



Village of Hampshire
Planning & Zoning Commission Meeting
Monday, July 22, 2024 - 7:00 PM
Hampshire Village Hall
234 South State Street, Hampshire, IL 60140

AGENDA

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. A Motion to Approve the Meeting Minutes from June 24, 2024
5. Public Comments
6. New Business

a. Case#: PZC-24-02 - Public Hearing

Address: Lot 20 Washington Ave. / PIN# 01-22-351-019

Petitioner & Owner: Samantha Schneeberger

Request: The following requests are being made:

- (1) Request for Map Amendment (Rezoning) from M-1, Restricted Industrial, District to R-2, Single-Family Residence, District.
- (2) Request for Text Amendment to Sec. 6-7-2-B of the Hampshire Zoning Ordinance to permit Greenhouse as a Special Use in the R-2 Zoning District.
- (3) Request for Special Use per Sec. 6-7-2-B of the Hampshire Zoning Ordinance to permit a Greenhouse.

Action: Motion to make a recommendation regarding Case# PZC-24-02.

b. Case#: PZC-24-03 - Public Hearing

Address: 411 Campion Dr.

Petitioner & Owner: Gerald Cuartero

Request: Variance to Sec. 7-5-9-A of the Hampshire Subdivision Ordinance to permit a shed in an easement, whereas structures are not permitted in easements.

Action: Motion to make a recommendation regarding Case# PZC-24-03.

7. Old Business
8. Announcements
9. Adjournment

Public Comments: The Commission will allow each person who is properly registered to speak a maximum time of five (5) minutes, provided the Chairman may reduce the maximum time to three (3) minutes before public comments begin if more than five (5) persons have registered to speak. Public comment is meant to allow for expression of opinion on, or for inquiry regarding, public affairs but is not meant for debate with the Board or its members. Good order and proper decorum shall always be maintained.

Recording: Please note that all meetings held by videoconference may be recorded, and all recordings will be made public. While State Law does not require consent, by requesting an invitation, joining the meeting by link or streaming, all participants acknowledge and consent to their image and voice being recorded and made available for public viewing.

Accommodations: The Village of Hampshire, in compliance with the Americans with Disabilities Act, requests that persons with disabilities, who require certain accommodations to allow them to observe and/or participate in the meeting(s) or have questions about the accessibility of the meeting(s) or facilities, contact the Village at 847-683-2181 to allow the Village to make reasonable accommodations for these persons.



Village of Hampshire
Planning & Zoning Commission Meeting
Monday, June 24, 2024 - 7:00 PM
Hampshire Village Hall
234 South State Street, Hampshire, IL 60140

MEETING MINUTES

1. **Call to Order**

The Village of Hampshire Planning & Zoning Commission was called to order by Chairman Mroch at 7:01 P.M.

2. **Pledge of Allegiance**

Chairman Mroch led the Pledge of Allegiance.

3. **Roll Call**

Present: Commissioners Grace Duchaj, Scott McBride (Arrived at 7:02 P.M.), Bill Rossetti, Sharon Egger, Lawrence Rapach and Chairman Bryan Mroch.

Absent: Commissioner Rick Frillman.

4. **A Motion to Approve the Meeting Minutes from February 26, 2024**

Motion: Commissioner Rossetti.

Second: Commissioner Rapach.

Ayes: Commissioners Duchaj, McBride, Rossetti, Egger, and Rapach and Chairman Mroch.

Nays: None.

Abstain: None.

Motion Approved.

5. **Case#: PZC-24-01 - Public Hearing**

Address: 165 Arrowhead Dr.

Petitioner & Owner: EMAAR Real Estate, LLC

Request: Variance to Sec. 6-11-2-J of the Hampshire Zoning Ordinance to permit a gravel parking lot, whereas it is required to be a paved surface.

Chairman Mroch opened the Public Hearing.

Mr. Khan provided an overview of the request being made by the Petitioner. Mr. Khan stated that Staff did not find a hardship for the Petitioner. However, it should be noted that the Planning & Zoning Commission did recently recommend approval for a similar variance request and that should be taken into consideration for

discussion and vote.

