

**VILLAGE OF HAMPSHIRE
ZONING BOARD OF APPEALS**

**MINUTES
May 12, 2020**

A meeting of the Hampshire Zoning Board of Appeals was called to order at 7:00 p.m. by Chairman Christensen. The Pledge of Allegiance was said by all! Members present: Chairman Carl Christensen, William Albert, Richard Frillman, Hank Hoffmann and Sec. Joseph Schaul in person. Also present were Village Manager Jay Hedges (who managed the Zoom video-conferencing and telephone conferencing programs) and Village Attorney M. Schuster (by video conference).

On motion made by H. Hoffmann, seconded by R. Frillman, to approve the minutes of the meeting of the Zoning Board of Appeals held on December 10, 2019, the vote to approve was unanimous. Motion passed.

New Business:

I. The first order of business was to consider the Application for Approval of a General Variance of the Community Graphics Regulations filed by Modern Signs, Inc. for Thornton's Inc. for general variations of the Village Community Graphics Regulations, pursuant to §6-12-14(B) of the Village Code, for proposed signage at the Thornton's Development located at 19N479 US Highway 20 in the Village.

Mr. Ernie DiFiori of Modern Signs, Inc. appeared via telephone conferencing to present the Petition to the Board. Mr. DiFiori explained the signage package designed for use at the new Thornton's Gas Station and Truck Stop at 19N479 US Highway 20 in the Village, including variances from strict adherence to the requirements of the Village Community Graphics Regulations and Interchange Overlay Regulations, consistent with other signage throughout the truck stop area adjacent to the I-90 interchange. The signage will include up to ten (10) wall-type signs for the canopies over the fueling areas, and three (3) pole signs, including one at 100' in height.

The Board members asked whether the signage proposal for Thornton's was consistent with that allowed for Loves; and whether so many canopy signs were necessary, or ought to be allowed.

After further deliberation, on motion made by H. Hoffmann, and seconded by R. Frillman to recommend approval of the Petition for approval of the signage plan for the Thornton's business at 19N479 US Highway 20, including the variances detailed in the Petition, **a roll vote was 5 aye and 0 nay. Motion passed.**

II. The second order of business was to convene a public hearing concerning Application for Zoning Amendment filed by J. Maki as owner, to amend the zoning classification of the property at 220 Keyes Avenue from B-2 Community Business Zoning District to M-2 General Industrial Zoning District for a multi-faceted contractor's yard, to wit: a landscape business and storage yard on the premises; together with a Petition for Variance of the requirements of the M-2 General Industrial Zoning District under §6-14-3(F) of the Village Code, filed by J. Maki as owner of the property at 220 Keyes Avenue, to vary the requirements of §6-9-3(A) to allow for landscape screening of an outdoor storage yard in lieu of a fence not less than 6' nor more than 8' in height on the premises.

The public hearing for these two Petitions was opened at 7:15 p.m.

The Village Attorney recited that notice of the public hearing for this petition had been published in the Daily Herald newspaper on April 23, 2020, and that a Certificate of Publication was on file with the Village Clerk. He then swore in the the petitioners.

Ms. Jeannie Maki (owner), Mr. Brian Awad (prospective tenant) and Ms. Christine Klein (realtor) appeared for the Petitioner, and presented the Applications. The owner intends to lease and/or sell the property to Mr. Awad for his landscape business. The use will include a business office, outdoor storage of his various equipment and materials, and substitution of landscape screen in lieu of fencing for the storage yard. The building is the former Lil Wonders daycare facility. Surrounding zoning is a mixture of manufacturing and commercial uses. Mr. Awad desires to substitute landscape materials for screening the outdoor storage area, in lieu of the fencing otherwise required. The business would accumulate a “debris pile” in the storage area, during operations each week, to be removed weekly. He hopes to acquire the separate lot between this property and the creek on the north side. For now the screening would be on the north end of the existing lot.

No members of the public made any comment about either Petition.

