

PLANNING AND ZONING COMMISSION  
MINUTES OF **TUESDAY, JUNE 06, 2023**

Pursuant to notice duly given, the regular meeting of the Planning and Zoning Commission, also sitting as the Board of Zoning Appeals, was called and held on **Tuesday, June 06, 2023 at 5:00 PM** in the Council Chambers of the Town Hall.

Members present: Craig Steinbrink; Chair, Chip AuWerter, Scott Broome, Jim Deacon, Christine Riley, and Jeannine Voinovich.

Members absent: Emily Hamilton.

Also present: Chris Courtney, Village Engineer  
Todd Hunt, Village Law Director

1. Roll call.
2. The minutes of **Tuesday, April 04, 2023** regular meeting of the Planning and Zoning Commission were submitted for approval.

A motion was made to approve the minutes as *submitted*.

Motion by: S. Broome                      2<sup>nd</sup>: J. Voinovich

Roll Call:     Ayes: All others.  
                  Nays: None.  
                  Abstain: Riley.

**Motion Approved**

3. Property use variance request for the **ROSALES** residence at **7200 Wilson Mills Road** was heard. Notice has been provided to adjoining property owners per ordinance requirements.  
Isabella Rosales, Owner was present.

Mr. Hunt reviewed the review/approval process for the Board. He stated the zoning code is clear that any exceptions to the use districts is to be handled by the Planning & Zoning Commission under 1157.05 and sets the standards and regulations of reviewing such requests. If a variance is granted, the approval would need to also go before the Council.

Mr. Steinbrink explained the proposed request is a "use" variance not an "area" variance. The standards for a "use" variance are different and a much higher standard needs to be met, unnecessary hardship versus practical difficulties.

Mr. Hunt reviewed Section 1361.01 of the Villages Building and Housing code. The code only permits the parking of passenger cars, pickup, and panel trucks (vans) and that those pickups and vans must be parked in a garage or adequately screened as determined by the Architectural Board if parked outside. This section has no provision for the parking of commercial vehicles or equipment in a residential district, inside or outside, which is why the request is moved onto the Commission for consideration. 1157.05 sets forth the procedure for the Commission to determine whether to make exceptions or to vary the use district.

He stated only 1157.05 (2) and (4) apply. He also explained the difference between "area" and "use" variances.

Ms. Rosales reviewed the proposed use variance request for the Commission. She stated she owns the property located on Wilson Mills, her husband owns and operates a deck repair and construction company. He currently has 2 trailers used for business which holds expensive tools and equipment. They expanded the gravel drive to keep the trailers on their property. She was contacted by the Building Official notifying them the commercial trailers could not be stored within a residential district and must be removed. She stated the trailers are currently being stored off site, 30 minutes away, causing a delay and financial hardship. If the approved, the trailers would be stored in a location on the property where they cannot be seen from any of the neighboring properties.

Mr. AuWerter asked if they could add onto the existing garage and store the trailers inside.

Ms. Rosales stated they could. They have been considering an addition.

Mr. Courtney and Mr. Biggert stated, because of the size of the lot and configuration, a multitude of variances might be needed to allow an addition to the existing garage. Most likely setback, hillside, and riparian variances.

Mr. Deacon asked if the trailers are stored inside, at the storage facility.

Ms. Rosales stated the trailers hold approximately \$50,000 worth of equipment. The trailers do have graphics on the side promoting the business. No work is performed on their property, the trailers are moved to the job site for the new work.

Mrs. Voinovich asked if the request is temporary or to store the trailers on site indefinitely.

Ms. Rosales stated they would want to store the trailers for as long as they own the property. They would prefer to store the trailers inside the garage on the property.

Mr. Hunt advised the bigger issue is not the storage of the commercial trailers inside. The code does not allow for the storage of commercial trailers in a residential district, stored inside or outside.

Mr. Broome asked which ordinance they are discussing and potentially considering, 1157.03(e) or another section.

Mr. Hunt stated they are discussing 1361.01 of the Building Code but following the procedures and standards that need to be met of 1157.03 in considering the use variance request.

Mr. Broome indicated there are potentially two issues with the request, the storage of commercial trailers and the operating of a business in a residential district. He continued by stating, even if the existing garage could be expanded so the trailers could fit inside, the code clearly prohibits the storage of commercial equipment or trailers anywhere on a residential property.

Mr. Hunt stated he was correct.

Mr. Steinbrink stated the Commission understands the homeowner's predicament, but they must work within the current code, and it is very straight forward on what is allowed and not allowed. The code we have was written to specifically prohibit this type of activity.

Ms. Rosales asked Mr. Courtney if adding onto the front of the garage would eliminate the need for any variances.

Mr. Courtney stated there may physically be enough room to add on but not enough room to meet the minimum setback standard which would require a variance or variances.

Mrs. Riley indicated, the homeowner is not going to want to spend the time and money to have plans completed for a garage addition not knowing if it would be approved. Assuming she would get the necessary approvals, how or why is she going to proceed with anything if the Commission does not address the main issue of commercial equipment stored in a residential district.

Mr. Hunt stated it would be an "advisory" opinion. He suggested the Village Engineer and Building Official informally meet the homeowner on the site and provide suggestions on what or where a garage addition could be accomplished with minor variances.

Mr. Biggert indicated he felt providing design services to a property owner is not the responsibility of the Building Official or Engineer. If they consult with an

Architect or Engineer and develop a preliminary plan, we could then respond to the proposal and advise what would be needed in approvals.

Mr. AuWerter stated he felt the code and the issue to be considered are very clear. The request is to be able to store commercial trailers in a residential district, this is clearly prohibited. This is a big threshold to start going down a path of additional and large requests of this type.

Mr. Steinbrink re-stated, the ordinance is very clear, vans and pickups trucks are allowed within a residential district, screened, everything else is prohibited.

Mrs. Riley stated the applicant has no standard she can meet to approve the variance.

Mr. Hunt stated that is correct. The approval is really a recommendation to Council, they ultimately decide if the commercial trailers can be stored on the property. The approval is not a zoning change, it is allowing a different "use" for this specific property only.

Mr. Steinbrink advised Ms. Rosales the Commission is left with two choices. She can withdrawal the current use variance request or a motion can be made, and a vote taken which could be denied.

Ms. Rosales requested a vote on the request.

After further discussion, a motion was made to *deny* the "use" variance request as submitted based on the request does not meet the requirements in 1157.05(a)(2) and (a)(4) in the it does not substantially serve the public convenience and welfare and that the request is not in the general keeping with the uses authorized in the district.

Motion by: S. Broome                      2<sup>nd</sup>: C. AuWerter

Roll Call:     Ayes: All.  
                  Nays: None.

### **Motion Approved**

Refer to audio recording for additional detail.

There being no further business the meeting was adjourned at **6:04 P.M.**

---

Craig Steinbrink, Chair

---

David Biggert, Secretary