

PLANNING AND ZONING COMMISSION MINUTES
City of Geneva
109 James Street - City Council Chambers

April 14, 2022 – Meeting #39

Chairman Stocking called the meeting of the Geneva Planning and Zoning Commission to order at 7:00 p.m. and read a statement explaining the proceedings for the remote and in-person meeting.

Roll Call:

Present: Chairman Stocking, Commissioners Holoman, Matyskiel, Mead, Moran, Slifka

Absent: Commissioner Evans

Staff Present: Community Development City Planner Chayton True

Also Present: Applicant, Joe McMahon, Kelsey McMahon, 427 Fulton Street; Ms. Patricia MacLachlan, 318 S. Fifth Street; John and Joanne Gerlach, 428 Franklin; Ms. Donelle Duvall (phonetic), 315 S. Fifth Street Recording Secretary Celeste Weilandt; Planet Depos Court Reporter Gabriel Martin

Approval of the Agenda

Motion by Commissioner Mead, second by Commissioner Moran to approve the agenda. Motion carried unanimously by voice vote of 6-0.

Approval of March 24, 2022 Minutes

Motion by Commissioner Mead, second by Commissioner Slifka to approve the March 24, 2022 minutes. Motion carried unanimously by voice vote 6-0.

Public Hearing

A. Variations – Requests for Variations from Section 11-4A-6 (D-SFMR Single-Family Medium Density Residential District) to increase the allowable lot coverage from 45% to 49% and from Section 11-3-3(E) (Accessory Buildings and Uses) to reduce the required rear and side yard setbacks for a detached accessory structure from five feet to 1.5 feet. Location: 427 Fulton Street. Applicant: Joe McMahon.

Planner Chayton True read into the record the contents of the planning file. Chairman Stocking proceeded to swear in those individuals who would be speaking on the proposal.

Applicant Mr. Joe McMahon addressed the commission and recalled for them that about a year ago he was before the commission with a plan to have the garage to exit to Fifth Street. At that time he was turned down but commissioners did offer suggestions to him, one of which was to construct the garage on the property line to the north. Therefore, what was being presented to the commission tonight was with those suggestions in mind. He referenced the four items of hardship in his application and made himself available to answer questions.

Commissioners questions centered on the fact that the garage was sitting off 1.5 feet from the existing eastern property line; moving the garage as close to the north property line would challenge the turning radius for the applicant's vehicle and pressure the applicant to locate the garage as far north as possible; what was the impact to the applicant if the garage was moved 3 feet off of the property line; the fact that the corner of the house, in relation to the garage, was a challenge; and the fact the further the garage was located south, the more challenging of the turning radius.

Commissioner Matyskiel referenced a neighbor's letter (Ms. McLaughlin), who suggested creating a two-car garage without requiring a variance.

Mr. McMahan explained that while he would like a larger garage, the size of the proposed garage was already a challenge. He stated he did visit about 10 neighbors seeking their input and many of them were sympathetic to his challenges.

City Planner True pointed out to the commissioners that the minimum size for a two-car garage is 20 ft. x 20 ft. and if the minimum was proposed, the rear setback on the north property line would not be necessary. However, the variation on the east would be needed and the lot coverage variation would only be increased by one-half percent.

Chairman Stocking invited public comment.

Ms. Patricia MacLachlan, 318 S. Fifth Street, stated she was not impacted by the proposal but was sympathetic to the petitioner's request. She believed the city's generous zoning requirements were set for a reason to protect property owners and the City as a whole. She cited her reasons. Ms. McLaughlin pointed out that tandem parking was a possibility, as seen in the area, or brining the garage very close to the house with a narrow permeable paver driveway that would come through the two trees. She also asked the commission to consider the broader good of the community and consider another alternative.

Ms. Donelle Duvall, 315 S. Fifth Street, is the neighbor to the north. She stated that while she and her husband supported the applicant's request for a two-car garage she recalled some of the comments her husband had made at a prior meeting. However, as proposed, she commented on some of the detriments of the proposal and suggested the applicant provide another alternative.

