

Wheaton Planning and Zoning Board

I. Call To Order and Roll Call Vote

Chair Aranas called the Tuesday, April 12, 2022 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  
Chris Dabovich  
Chris Derrick  
Bob Gudmundson  
Cecilia Horejs  
Mark Plunkett  
Dan Wanzung

Absent: None

City Staff Present: Tracy Jones, Staff Planner

II. Approval of Minutes - March 22, 2022

The minutes were approved as presented.

III. Public Comment

There was none.

IV. New Business

ZA #22-10/ Corner Side Yard Setback Variation/ 1603 W. York Lane/ Stahr

Pursuant to notice duly published on March 25, 2022 and letters mailed to neighboring property owners on March 23, 2022, Chair Aranas called to order the April 12, 2022 public hearing requesting a variation to Article 10.2.5 of the Wheaton Zoning Ordinance to allow the construction and use of a second floor addition on to an existing single-family residence with a corner side yard setback of 19.56 feet in lieu of the required 26.45 feet, all on property commonly known as 1603 W. York Lane.

Gregg Stahr, 1603 W. York Lane, Wheaton was sworn in. Mr. Stahr stated that he is the homeowner. He stated that the subject property is located on the northeast corner of Prospect Avenue and York Lane. He added that the property is approximately 9,346 square feet in size and is improved with a cape cod style residence with an existing half-story second floor and a detached garage that was constructed in 1951.

Mr. Stahr stated that he is requesting a variation to Article 10.2.5 of the Wheaton Zoning Ordinance to allow the construction and use of a second floor addition on to an existing single-family residence with a corner side yard setback of 19.56 feet in lieu of the required 26.45 feet. He added that he is proposing a one-story addition and deck on the north side of the existing single-family residence that is fully code compliant.

Mr. Stahr stated that the corner side yard setback requirement off York Lane is based on the average of the standard requirement of 20.0 feet and the setback of the adjacent home to the east of 32.9 feet ( $20.0 + 32.9 / 2 = 26.45$  feet). He added that the existing house on the subject property has a corner side yard setback ranging between 19.56 and 19.66 feet.

Mr. Stahr stated that he is proposing to remove the existing half-story second floor and replace it with a full second story that is built on the existing first floor footprint. He added that the proposed second floor addition would allow the second floor to be converted from two bedrooms to three bedrooms and a full bathroom.

Mr. Stahr addressed the ten variation evidence standards as required by the Zoning Ordinance. He stated that the proposed variation is the minimum necessary to enlarge the home for his growing family. He added that the variation would not be detrimental to the public health, safety, morals, comfort, convenience, or general welfare of the neighboring property owners.

Mr. Wanzung questioned whether the applicant had spoken with his neighbors about the variation request.

Mr. Stahr stated that he had spoken with some of them, and they didn't have any concerns with the variation request.

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

Mr. Plunkett moved and then Mr. Dabovich seconded the motion to waive their regular rules and vote tonight. On a voice vote, all voted aye.

Ms. Horejs moved and then Mr. Wanzung seconded the motion to recommend approval of ZA #22-10 requesting a variation to Article 10.2.5 of the Wheaton Zoning Ordinance to allow the construction and use of a second floor addition on to an existing single-family residence with a corner side yard setback of 19.56 feet in lieu of the required 26.45 feet, all on property commonly known as 1603 W. York Lane, as presented.

Roll Call Vote

Ayes: Nicole Aranas  
Chris Dabovich  
Chris Derrick  
Bob Gudmundson  
Cecilia Horejs  
Mark Plunkett  
Dan Wanzung

Nays: None

Absent: None

Motion Passed Unanimously

ZA #22-11/ Proposed Changes to the City's Existing Provisions Relating to all Boards, Commissions, and Committees/ Wheaton City Code Article 5, Wheaton Zoning Ordinance Article 5, and Rules and Procedures for the Planning and Zoning Board

Staff Planner Jones stated that the City Council has initiated a review of the City's existing provisions relating to all Boards, Commissions, and Committees. After four City Council Planning Sessions (held on August 23, 2021, October 11, 2021, January 10, 2022, and February 28, 2022), the City Council has drafted preliminary changes to the City's existing provisions. Specifically, these provisions are contained in Article 5 of the Wheaton City Code, Article 5 of the Wheaton Zoning Ordinance, and the Rules and Procedures for the Planning and Zoning Board.

