



Village of Hampshire
Planning & Zoning Commission Meeting
Monday, October 28, 2024 - 7:00 PM
Hampshire Village Hall
234 South State Street, Hampshire, IL 60140

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. A Motion to Approve the Meeting Minutes from September 23, 2024
5. Public Comments
6. New Business
 - a. Case#: PZC-24-08 - Public Hearing
Address: 200 Red Hawk Rd.
Petitioner & Owner: William Misner
Request: Variance to Sec. 7-5-9-A of the Hampshire Subdivision Ordinance to permit a shed in an easement, whereas structures are not permitted in easements.
Action: Motion to make a recommendation regarding Case# PZC-24-08.
 - b. Adoption of 2025 Planning & Zoning Commission Meeting Schedule.
7. Old Business
8. Announcements
9. Adjournment

Public Comments: The Commission will allow each person who is properly registered to speak a maximum time of five (5) minutes, provided the Chairman may reduce the maximum time to three (3) minutes before public comments begin if more than five (5) persons have registered to speak. Public comment is meant to allow for expression of opinion on, or for inquiry regarding, public affairs but is not meant for debate with the Board or its members. Good order and proper decorum shall always be maintained.

Recording: Please note that all meetings held by videoconference may be recorded, and all recordings will be made public. While State Law does not require consent, by requesting an invitation, joining the meeting by link or streaming, all participants acknowledge and consent to their image and voice being recorded and made available for public viewing.

Accommodations: The Village of Hampshire, in compliance with the Americans with Disabilities Act, requests that persons with disabilities, who require certain accommodations to allow them to observe and/or participate in the meeting(s) or have questions about the accessibility of the meeting(s) or facilities, contact the Village at 847-683-2181 to allow the Village to make reasonable accommodations for these persons.



Village of Hampshire
Planning & Zoning Commission Meeting
Monday, September 23, 2024 - 7:00 PM
Hampshire Village Hall
234 South State Street, Hampshire, IL 60140

MEETING MINUTES

1. Call to Order

The Village of Hampshire Planning & Zoning Commission was called to order by Chairman Mroch at 7:00pm

2. Roll Call

Present: Commissioners Grace Duchaj, Richard Frillman, Scott McBride, Bill Rossetti, Sharon Egger, Lawrence Rapach, and Chairman Bryan Mroch.

3. Pledge of Allegiance

Chairman Mroch led the Pledge of Allegiance.

4. A Motion to Approve the Meeting Minutes from September 9, 2024

Motion: Bill Rossetti

Second: Sharon Egger

Ayes: Grace Duchaj, Richard Frillman, Bill Rossetti, Sharon Egger, Lawrence Rapach.

Abstain: Scott McBride

Nays: None

5. Public Comments

No Public Comments

6. New Business

a. Case#: PZC-24-07 - Public Hearing

Address: 115 Arrowhead Drive

Petitioner & Owner: EMAAR Real Estates 2, LLC

Request: Variance to Sec. 6-8-7-F-4 of the Hampshire Zoning Ordinance to permit a front yard setback of 10 feet, whereas the minimum front-yard setback required is 25 feet.

Action: Motion to make a recommendation regarding Case# PZC-24-07.

Public hearing opened: 7:03pm

Public hearing closed: 7:36pm

A motion to approve the variance to Sec. 6-8-7-F-4 of the Hampshire Zoning Ordinance to permit a front yard setback of 10 feet, whereas the minimum front-yard setback required is 25 feet was made by Lawrence Rapach, seconded by Bill Rossetti, with a vote of 4 aye, 3 nay. Motion carried.

7. Old Business

No old business.

8. Announcements

Mr. Khan provided an update on recent cases heard by the Planning & Zoning Commission.

No meeting in two weeks.

9. Adjournment

Motion: Scott McBride

Second: Sharon Egger

Ayes: Commissioners Duchaj, Frillman, Rapach, Rossetti, Egger, and McBride.