Mr. Khan introduced Mr. Mascote, representative for the Petitioner & Owner. Mr. Mascote stated that the initial business plan for a truck wash for the property was abandoned due to Love's having a truck wash. Mr. Mascote additionally stated that the owner is considering new business plans and is unsure where the new building will be located so that is the reason for this request.

Chairman Mroch asked for Public Comments; no public comments were provided.

Chairman Mroch closed the Public Hearing at 7:15 P.M.

Commission Egger asked a question regarding the access off of Deitrich Rd. Mr. Mascote stated no access will be made off of Deitrich Rd.

Commissioner McBride made a comment regarding the cul-de-sac/turnaround at the end of Arrowhead Dr. that is on the subject property. Mr. Mascote stated that discussion has been had with the Fire District regarding this and either the cul-de-sac/turnaround will be kept or alternative access will be provided for fire apparatus to turnaround at the end of Arrowhead Dr.

Commissioner Duchaj stated she did not find a hardship for the variance request.

Chairman Mroch entertained a motion to recommend approval with staff's recommended condition of approval:

Motion: Commissioner McBride.

Second: Commissioner Egger.

Ayes: Commissioners Rossetti, Egger, McBride, and Chairman Mroch.

Nays: Commissioners Duchaj and Rapach.

Motion Approved.

6. **New Business**

None.

7. **Old Business**

a. **Discussion Regarding Proposed Text Amendments to Zoning Ordinance**

Mr. Khan stated that based on feedback and internal discussion by staff, when the text amendments come to the Planning & Zoning Commission for consideration the Farming Zoning District will remain as-is.

8. **Public Comments**

No Public Comments were made.

9. **Announcements**

Mr. Khan stated that there will not be a meeting on July 8, 2024. Mr. Khan also stated that there will be a meeting on July 22, 2024.

10. **Adjournment**

Motion: Commissioner Rossetti.

Second: Commissioner Duchaj.

Ayes: Commissioners Duchaj, McBride, Rossetti, Egger, and Rapach.

Nays: None.

Abstain: None.

Adjourned at: 7:29 P.M.

Submitted July 22nd, 2024.

Mo Khan, Assistant Village Manager for Development

APPROVED:



Village of Hampshire
Planning & Zoning Commission Meeting
Monday, June 24, 2024 - 7:00 PM
Hampshire Village Hall
234 South State Street, Hampshire, IL 60140

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Present: Commissioners Grace Duchaj, Scott McBride (Arrived at 7:02 P.M.), Bill Rossetti, Sharon Egger, Lawrence Rapach and Chairman Bryan Mroch.

Absent: Commissioner Rick Frillman.

4. **A Motion to Approve the Meeting Minutes from February 26, 2024**

Motion: Commissioner Rossetti.

Second: Commissioner Rapach.

Ayes: Commissioners Duchaj, McBride, Rossetti, Egger, and Rapach and Chairman Mroch.

Nays: None.

Abstain: None.

Motion Approved.

5. **Case#: PZC-24-01 - Public Hearing**

Address: 165 Arrowhead Dr.

Petitioner & Owner: EMAAR Real Estate, LLC

Request: Variance to Sec. 6-11-2-J of the Hampshire Zoning Ordinance to permit a gravel parking lot, whereas it is required to be a paved surface.

Chairman Mroch opened the Public Hearing.

Mr. Khan provided an overview of the request being made by the Petitioner. Mr. Khan stated that Staff did not find a hardship for the Petitioner. However, it should be noted that the Planning & Zoning Commission did recently recommend approval for a similar variance request and that should be taken into consideration for

discussion and vote.

Mr. Khan introduced Mr. Mascote, representative for the Petitioner & Owner. Mr. Mascote stated that the initial business plan for a truck wash for the property was abandoned due to Love's having a truck wash. Mr. Mascote additionally stated that the owner is considering new business plans and is unsure where the new building will be located so that is the reason for this request.

Chairman Mroch asked for Public Comments; no public comments were provided.

Chairman Mroch closed the Public Hearing at 7:15 P.M.

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Commissioner Duchaj stated she did not find a hardship for the variance request.

Chairman Mroch entertained a motion to recommend approval with staff's recommended condition of approval:

Motion: Commissioner McBride.

Second: Commissioner Egger.

