

**VILLAGE OF HAMPSHIRE  
ZONING BOARD OF APPEALS**

**MINUTES  
September 24, 2019**

A meeting of the Hampshire Zoning Board of Appeals was called to order at 7:00 p.m.. Members present: Chair C. Christensen, W. Albert, F. Frillman, and H. Hoffman. Member(s) Absent: J. Schaul. Also present was Village Attorney M. Schuster. W. Albert was named to act as temporary secretary for the meeting.

On motion made by H. Hoffman, seconded by R. Frillman, to approve the minutes of the meeting of the Zoning Board of Appeals held on August 13, 2019, the vote to approve was unanimous. Motion passed.

The first order of business was to convene a public hearing for the Petition filed by Montemayor Construction, Inc. for a zoning amendment on certain property which will be designated at Lot 1 of Hampshire Woods Business Park, Unit 2 upon the owner filing a Plat of Subdivision for the property. The owner is Wayne Hummer Trust No. LFT-1745.

The public hearing was opened at 7:04 p.m.

Michael Gazzola of Entre Commercial Realty, LLC appeared on behalf of and together with the applicant, Joseph Montemayor of Montemayor Construction, Inc., prospective purchaser of the property in question (and his attorney, James Bolz). Mr. Gazzola summarized the elements of the application for the Board. The purchaser intends to build an office/warehouse type building on the premises, which would be allowed under the M-2 General Industrial Zoning District regulations. Access to the Subject Property would be from Flannigan Road at the southern boundary of the property; the temporary cul-de-sac there would be improved and made permanent. The existing easement for extension of Flannigan Road to the north would be vacated; the existing village utility easements currently located within the roadway easement would remain. Land at the north end of the Subject Property would be deeded or dedicated to the village; the land could be used for future re-alignment of Higgins Road. Gazzola also identified the surrounding land uses in the Business Park, some of which remain classified in the O-M Office-Manufacturing Zoning District and others which have been amended to M-2 General Industrial Zoning District.

No members of the public commented on the Petition.

Chairman Christensen reiterated that some of the properties in this Business Park remain classified in the O-M Office-Manufacturing Zoning District and some have been amended for inclusion in the M-2 General Industrial Zoning District.

The public hearing was closed at 7:10 p.m..

On motion by W. Albert, seconded by H. Hoffman, to recommend approval of the Petition

for Zoning Amendment, to amend the zoning classification of the property legally described in the Petition and to be designated as Lot 1 in Hampshire Woods Business Park, Unit 2, from O-M Office Manufacturing Zoning District to M-2 General Industrial Zoning District, the vote was 4 aye – 0 nay. Motion passed.

The second order of business was to convene a public hearing for the Petition filed by Montemayor Construction, Inc. as prospective purchaser, for a zoning amendment on Lot 9 of Hampshire Woods Business Park, Unit 1, property owned by Wayne Hummer Trust No. LFT-1745.

The public hearing was opened at 7:11 p.m.

Michael Gazzola of Entre Commercial Realty, LLC appeared on behalf of and together with the applicant, Joseph Montemayor of Montemayor Construction, Inc., prospective purchaser of the property in question (and his attorney, James Bolz). Mr. Gazzola summarized the elements of the application for the Board. The purchaser intends to build an office/warehouse type building on the premises, which would be allowed under the M-2 General Industrial Zoning District regulations. Access to the Subject Property would be from Flannigan Road

No members of the public commented on the Petition.

The public hearing was closed at 7:14 p.m..

The Village Attorney recited that notice of the public hearing for both petitions had been published in the Daily Herald newspaper on September 3,, 2019, and that a Certificate of Publication was on file with the Village Clerk. Attorney Bolz presented mailing certificates for notices sent to adjacent property owners.

On motion by H. Hoffman, seconded by R. Frillman, to recommend approval of the Petition for Zoning Amendment, to amend the zoning classification of Lot 9 in Hampshire Woods Business Park Unit 1, from O-M Office Manufacturing Zoning District to M-2 General Industrial Zoning District, the vote was 4 aye – 0 nay. Motion passed.

The third order of business was to convene the Public Hearing for the Petition filed by the Village for Text Amendment to allow for residential uses above the ground floor level on any parcel on which is located a permitted or allowed special use in the B-1 Central Business District, the B-2 Community Business Zoning District, and the B-3 Service Business Zoning District

The public hearing was opened at 7:15 p.m.

The Village Attorney recited that notice of the public hearing had been published in the Daily Herald newspaper on September 6, 2019, and that a Certificate of Publication was on file with the Village Clerk. He noted the Petition for Text Amendment, explaining that the Village may wish to allow residential uses above the ground floor for businesses operating in the B-1 Central Business District; and noted that several such uses currently exist. Moreover, such uses

are allowed in the B-2 Community Business Zoning District and in the B-3 Service Business Zoning District, for the owner of record and his immediate family.

No members of the public commented on the Petition.

W. Albert questioned why this petition had been filed, and which properties would be affected by such a change in classification. He requested that a Village representative appear at the meeting to further explain the Petition.

On motion by W. Albert, seconded by H. Hoffman, to recess the public hearing and to table consideration of the matter until the ZBA meeting planned for October 22, 2019, the vote was 4 aye, 0 nay. Motion passed.

The fourth order of business was to remove from the table consideration of the Petition filed by the Village for Text Amendment to allow for beer gardens in the B-1 Central Business District in the Village.

The public hearing on this matter was re-opened at 7:21 p.m.

On motion by H. Hoffman, seconded by R. Frillman, to recess the public hearing to to table consideration of this matter until the ZBA meeting planned for October 22, 2019, the vote was 4 aye, 0 nay. Motion passed.

On motion by H. Hoffman, seconded by W. Albert, to authorize the Chairman to execute and deliver to the Board of Trustees, on behalf of the Zoning Board of Appeals, written Findings of Fact and Recommendation on Agenda Items #1 and #2, consistent with these actions, the vote was 4 aye, 0 nay. Motion passed.

On motion duly made and seconded, the meeting was adjourned at 7:26 p.m.

Respectfully submitted,

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William Albert  
Temporary Secretary