Nays: None

Abstain: None

Adjourned: 7:39pm

Submitted September 23, 2024

Richard Frillman, Secretary



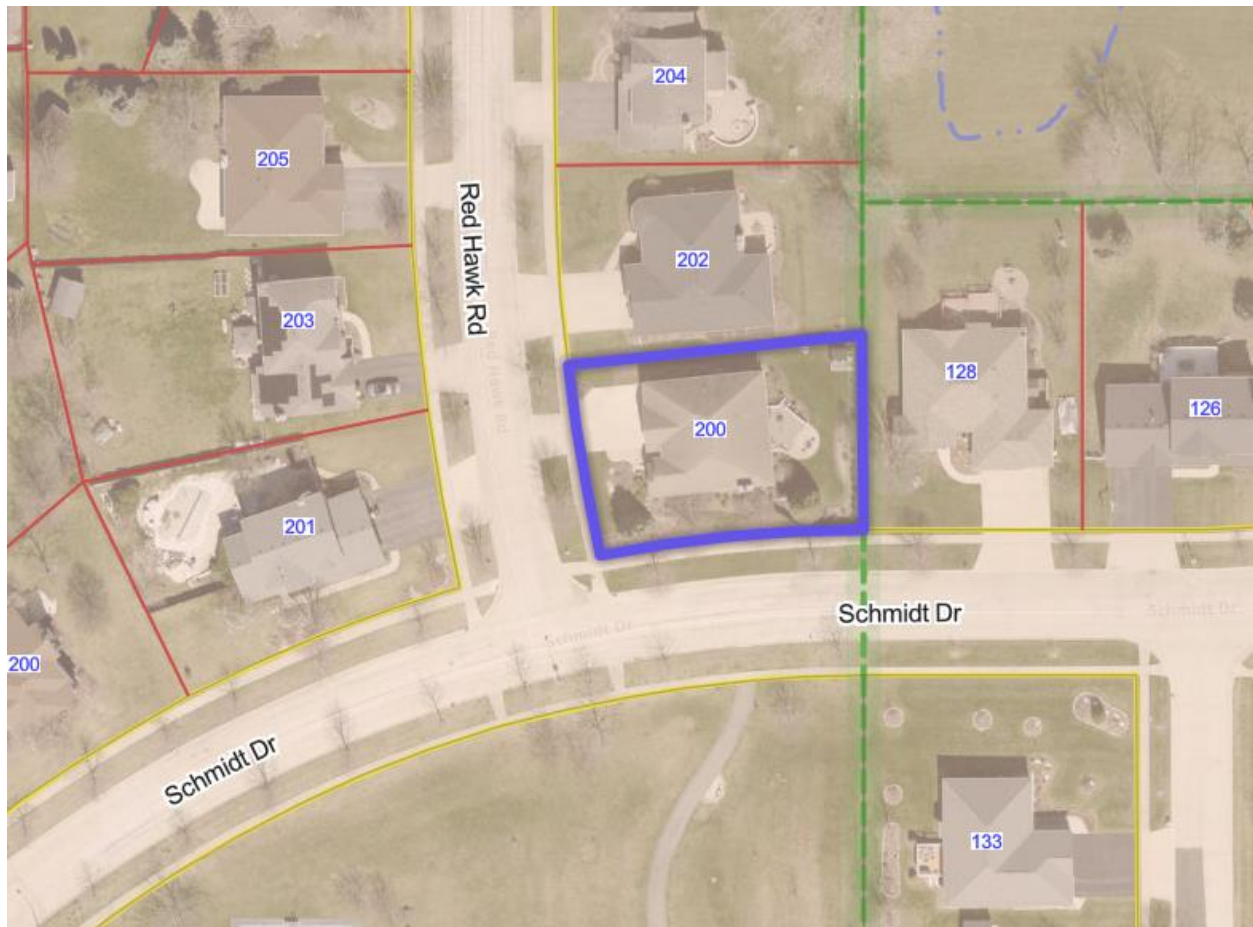
Village of Hampshire
234 S. State Street, Hampshire IL 60140
Phone: 847-683-2181 | www.hampshireil.org

AGENDA SUPPLEMENT

TO: Planning & Zoning Commission
FROM: Mo Khan, Assistant Village Manager for Development
FOR: Planning & Zoning Commission Meeting on October 28, 2024
RE: PZC-24-08 - 200 Red Hawk Rd. - Variance

PROPOSAL: William Misner (Petitioner & Owner) is requesting the approval of the following to construct a shed in an easement:

1. Variance to Sec. 7-5-9-A of the Hampshire Subdivision Ordinance to permit a shed in an easement, whereas structures are not permitted in an easement.





