

City of Woodstock
Zoning Board of Appeals
Special Meeting
Thursday July 23, 2019 at 6:30 p.m.
City Hall, 121 W. Calhoun St.—Remotely Held Meeting

*In light of the current COVID-19 public health emergency, Governor J.B. Pritzker's Gubernatorial Disaster Proclamation, the City Mayor has determined that an in-person meeting is not practical or prudent because of the disaster. **This meeting will be held remotely only.** The public can observe and comment, when appropriate, by connecting online at <https://zoom.us/j/92005491646?pwd=WGVGM2xMellVMFNxbWtDaFdST2YyUT09>, Password 620093, or by calling the following to participate US: +1 312 626 6799, Webinar ID: 920 0549 1646*

MEETING AGENDA

1. CALL TO ORDER / ROLL CALL

2. MINUTES

- a. Approve the minutes of July 22, 2019

3. PUBLIC COMMENT - In accordance with the Illinois Open Meetings Act, the general public may address the Commission regarding any matter on the agenda or not on the agenda.

4. PUBLIC HEARING

- a. **Parking Lot at Lake Avenue & American Way** – Variation to allow a parking lot within the required side yard abutting a street, proposed to be 10 feet from the right-of-way along American Way instead of the required 30 feet in the B3 district.

5. Adjournment

In compliance with the American's with Disabilities Act, this meeting is located in a facility that is physically accessible to those who have disabilities. If additional reasonable accommodations are necessary for persons who under the Act have a "disability", please contact the Community Development Department at 815-338-4305 at least 72 hours prior to the meeting so that accommodations can be provided.

**MINUTES
CITY OF WOODSTOCK
ZONING BOARD of APPEALS
July 22, 2019
Council Chambers**

CALL TO ORDER: A special meeting of the City of Woodstock Zoning Board of Appeals was called to order by Chairman Timothy Huffar at 6:00 PM on Monday, July 22, 2019 in the Council Chambers, Woodstock City Hall, 121 W. Calhoun Street, Woodstock. A roll call was taken.

COMMISSION MEMBERS PRESENT: Howard Rigsby, Tom Tierney, Lawrence Winters, Zak Klehr and Chairman Timothy Huffar.

COMMISSION MEMBERS ABSENT: Rick Bellairs and Richard Ryan.

STAFF PRESENT: City Planner Darrell Moore and Executive Assistant/Chief Deputy Clerk Jane Howie.

OTHERS PRESENT: Ms. Amy Krotser.

Mr. Huffar asked Commissioners if any changes are necessary to the Minutes from the May 29, 2019 or the June 10, 2019 meetings of the Zoning Board of Appeals. There was a consensus that no changes were needed.

Motion by L. Winters, second by Z. Klehr, to accept the Minutes from the May 29, 2019 meeting of the Zoning Board of Appeals as presented. Ayes: H. Rigsby, T. Tierney, L. Winters, Z. Klehr and Chair T. Huffar. Nays: none. Absentees: R. Bellairs and R. Ryan. Abstentions: none. Motion carried.

Motion by T. Tierney, second by T. Huffar, to accept the Minutes from the June 10, 2019 meeting of the Zoning Board of Appeals as presented. Ayes: H. Rigsby, T. Tierney, L. Winters, Z. Klehr and Chair T. Huffar. Nays: none. Absentees: R. Bellairs and R. Ryan. Abstentions: none. Motion carried.

D. Moore explained that there had been an issue at the May 29th meeting with regard to Findings of Fact , in which the variation received a positive recommendation despite having two of the seven variation criteria deemed as being not met. The City Attorney advised that the variation process should only be approved if 100% of the standards are approved by this Commission. A variation with a negative recommendation can still be approved by the City Council, but that is only be appropriate if the City Council is able to establish all variation criteria are met using information provided at the hearing as their basis. In response to a question from L. Winters, D. Moore explained that when the ZBA votes on each of the variation criteria, they can be approved on a majority vote or consensus. However, should the majority vote be ‘no’ on any one of the seven criteria, the Commission cannot approve the variation. He added that this type of voting and recommendation allows for a clear record. Further explanation was shared, including that

a motion must be made and seconded, then approved by this Commission. Z. Klehr asked about how to make the motion should there be a 'no' consensus. D. Moore explained that the motion would be to deny the variation.