Ayes: Commissioners Rossetti, Egger, McBride, and Chairman Mroch.

Nays: Commissioners Duchaj and Rapach.

Motion Approved.

6. **New Business**

None.

7. **Old Business**

a. **Discussion Regarding Proposed Text Amendments to Zoning Ordinance**

Mr. Khan stated that based on feedback and internal discussion by staff, when the text amendments come to the Planning & Zoning Commission for consideration the Farming Zoning District will remain as-is.

8. **Public Comments**

No Public Comments were made.

9. **Announcements**

Mr. Khan stated that there will not be a meeting on July 8, 2024. Mr. Khan also stated that there will be a meeting on July 22, 2024.

10. **Adjournment**

Motion: Commissioner Rossetti.

Second: Commissioner Duchaj.

Ayes: Commissioners Duchaj, McBride, Rossetti, Egger, and Rapach.

Nays: None.

Abstain: None.

Adjourned at: 7:29 P.M.

Submitted July 22nd, 2024.

Mo Khan, Assistant Village Manager for Development

APPROVED:



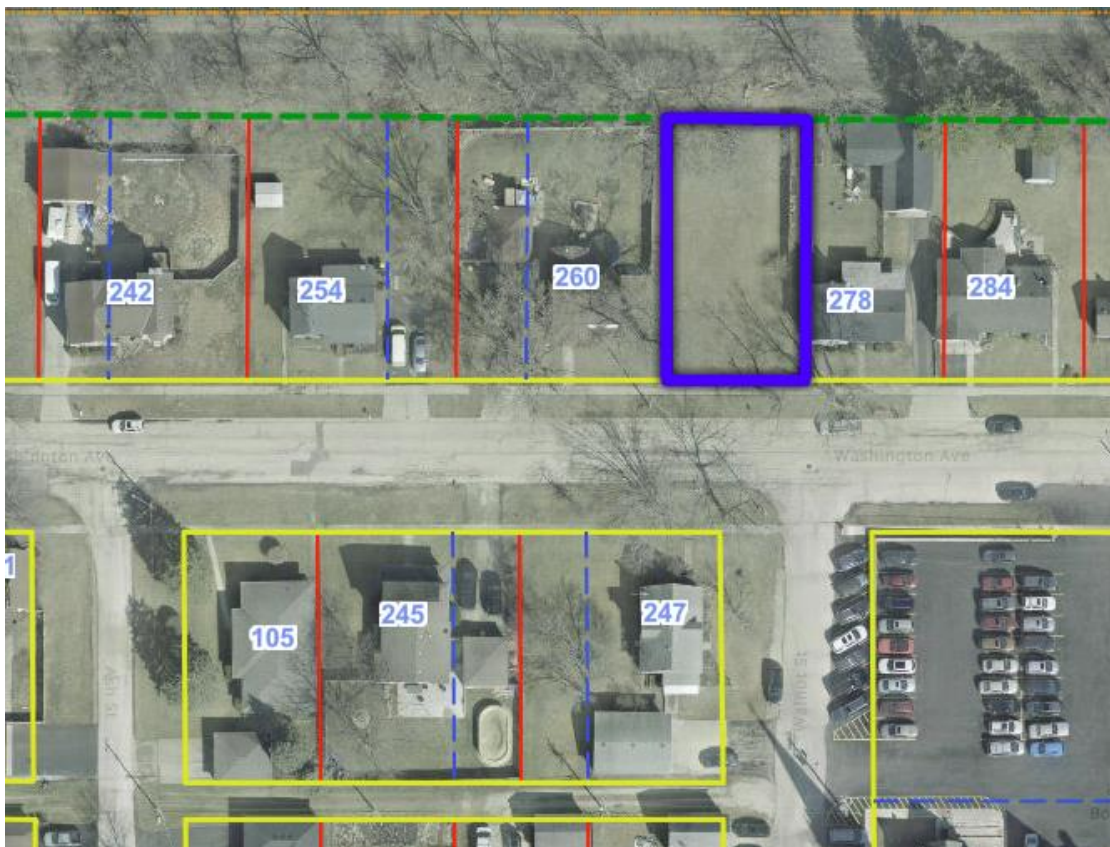
Village of Hampshire
234 S. State Street, Hampshire IL 60140
Phone: 847-683-2181 | www.hampshireil.org