BACKGROUND: The petitioner received a permit from the Village on 9/1/2021 to construct a patio and slab for a future shed. As shown on the Plat of Survey the shed slab was proposed to be and was constructed in the rear utility easement.

The slab should not have been approved as part of the permit as Sec. 7-5-9-A does not permit structures in any easement.

On 8/28/2024, the petitioner applied for a shed permit and was notified the shed could not be constructed in an easement.

It was found that prior to 2024, that the Village’s contractor SafeBuilt who is responsible for permitting was not directed to or was not reviewing permits for zoning compliance.

ANALYSIS: The subject property is approximately 0.25 acres (10,890 sq. ft.) and is located on the northeast corner of Red Hawk Rd. and Schmidt Dr. The subject property is improved with an approximately 3,000 sq. ft. single-story single-family residence.

The subject property is zoned R-2, Single-Family Residence District.

The following are the adjacent property zoning and uses:

- North: R-2, Single-Family Residence District - Residential
- South: R-2, Single-Family Residence District - Public Park/Playground
- East: R-3, Two-Family Residence District - Residential
- West: R-2, Single-Family Residence District - Residential

Zoning Bulk Standards: The following are the applicable zoning bulk standards for accessory structure.

Code Section	Description	Requirement	Proposed
Sec. 6-3-7-B-2	Structure Height	≤ 15 ft.	10 ft.
Sec. 6-3-7-B-3-a-(1)	Building Separation	≥ 5 ft.	30 ft.
Sec. 6-3-7-B-3-a-(2)	Yard Location	Rear or Back-Half of Side	Rear
Sec. 6-3-7-B-3-a-(3)	Property Line Setback	≥ 5 ft.	5 ft.
Sec. 6-3-7-B-3-a-(4)	Alley Setback	≥ 10 ft.	N/A
Sec. 6-3-7-B-3-a-(5)	Lot Coverage (Max 30% of Rear-Yard)	≤ 1,119 sq. ft.	500 sq. ft.*

* Calculation includes 400 sq. ft. patio and deck.



REQUIRED FINDINGS OF FACT: The following are the required findings of fact for a Variance per Sec. 7-5-7-A-2:

1. Because of the particular physical surroundings, shape or topography conditions of the specific property involved, a particular and extraordinary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out.
2. The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property, and have not been created by any person having an interest in the property.
3. The purpose of the variation is not based exclusively upon a desire to make more money out of the property.
4. The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located.

PROPOSED FINDINGS OF FACT: The proposed findings of fact shall be as follows:

1. The subject property does not have unique physical surroundings, shape or topography that prevents the shed from being placed outside the utility easement.
2. The request is being made due to an error by the Village to allow for the concrete pad for the shed to be constructed in the easement. This condition was not created by the petitioner or any other individual having an interest in the property.
3. The proposed variance will not result in increased property value or result in the petitioner making more money than if the shed was placed outside the easement.
4. The proposed variance will not be detrimental to the public safety or general welfare as a shed is a common accessory structure for residential properties.

PUBLIC COMMENTS: Village staff has not received any public comments regarding this petition as of October 23, 2024.

STAFF RECOMMENDED CONDITIONS OF APPROVAL: Village staff is not recommending any conditions of approval.



Village of Hampshire
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RECOMMENDED MOTION:

I move to accept and adopt Staff's Findings of Fact included in the Agenda Supplement and recommend approval of PZC-24-08 for a variance to Sec. 7-5-9-A of the subdivision ordinance to permit a shed in an easement, whereas structures are not permitted in an easement.

DOCUMENTS ATTACHED:

1. Land Use Application
2. Plat of Survey
3. Shed Drawing
4. Petitioner's Response to Findings of Fact
5. Waiver & Release of Liability



Village of Hampshire
234 S. State Street, Hampshire, IL 60140
Phone: 847-683-2181 • www.hampshireil.org

Land Use Application

Date: 9/15/21

The Undersigned respectfully petitions the Village of Hampshire to review and consider granting the following approval(s) on the land herein described.
(check all that apply)

- Variance*
- Special Use Permit*
- Rezoning from _____ District to _____ District (ex. M1 to M2)*
- Annexation*
- Subdivision
- Other Site Plan: _____

*requires a 15-30 day public notice period

APPLICANT INFORMATION

APPLICANT (print or type)

Name: William Mioner Email: _____

Address: 200 Red Hawk Rd Phone: 847 354 1937

CONTACT PERSON (if different from applicant) (Wife) 847 610 0254

Name: Jenny Mioner Email: billmioner@yahoo.com

Address: Same Phone: _____

IS THE APPLICANT THE OWNER OF THE SUBJECT PROPERTY?

