

**VILLAGE OF HAMPSHIRE
ZONING BOARD OF APPEALS**

**MINUTES
February 12, 2018**

A meeting of the Hampshire Zoning Board of Appeals was called to order at 7:00 p.m. at the call of the Chair. Members present: Chair C. Christensen, Sec. J. Schaul, W. Albert, R. Frillman and H. Hoffman. Also present was Village Attorney M. Schuster.

The Pledge of Allegiance was said by all in attendance.

On motion made by Hank Hoffmann, seconded by Rich Frillman, to approve the minutes of the meeting of the Zoning Board of Appeals held on December 18, 2018, the vote to approve was unanimous. Motion passed.

The first order of business was consideration of the Petition filed by BSTP Midwest, LLC for a Special Use for an automobile service station, including retail gasoline sales, and an automobile/truck stop on the property located at 19N479 US Highway 20, in the HC Highway Commercial Zoning District in the Village; and the Petition filed by BSTP Midwest, LLC for certain Variances for the property located at 19N479 US Highway 20 in the HC Highway Commercial Zoning District in the Village, as follows:

- i) §6-8-7(F)(4), regarding minimum front yard setbacks, to allow for a front yard setback of 32.68 feet;
- ii) §6-8-7(F)(13), regarding height of accessory uses, to allow for a canopy over the gasoline fuel pumps of 19 feet; and over the diesel fuel pumps of 22 feet;
- iii) §6-11-2(F)(1) and (F)(2), regarding the size of parking stalls in the required parking areas, of varying sizes from width of 9 - 9.5 feet, and length of 18 - 20 feet; and
- iv) §6 -11-2(H), regarding parking in yards, to allow for a drive aisle and parking spaces to be located in the front yards along US Highway 20 and Dietrich Road.

The Board decided to consider these two Petitions together.

The public hearing was opened at 7:03 p.m.

Mr. Troy Paionk, of BSTP Midwest, LLC, appeared for Petitioner. Mr. Paionk summarized the special use and three of the zoning variances which were being requested by Petitioner, including a variation of the front yard setback requirement; a variation of the height of a canopy structure, both in front of and behind the proposed new building on the subject property; and a variation allowing for parking in the required yards. Petitioner had modified its site plan prior to the meeting, so that no variance would be required for the size of parking stalls on the premises.

Paionk introduced Mr. Drew Zazofsky of Thornton's, Inc. Thornton's intended to establish the new automobile/truck stop facilities on the site. Zazofsky introduced the site plan, and explained the various features planned for the property, including the routing of traffic through the site; the use of the building for a convenience store, and another restaurant and/or retail user; parking; truck fueling; retail

fueling; use of the existing curb cuts on US Highway 20; and curbing on Dietrich Road. New UST's would be installed, the old to be removed.

He explained that the front canopy would be 14.5' high on the underside, and would have a fascia of about 4' in addition; and that the rear canopy would be a total of 22' high.

He explained that drive aisles and some parking would be located within the required yards on the site.

One member of the public was present to comment. Mr. Larbi Barchouchi asked about the existing, and proposed future truck wash, facility on the property. Barchouchi stated that he owned the current truck wash on the property. Zazofsky agreed to discuss the matter further with Barchouchi outside of the public hearing / meeting.

In response to questioning from the Board members, Zazofsky stated that the property would need some environmental clean-up, for a flume of contamination (from across the roadway). Thornton's hoped to construct the new improvements and open for business in 2019.

A verbatim transcript of the proceedings was taken by a certified shorthand reporter.

On motion duly made and seconded, by unanimous voice vote, the public hearing was closed at 7:26 p.m.

On motion by H. Hoffman, seconded by W. Albert, to recommend approval of the Petition for Special Use for an automobile service station, including retail gasoline sales, and an automobile/truck stop on the property located at 19N479 US Highway 20, in the HC Highway Commercial Zoning District in the Village; A role vote was taken, 5 aye – 0 nay. Motion passed.

On motion by H. Hoffman, seconded by W. Albert, to recommend approval of the Petition for Variances of the front yard setback, of the height of the two canopies, and of the prohibition against parking facilities in a required yard, as detailed in the Petition, A role vote was taken, 5 aye – 0 nay. Motion passed.

On motion by H. Hoffman, seconded by W. Albert, to authorize the Chairman to execute and deliver to the Board of Trustees, on behalf of the Zoning Board of Appeals, written Findings of Fact and Recommendation consistent with these actions, A role vote was taken, 5 aye, 0 nay. Motion passed.

The second order of business was the Petition of Lucky's Energy Service, Inc. for a variation of the limitation in the Community Graphics Regulations on the height of a pole sign for its property at 263 Mill Avenue in the Village. Mr. James Heinrich appeared for Petitioner. He explained that Lucky's had recently acquired the site from Elburn Co-op, and would be utilizing it as a distribution facility for fuel products. Outside trucks would deliver fuel to the site; and Lucky's employees would then truck it to other locations.

The sign planned by Lucky's is approximately 6' by 8' in size, and Lucky's was requesting to install it on a pole 14' high. Heinrich stated that he had been directed by Village staff to the regulations for the Interchange Overlay District, which allowed for a variation of the height of such a sign by not

more than 4.5 feet. The Village Attorney directed Petitioner to the Community Graphics Regulations in Ch. 6, Article XII instead. Some discussion was had concerning the type of sign which might be permitted at this location. It was suggested that Petitioner consider a ground sign, of a size within the regulations at §6-12-4(C) or smaller; and that he amend his Petition accordingly, and present a picture of the proposed sign together with a site plan showing its proposed location at a future date.

On motion by H. Hoffman, seconded by W. Albert, to table the Petition for variation of the sign requirements at 263 Mill Avenue to March 12, 2019, the vote as 5 aye, 0 nay. Motion passed. .

On motion duly made and seconded, the meeting was adjourned at 7:58 p.m.

Respectfully submitted,

Joseph Schaul
Secretary

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