VILLAGE OF HAMPSHIRE
PLANNING & ZONING COMMISSION

MINUTES
October 25, 2021

A meeting of the Hampshire Planning & Zoning Commission was called to order at 7:00 p.m. by Chair B. Mroch. Members present: B. Mroch, and Commissioners H. Hoffman, A. Neal, and L. Rapach, in person; and W. Rossetti, via TEAMS. Absent were Commissioners R. Frillman, and T. Wetzel. Also present were Assistant to the Village Manager Josh Wray (in person) and Village Attorney Mark Schuster (via TEAMS). .

On motion by A. Neal, seconded by H. Hoffman, the minutes of the meeting of the Commission held on September 27, 2021, were approved by vote of 4 aye, 0 nay.

The first order of business was to consider the Petition for Variances filed by Tully and Clemens, to reduce the requirements for setback from an adjacent alleyway; for side yard setback; and restricting the height of an accessory structure in the R-2 Single Family Residential Zoning District to allow for demolition of an existing garage structure and erection of a new garage structure on the property at 304 Park Street in the Village.

On motion by H. Hoffman, seconded by A. Neal, to open a public hearing on the matter, the vote was 4 aye, 0 nay. The public hearing was opened at 7:05 p.m.

The Village Attorney announced that notice of the public hearing had been published in the Daily Herald newspaper on October 8, 2021, and a certificate of publication was on file with the Village Clerk.

Gerald Tully presented the Petition to the Commission, confirming posting of notice on the premises, and mailing notice to adjacent property owners; and explaining his plans to replace on his property an existing garage structure with a new one, and the background for requesting the three (3) variances.

In response to questions from the members of the Commission, Tully also explained the following:

- The difficulty on his property is that given the existing stone and ironwork fencing, and the mature trees, it is not feasible to move the garage to a conforming location.

- His plan is to expand the area of the garage from 22' x 40' to 30' x 40'.

- The 23' height is made necessary by his desire to have storage space in the rafters and/or by the increased area of the structure. He is planning to have a standard size door on the front. Mr. Mroch questioned whether an increase in height was really necessary, believing that a standard pitched roof would not require a higher roof line. The garage is currently approximately 16' in height.

- The garage could be designed with materials to match the character of the house.

- He will not include any living quarters in the new garage, but may include a heater.

- There is presently an encroachment of the garage into the alleyway (by about 1.5'); and he will construct the new garage outside the alleyway, moving the west wall.

- The existing garage is about 2.5' off the southerly lot line.

- The alleyway is regularly used by only one other resident on the block, to access his garage, and is little used by others.

- He uses and stores in the garage an automobile lift device.

No persons were present to speak at the public hearing or to comment on the Petition.

The public hearing was closed at 7:37 p.m.

On motion by A. Neal, seconded by H. Hoffman, to recommend approval of the Petition for Variance, to reduce the requirements for setback from an adjacent alleyway; from ten (10') feet to zero (0') feet, in the R-2 Single Family Residential Zoning District to allow for replacement of the existing garage with a new garage structure on the property at 304 Park Street in the Village, the vote was 4 aye, 0 nay. Motion passed.

On motion by A. Neal, seconded by H. Hoffman, to recommend approval of the Petition for Variance, to reduce the requirements for side yard setback from five (5') feet to not less than two and one-half (2.5') feet, to allow for replacement of the existing garage with a new garage structure on the property at 304 Park Street in the Village, the vote was 3 aye, 1 nay. Motion passed.

On motion by A. Neal, seconded by H. Hoffman, to recommend approval of the Petition for Variance, to increase the maximum height restriction for an accessory structure, by eight (8') feet, from fifteen (15') to twenty-three (23') feet, in the R-2 Single Family Residential Zoning District to allow for replacement of the existing garage with a new garage structure on the property at 304 Park Street in the Village, the vote was 1 aye, 3 nay. Motion failed.

The Commission discussed tabling the matter of the variation of the maximum height restriction, to allow Petitioner to present more evidence of the need to increase the height of the accessory structure to some height less than 23'. However, it was decided to report to the Board of Trustees the results above, as is.

The 2nd order of business was consideration of the Petition of the Villages Zoning Administrator for a text amendment re-adopting new regulations for an REC-Recreational Zoning District in the Village.

On motion by H. Hoffman, seconded by A. Neal, to open a public hearing on the matter, the vote was 4 aye, 0 nay. The public hearing was opened at 8:01 p.m.

The Village Attorney announced that notice of the public hearing had been published in the Daily Herald newspaper on October 8, 2021, and a certificate of publication was on file with the Village Clerk.

Mr. Josh Wray presented the Petition to the Commission, explaining the interest of certain persons to establish various types of recreational uses on land in or to be annexed to the Village. Mr. Wray the highlighted the features of the proposed regulations, reviewing the list of permitted and special uses, and the bulk requirements. It was noted that no land has yet been assigned to this proposed District.

Members of the Commission inquired whether the list of uses might be amended to address conservation or preservations areas and/or cemeteries and/or churches; why wedding venues were included as a permitted use; why wind and solar power uses were listed.

Mr. Wray explained that the proposed permitted uses included passive open space, which ought to be deemed to include conservation or preservation areas, and cemeteries. He explained that wind and solar power uses were generally included elsewhere in the village, and ought to be allowed in this District.

The Village Attorney commented that wedding venues raised many of the same issues as "recreational" uses might raise, such as traffic, parking, hours of operation, and outdoor noise.

Mr. Wray identified the area easterly of the W. R. Meadows and Schroeder properties as an area in which the owner (Brier Hill Ventures) was specifically considering various recreational uses.

No members of the public appeared to comment on the Petition.

The public hearing was closed at 8:20 p.m.

On motion by L. Rapach, seconded by A. Neal, to recommend approval of the Petition for Text Amendment to establish regulations for a new REC-Recreational Zoning District, the vote was 4 aye, 0 nay. Motion passed.

The 3rd order of business was consideration of the Petition of the Villages Zoning Administrator for a text amendment re notice to adjacent property owners on Petitions for Zoning Amendment, for Special Use and/or for Variance.

On motion by H. Hoffman, seconded by A. Neal,, a public hearing on the matter was opened at 8:30 p.m.

The Village Attorney announced that notice of the public hearing had been published in the Daily Herald newspaper on October 8, 2021, and a certificate of publication was on file with the Village Clerk.

Mr. Josh Wray presented the Petition to the Commission, explaining the desire of the Zoning Administrator to make uniform the notice requirements for such petitions. The former Zoning Board of Appeals had adopted certain rules regarding notice; this current action would formalize the rules by including them in the Zoning Regulations, and making the rules the same for all zoning actions.

No persons appeared to comment on the Petition.

The public hearing was closed at 8:33 p.m.

On motion by L. Rapach, seconded by H. Hoffman, to recommend approval of the Petition for Text Amendment for notices to adjacent property owners for zoning amendments, special uses, and variances, the vote was 4 aye, 0 nay. Motion passed.

On motion by H. Hoffman, seconded by A. Neal, to authorize the Chair to report to the Board of Trustees the recommendations of the commission on the three (3) items of business on this Agenda, the vote was 4 aye, 0 nay. Motion passed.

On motion duly made and seconded, the meeting was adjourned at 8:34 p.m.

Respectfully submitted,

Bryan G. Mroch

B. Mroch
Chair