AGENDA SUPPLEMENT

TO: Planning & Zoning Commission
FROM: Mo Khan, Assistant Village Manager for Development
FOR: Planning & Zoning Commission Meeting on July 22, 2024
**RE: PZC-24-02 - Lot 20 Washington Ave. - Map Amendment (Rezoning),
Text Amendment & Special Use**

PROPOSAL: Samantha Schneeberger (Petitioner & Owner) is requesting the approval of the following in order to operate a greenhouse:

1. Request for Map Amendment (Rezoning) from M-1, Restricted Industrial, District to R-2, Single-Family Residence, District.
2. Request for Text Amendment to Sec. 6-7-2-B of the Hampshire Zoning Ordinance to permit Greenhouse as a Special Use in the R-2 Zoning District.
3. Request for Special Use per Sec. 6-7-2-B of the Hampshire Zoning Ordinance to permit a Greenhouse.





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BACKGROUND: The petitioner purchased the property in 2022 and constructed a greenhouse structure on the subject property with the intention of creating a community garden for use by the public.

The petitioner was formally notified by the Village in the beginning of 2024 that the structure was not permitted as a building permit was not issued and the greenhouse/community garden use was not permitted by the zoning ordinance.

Village staff met with the petitioner to discuss the outstanding code violations in early 2024 to discuss the petitioner's options to bring the subject property into compliance with code.

One of the options offered was to apply for zoning entitlements to bring the property and use into compliance with the zoning ordinance. The petitioner opted for this option is now requesting the zoning entitlements under the Proposal section of this supplement.

ANALYSIS: The subject property is approximately 0.16 acres (6,870 sq. ft.) and is located at the northwest corner of the intersection of Washington Ave. and Walnut St. The subject property is currently improved with a greenhouse structure built in 2023.

The subject property is zoned M-1, Restricted Industrial, District.

The following are the adjacent property zoning and uses:

North: M-1, Restricted Industrial, District - Manufacturing/Warehouse

South: R-2, Single-Family Residence, District - Residential

East: M-1, Restricted Industrial, District - Residential

West: R-2, Single-Family Residence, District - Residential

Map Amendment (Rezoning):

There are no minimum lot standards for the R-2 zoning district to consider for the map amendment (rezoning) request.

The adjacent properties except for the property to the north which is separated by a railroad right-of-way are all residential uses. The subject property is also sized for residential use rather than industrial.

Text Amendment:

A greenhouse and garden are common accessory structures and use in residential zoning districts. However, it is not common as a principal structure use in a residential zoning district.



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Special Use:

The zoning ordinance establishes a classification or list of uses that shall be considered a special use, "which are deemed desirable for public welfare within a given district, but which might have an adverse effect upon nearby properties or upon the character and future development of the district in which they are located" [Sec. 6-3-8-A].

The proposed special use of a greenhouse can potentially provide a use that is found enjoyable by the general public. The structure itself may not cause adverse impacts on adjacent/neighborhood properties as a greenhouse can be a common structure on a residential property. The petitioner states that the structure/use will not be open to the public so this should not create or increase traffic on the public street.

REQUIRED FINDINGS OF FACT: The following are the required findings of fact for a Map Amendment (Rezoning) and Special Use. The zoning ordinance does not list any required findings of fact for a Text Amendment.

Map Amendment (Rezoning) - Sec. 6-14-3-G-8-a:

1. Existing uses of property within the general area of the property in question.
2. The zoning classification of property within the general area of the property in question.
3. The suitability of the property in question to the uses permitted under the existing zoning classification.
4. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.
5. The objects of the current land use plan.

Special Use - Sec. 6-14-3-H-9:

1. That the establishment, maintenance or operation of the special use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare.
2. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted and will not substantially diminish and impair property values within the neighborhood.
3. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal



- and functional plan of the structures already constructed or during construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.
5. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
 6. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
 7. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the board of trustees pursuant to the recommendations of the Planning and Zoning Commission

PROPOSED FINDINGS OF FACT: The proposed findings of facts shall be as follows:

Map Amendment (Rezoning):

1. The existing uses of the property in the general area are residential uses. The proposed rezoning would then permit or allow for a single-family residence to be constructed on the subject property.
2. The zoning classification of property within the general area is R-2, Single-Family Residence, District. The proposed rezoning would make it the same classification as the general area.
3. The subject property cannot be developed for an industrial/manufacturing use due to the size limitations of the lot, which was platted for a residential use.
4. The general area has already been developed and any future development would be for residential uses and not as industrial/manufacturing.
5. The current land use and future land use plan indicates the area to be used for residential and other uses (i.e. church, school, park) common for a residential area.

