concerning the Property Commonly Known as 195 Loveland Court Regarding Decreasing the Required Rear Yard Set Back in Order to Install a Pool. Roll call vote: Commissioners Page, McHone, Sullivan, Lateer, and Chairman Mills voted Aye. 0-nays. 0-abstained. Motion carried.

8. PUBLIC HEARING AND RECOMMENDATION TO THE VILLAGE BOARD ON TEXT AMENDMENTS TO CHAPTER 13 OF THE GILBERTS UNIFIED DEVELOPMENT ORDINANCE REGARDING THE DEFINITION OF LOT COVERAGE

A Motion was made by Commissioner McHone and seconded by Commissioner Lateer to Open the Public Hearing. Roll call vote: Commissioners Page, McHone, Sullivan, Lateer, and Chairman Mills voted Aye. 0-nays. 0-abstained. Motion carried.

Administrator Bourdeau advised the Commission that The Village's UDO currently defines lot coverage as "that area or portion of a lot occupied by building". The broad nature of the definition has recently led to questions of whether the definition applies only to buildings or other accessory structures and paved/covered surfaces. Historically, the Village has interpreted lot coverage to be any portion of the lot covered by an impervious structure. Examples of impervious structures would be primary buildings, accessory structures, asphalt, concrete, and brick pavers. This text amendment seeks to update the definition of lot coverage to provide clarity regarding what structures and surfaces are included in the lot coverage calculation.

A Motion was made by Commissioner McHone and seconded by Commissioner Sullivan to Close the Public Hearing. Roll call vote: Commissioners Page, McHone, Sullivan, Lateer, and Chairman Mills voted Aye. 0-nays. 0-abstained. Motion carried.

A Motion was made by Commissioner Page and seconded by Commissioner McHone to Advance to the Village Board a Positive Recommendation Regarding Text Amendments to Chapter 13 of the Gilberts Unified Development Ordinance Regarding the Definition of Lot Coverage. Roll call vote: Commissioners Page, McHone, Sullivan, Lateer, and Chairman Mills voted Aye. 0-nays. 0-abstained. Motion carried.

9. PUBLIC HEARING AND RECOMMENDATION TO THE VILLAGE BOARD ON TEXT AMENDMENTS TO CHAPTER 4 OF THE GILBERTS UNIFIED DEVELOPMENT ORDINANCE REGARDING OUTDOOR SEATING AREAS ACCESSORY TO BARS, TAVERNS, AND RESTAURANTS IN THE C-1 COMMERCIAL DISTRICT

A Motion was made by Commissioner McHone and seconded by Commissioner Lateer to Open the Public Hearing. Roll call vote: Commissioners Page, McHone, Sullivan, Lateer, and Chairman Mills voted Aye. 0-nays. 0-abstained. Motion carried.

Administrator Bourdeau advised the Commission that the Village's Unified Development Ordinance currently contains some inconsistencies with respect to outdoor dining within the C-1 Commercial District. The proposed text amendments would resolve the inconsistencies by removing permanent outdoor seating areas accessory to bars, restaurants and taverns from the permitted uses in Section 10-4-1 and placing it under Section 10-4-3 Special Uses. This will make the language regarding permanent outdoor seating consistent with Section 10-4-4(B)(6). The Village has always required an establishment which sought permanent outdoor seating to obtain a Special Use, making this change consistent with past interpretation of the UDO. With respect to temporary outdoor seating, adding language to Section 10-8-3(D)(2) clarifying that temporary outdoor seating in non-residential districts is a permitted temporary use. During the COVID-19 pandemic and in response to various State of Illinois proclamations, many restaurants and bars utilized temporary outdoor dining to continue serving customers in a safe manner. The outdoor dining experience has generally been well received, and the Village desires to allow temporary outdoor dining to continue beyond the end of the Pandemic. This text amendment to the UDO will provide clarity on how these establishments will be able to continue temporary outdoor dining operations subject to obtaining a temporary use permit. permanent outdoor dining areas would still require a Special Use permit. An establishment that desires to serve alcohol in any outdoor seating area will still be required to obtain a Class OS Liquor License.

A Motion was made by Commissioner Sullivan and seconded by Commissioner Lateer to Close the Public Hearing. Roll call vote: Commissioners Page, McHone, Sullivan, Lateer, and Chairman Mills voted Aye. 0-nays. 0-abstained. Motion carried.

A Motion was made by Commissioner McHone and seconded by Commissioner Page to Advance to the Village Board a Positive Recommendation Regarding Text Amendments to Chapter 4 of the Gilberts Unified Development Ordinance Regarding Outdoor Seating Areas Accessory to Bars, Taverns, and Restaurants. Roll call vote: Commissioners Page, McHone, Sullivan, Lateer, and Chairman Mills voted Aye. 0-nays. 0-abstained. Motion carried.

6. NEW BUSINESS

There were no items to discuss at this time.

7. OTHER BUSINESS

There were no items to discuss at this time.

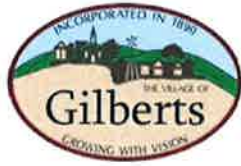
8. ADJOURNMENT

There being no further public business to discuss, a **Motion was made by Commissioner McHone and seconded by Commission Page to adjourn from the public meeting at 7:55 p.m.** Voice vote of Aye carried unanimously. Motion carried.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Courtney Baker".

Courtney Baker
Village Clerk



Village of Gilberts
87 Galligan Road
Gilberts Illinois 60136
Plan Commission/ZBA Meeting
July 14, 2021
Sign in Sheet

Name

Contact Information (optional)

SALVATORE MARINO

Adam & Christina Kaspronicz

Kay Kummerow 180 Tyler Cr Street (Windfall Meadows)

JOE PERAZER & Angelina Peralez