Members of the ZBA asked if the premises would be adequately secure without fencing. Awad responded that security would be attained by the use of cameras, so the lack of fencing for security is not a concern to Awad. He also stated that he would utilize a fence and sliding gate on the street side of the yard, but landscape screening around the other three sides. Also, the “bays” to be installed to hold materials would be ten (10’) high, along the north property line. Awad also stated that he intended to plant trees of 2” - 3” caliper size. In response to inquiry from the Board, the Village Attorney stated that the landscaping would be subject to review as part of the site plan review process.

The public hearing was closed at 7:29 p.m.

After due deliberation, on motion made by H. Hoffman, and seconded by R. Frillman, to recommend approval of the Application for zoning map amendment, to change the zoning classification from B-4 Business Zoning District to M-2 General Industrial Zoning District , **a roll vote was 5 aye and 0 nay. Motion passed.**

On motion made by W. Albert, and seconded by H. Hoffman, to recommend approval of the Application for variance of the screening requirement for the proposed outdoor storage yard, to allow the use of appropriate landscape products for screening in lieu of a fence, **a roll vote was 5 aye and 0 nay. Motion passed.**

III. The third order of business was to convene a public hearing regarding an Application for Text Amendment, filed by the Village, to allow “Tattoo Parlors and Body Piercing Establishments” as a permitted use in the B-2 Community Business Zoning District.

The public hearing was opened at 7:33 p.m.

The Village Attorney recited that notice of the public hearing for this petition had been published in the Daily Herald newspaper on April 23, 2020, and that a Certificate of Publication was on file with the Village Clerk. He then presented the Petition to the Board members, explaining that the owner of the proposed new commercial building on IL 72 desired to be able to lease space to a tattoo and body-piercing business. At present, tattoo businesses are allowed only in the Industrial Districts in the Village. The current proposal would allow tattoo parlors and body-piercing establishments to the B-2 Community Business Zoning District. Further, It was noted that the restrictions placed on the location of tattoo parlors vis-à-vis residential uses and/or districts in the current regulations for manufacturing districts in the Village would not be feasible for locations in a B-2 Community Business Zoning District because of the proximity of residential uses and districts to same.

No members of the public made any comment.

The public hearing was closed at 7:42 p.m.

Members of the ZBA commented that a tattoo parlor in nearby Burlington had caused problems to neighbors because of its hours of operations, remaining open too late at night; and that persons seeking tattoos often are not alone. Mr. Albert noted that although the tattoo business in general has “upgraded” since the Village first passed regulations, he believed such businesses ought to be allowed only as “special uses” in Hampshire.

After due deliberation, on motion made by W. Albert, and seconded by H. Hoffman, to recommend approval of the Application for zoning text amendment, to add tattoo parlors and body-piercing establishments as a permitted use in the B-2 Community Business Zoning District, **a roll vote was 2 aye and 3 nays, being Mr. Hoffmann, Mr. Albert and Mr. Schaul. Motion failed.**

Members of the ZBA then commented that such use, if it is to be allowed outside the Industrial Districts, ought to be a special use in the village.

IV. The fourth order of business was to convene a public hearing regarding the Petition filed by the Village to amend the Zoning Regulations i) governing the location in front, side and rear yards of sheds and fences; and ii) to update the performance standards for fire prevention regulations, per the International Code Council Fire Prevention Code, 2006 Edition, and any amendments to said edition adopted by the Village for its Building Regulations.

The Village Attorney recited that notice of the public hearing for the petition on these two matters had been published in the Daily Herald newspaper on April 23, 2020, and that a Certificate of Publication was on file with the Village Clerk.

The Board took the matters up separately for comment and deliberation. The public hearing to consider the amendment for sheds, fences and other accessory structures was opened at 7:45 p.m.

The Village Attorney presented an overview of the Petition for the Board. The proposed amendment related in particular to locations on corner lots in the Village, consistent with the locations of various sheds which in existence throughout the Village; and in general to all zoning lots in the Village. It was noted that at least 20 sheds are presently located in side yards at various locations around the Village.