Text Amendment:

1. The zoning ordinance does not list any findings of fact for a text amendment.

Special Use:

1. The establishment of the proposed special use will not detrimental or endanger the public health or general welfare as the proposed special use is a common structure and use in residential areas.
2. The proposed special use will not be injurious to the use or enjoyment of other properties in the immediate vicinity as the proposed special use will not prevent the properties from being used as residential properties.



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3. The proposed special use will not prevent the properties from being developed or used as residential properties or other uses permitted in the R-2 zoning district as the proposed special use is confined to the subject property.
4. The proposed exterior architectural appeal and functional plan of the greenhouse will be consistent with the look/design of other greenhouses that can be constructed in the R-2 zoning district as an accessory structure, however, the proposed greenhouse will be larger than those constructed as an accessory structure.
5. The subject property is not connected to Village utilities. The subject property has a frontage on a Village street but does not provide any off-street parking. Drainage and any other necessary facilities will be reviewed during the permitting process for the greenhouse structure.
6. The subject property does not provide off-street parking. However, as the greenhouse will be used for private use only it is not expected to create or increase traffic congestion on public streets. On-street parking is allowed along Washington Ave.
7. The proposed special use and any associated structure will need to be constructed and designed to meet all Village code requirements.

PUBLIC COMMENTS: Village staff has not received any public comments regarding this petition as of July 17, 2024.

STAFF RECOMMENDED CONDITIONS OF APPROVAL: Village staff recommends the following conditions of approval be included if a favorable recommendation is made by the Planning & Zoning Commission:

1. Building permits for the greenhouse structure be submitted to the Village within forty-five (45) days of the date zoning entitlement approval by the Village Board or the Special Use shall be null and void.
2. Construction or any modification to the greenhouse structure begin within thirty (30) days of permit issuance or the Special Use shall be null and void.
3. Construction or any modification to the greenhouse structure shall be completed within one (1) year of permit issuance or the Special Use shall be null and void.
4. The proposed greenhouse structure and use shall only be utilized by the property owner and shall not be open to public/community gardening.
5. The proposed greenhouse structure shall meet all Village code requirements and regulations.



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RECOMMENDED MOTION:

I move to accept and adopt Staff's Findings of Fact included in the Agenda Supplement and recommend approval of PZC-24-02 for a map amendment (rezoning) from M-1 to R-2, text amendment to Sec. 6-7-2-B of the zoning ordinance to permit a greenhouse as a special use, and special use per Sec. 6-7-2-B to permit a greenhouse with Staff's Recommended Conditions of Approval #1-5.

DOCUMENTS ATTACHED:

1. Land Use Application
2. Sec. 6-7-2-B - Red-Line Amendments
3. Petitioner's Response to Findings of Fact
4. Certificate of Publication of Public Hearing Legal Notice



Village of Hampshire
234 S. State Street, Hampshire, IL 60140
Phone: 847-683-2181 • www.hampshireil.org

Land Use Application

Date: 4/28/24

The Undersigned respectfully petitions the Village of Hampshire to review and consider granting the following approval(s) on the land herein described.
(check all that apply)

- Variance*
- Special Use Permit*
- Rezoning from M1 District to R2 District (ex. M1 to M2)*
- Annexation*
- Subdivision
- Other Site Plan: _____

*requires a 15-30 day public notice period

APPLICANT INFORMATION

APPLICANT (print or type)

Name: _____

Address: 681 Olive Lane Hampshire Phone: _____

CONTACT PERSON (if different from applicant)

Name: _____ Email: _____

Address: _____ Phone: _____

IS THE APPLICANT THE OWNER OF THE SUBJECT PROPERTY?