PUBLIC COMMENT: In accordance with the Illinois Open Meetings Act, the general Public may address the Commission regarding any matter on the agenda or not on the agenda.

NEW BUSINESS

a) **Nomination and Election of Vice-Chairperson**

Motion made by H. Rigsby, second by T. Huffar to nominate L. Winters for the position of Vice-Chairman. Ayes: H. Rigsby, T. Tierney, L. Winters, Z. Klehr and Chair T. Huffar. Nays: none. Absentees: R. Bellairs and R. Ryan. Abstentions: none. Motion carried.

PUBLIC HEARING: Opened at 6:13 PM. Chair Huffar swore in Ms. Krotser. 960 Dieckman Road – Variation to allow a gymnastics center with off-street parking consisting of 28 spaces instead of the required 52.

Ms. Krotser stated that she previously owned a gymnastics studio in Huntley with 27 employees and approximately 800 students which she had to shut down due to a family illness. At this time, she'd like to open a small studio, WINGS, Woodstock Illinois National Gymnastics School, on Dieckman Road in Woodstock. She has a tentative five-year lease at this location, where she plans to maintain a smaller studio using just over 8,000 square feet. Her classes would include 8-10 kids per class, possibly two classes per hour, 6-10 hours per day with 3-4 employees. Ms. Krotser explained that most parents drop off the kids for the evening classes, they don't park and stay for the duration of the class. It was noted that Mike Skala owns the building and the rear portion houses his fabrication company; Ms. Krotser would lease the space from him. Ms. Krotser said she leased from Mr. Skala when she had her gymnastics studio in Huntley and they've always been respectful and worked well together. She added that she'd work her studio's schedule around Mr. Skala's deliveries as she has in the past.

In response to a question from T. Huffar, Ms. Krotser explained that should participants wish to have birthday parties and such there, these would be scheduled around parking availability. It was noted that parking is not restricted on Dieckman Road. H. Rigsby asked if the lack of sufficient parking was created by a previous user. D. Moore replied that the nonconformity does not currently exist but is an issue now due to the higher parking requirements of a gymnastics center versus a warehouse per the UDO. T. Tierney asked if appropriate language should be added specifically pertaining to this business, business owner and location. D. Moore explained that the variation will apply to any gymnastics businesses operated at this location. Should a new use come in at a future time, this variation would not apply.

Commissioner Klehr asked about the date of lease signing. Ms. Krotser explained that if this variation is not approved, then the lease will be null and void. D. Moore said he has

an email from the building owner with regard to the parking, which can be part of the record, as well. In response to a question from L. Winters, Ms. Krotser said Saturdays are the busiest day of the week; however, the other businesses in the area will be closed. D. Moore said the department received one response from a business owner that said they have some concern about the parking issues. D. Moore said he invited that neighbor to come to this meeting or to call in to discuss; they never did. Ms. Krotser stated that, should anyone call to complain about parking in this area, she'd like them to call her so that they can work on the issue together. Z. Klehr asked about the back parking lot and learned that there is no internal route from the rear building to the front, where the business is proposed. A 2nd door will be added elsewhere along with additional airflow, and wheelchair access will also be added. Further discussion ensued about the parking spaces available with regard to ADA standards, which are being met.

Public Hearing closed at 6:37 PM.

Findings of Fact was completed.

RECOMMENDATION:

Motion by L. Winters, second by T. Tierney, to approve a variation of the Woodstock Unified Development Ordinance, Section 7A.2: Area and Bulk Requirements to allow:

1. Variation to allow a gymnastics center with off-street parking consisting of 28 spaces instead of the required.

Ayes: H. Rigsby, T. Tierney, L. Winters, Z. Klehr and Chair T. Huffar. Nays: none. Absentees: R. Bellairs and R. Ryan. Abstentions: none. Motion carried.

The Findings of Fact were completed and are attached to these Minutes.

ADJOURNMENT:

Motion by L. Winters, second by T. Tierney, to adjourn this Special Meeting of the Zoning Board of Appeals. Ayes: H. Rigsby, T. Tierney, L. Winters, Z. Klehr and Chair T. Huffar. Nays: none. Absentees: R. Bellairs and R. Ryan. Abstentions: none. Motion carried. The meeting was adjourned at 6:40 PM.

