

**VILLAGE OF ALGONQUIN
PLANNING AND ZONING COMMISSION
Meeting Minutes
William J. Ganek Municipal Center
October 14, 2013**

AGENDA ITEM 1: Roll Call to Establish a Quorum

Present: Chairperson Patrician; Commissioners Sabatine, Szpekowski, Sturznickel, Neuhalfen and Zaplatynsky.

Absent: Commissioner Hoferle.

Staff Members Present: Russell Farnum, Community Development Director; Ben Mason, Senior Planner; Kelly Cahill, Village Attorney.

AGENDA ITEM 2: Approval of Minutes from the September 9, 2013 Meeting.

Chairperson Patrician entertained a motion to approve the September 9 minutes. Commissioner Sturznickel motioned and Commissioner Sabatine seconded a motion to approve the minutes as presented.

The voice vote indicated all ayes and the motion carried.

Chairperson Patrician noted that the following items would be brought before the Planning and Zoning Commission for consideration this evening.

- Consideration of a Request for a Special Use Permit (**Case No. 2013-15, Nickolay Vesselinov**)

AGENDA ITEM 3: Consideration of a Request for a Special Use Permit
Case No. 2013-15, Nickolay Vesselinov.

OPEN PUBLIC HEARING AND ESTABLISH QUORUM

Commissioners Present: Chair Patrician, Commissioners Neuhalfen, Sabatine, Sturznickel, Szpekowski, Zaplatynsky

Commissioners Absent: Hoferle

Petitioners Robert Pogorzelski and Nickolay Vesselinov

Mr. Farnum took roll call and declared a quorum. Ms. Cahill swore in the petitioners and declared that proper notice had been given.

PETITIONER COMMENTS

The petitioners explained that they purchased the property as a 3-unit dwelling in 2006. There were two apartments on the main floor and one upstairs. They moved their business, Crafty Roofing, into one of the dwelling units on the main floor, converting it to an office use. The roofing company later went out of business. They were not aware the conversion to an office use took away the nonconforming use of that dwelling unit.

They tried to rent the space for businesses but other than one barber, no one was interested. They can't afford to keep the unit vacant so rented it again as a dwelling.

STAFF AND COMMISSION QUESTIONS/COMMENTS

Ben Mason presented the Staff Report. The Downtown Plan called for this block to be commercial, with residential uses further north on Main Street. This block was predominately commercial in remodeled buildings that were formerly houses. Staff recommended approval of a special use permit for the upstairs unit, allowing that to become conforming, but did not recommend approval of the main floor dwellings.

Sturznickel and Zaplatynsky noted they didn't have a problem with the nonconforming use. Sabatine thought parking would be a problem. Neuhalfen noted that apartments are beneficial downtown and with the bad economy, we should be willing to bend the rules a little. Szpekowski agreed with Neuhalfen.

Patrician noted the map in the Staff Report and asked if there were other nearby properties that had B-1 zoning with special uses for residential. Mason noted there were not within a 2-block area. Patrician asked what the Downtown Plan recommended. Mason noted the proposed Special Use would be inconsistent with the recommendations of the plan.

Zaplatynsky inquired if a time limit could be placed upon the special use. Cahill responded it could with reasonableness. Patrician asked if buyers of nonconforming uses had to sign a letter of awareness. He noted investors are responsible to be aware of what they are purchasing.

Vesselinov noted they bought the property because it was 3 units already and if their business didn't work out they thought they could re-rent the dwelling.

PUBLIC COMMENT

Chair Patrician opened the public comments. Attorney Cahill swore in those interested in testifying.

Chris Kempf from Souwanas Trail noted that with the Bypass the makeup of downtown will change. He suggested the Village approve residential for awhile and have it revert back to business in a year or two. He didn't think it would look good to have vacant buildings merely because of obscure zoning regulations.

COMMISSION MOTION ON PETITION

Patrician closed the public comment and asked if there was any further Commission comments or questions, or support for the idea of a time limit. Seeing none, Patrician called for a motion.

Attorney Cahill suggested that if Commissioners were recommending approval of a special use permit for both floors (3 units), they adopt an amended Finding of Fact including a factor of the economy affecting the recommendation. Commissioner Neuhalfen made a motion to approve the special use permit for both floors (3 units) with the Finding of Fact as amended, and subject to the conditions recommended in the Staff Report. Commissioner Sturznickel seconded the motion.

Motion passed by roll call vote, 6 aye, 0 nay, Hoferle absent.

CLOSE PUBLIC HEARING

AGENDA ITEM 4: New/Old Business

- None

AGENDA ITEM 5: Adjournment

Commissioner Neuhalfen made a motion to adjourn the meeting and Commissioner Sturznickel seconded and a voice vote noted all ayes. The motion carried, and the meeting was adjourned at 8:15 pm.



Respectfully Submitted,
Russell W. Farnum, AICP Community Development Director/Recording Secretary