

WHEATON PLANNING AND ZONING BOARD

I. CALL TO ORDER AND ROLL CALL VOTE

Chair Aranas called the Tuesday, August 10, 2021 Wheaton Planning and Zoning Board meeting to order at 7:00 p.m. in-person and via zoom. Upon roll call, the following were:

Roll Call Vote

Present: Nicole Aranas
Christopher Dabovich
Bob Gudmundson
Dan Wanzung

Absent: Chris Derrick
Cecilia Horejs
Mark Plunkett

City Staff Present: Tracy Jones, Staff Planner
Joe Tebrugge, Director of Engineering

II. APPROVAL OF MINUTES - JULY 13, 2021

The minutes were approved as presented.

III. PUBLIC COMMENT

There was none.

IV. NEW BUSINESS

ZA 21-18/ SIDE YARD SETBACK VARIATIONS/ 121 W. FOREST AVENUE/ SUESS

Pursuant to notice duly published on July 23, 2021, and letters mailed to neighboring property owners July 21, 2021, Chair Aranas called to order the August 10, 2021 public hearing requesting variations to Article 3.4A.5a and Article 24.5.4 of the Wheaton Zoning Ordinance to allow the re-construction and expansion of an existing patio with an existing side yard setback of approximately 3.0 feet in lieu of the required 6.4 feet and the construction of an outdoor fireplace with a side yard setback of 1.0 foot in lieu of the required 10.0 feet, all on property commonly known as 121 W. Forest Avenue.

Chair Aranas stated that letters from Joan Wegrzyn at 218 W. Forest Avenue, Wheaton and Linda Onishi at 1011 Wheaton Place, Wheaton were received and incorporated into the record.

Phil Suess, 121 W. Forest Avenue, Wheaton was sworn in. Mr. Suess stated that the subject property is located on the northeast corner of Forest Avenue and Wheaton Place. The property is approximately 10,700 square feet in size with a lot width of 79.86 feet and a lot depth of 134.0 feet. The property is improved with a two-story residence and detached garage that was constructed in 1923.

Mr. Suess stated that the Zoning Ordinance defines the front yard of a corner lot as the shorter of the two street sides, thus Wheaton Place is considered the front yard and Forest Avenue is considered the corner side yard. The Zoning Ordinance further defines the rear yard as the yard opposite the front yard and the interior side yard as the yard opposite the corner side yard or the north property line on the subject property. The

existing house has an interior side yard setback ranging between 18.32 and 19.46 feet from the north property line.

Mr. Suess stated that he is requesting variations to Article 3.4A.5a and Article 24.5.4 of the Wheaton Zoning Ordinance to allow the re-construction and expansion of an existing patio with an existing side yard setback of approximately 3.0 feet in lieu of the required 6.4 feet and the construction of an outdoor fireplace with a side yard setback of 1.0 foot in lieu of the required 10.0 feet. The proposed setbacks from the west (front) property line are fully compliant.

Mr. Suess stated that he purchased the subject property in February 1988 with the existing patio. The existing patio has a 3.0 foot interior side yard setback. He plans to maintain the existing 3.0 foot setback when reconstructing the patio. The expansion of the patio would occur in an area that currently has an existing raised bed/ tree and this area would also maintain the existing 3.0 foot setback. The request includes the addition of an outdoor fireplace with a 1.0 setback from the interior side yard to maintain their existing patio space.

Staff Planner Jones stated that the outdoor fireplace is proposed with a chimney height of 8.75 feet. Since the chimney would be more than 2.0 feet above the height of the adjacent 6 foot tall vinyl fence, no separation is required per the building code. Since the existing residence on the subject property and the adjacent residence to the north are both taller than the proposed outdoor fireplace, a 10 foot separation is required from both structures per the building code. Per the site plan and measurements provided by the applicant, the fireplace would be 15 feet from the existing residence on the subject property and a minimum of 10 feet to the adjacent residence to the north. Building staff will confirm this setback information to ensure that the required building code separations are provided when a building permit is submitted, assuming the variations are approved.