YES NO

If the applicant is not the owner of the subject property, a written and signed statement from the owner authorizing the applicant to file must be attached to this application.

IS THE OWNER A TRUSTEE/BENEFICIARY OF A LAND TRUST?

YES NO

If the owner of the subject property is a trustee of a land trust or beneficiaries of a land trust, a disclosure statement identifying each beneficiary of such land trust by name and address, and defining his/her interest therein, shall be attached hereto.

PROPERTY INFORMATION

Name of Development (if any): _____

Address: Lot 20 Hampshire (Washington)

Parcel Number(s): 01-22-351-019

Total Area (acres): .25 acre

Legal Description: must be attached to this application

Fire Protection District: Hampshire

School District: D300

Library District: Hampshire

Park District: Hampshire

Township: Hampshire

Current Zoning District: M1

Current Use:

Greenhouse

Proposed Zoning/Variance/Use:

To be used as a shed (Greenhouse); for a Community/
Shared space garden / Sanctuary

Reason/ Explanation for Zoning/ Variance/ Use:

Greenhouse - Community/neighborhood enrichment
natural resource conservation

Attachment B - Affidavit of Notification
Affidavit of Notification to Neighboring Property Owners

To: Village of Hampshire 234 S. State Street Hampshire, IL 60140

From: Samantha Schneberger

Date: 5/19/24

The undersigned, being sworn upon his oath, deposes and says that the list below includes the names and address of all owners of property adjacent or within two hundred-fifty (250') feet of the property referred to in the Petition.

The property is located at Lot 20 Washington

PROPERTY INDEX #	PROPERTY OWNER	ADDRESS
_____	Samantha Schneberger	_____
_____	Alicia Malczewski	278 Washington
_____	Tucker & Kristi Todd	260 Washington
_____	Elaine Setter Setter	247 Washington
_____	Matthew Schue	245 Washington (45 W 170 Berner Rd)*
_____	Jose & Albing Alvarado	284 Washington
_____	Bett pack	254 Washington (17N320 Ketchum Rd)*
_____	Sester Rentals LLC	300 E Washington
_____	Doree Dale	_____
_____	_____	_____

Attached additional sheets, if necessary.

By: Samantha Schneberger Samantha Schneberger
 Name Signature

Sec. 6-7-2-B:

B. In an R-2 Single-Family Residence District, the only special uses shall be as follows:

Special uses allowed in the R-1 Single-Family Residence District in subsection 6-7-1-B of this article.

Convalescent, rest and nursing homes

Greenhouses

Mortuaries

Nursery, childcare

Preschools

Required Findings of Fact for Map Amendment Rezoning in Hampshire, IL

- 1. Existing Uses of Property within the General Area:**
 - The general area surrounding the property in Hampshire, IL, includes various land uses. Predominantly, it features industrial, residential, and some commercial properties.
- 2. Zoning Classification of Property within the General Area:**
 - Properties in the vicinity are zoned for different purposes, including industrial (M1), residential, and commercial. The specific zoning classification can vary block by block, reflecting a mix of uses that support both community living and business operations.
- 3. Suitability of the Property in Question to the Uses Permitted under the Existing Classification:**
 - The property is currently zoned M1 (industrial), which is generally intended for manufacturing, warehousing, and other industrial uses. While suitable for industrial activities, changing the classification to residential will enhance the village by providing a community-centered green space that promotes local agriculture and social interaction.
- 4. Trend of Development in the General Area:**
 - The development trend in Hampshire has shown a balanced mix of residential growth and industrial/commercial expansion. There have been gradual shifts with some industrial areas being repurposed for residential and mixed-use developments, reflecting changing community needs and economic conditions.
- 5. Objects of the Current Land Use Plan:**
 - Hampshire's land use plan aims to create a balanced and sustainable community by supporting a mix of residential, commercial, and industrial developments. The plan emphasizes enhancing community amenities, maintaining a high quality of life, and ensuring that new developments are in harmony with the existing community fabric.