Commissioner Mead asked the applicant that if he brought the workshop to the front of the garage, would it affect the operations of the garage, wherein Mr. McMahan, in summary, believed doing such would not work for him. Mr. McMahan also recalled that his northern neighbor (Alan) did not mind if the garage was constructed on the property line, just as long as it was not constructed on Fifth Street. Mr. McMahan stated he took those comments into his garage's design.

Motion by Commissioner Moran, second by Commissioner Matyskiel to close the public hearing. Roll call:

Aye: Holoman, Matyskiel, Mead, Moran, Slifka, Stocking

Nay: None

MOTION PASSED VOTE: 6-0

Commissioner Mead pointed out the garage to the east towered over the applicant's current garage and house, and the zoning regulations, lot coverage and setbacks requirements were in place for a reason, but staff's comments about the uniqueness and hardships of the property had to be taken into consideration. Mead supported the request. However, Chairman Stocking had issues with minimum standard and stated not only did the applicant want a two-car garage, but he wanted a two-car garage with a workshop, and asked was it really a minimum variation? Dialog then followed on the lot coverage variance and if the workshop were to be removed would it allow enough space for the garage, possibly creating a 24' ft. x 24' ft. garage instead to make it functional. Commissioner Slifka preferred more coverage to the west versus the setback. Lastly Commissioner Moran recalled the applicant taking into account the feedback he received at the last meeting, but believed that having a 24' ft. x 24' ft. garage would strike a balance which he would support. Commissioners appeared to be supportive of removing the workshop and allowing the applicant to construct a 24 ft. by 24 ft. garage.

Motion by Commissioner Mead to approve a variation to reduce the required setbacks for an accessory structure of 24 x 24 foot garage from 5 feet to 1.5 feet on the eastern and northern property lines for the property located at 427 Fulton Street, subject to the findings of fact in the staff report and as to be amended for Condition No. 4 by the City Planner. Second by Commissioner Moran. Roll call:

Aye: Holoman, Matyskiel, Mead, Moran, Slifka, Stocking

Nay: None

MOTION PASSED. VOTE: 6-0

Motion by Commissioner Mead to approve a variation to increase the permitted lot coverage from 45% to a percentage less than 49%, and as to be determined by the City Planner, by taking the proposed workshop out of the equation for a 24' ft. x 24' foot garage located at 427 Fulton Street, subject to the findings of fact contained in the staff report, and as to be modified for Standard No. 4 by the City Planner. Second by Commissioner Slifka. Roll call:

Aye: Holoman, Matyskiel, Mead, Moran, Slifka, Stocking

Nay: None

MOTION PASSED. VOTE: 6-0

Per staff, the above recommendation will go before City Council on May 2, 2022 at 7:00 p.m. in the Council chambers.

Public Comment

Ms. Kelsey McMahon confirmed with the commission and staff that if the applicant builds the 24 by 24 foot garage he does not have to return before the commission which the Chairman confirmed. However, Ms. McMahon stated that if the second car was not able to fit into the new garage, the applicant would have to return before the commission, as she did have concerns. Chairman Stocking indicated the applicant would have to return with a modified proposal stating the proposal was tried, and present the geometry issues, and then the commission would review.

Applicant, Mr. McMahon, returned and listed all of the various projects and services he was involved within the City of Geneva. He thought the commission's recommendation was unreasonable for what he has given to the community.

Other Business

Planner True noted that recommendations for the Fox Valley Commerce Center will be considered at City Council on Monday, April 18, 2022. The Valley Animal Hospital PUD public hearing has been set for the 4/28/2022 Planning and Zoning Commission meeting. Other updates followed: Geneva Route 38 Logistics Center, Verizon/Oscar Swan, Hamilton Place and a request to amend the permitted use table for downtown commercial mix-use districts to allow tattoo shops. A public hearing with the Historic Preservation Commission is scheduled for Tuesday, April 19 to discuss an amendment of boundary of the landmarked structure on the former Mill Race Inn site. Lastly, an update followed regarding the assistant city planner's position.

Adjournment

A motion was made by Commissioner Mead to adjourn the meeting at 8:02 p.m. Motion carried unanimously by voice vote of 6-0.