YES NO

If the applicant is not the owner of the subject property, a written and signed statement from the owner authorizing the applicant to file must be attached to this application.

IS THE OWNER A TRUSTEE/BENEFICIARY OF A LAND TRUST?

YES NO

If the owner of the subject property is a trustee of a land trust or beneficiaries of a land trust, a disclosure statement identifying each beneficiary of such land trust by name and address, and defining his/her interest therein, shall be attached hereto.

PROPERTY INFORMATION

Name of Development (if any): Hampshire Meadows

Address: 200 Red Hawk Rd

Parcel Number(s): 01-28-403-015

Total Area (acres): 11,048 SQ FT

Legal Description: must be attached to this application

Fire Protection District: Hampshire Fire

School District: 300 Hampshire

Library District: Hampshire

Park District: Hampshire

Township: Hampshire

Current Zoning District: R2

Current Use:

Single Family Residence

Proposed Zoning/Variance/Use:

VARIANCE to Permit SHED on EASE-
-MENT

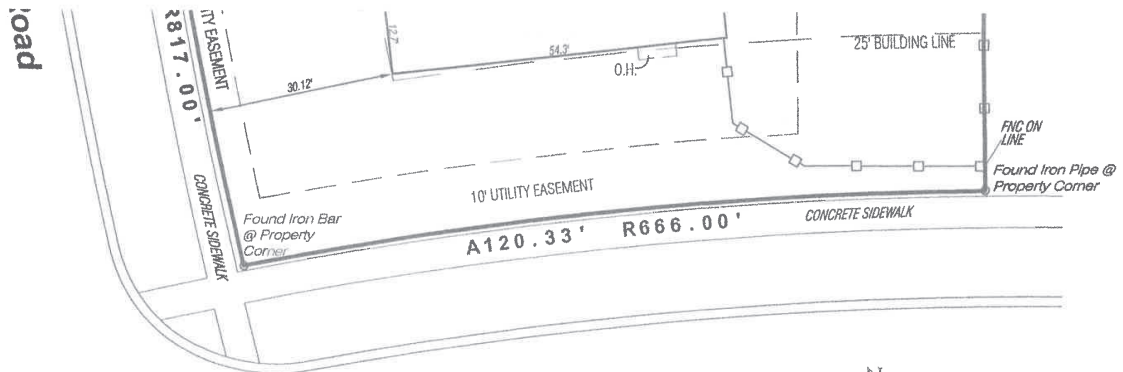
Reason/ Explanation for Zoning/ Variance/ Use:

THE VILLAGE APPROVED A PERMIT FOR A
SHED PAW IN THE EASEMENT.
THIS REQUEST IS TO PERMIT SHED
IN THE EASEMENT.

Plat of Survey

LEGAL DESCRIPTION: LOT 15 IN HAMPSHIRE MEADOWS UNIT NO. 1, A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 42 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 21, 2003 AS DOCUMENT 2003K064527, IN THE VILLAGE OF HAMPSHIRE, KANE COUNTY, ILLINOIS.

PARCEL AREA: 11,048 Sq. Feet



NOTES
 10'x10' Slab
 10'x10' Shed
 8' WALLS ANCHORED TO
 THE CONCRETE SLAB WITH WOOD ANCHORS.
 FLAT ROOF WITH LARGE OVERHANG.



THIS DOCUMENT IS NOT VALID WITHOUT THE SURVEYOR'S SEAL.