Mr. Suess addressed the variation evidence standards as required by the Wheaton Zoning Ordinance. He stated that the proposed variations would not be detrimental to the public health, safety, morals, comfort, convenience, or general welfare of the neighboring property owners.

Chair Aranas stated that since the existing house has a setback ranging between 18.32 and 19.46 feet from the interior side (north) property line, there is a limited area in which to construct a patio and outdoor fireplace without a variation on this side of the property.

Chair Aranas questioned whether the applicant was willing to install a spark arrestor on the fireplace.

Mr. Suess stated that he was willing to install a spark arrestor on the fireplace.

Mr. Dabovich moved and then Mr. Wanzung seconded the motion to close the public hearing. On a voice vote, all voted aye.

Mr. Dabovich moved and then Mr. Gudmundson seconded the motion to waive their normal rules and vote this evening. On a voice vote, all voted aye.

Mr. Gudmundson moved and then Mr. Wanzung seconded the motion to recommend approval of ZA #21-18, requesting variations to Article 3.4A.5a and Article 24.5.4 of the Wheaton Zoning Ordinance to allow the re-construction and expansion of an existing patio with an existing side yard setback of approximately 3.0 feet in lieu of the required 6.4 feet and the construction of an outdoor fireplace with a side yard setback of 1.0 foot in lieu of the required 10.0 feet, with the condition that a spark arrestor be installed on the fireplace.

Roll Call Vote

Ayes: Nicole Aranas
Chris Dabovich
Bob Gudmundson

Nays: Dan Wanzung

Absent: Chris Derrick
Cecilia Horejs
Mark Plunkett

Motion Failed

The dissenting Board member had concerns about the location of the fireplace in relation to the existing vinyl fence and the adjacent neighbor's house to the north.

ZA 21-19/ TEXT AMENDMENT AND SPECIAL USE/ 301 W. ROOSEVELT ROAD/ THE KITCHEN TABLE

Pursuant to notice duly published on July 23, 2021, and letters mailed to neighboring property owners on July 21, 2021, Chair Aranas called to order the August 10, 2021 public hearing requesting an amendment to the text of the O-R Office Research District of the Wheaton Zoning Ordinance to include a "Licensed Prepared Meal Service Business" as a special use. The application is further requesting a special use permit to allow a "Licensed Prepared Meal Service Business" to operate out of an existing commercial kitchen located in the lower level of an existing multi-tenant office building (former Wheaton Inn) located at 301 W. Roosevelt Road where an existing business providing cooking classes currently operates. The subject property will remain in the O-R Office Research Zoning District.

Chair Aranas stated that letters from Kari Law and Joel Selvey at 618 S. Wheaton Avenue, Wheaton were received and incorporated into the record.

Aaron O'Brien, 907 Wild Ginger Trail, West Chicago was sworn in. Mr. O'Brien stated that he and his wife (Amy) own a business called The Kitchen Table. He stated that in 2020 they applied for a Commercial Re-Occupancy Permit to operate their business out of an existing unused (400 square foot) commercial kitchen and a portion of an unused (400 square foot) dining room located in the lower level of an existing multi-tenant office building (former Wheaton Inn) at 301 W. Roosevelt Road.

Staff Planner Jones stated that when city staff reviewed the permit application, they understood the business to be one which provides cooking classes, a use that city staff determined to be a permitted use and consistent with other O-R District businesses that offer training in various business applications and the arts. The applicant proceeded with obtaining the necessary approvals from the City and County Health Department and opened for business. We now know that the business in question intended to offer both cooking classes in addition to providing prepared meals for off-site consumption and food prep for off-site catering.

