

**VILLAGE OF NORTH UTICA**

801 South Clark Street  
North Utica, IL 61373  
Planning Commission  
Public Hearing  
April 25, 2019  
[www.utica-il.gov](http://www.utica-il.gov)

AGENDA

I. **6:00 p.m.** Call to Order

II. Pledge of Allegiance

III. Roll Call

IV. **6:00 Public Hearing:**

1.) Petition of Jacob T. Newcomer, owner of property located at 209 Woodland Dr., Utica, IL., seeking a Variance to the Village of North Utica Zoning Ordinance provisions regarding the construction of an addition to an existing detached garage in the R-1 District. The construction will be approx. 1,200 sq. ft. for the purpose of a garage with storage and a wood-working area.

- a) Consideration of a Variance to allow the maximum floor area of all garages to exceed 1200 square feet;
- b) Consideration of such other relief as is necessary to allow the intended Construction.

2.) Discussion and Possible Recommendations of the Planning Commission regarding such Hearing.

V. **6:15 Public Hearing:**

1.) Continued review of the Village of North Utica Zoning Ordinance and discussion of possible amendments of such:

- a) Consideration of amending the maximum square footage of garages and accessory structures allowed in the Residential Districts;
- b) Consideration of amending the Permitted and Special Uses in the Residential Districts, the Commercial Districts, and the Industrial Districts;
- c) Consideration of amending the Definitions Section of Title 10, Chapter 2;
- d) Consideration of amendments to the Sign Ordinance Title 10, Chapter 15; and
- e) Consideration of such other amendments to the Zoning Ordinance as are necessary and in the best interest of the Village.

2.) Discussion and Possible Recommendations of the Planning Commission regarding such Amendments to the Village of North Utica Zoning Ordinance.

VI. Consideration of Approval of Planning Commission Meeting Minutes: 03-28-19

VII. Old / New Business

VIII. Public Comment

IX. Adjournment

POSTED 4-18-19

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### MINUTES

At 6:08 pm the meeting was called to Order by Village Clerk Laurie Gbur who then led the Pledge of Allegiance. Clerk Gbur then recorded the meeting attendance. Present at the meeting were Planning Commission Members Doug Gift, Dennis Hamilton, Warren Munson, Roy Chapman and Mike Brown. Also present was Village Engineer Kevin Heitz, Village Attorney Herb Klein and Village Zoning Enforcement Officer Curt Spayer. Absent from the meeting were Members Bill Fry, Bill Zens and Chairman Tom Guttilla.

Nomination of Chairman for the meeting: It was motioned by Member Hamilton, seconded by Member Chapman to nominate Chairman Gift to Chair the Meeting.

All in Favor

Motion Carried

Attorney Klein provided a summary of the Petition of Jacob T. Newcomer, owner of property located at 209 Woodland Dr., Utica, IL., seeking a Variance to the Village of North Utica Zoning Ordinance provisions regarding the construction of an addition to an existing detached garage in the R-1 District. The construction will be approx. 1,200 sq. ft. for the purpose of a garage with storage and a wood-working area.

Village Exhibit #1 – Notice Published in the LaSalle News Tribune

Petitioner's Exhibit #1 – Petition and additional documents.

Mr. Jacob Newcomer was sworn in by Attorney Klein to provide his Testimony.

Mr. Newcomer stated that he would like to add on a 30' X 40' addition to his detached garage for the purpose of additional storage space and a wood-working area. His contractor will be Jason Turglietti and he will construct the addition to match the current garage and home. The lot is .89 acres and it is large enough to add the proposed construction without impacting his neighbors.

Chairman Gift stated that it is nice, when a larger lot is available, that people would be able to construct a garage to store items rather than to have them outside. "People with larger homes need larger garages now and Mr. Newcomer has a large lot with a larger back yard"

It was noted that the only residents using Hatchet Canyon Rd., which is located on the west side of the property, are Doug and Linda Gift and Tom and Paula Guttilla.

Member Chapman asked if the Planning Commission has the authority to approve such a large addition to a building.

Attorney Klein stated that the Planning Commission holds Public Hearings and makes an advisory vote on all Variances which is what Mr. Newcomer is seeking for the construction of the additional garage space.

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Member Munson asked what the Covenants for Ridgeview Subdivision allow. Attorney Klein stated that the Village does not enforce Subdivision Covenants.

Member Munson then asked about the size and location of the existing attached and detached garages. Engineer Heitz stated that it is approx. 1,345 sq. ft.

Mr. Newcomer then approached the Planning Commission to show them where the additional construction would be located on the lot.

Attorney Klein then stated that currently the Village Zoning Ordinance only allows for 1,200 garage floor space. This construction would make the total garage floor space over that amount therefore it requires a Variance.