STATE OF ILLINOIS } ss.
 COUNTY OF MCHENRY }

IN MY PROFESSIONAL OPINION, AND BASED ON MY OBSERVATIONS, I HEREBY CERTIFY THAT THE PLAT HEREON DRAWN IS A TRUE REPRESENTATION OF SAID SURVEY. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATED THIS 5th DAY OF September, A.D. 2017

JEFFREY A. SPIRICK
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3898
 REGISTERED AGENT FOR LUCCO CONSTRUCTION COMPANY
 LICENSE TO BE RENEWED NOVEMBER 30, 2018

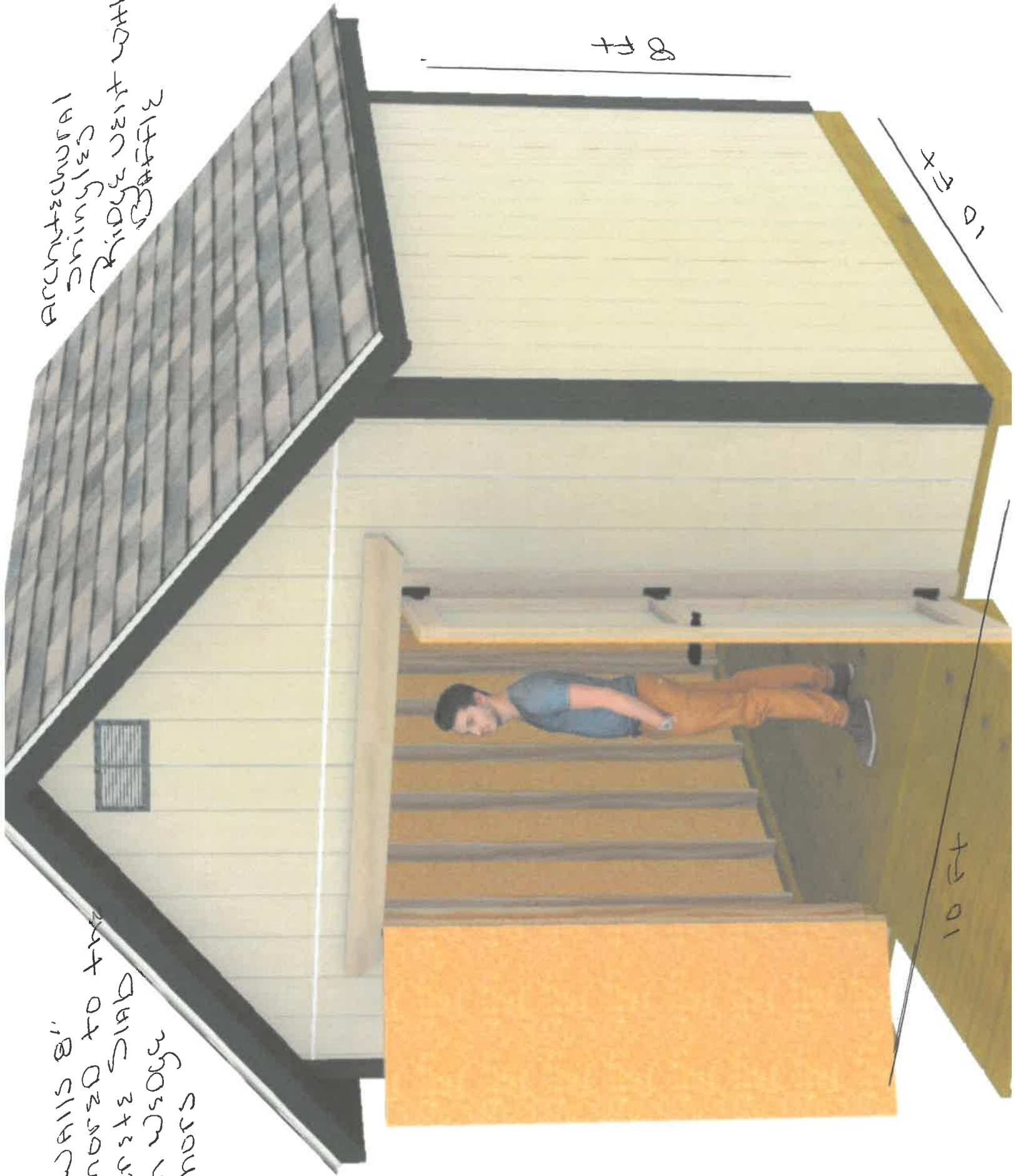


NOTES:
 *COMPARE THE DESCRIPTION ON THIS PLAT WITH YOUR DEED AND REPORT ANY DIFFERENCES IMMEDIATELY.
 *ALL DIMENSIONS ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF.
 *BEARINGS AS SHOWN ARE ASSUMED AND ARE SO INDICATED FOR INTERIOR ANGLES ONLY.
 *BUILDING LINES AND EASEMENTS AS SHOWN ARE BASED SOLELY ON PROVIDED DOCUMENTS.
 *UTILITIES WITHIN EASEMENTS ARE NOT SHOWN HEREON. UNDERGROUND UTILITIES, INCLUDING, BUT NOT LIMITED TO CONDUITS AND CABLES (IF ANY) HAVE NOT BEEN SHOWN HEREON.

Luco Construction Company Professional Design Firm No. 184.004829	
54 Lou Avenue Crystal Lake, Illinois 60014 phone: 815.526.3974 email: lucoland@gmail.com	
Common Address: 200 Red Hawk Road, Hampshire, IL	
Job Number: 17 - 43591	Drawn By: JAC
Client: Militello & Struck (Morgan)	
Date of Field Work Completion: 9/1/2017	
Revisions:	

ARCHITECTURAL
SHINGLES
RIDGE VENT WITH
BAFFLE

ALL WALLS 8"
ANCHORED TO THE
CONCRETE SLAB
WITH W50YU
ANCHORS



8 FT

8 FT 01

10 FT

Petitioner's Response to Findings of Fact for the Variance

I am applying for a permit for a shed located in my backyard. On 09/01/2021, I applied for a permit for a 10x10 concrete slab for a shed. The 10x10 shed concrete slab was approved and final documents were received on 01/06/2022 permit number of 21HAM-00382. I have delayed the process to move for with a 10x10 shed to build on the 10x10 shed concrete slab due to finding a contractor. Now, 2024 I have found a contract that will build a shed that I am looking for, but I am not able to move forward to build the 10x10 shed on the approved shed concrete slab due to the concrete slab is located in the utility easement. Why was the 10x10 shed concrete slab for a shed ever approved if it was located in the utility easement in 2022. What requirements do I need to get this project done? What do you want me to do about the shed concrete slab that was approved in 2022? Is the village going to reimburse me the money I spent for the installation of the shed concrete slab that the Hampshire Village approved?

WAIVER AND RELEASE OF LIABILITY