Respectfully submitted,

Jane Howie
Chief Deputy City Clerk

FINDINGS OF FACT— 960 Dieckman Street

The Zoning Board of Appeals shall complete the enclosed form, which will be included with the Findings of Fact Report submitted to the City Council.

Request: Approve a Variation of Unified Development Ordinance, Section 9.8 Schedule of Required Parking to allow; a gymnastics center with off-street parking consisting of 28 spaces instead of the required 52 spaces.

Section 7.3.5 states that the Board may determine and recommend to the City Council a variation of the regulations of Ordinance when it finds:	Yes or No	Comments
1. The particular surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out;	All yes	
2. The conditions upon which the petition for a variation are based are unique to the property for which the variation is sought and are not applicable, generally to the other property with the same zoning classification;	All yes	
3. The purpose of the variation is not based exclusively upon a desire to increase the monetary gain realized from the property or to alleviate financial difficulty experienced by the petitioner in the attempt to comply with the provisions of this Ordinance;	All yes	
4. The alleged difficulty or hardship is caused by the application of this Ordinance and has not been created by any person presently having an interest in the property;	All yes	
5. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhoods in which the property is located;	All yes	
6. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values with the adjacent neighborhood;	All yes	
7. That the granting of the variation requested will not confer on the applicant any special privilege that is denied by the Ordinance to other lands, structures or buildings of the same district.	All yes	



City of
WOODSTOCK

Department of Building & Zoning
121 W. Calhoun Street
Woodstock, Illinois 60098
www.woodstockil.gov

phone 815.338.4305
fax 815.338.2264
bandzdept@woodstockil.gov

ZONING VARIATION APPLICATION

ADDRESS OF PROPERTY NW corner of Lake Ave. and American Way
PROJECT REQUEST _____
DATE FILED 6/26/2020

CONTACT PERSON FOR THIS APPLICATION

Name Daniel Rea
Mailing Address 700 Commerce Drive, Suite 130
Oak Brook, IL 60523
Daytime Phone (630) 402-6063
Fax: _____
Email Address Dan@kensingtondev.com

CITY OF WOODSTOCK

APPLICATION FOR A VARIANCE

To the Zoning Board of Appeals:

1. Common Address of the Property NW corner of Lake Ave. and American Way

2. Statement of Ownership (list legal name, address of the property owners and state how long they have owned the property.)
CR & HR Holdings LLC
1166 Lake Ave.
Woodstock, IL 60098
Attn: Charles Ruth
(owned since 9/21/06)

3. Applicant (list name of the applicant if different from the owner and state the interest of the applicant in the property. Also state when his or her interest was acquired.)
Kensington Development Partners
700 Commerce Drive, Suite 130
Oak Brook, IL 60523
Attn: Daniel Rea
(contract purchaser)

4. State the legal description of the property or attach a legible copy.
See attached survey.

5. State the specific variation (s) requested including Unified Development Ordinance section numbers. Include the ordinance requirement and the proposed request.
 - Parking in sideyard setback - [UDO Section 9.12.C] "No parking space or portion thereof...is permitted within the required side yard abutting a public street for a corner lot. Proposed request to have a portion of the parking lot within 20' of the required 30' sideyard setback.
 - Wall sign on north wall - [UDO Section 13.8.1.C.1] "One sign may be displayed on any wall containing an architecturally emphasized public entrance or which fronts a public street." Proposed request to have a wall sign on the north wall, which faces the access drive.
 - 12-foot tall, 75.7 S.F. monument sign - [UDO Table 13.1] Zoning District B-3, 100+ ft. frontage, 10 foot setback allows an area of 46 S.F. and height of 8 feet. Proposed request for a 12-foot tall, 75.7 S.F. monument sign to accommodate ALDI prototype and ensure adequate visibility on Lake Ave.

6. State in detail the reasons for the requested variation by answering the following questions.
If additional space is needed, attach extra pages to the application.

What features of the property prevent it from being used for the uses permitted by the zoning classification? Check all that apply and explain why they apply. Give dimensions where appropriate.

