

Village of Hecker
Zoning Board of Appeals Hearing
Location: Hecker Village Hall Council Chambers
Date: Wednesday, September 23, 2015
Time: 7:00pm

The meeting was called to order by Chairman Mark Maddox at Village Hall, Hecker, Illinois, on September 23, 2015 at 7:00 pm.

Secretary, Joan Wittenauer, took roll call with the following members present:

David Bruss
Mark Grohman
Mark Maddox
John Miller
Joan Wittenaur

Chairman Maddox found that a quorum of the Zoning Board of Appeals was present.

Diane (Dede) Brinkmann and Zoning administer Guy Briley were absent.

Also attending the meeting was Village Attorney Myron Hanna, four representatives of the Variance Applicant, Back Street LLC, and six members of the public.

Board member Deanne Louveau entered the meeting at 7:20 p.m.

Chairman Maddox announced that the purpose of the hearing was to consider a request made by Back Street, LLC for a variance to construct a commercial building at 310 East Back Street, Hecker, Illinois with (a) a reduction in the number of parking spaces that would otherwise be required by the Zoning Code and (b) a modification in the type of surfacing that would otherwise be required by the Zoning Code with respect to a portion of the parking spaces for the subject property

Mike Koesterer was sworn in and testified in support of the application of Back Street, LLC for a variance. Mr. Koesterer testified that the applicant was proposing to construct 27 asphalt paved parking spaces and an additional 20 parking spaces that would have a dustless oil and chip surface. He testified regarding the proposed location of the parking spaces on the property. He testified that the cost of fully complying with the existing ordinance requirements for parking for the property would be approximately \$70,000 and that the cost with the requested relief would be approximately \$30,000.

Mike Koesterer testified that the maximum capacity to be allowed in the proposed establishment would be 160 people. He testified that the total area of the proposed building was approximately 4,900 square feet, of which approximately 1,400 square feet

would be the kitchen, for a net area open to the public of 3,500 square feet. He stated that the applicant would be in favor of the Village restricting on street parking on Back Street. He stated that if business permits, the applicant would like to add parking to comply with the ordinance requirements within two years.

Questions were asked of Mike Koesterer by the Board members, the Village Attorney, and members of the public. Robin Kapp and Rod Kapp offered unsworn comments in favor of the application. Rod Kapp stated that the applicant was asking the Village for help in getting the business started.

Members of the public Michelle Louvier, Betty Barks and Marie Agne offered unsworn comments in opposition to the application.

A motion was made by Member David Bruss to go into closed session pursuant to 5 ILCS 120/2 to consider evidence or testimony presented in open hearing to a quasi-adjudicative body. Motion seconded by Member Deanna Louveau. On a roll call vote, all members voted to go into closed session. Closed session began at 7:55 p.m. and ended at 9:12 p.m.

The open portion of the meeting resumed at 9:14 p.m. Upon resumption of the open meeting, Member David Bruss moved for the recommendation to the Board of Trustees of the approval of the variance as requested by applicant, subject to the terms of relief set forth in a separate document reviewed by the Zoning Board of Appeals, based upon the following findings proposed to be made by the Zoning Board of Appeals which were recited at the meeting:

The property in question “cannot yield a reasonable return if the district regulations are strictly applied” because of the specific location of the subject premises within the Village limits and the disproportionate expense that would be involved in achieving full compliance with the ordinance with respect to either the total parking spaces required or the surfacing of such parking spaces.

The plight of the applicant is due to “peculiar circumstances not of [its] own making” because of the specific location of the subject premises within the Village limits and applicant’s decision to build a new structure on the property rather than rehabilitate the existing building and the additional requirement of a fire sprinkling system.

The variance, if granted, “will not be detrimental to public health, safety and welfare,” because the reduced number of parking spaces and the required surfacing of the same shall still, in the judgment of this body, be adequate to safeguard the public health, safety and welfare of the residents of the Village.

The circumstances surrounding this variance request are not applicable to other property within the district, as there have been no other recent requests for similar relief.

The variance, if granted, will not alter the essential character of the area where the premises in question are located, in that the premises are located within the B-1 (Community Business District).

The motion for a recommendation to the Board of Trustees for the approval of the variance failed for lack of a second to the motion.

Member Joan Wittenauer moved for recommendation to the Board of Trustees for the denial of the variance as requested by applicant. Chairman Mark Maddox seconded. The vote for the recommendation for denial was as follows:

	AYE	NAY	ABSTAIN	ABSENT
Diane (Dede) Brinkmann	_____	_____	_____	__x__
David Bruss	_____	__x__	_____	_____
Mark Grohman	__x__	_____	_____	_____
Deanna Louveau	__x__	_____	_____	_____
Mark Maddox	__x__	_____	_____	_____
John Miller	__x__	_____	_____	_____
Joan Wittenauer	__x__	_____	_____	_____

Member Joan Wittenauer moved to adjourn and the motion was seconded by Member John Miller. All aye. Meeting adjourned at 9:19 p.m.

Respectfully Submitted,
Joan Wittenauer, Secretary