This Waiver and Release of Liability (this "Release") is made the 23rd day of SEPTEMBER 2024, by and between the Village of Hampshire, Illinois (the "Village") and William & Jenny Misner, (the "Owner"), the owner(s) of the property located at 200 Red Hawk, Hampshire, Illinois, 60140 (the "Property"); and

WHEREAS, the Owner of the Property desires to construct or install a shed, fence or other improvement (collectively, the "Improvements") on the Property in an easement (the "Easement"); and

WHEREAS, Section 6-14-3 of the Municipal Code of Hampshire of 1985 (the "Village Code") authorizes the planning and zoning commission (the "PZC") to hold public hearings on applications for variations and thereafter to submit reports of findings and recommendations to the Board of Trustees of the Village; and

WHEREAS, the Owner has submitted an application to the PZC requesting a variance from Section 7-5-9-A of the Village Code to allow the Owner to construct or install the Improvements in the Easement (the "Variance"); and

WHEREAS, the Village, utility companies, including franchised utility companies, other individuals or entities and their respective agents, employees and contractors (collectively, the "Easement Entities") may have legal rights to use and access the Easement; and

WHEREAS, to ensure that the Owner is aware of all risks involved with installing or constructing the Improvements in the Easement, even if the Variance is granted, the Owner and the Village have determined that it is in their best interests to enter into this Release.

NOW, THEREFORE, for the mutual promises contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledge, the Owner and the Village agree as follows:

1. **Recitals.** That the recitals set forth above are incorporated herein and made a part hereof as if fully set forth herein.

2. **Acknowledgement.** The Owner understands and acknowledges that if the Variance is granted, the Variance does not rescind, remove or alter any rights that the Easement Entities have to enter, access or use the Easement. The Owner understands the inherent risks (including loss, replacement and destruction of the Improvements) associated with constructing or installing the Improvements in the Easement and agrees that the Improvements are constructed or installed at the Owner's risk. The Owner accepts all responsibility and assumes all costs associated with the destruction, removal and/or replacement of the Improvements located in the Easement. The Released Parties (defined below) shall not be responsible for any maintenance, replacement and/or repair of the Improvements.