- | | |
|---|---|
| <input checked="" type="checkbox"/> Too narrow | <input type="checkbox"/> Elevation |
| <input type="checkbox"/> Too small | <input type="checkbox"/> Slope |
| <input type="checkbox"/> Too shallow | <input checked="" type="checkbox"/> Shape |
| <input type="checkbox"/> Soil | <input type="checkbox"/> Subsurface |
| <input checked="" type="checkbox"/> Other (Location of lot) | |

How do the above conditions prevent reasonable use of the property under the terms of the Woodstock Unified Development Ordinance?

Due to the location, size, and shape of the lot, a reasonable use of this lot for a grocery store will require the requested variations. The lot fronts two public roads and two access drives, making visibility of signage necessary from 3 sides. Due to the alignment of Lake Ave. and American Way, the shape of the lot cannot accommodate adequate parking and signage for the intended use.

Was the hardship created by anyone who had an interest (ownership) in the property after the Zoning Ordinance was enacted or is the hardship self-imposed?

The hardship was not created by anyone who had an interest in the property after the Zoning Ordinance was enacted and it is not self-imposed. It is primarily the result of roadway alignments and access points.

Are the conditions for which you request a variance unique to your property?

The location of this property, being a corner lot that also fronts a drive aisle, is similar to the bank across the street, which appears to have parking within the sideyard setback .

Are the conditions of the property the result of other man-made conditions (such as the relocation of a road?)

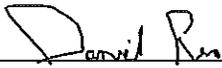
The conditions of the property are not the result of other man-made conditions.

Is the requested variation the minimum variation that will make possible the reasonable use of the land, buildings, or structure.

The requested variations are the minimum that will make possible the reasonable use of the land.

CERTIFICATION

I/We certify that all of the information submitted as part of this application is true and correct to the best of my/our knowledge and belief:

 _____ Signature of property owner	Charles R. Ruth _____ Print name of property owner
_____ Signature of property owner	_____ Print name of property owner
 _____ Signature of applicant If different than property owner	Daniel Rea _____ Print name of applicant
_____ Signature of applicant If different than property owner	_____ Print name of applicant

**BENEFICIAL INTEREST DISCLOSURE
(FOR PROPERTY HELD IN TRUST)**

This disclosure is made in compliance with the requirements of Act 404/2, Chapter 765 of the Official Illinois Compiled Statutes.

The undersigned states that he/she is the holder of _____ percent interest in Trust No. _____ at the _____.

Name of beneficiary _____

Address of beneficiary _____

Signature of beneficiary _____

Date _____

WOODSTOCK ZONING BOARD OF APPEALS

Staff Report: ZBA-2020-02

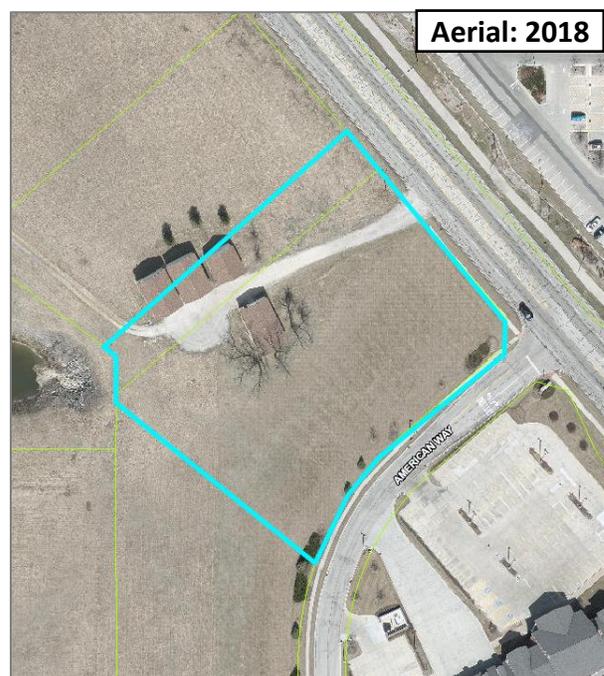
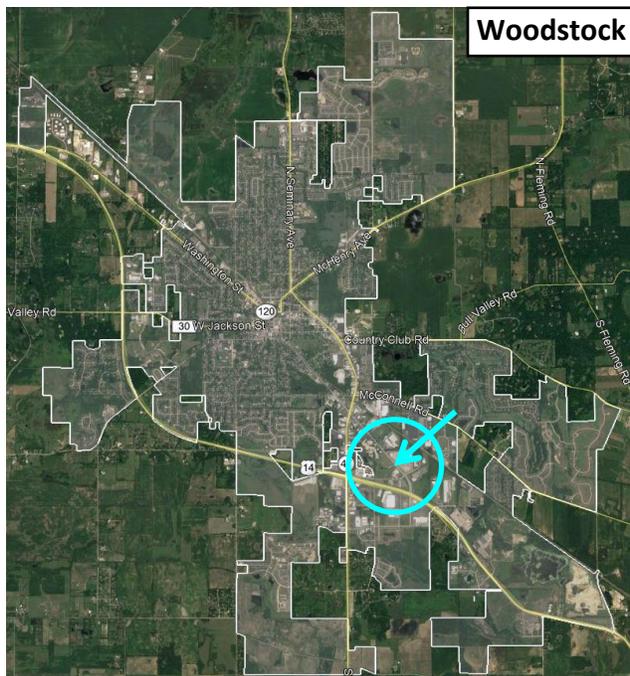
July 23, 2020