Chairman Gift stated that the backyard has a large area to allow for the additional construction. He also reminded the group that the Planning Commission has been tasked by the Village Board to review the Zoning Ordinance including garage sizes. It has been briefly discussed in past meetings that the overall size of the house and the lot could possibly be used to determine the allowed garage floor space on the property.

Member Munson noted that the total square footage would be 2,545 in garage floor space and the existing house is 1,560 sq. ft. Mr. Newcomer agreed.

Chairman Gift asked if there was anyone who would like to ask Mr. Newcomer questions.

Zoning Officer Spayer asked Mr. Newcomer if he intends to finish the driveway.

Mr. Newcomer answered yes.

Village Engineer Heitz then asked Mr. Newcomer to install a culvert to be sure to not block drainage when he pours the driveway. Mr. Newcomer agreed.

Chairman Gift asked Mr. Newcomer how long he needed to finish the driveway. Mr. Newcomer stated that he would have the driveway finished by September 1<sup>st</sup>.

Ms. Linda Moyer-Halm, 2853<sup>rd</sup> Rd., Utica, IL., asked Mr. Newcomer if he intends to reside in the home for a long time and whether or not he would utilize the additional garage space to operate a business. Mr. Newcomer stated that he intends to use the garage space to store his lawn mower, a truck and other items, in addition to having his wood-working area inside.

Chairman Gift then asked if there was anyone that would like to speak in favor of or in opposition of the Petition. No one came forward.

With no additional questions, it was motioned by Member Brown, seconded by Member Hamilton to close the Hearing at 6:30 pm.

All in Favor

Motion Carried

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Attorney Klein then reviewed the Finding of Facts as follows:

1. Is necessary or desirable to provide a service which is in the interest of public convenience.
2. Will cause no additional threat to public health, safety, or welfare or creation of a nuisance.
3. Will cause no additional public expense for flood protection, fire rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.
4. Will not unduly increase traffic congestion on public roads and highways.
5. Will not alter the essential character of the property or neighborhood in question.
6. Meets other requirements of this title, such as parking and landscaping.
7. Is consistent with the purpose and intent of the comprehensive plan.

Chairman Gift stated that the Variance Mr. Newcomer is seeking is unique due to the proposed construction being on a large corner lot with a larger backyard. He also noted that only two residences use the adjacent street, Hatchet Canyon Rd., to access their property.

It was then motioned by Member Hamilton, seconded by Member Munson to recommend that a Variance be granted to Mr. Newcomer for property located at 719 Burgess Dr., Utica, IL to allow the maximum floor area of all garages to exceed 1200 square feet; and for the total garage space to be larger than the living area of the ground floor of the existing home, subject to a culvert being installed and the driveway being finished by September 1, 2019.

3 Yes (Members Hamilton, Munson and Brown)

1 No (Member Chapman)

Motion Carried

6: 40 pm; continued review of the Village of North Utica Zoning Ordinance:

A brief discussion regarding AirBnb regulation began among the group. Attorney Klein stated that currently AirBnb's are not authorized or regulated in the Village. Mayor Stewart has formed a Committee to research the information and put something together for everyone to consider. Regulations could include allowing AirBnb's only in certain zoning districts, and minimum standards regarding hours, noise, parking and the number of people allowed to rent overnight at the property at one time.

Garages and the allowed total floor space will also be reviewed by the Planning Commission. Currently only 1,200 total garage floor space is allowed regardless of the size of the property or house. Also, the total garage floor space currently can't be larger than the ground floor living space of the house. This is something that the Village Board would like the Planning Commission to review and make recommendations about.

Member Brown stated that he would rather continue the discussion regarding the review of the Zoning Ordinance when the entire Planning Commission could be present; the Members agreed.

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Minutes: It was motioned by Member Brown, seconded by Member Hamilton to approve the Minutes from the 3-28-19 Meeting.

All in Favor

Motion Carried

Old Business / New Business: NONE

Public Comment: Ms. Linda Moyer-Halm, 2853<sup>rd</sup> Rd., Utica, IL, asked if the Planning Commission would be reviewing the uses of property within each of the zoning districts, specifically in the commercial district. The Clerk stated that the Planning Commission will be doing an extensive review of the Zoning Ordinance which is likely to take four to six months to complete and at some point, uses of the properties within the zoning districts will be discussed.

Chairman Gift agreed and stated that the overall review of the Zoning Ordinance would continue when the entire Planning Commission could be present.

With no additional business, it was motioned by Member Brown, seconded by Member Munson to adjourn the meeting at 6:45 pm.

All in Favor

Motion Carried

Respectfully submitted,

Laurie A. Gbur  
Village Clerk