Staff Planner Jones stated that the COVID-19 pandemic began shortly thereafter and affected the business's ability to offer cooking classes during that time. In addition, the retirement of the City's Code Enforcement Officer and reorganization of the Building Department's Code Enforcement Department led to delays in the discovery of aspects of the businesses' operation (offering prepared meals for off-site consumption and meal prep for off-site catering) that are non-compliant with the current regulations of the O-R District. Upon

notification by the City, the applicant ceased both their prepared meals and catering operations and applied for a text amendment and special use permit to allow those aspects of their business to continue.

Amy O'Brien, 907 Wild Ginger Trail, West Chicago was sworn in. Ms. O'Brien stated that they are requesting an amendment to the text of the O-R Office Research District of the Wheaton Zoning Ordinance to include a "Licensed Prepared Meal Service Business" as a special use.

Ms. O'Brien stated that they are further requesting a special use permit to allow a "Licensed Prepared Meal Service Business" to operate out of an existing commercial kitchen located in the lower level of an existing multi-tenant office building (former Wheaton Inn) located at 301 W. Roosevelt Road where an existing business providing cooking classes currently operates.

Ms. O'Brien stated that catering orders are usually delivered to the customer but occasionally a customer will pick-up an order. Meal Service is available for pick-up or delivery. If a customer chooses to pick-up their catering or meal service order, they pull into the parking lot on the south side of the building and the food is brought to their vehicle. Vehicles typically arrive one at a time and there is never a line of traffic.

Ms. O'Brien addressed the special use standards as required by the Wheaton Zoning Ordinance. She stated that the proposed variations would not be detrimental to the public health, safety, morals, comfort, convenience, or general welfare of the neighboring property owners.

Staff Planner Jones stated that the Wheaton's Comprehensive Land Use Plan designates the subject property as Limited Commercial - Office/Service. The plan states that this land use designation is "*intended to serve as transitional areas to adjacent residential uses and provide for opportunities for small scale office and limited service uses to respond to the demand for such spaces within the City.*"

Staff Planner Jones stated that city staff believes that the proposed use of a small portion of the subject property as a location for a business to prepare meals for off-site consumption and food-prep for limited off-site catering in addition to providing cooking classes and training is consistent with the Comprehensive Plan designation of Limited Commercial - Office/Service and responds to demand for such space in the City.

Joel Selvey, 618 S. Wheaton Avenue, Wheaton was sworn in. Mr. Selvey stated that he lives directly to the north of the subject property. He added that he is concerned with rodent infestation, exhaust fumes, and the existing multi-tenant office building (former Wheaton Inn) located at 301 W. Roosevelt Road devaluing his property. He added that approval of all special use requests on Roosevelt Road should be postponed until after the East Roosevelt Road Corridor Study is adopted.

Mr. Wanzung moved and then Mr. Dabovich seconded the motion to close the public hearing. On a voice vote, all voted aye.

Mr. Dabovich moved and then Mr. Gudmundson seconded the motion to waive their normal rules and vote this evening. On a voice vote, all voted aye.

Mr. Wanzung moved and then Mr. Gudmundson seconded the motion to recommend approval of ZA #21-19, requesting an amendment to the text of the O-R Office Research District of the Wheaton Zoning Ordinance to include a "Licensed Prepared Meal Service Business" as a special use. The application is further requesting a special use permit to allow a "Licensed Prepared Meal Service Business" to operate out of an existing commercial kitchen located in the lower level of an existing multi-tenant office building (former Wheaton Inn) located at 301 W. Roosevelt Road where an existing business providing cooking classes currently operates. The subject property will remain in the O-R Office Research Zoning District.

Roll Call Vote

Ayes: Nicole Aranas
Chris Dabovich
Bob Gudmundson
Dan Wanzung

Nays: None

Absent: Chris Derrick
Cecilia Horejs
Mark Plunkett

Motion Passed

V. MISCELLANEOUS

There was none.

VI. ADJOURNMENT

Mr. Dabovich moved and then Mr. Wanzung seconded the motion to adjourn the meeting at 8:40 p.m. On a voice vote, all voted aye.

Respectfully submitted,
Tracy L. Jones, Staff Planner