Project: Aldi Store at Lake Avenue and American Way
-Parking lot variation

Owner: CR & HR Holdings
(Amcore Investment Group NA 1703)
1166 Lake Avenue
Woodstock, Illinois 60098

Applicant: Kensington Development Partners
700 Commerce Drive, Suite 130
Oak Brook, Illinois 60523

Request: A variation is requested from a provision of the Woodstock Unified Development Ordinance *Section 9.12.C Required Setbacks (for Parking Areas)* to allow: a parking lot within the required side yard abutting a street, proposed to be 10 feet from the right-of-way along American Way instead of the required 30 feet in the B3 district.



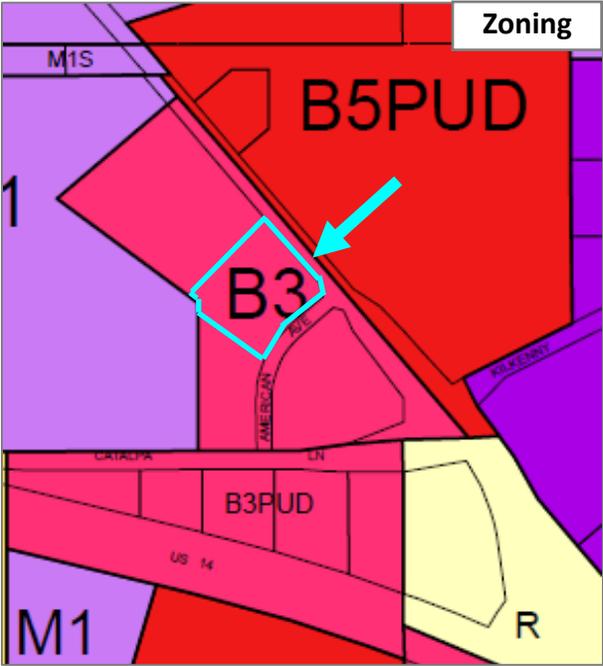


Existing Zoning and Land Use of Subject Parcel

The property in question is comprised the lot at the northwest corner of Lake Avenue and American Way, and also includes a portion of the lot to the north, all of which is zoned B3 Service & Retail District containing a driveway and four storage buildings.