Two members of the public commented on the Petition, F. Wilson and W. Benenhaley. Mr. Wilson noted that his rear yard was too uneven to allow for positioning a shed, and he desired to place it in a side yard, on his corner lot. Mr. Benenhaley noted that his rear yard was dominated by a drainage swale, and he desired to locate a shed in his side yard.

Members of the ZBA inquired about the intent to use the front door to a residence (and not the street address) on a corner lot to determine the front yard. The Village Attorney stated that for new lots, the Building Department would confirm which yard would be the front yard on any corner lot; and that the intent was to utilize the location of the main entrance to the residence to establish the front yard.

The public hearing was closed at 7:55 p.m.

After due deliberations, on motion by H. Hoffman, seconded by R. Frillman, to recommend approval of the Petition for Zoning Text Amendment, governing the location in front, side and rear yards of sheds and fences, **a roll vote was 5 aye, 0 nay. Motion passed.**

V. The fifth order of business was to convene a public hearing regarding the Petition filed by the Village to

amend the Zoning Regulations to update the performance standards for fire prevention regulations, per the International Code Council Fire Prevention Code, 2006 Edition, and any amendments to said edition adopted by the Village for its Building Regulations.

The public hearing was opened at 7:58 p.m.

The Village Attorney explained that since the original enactment of performance standards, the Village had adopted a new fire code, utilizing ICC Fire Prevention Code of 2006, with certain specific amendments thereto for use in the Village, in lieu of the earlier BOCA Code.

No members of the public commented on the proposed Amendment.

The public hearing was closed at 7:59 p.m.

After due deliberations, on motion by H. Hoffman, seconded by R. Frillman, to recommend approval of the Petition for Zoning Text Amendment, to update the performance standards for fire prevention regulations, per the International Code Council Fire Prevention Code, 2006 Edition, and any amendments to said edition adopted by the Village for its Building Regulations, **a roll vote was 5 aye, 0 nay. Motion passed.**

On motion made by H. Hoffman, seconded by W. Albert, to authorize the Chairman to review, sign and deliver to the Village Clerk written Findings of Fact and Recommendation concerning Agenda Items I-V, **the vote was 5 aye and 0 nay. Motion passed.**

Old Business:

I. Continuation of consideration of the Petition of the Village for Zoning Text Amendment to modify §6-8-2(B) of the Village Code to allow beer gardens a permitted use in the B-1 Central Business District.

Being familiar with the Petition a motion was made by W. Albert, seconded by H. Hoffmann to recommend approval of the Petition for Zoning Text Amendment, to modify §6-8-2(B) of the Village Code to allow beer gardens a permitted use in the B-1 Central Business District, **a roll vote was 5 Nays. Motion Failed.**

II. Continuation of consideration of the Petition of the Village for Zoning Text Amendment to modify §6-8-2(B) of the Village Code to allow residential uses above the ground floor as a permitted use in the B-1 Central Business District.

Being familiar with the Petition a motion was made by H. Hoffmann seconded by W. Albert, to recommend approval of the Petition for Zoning Text Amendment, to modify §6-8-2(B) of the Village Code to allow residential uses above the ground floor as a permitted use in the B-1 Central Business District, **a roll vote was 4 Ayes and 1 nay, being Mr. Albert. Motion passed.**

III. On motion made by H. Hoffman, seconded by W. Albert, to authorize the Chairman to review, sign and deliver to the Village Clerk written Findings of Fact and Recommendation concerning Agenda Items I-III, **the vote was 5 aye and 0 nay. Motion passed.**

With no further business, public comment or announcements before this Board, a motion to adjourn was duly made by H. Hoffmann and seconded by R. Frillman, **vote to adjourn, All Ayes.**

The meeting was adjourned at 8:12 p.m.

Respectfully submitted,

Joseph Schaul

Joseph Schaul
Secretary