

**VILLAGE OF HAMPSHIRE  
ZONING BOARD OF APPEALS**

**MINUTES  
August 13, 2019**

A meeting of the Hampshire Zoning Board of Appeals was called to order at 7:00 p.m.. Members present: Chair C. Christensen, Sec. J. Schaul , W. Albert, H. Hoffmann, and F. Frillman. Absent: None Also present were Village President J. Magnussen, and Village Attorney M. Schuster.

On motion made by H. Hoffman, seconded by W. Albert, to approve the minutes of the meeting of the Zoning Board of Appeals held on May 14, 2019, the vote to approve was unanimous. Motion passed.

Pledge of Allegiance was said by all in attendance.

**1.) The first order of business** was to convene a public hearing for the Petition filed by Wm Ryan Homes for a variation of the front yard requirements on certain property located at 430 Zachary Lane in the Village, to allow a lesser front yard setback equal to not less than 28' 6" in the R-2 Single Family Residential Zoning District.

The public hearing was opened at 7:03 p.m.

The Village Attorney recited that notice of the public hearing had been published in the Daily Herald newspaper on July 26, 2019, and that a Certificate of Publication was on file with the Village Clerk. Mr. Matt Clemens of Wm. Ryan Homes, Inc. appeared for Petitioner. Mr. Clemens recited that notice of the public hearing had been posted on the premises at least fifteen days prior to this date.. He summarized the Petition. The builder of the residential structure to be erected on the Subject Property did not accurately measure the front yard setback, and the foundation as poured would result in the front porch being only 28' 11½ " to 29' from the front property line. The application for variance includes a copy of a plot diagram showing the dimensions.

No members of the public commented on the Petition.

Members of the ZBA inquired only to confirm that it was the mistake of the contractor for the foundation that led to this error.

The public hearing was closed at 7:08 p.m..

On motion by H. Hoffman, seconded by W. Albert, to recommend approval of the Petition for Variance, to allow a front yard setback of not less than 28' 11" on the Subject Property located at 430 Zachary Lane, in the Village; Roll vote taken: Mr. Albert – Aye, Mr. Frillman – Aye, Mr. Schaul – Aye, -- Mr. Christensen – Aye, Mr. Hoffmann – Aye. 5 ayes – 0 nays. Motion passed.

**2.) The second order of business** was to convene the Public Hearing for the Petition for Text Amendment filed by the Village, to allow for beer gardens in the B-1 Central Business District

The public hearing was opened at 7:32 p.m.

The Village Attorney recited that notice of the public hearing had been published in the Daily Herald newspaper on July 26, 2019, and that a Certificate of Publication was on file with the Village Clerk. He summarized the Petition. He summarized the petition as follows: The Village Board of Trustees had mentioned the possibility of allowing beer gardens in the downtown business district; on business in particular, The Kave, had inquired about it. A petition was filed and public hearing set up to consider comments from the public and recommendation from the Zoning Board of Appeals. A beer garden would allow outdoor seating and consumption of alcoholic beverages in the outdoor area.

No members of the public commented on the Petition.

Members of the ZBA inquired / commented as follows:

*1. What was the source of this proposed amendment? The petition was filed by the Village; and there had been some discussion that The Kave would want to implement a beer garden, if allowed.*

*2. What definitions / restrictions might apply? It was noted that there are restrictions for "outside seating" for a Class C license holder, which would be a restaurant serving alcohol beverages. Similar restrictions might be applied.*

*3. Is there a tavern anywhere that does not serve food but still utilizes outside seating? No one could think of such an establishment.*

*4. Could the Village provide more detail for this proposal? It was the consensus of the Board that a more complete package of ideas could be presented to the Zoning Board of Appeals.*

The public hearing was closed at 7:30 p.m.

On motion by H. Hoffman, seconded by R. Frillman, to table to the next meeting consideration of the Petition for Text Amendment, to allow for beer gardens in the B-1 Central Business District, Roll vote was taken: Mr. Frillman – Aye, Mr. Schaul – Aye, -- Mr. Christensen – Aye, Mr. Hoffmann – Aye, Mr. Albert – Aye. 5 ayes – 0 nays. Motion passed.

**The third order of business** was to convene the Public Hearing for the Petition filed by the Village for Text Amendment to add certain home occupations to residential districts, to wit: home kitchen operations and cottage food operations. ..

The public hearing was opened at 7:32 p.m.

The Village Attorney recited that notice of the public hearing had been published in the Daily Herald newspaper on July 26, 2019, and that a Certificate of Publication was on file with the Village Clerk. He summarized the Petition for Text Amendment, explaining that the Illinois General Assembly had enacted the Illinois Food Handling Regulation Enforcement Act, which allowed local municipalities to adopt regulations allowing home kitchen operations. In addition, since the Act allowed cottage food operations, for sale of goods at farmer's markets, the Village ought to recognize such uses and put in place regulations that would allow for policing of violations. There are persons in the Village who are operating such uses at this time.

No members of the public commented on the Petition.

Questions from the members of the Zoning Board of Appeals included the following:

- 1. What could be the intensity of such use as a home occupation, whether it might become a nuisance?*
- 2. There should be no employees for any such use, if allowed.*
- 3. There is a money limit on annual sales from a home kitchen operation.*

The public hearing was closed at 7:41 p.m.

On motion by H. Hoffman, seconded by R. Frillman, to recommend approval of the Petition for Text Amendment to allow for home kitchen operations and cottage food operations in the Village, the vote was 5 aye and 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 consistent with these actions, the vote was 5 aye, 0 nay. Motion passed.

Having no public comment, nor any further business for this Board, on motion duly made and seconded, the meeting was adjourned unanimously at 7:45 p.m.

Respectfully submitted,

*Joseph B Schaul Jr*

Joseph Schaul  
Secretary