



**MINUTES**  
**REGULAR MEETING OF VILLAGE OF FRANKFORT**  
**PLAN COMMISSION / ZONING BOARD OF APPEALS**  
**SEPTEMBER 9<sup>TH</sup>, 2010 - FRANKFORT POLICE STATION**  
**20602 LINCOLN WAY LANE (LOWER LEVEL)**

**Call to Order**

Chair Renae Goldie called the meeting to order at 6:30 P.M.

**A. Roll Call**

Commissioners Present: Renae Goldie, Jim Matlock, Ken Chemers and Don Schwarz

Commissioners Absent: Bob Beeson, John Newton, and Dave Schumpp

Staff Present: Planning Supervisor Zach Brown and Planning Intern Tim Mulry

Elected Officials Present: Liaison to the Village Board Trustee Mike Stevens,

**B. Approval of Minutes from August 26, 2010**

Motion (#1) to Approve the minutes from August 26, 2010

Motion by: Chemers      Seconded by: Schwarz  
Approved (4 to 0)

**C. Public Hearing – Juarez Variance**

Applicant: Deborah and Steven Juarez

Location: 21407 English Drive

Request: Front Yard Setback Variance from 30' to 22'

Planning Intern Mulry presented the staff report and provided an overview of the request. The applicant was present to answer Commissioners questions and provided no further comments.

**Motion (#2):** Close public hearing

Motion by: Chemers      Seconded by: Matlock  
Approved (4 to 0)

During the Plan Commission discussion:

- Commissioners acknowledged that more than half of the homes within the Windy Hill Farm subdivision are improved with covered front porches.
- Members questioned if approval of the requested variance would be precedence setting however agreed that the request was unique due to the curvature of the front lot line and the architectural character of the area.
- Staff noted that the Windy Hill ARC had reviewed and approved the proposed porch.
- Commissioners noted that the porch would improve the appearance of the home from the roadway.

Staff presented the Standards of Variance and the commission entered the following Findings of Fact into the record;

Front Yard Setback

1. *That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone;*

Covered front porches are common improvements on single-family residential properties. Meeting the required setback would compromise the utility of the porch and reduce the resale value of the property.

2. *That the plight of the owner is due to unique circumstances; and*

The existing home was constructed on the 30' front yard setback line. Construction of the porch is not possible absent variance approval.

3. *That the variation, if granted, will not alter the essential character of the locality.*

Many houses in the area are improved with covered front porches including the home located immediately south of the subject property.

**Motion (#3):** Approve the request for a front yard setback variance from 30' to 22' to permit the construction of a covered front porch on the property located at 21407 English Drive in accordance with the reviewed plans and public testimony.

Motion by: Schwarz      Seconded by: Matlock  
Approved (4 to 0)

#### **D. Public Hearing – Hooten Variance**

Applicant: Ron Hooten

Location: 42 E. Bowen Street

Request: Driveway Setback Variance from 5' to 0'

Planning Intern Mulry presented the staff report and provided an overview of the request. The applicant was present and discussion ensued.

- Mr. Hooten explained that the original driveway encroached several feet into the neighboring property to the east and that paving the new driveway at a 0' setback would improve an existing nonconformity.

**Motion (#4):** Close public hearing

Motion by: Matlock Seconded by: Chemers

Approved (4 to 0)

During the Plan Commission discussion:

- Commissioners questioned whether paving of the driveway had already commenced. Staff explained that Mr. Hooten was permitted to complete the improvements as he provided a letter agreeing to remove the encroaching 5' of driveway should the variance request be denied.
- Staff presented a letter from the property owner to the east expressing support for the requested variance.
- Members noted that a 7' wide driveway would not provide adequate width.
- The applicant acknowledged that the old garage would be demolished upon completion of the new garage.

Staff presented the Standards of Variance and the commission entered the following Findings of Fact into the record;

#### **Driveway Setback**

1. *That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone;*

Detached residential garages are commonly accessed by means of a paved driveway. Reducing the driveway's width so as to meet setback requirements would compromise the utility of the driveway and reduce the resale value of the property.

2. *That the plight of the owner is due to unique circumstances; and*

An existing storm cellar precludes the applicant from maintaining both a usable driveway width and required setback.

3. *That the variation, if granted, will not alter the essential character of the locality.*

The existing driveway encroaches onto the adjacent property to the east. Paving of the new driveway at a 0' setback improves an existing nonconformity.

**Motion (#5):** Approve the request for a driveway setback variance from 5' to 0' to permit the paving of an existing non-conforming gravel driveway on the property located at 42 East Bowen Street in accordance with the reviewed plans and public testimony.

Motion by: Schwarz    Seconded by: Matlock  
Approved (4 to 0)

**E. Other Business**

Commissioner Chemers noted that a member of the business community expressed compliments on the strict requirements of the Village's sign ordinance.

**F. Adjournment – 7:15 pm**

**Motion (#4) to Adjourn**

Motion by: Chemers    Seconded by: Schwarz  
Approved (4 to 0)

APPROVED September 23, 2010

As Presented    X

As Amended \_\_\_\_\_

/s/ Renae Goldie, Chair

/s/ Tim Mulry, Secretary