Adjacent Zoning and Land Use

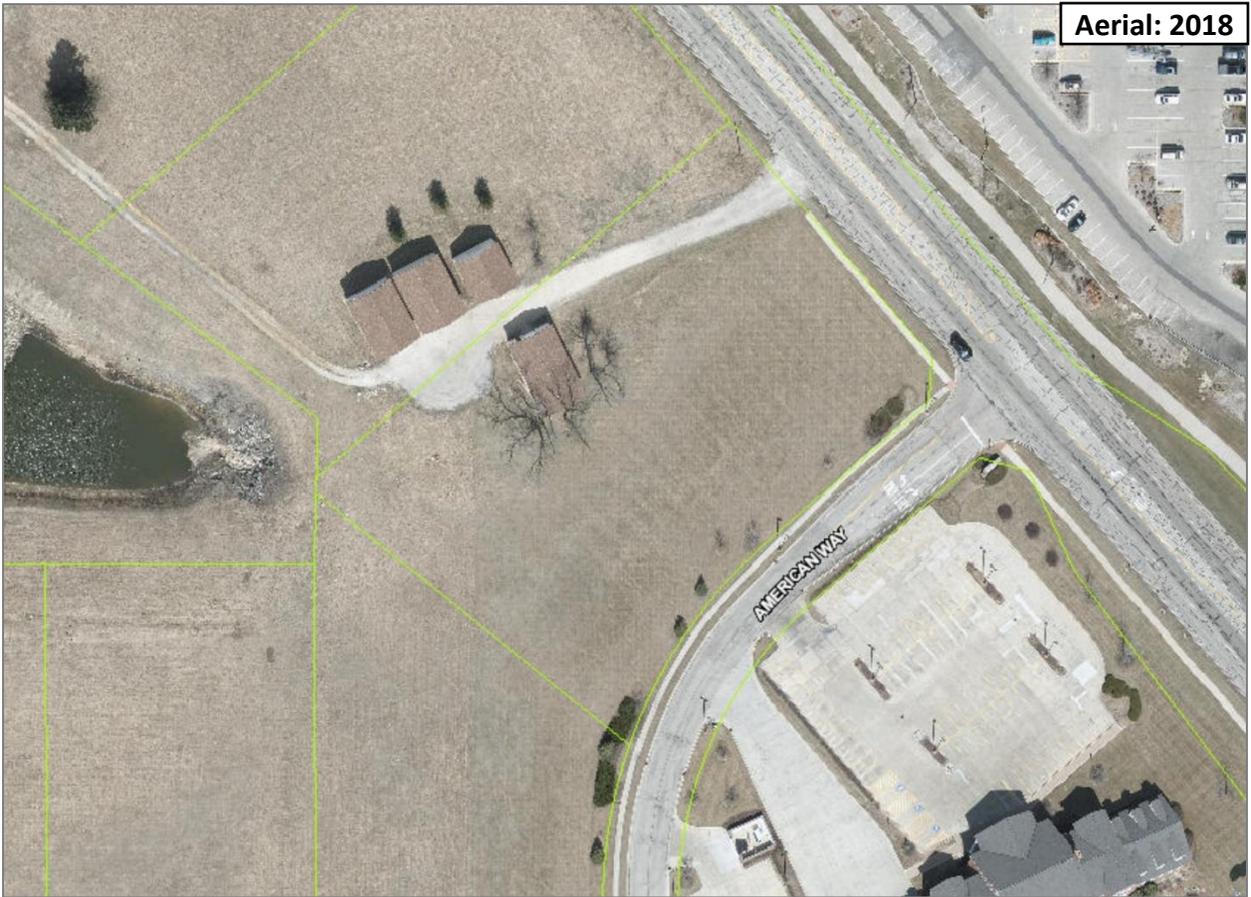
The property is bounded to the west by vacant lots in M1 (Light Manufacturing District.) To the north and south are additional B3-zoned properties, which are vacant except for the American Community Bank across the street. To the east is B5-PUD (Shopping Center District) zoning which is the site of Walmart.



Elevation Renderings



Aerial: 2018



Aerial with Site Plan



Analysis

The petitioner is seeking to develop the site as an Aldi grocery store. The site is comprised of Lot 7 and a portion of Lot 8 of Ruth Center, which was platted in 2007. The petitioner intends to record a plat of resubdivision to combine the two upon receiving the necessary zoning approvals for the development. The additional area is necessary to accommodate the site improvements of a store with parking lot and common access drives.

The UDO requires that parking lots not be located in a required yard abutting a street. The property's B3 zoning dictates that the required yard is 30 feet. The site plan accommodates this setback requirement along Lake Avenue, but is proposed at 10 feet (at its closest point) along American Way.

American Way is a minor connector street that is unlikely to ever be widened. It receives significantly less traffic than Lake Avenue. On the opposite side of American Way is the parking lot for American Community Bank, the parking lot of which is built almost up to the right-of-way line. Research into how this arrangement was approved led to the conclusion that it was constructed when American Way was a private drive and therefore no setback was required. Also of note is that the owner of the property in question also owns the bank property, which, theoretically, is the most impacted by the variation. These factors give merit to the variation request.

However, since the site plan is still proposed and the overall size of the lot has yet to be established, it is reasonable to question why a larger lot cannot be provided to accommodate the required setback off of American Way.