Staff Planner Jones stated that most of these changes are proposed to ensure consistency between the Wheaton City Code, Wheaton Zoning Ordinance, and Rules and Procedures for the Planning and Zoning Board and to eliminate any unnecessary repetition between these documents. The City Manager, on behalf of the City Council, has requested that the Board provide written feedback to the City Council on the preliminary changes.

Staff Planner Jones stated that a future public hearing on the changes to the Wheaton Zoning Ordinance would be required once the changes are finalized. Also, it should be noted that based on some of the preliminary changes to the Wheaton City Code, the City Council will most likely need to officially approve the Rules and Procedures for the Planning and Zoning Board and any future amendments.

The Board reviewed the preliminary changes to the City's existing provisions relating to all Boards, Commissions, and Committees and had the following comments and/ or suggestions:

Wheaton City Code, Sec. 2-257 - This section states that "Board, commission, or committee members shall be appointed by the mayor with the approval of the city council for three-year terms, unless otherwise approved by the mayor and city council". The Board wants to verify that this section does not supersede the term length provided in Wheaton City Code, Sec. 2-336 which states that "The planning and zoning board shall consist of seven (7) members; the term of each appointment is five-years". The Board prefers that the term length of their members stays at 5-years, not 3-years.

This section further states that "All board, commission and committee members shall be residents of the city". The Board recommends this language be revised to read "All board, commission and committee members shall be residents within the corporate limits of the city".

Wheaton City Code, Sec. 2-258 - This section states that "The chairperson shall serve for a term of one-year or until their successor is elected. The Chairperson shall serve in the same capacity for no more than two consecutive one-year terms." The Board wants to verify that this term limit doesn't apply to them, since the Board has never had a term limit for the role of Chairperson.

Wheaton City Code, Sec 2-261(b) - This section states that "Every board, commission, or committee identified in this article is authorized on behalf of the City of Wheaton to solicit donations to support the purposes as set forth in this article". The Board requests to be specifically excluded from this statement as it could be perceived as a conflict of interest.

Wheaton Zoning Ordinance, Art. 5.2B - No changes are currently proposed to this section. However, the Board questioned whether a fifth jurisdiction item should be added for long-range planning (i.e., input on comprehensive plan amendments, etc.).

Wheaton Zoning Ordinance, Art. 5.11B.1 and 5.11D.2 - No changes are currently proposed. However, the Board questioned their responsibility in approving PUD's with multiple buildings. Specifically, the Board questioned whether there were mechanisms in place for unified control of a multiple building development, should a subdivision happen after the PUD is approved by the Board.

Rules of Procedure for the Planning and Zoning Board, Art. VIII, Sec. 5 - This section states that "The concurring vote of four members shall be necessary for any decision or recommendation in favor of an application for an appeal, variation, special use permit, amendment, planned unit development, or any amendments thereto." It was the understanding of both the Board and staff that the City Council wanted to amend the concurring vote of

four members for a positive recommendation language, when only four members are present, to be consistent with the voting requirements of the other boards, commissions, and committees.

Staff Planner Jones thanked the Board for their input and stated that she would draft a letter to the City Manager, on behalf of the Board, outlining these comments and/ or suggestions.

V. Miscellaneous

There was none.

VI. Adjournment

Mr. Dabovich moved and then Mr. Derrick seconded the motion to adjourn the meeting at 8:00 p.m. On a voice vote, all voted aye.

Respectfully submitted,  
Tracy L. Jones, AICP  
Staff Planner