3. **Waiver and Release.** The Owner for itself and any heir, successor, grantee, purchaser, assign, executor, tenant, administrator and/or licensee of the Owner and future owners of the Property (collectively, "Successors") hereby remises, releases, waives, covenants not to sue

and forever discharges the Village, its elected or appointed officials, officers, employees, contractors, representatives, engineers, attorneys, successors of the same and the Easement Entities (collectively the "Released Parties") of and from any and all causes of action, suits, damages, judgments, rights, claims (including, but not limited to, claims of negligence), demands, liabilities, damages (including, but not limited to, consequential, incidental, compensatory, punitive and/or exemplary), debts, attorneys' fees, costs, liens, dues, expenses and compensation of all kinds, known and unknown, foreseen or unforeseen, which may arise out of or be related in any way to the grant of the Variance, the construction or installation of the Improvements within the Easement or damages to the Improvements arising out of any work or act performed by the Released Parties including, without limitation, any act or failure to act by the Released Parties. The Owner states that the Owner has read and understands the terms of this Release, and the Owner intends to be legally bound by same.

4. **Indemnification.** The Owner and its Successors shall defend, hold harmless and indemnify the Released Parties from and against any and all claims, demands, losses, judgments, liabilities, disputes, damages, causes of action, lawsuits, injuries, fines, costs and expenses, attorneys' and witness fees, and expenses incidental thereto that may arise out of the grant of the Variance, the installation or construction of the Improvements in the Easement or the destruction, removal or replacement of the Improvements.

5. **Governing Law.** This Release shall be governed by, construed, and enforced in accordance with the internal laws, but not the conflicts of laws rules, of the State of Illinois. This Agreement shall be enforced in the Circuit Court of Kane County, Illinois.

6. **Counterparts.** This Release may be executed in counterparts, each of which shall be deemed to be an original and all of which shall together constitute one and the same instrument.

7. **Recording.** The Village may, in its discretion, have this Release e recorded with the Kane County Recorder's Office.

I, THE OWNER, EXECUTE THIS RELEASE AS A FREE AND VOLUNTARY ACT AND INTEND IT TO BE A COMPLETE AND UNCONDITIONAL RELEASE OF ALL LIABILITY TO THE GREATEST EXTENT ALLOWED BY LAW.

Property Owner(s):

[Redacted Signature]

Signature

William Miontz

type or print name

[Redacted Signature]

Signature

Jennifer Misner

type or print name

Village:

Signature

type or print name

Signature

type or print name



EMBRACE OPPORTUNITY
HONOR TRADITION

ANNUAL SCHEDULE OF PLANNING & ZONING COMMISSION MEETING DATES FOR 2025

<u>Meeting Date</u>	<u>Meeting Time</u>	<u>Meeting Location</u>
January 13, 2025	7:00 p.m.	Village Hall
January 27, 2025	7:00 p.m.	Village Hall
February 10, 2025	7:00 p.m.	Village Hall
February 24, 2025	7:00 p.m.	Village Hall
March 10, 2025	7:00 p.m.	Village Hall
March 24, 2025	7:00 p.m.	Village Hall
April 14, 2025	7:00 p.m.	Village Hall
April 28, 2025	7:00 p.m.	Village Hall
May 12, 2025	7:00 p.m.	Village Hall
June 9, 2025	7:00 p.m.	Village Hall
June 23, 2025	7:00 p.m.	Village Hall
July 14, 2025	7:00 p.m.	Village Hall
July 28, 2025	7:00 p.m.	Village Hall
August 11, 2025	7:00 p.m.	Village Hall
August 25, 2025	7:00 p.m.	Village Hall
September 8, 2025	7:00 p.m.	Village Hall
September 22, 2025	7:00 p.m.	Village Hall
October 13, 2025	7:00 p.m.	Village Hall
October 27, 2025	7:00 p.m.	Village Hall
November 10, 2025	7:00 p.m.	Village Hall
November 24, 2025	7:00 p.m.	Village Hall
December 8, 2025	7:00 p.m.	Village Hall
December 22, 2025	7:00 p.m.	Village Hall