Staff does not believe that a 30-foot setback from American Way for parking facilities will add aesthetic or functional value to the site.

Standards for Variations

Section 4.5.7 states that zoning variations may be approved after a finding that the following approval criteria have been addressed. (↪ Denotes Staff comment)

- A. The extent to which particular physical surroundings, shape, or topography of the subject property results in practical difficulty or hardship upon the owner, as distinguished from a mere inconvenience if the strict letter of the zoning regulations are carried out.
 - ↪ The primary lot (Lot 7) is too small to support the proposed use. The petitioner is seeking to enlarge the property to accommodate the grocery store and parking lot, but it still remains too small.
- B. The extent that the alleged difficulty or hardship is caused by the application of these zoning regulations and has not been created by any person having an interest in the property.
 - ↪ It is the petitioner who has elected to locate the business at this location, has established the overall site boundaries, and developed a site plan layout.
- C. The extent to which conditions upon which the zoning variation request is based are unique to the subject property and would not be applicable to other property within the same zoning classification.

- ↳ The side of the property for which a reduced setback is being sought is along a minor street and across from a similarly situated parking lot. The uniqueness of the request comes from the necessary parking capacity that a grocery store requires which may be above and beyond other uses found in the B3 District.
- D. Whether the variation is based exclusively on a desire to increase the value of the property, the monetary gain to be realized from the property, or the ability to alleviate financial difficulty experienced by the petitioner when attempting to comply with the City's zoning regulations.
 - ↳ The variation request is being sought to make the property viable for a grocery store. It is not based exclusively on a desire to increase the value of the property.
- E. The detrimental impact, if any, to the public welfare, to other property, or to improvements in the immediate neighborhood which may result if the zoning variation is granted.
 - ↳ The setback reduction is along a minor street and opposite another parking lot similarly situated close to the street. It is that property across the street which will be most impacted by a parking variation, but both properties (this site and one across the street) are under common ownership.
- F. Whether or not the proposed zoning variation will impair the adequate supply of light and air to adjacent property, or substantially increase congestion in public streets, or endanger the public safety, or substantially diminish or impair property values in the neighborhood.
 - ↳ There is no reason to believe that this parking design and setback will have deleterious impacts to the general public or the neighboring properties.
- G. That the zoning variation will not confer on the applicant any special privilege that is denied by these regulations to other lands, structures or buildings of the same zoning classification.
 - ↳ The variation being sought is to make it possible that a suitable parking lot be constructed for a proposed grocery store. Parking lots and grocery stores are allowed in the B3 District. The parking lot across the street is similarly close to the street.

Motion

If the Zoning Board of Appeals agrees that the above criteria are met, a motion should be made recommending **a variation from a provision of the Woodstock Unified Development Ordinance Section 9.12.C Required Setbacks (for Parking Areas) to allow: a parking lot within the required side yard abutting a street at 10 feet from the right-of-way along American Way instead of the required 30 feet in the B3 district.**

FINDINGS OF FACT—Lake Avenue & American Way

The Zoning Board of Appeals shall complete this form, which will be included with the Findings of Fact Report submitted to the City Council.

A variation is requested from a provision of the Woodstock Unified Development Ordinance Section 9.12.C Required Setbacks (for Parking Areas) to allow: a parking lot within the required side yard abutting a street, proposed to be 10 feet from the right-of-way along American Way instead of the required 30 feet in the B3 district.

Section 7.3.5 states that the Board may determine and recommend to the City Council a variation of the regulations of Ordinance when it finds:	Yes/No	Comments
1. The particular surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out;		
2. The conditions upon which the petition for a variation are based are unique to the property for which the variation is sought and are not applicable, generally to the other property with the same zoning classification;		
3. The purpose of the variation is not based exclusively upon a desire to increase the monetary gain realized from the property or to alleviate financial difficulty experienced by the petitioner in the attempt to comply with the provisions of this Ordinance;		
4. The alleged difficulty or hardship is caused by the application of this Ordinance and has not been created by any person presently having an interest in the property;		
5. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhoods in which the property is located;		
6. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values with the adjacent neighborhood;		
7. That the granting of the variation requested will not confer on the applicant any special privilege that is denied by the Ordinance to other lands, structures or buildings of the same district.		