Responses to Special Use Standards for Rezoning in Hampshire, IL

- 1. Public Health, Safety, Morals, Comfort, or General Welfare:**
 - The community/shared space garden and greenhouse will not be detrimental to public health, safety, morals, comfort, or general welfare. On the contrary, it will provide fresh produce, educational opportunities, and a green space for relaxation, thereby enhancing community well-being.
- 2. Injury to Use and Enjoyment of Other Property:**
 - The special use will not be injurious to nearby properties. The community garden will enhance the neighborhood's aesthetic appeal and provide a tranquil environment, increasing overall enjoyment and possibly property values.
- 3. Impediment to Development:**
 - The establishment of the community garden and greenhouse will not impede the normal and orderly development of the surrounding property. It aligns with trends of incorporating green spaces within residential areas, supporting overall neighborhood development.
- 4. Architectural Appeal and Functional Plan:**
 - The exterior architectural appeal and functional plan of the greenhouse is designed to harmonize with the surrounding structures. It features aesthetically

pleasing and environmentally friendly design elements, ensuring it complements the neighborhood and does not cause property depreciation.

5. Utilities and Facilities:

- The greenhouse will be an environmentally friendly and sustainable space, utilizing rain barrels to collect water. It will not have a bathroom, water, or other utilities, and the greenhouse will not be open to the public. Appropriate measures will be taken to ensure efficient water drainage and accessibility.

6. Ingress and Egress:

- Adequate measures will be implemented to provide ingress and egress, minimizing traffic congestion on public streets. This includes designing access points that facilitate smooth traffic flow for visitors.

7. Conformance to Regulations:

- The special use will conform to all applicable district regulations, except where modifications are approved by the board of trustees based on recommendations from the Planning and Zoning Commission. This ensures that the project meets all necessary legal and community standards.

**NOTICE OF PUBLIC HEARING
VILLAGE OF HAMPSHIRE PLANNING & ZONING
COMMISSION**

NOTICE IS HEREBY given that on July 22, 2024 at 7:00 p.m., or as soon thereafter as the case may be heard, at the Hampshire Village Hall, 234 S. State Street, Hampshire, IL 60140, Samantha Schneeberger (Petitioner & Owner) shall appear before the Hampshire Planning & Zoning Commission for a Public Hearing on the following for the property located at Lot 20 Washington Avenue, Hampshire, IL 60140:
1. Request for Map Amendment (Rezoning) from M-1, Restricted Industrial, District to R-2, Single-Family Residence, District.
2. Request for Text Amendment to Sec. 6-7-2-B of the Hampshire Zoning Ordinance to permit Greenhouse as a Special Use in the R-2 Zoning District.
3. Request for Special Use per Sec. 6-7-2-B of the Hampshire Zoning Ordinance to permit a Greenhouse.
The Subject Property is identified by the following PIN: 01-22-351-019.

The above petition is open to inspection at the Hampshire Village Hall, 234 S. State Street, Hampshire, IL 60140. Written comments, questions, and/or statements can be submitted by email to mkhan@hampshireil.org or by mail addressed to:

Village of Hampshire
Attn: Mo Khan - PZC-24-03
PO Box 457
Hampshire, IL 60140

NOTE: Any person who has a disability requiring a reasonable accommodation to participate in this public hearing should contact Karen Stuehler, Village Clerk, 234 S. State Street, Hampshire, IL 60140 or call 847-683-2131 within a reasonable time before the meeting. Requests for a qualified interpreter require five (5) working days advance notice.

Karen Stuehler, Village Clerk

Published in Daily Herald July 2, 2024 (4617239)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Fox Valley
Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **Fox Valley DAILY HERALD**. That said **Fox Valley DAILY HERALD** is a secular newspaper, published in Elgin, Kane County, State of Illinois, and has been in general circulation daily throughout Kane County, continuously for more than 50 weeks prior to the first Publication of the attached notice, and a newspaper as defined by 715 ILCS 5/5.

I further certify that the **Fox Valley DAILY HERALD** is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 07/02/2024

in said **Fox Valley DAILY HERALD**. This notice was also placed on a statewide public notice website as required by 5 ILCS 5/2.1.

BY

Designee of the Publisher of the Daily Herald

Control # 4617239





Village of Hampshire
234 S. State Street, Hampshire IL 60140
Phone: 847-683-2181 | www.hampshireil.org

AGENDA SUPPLEMENT

TO: Planning & Zoning Commission
FROM: Mo Khan, Assistant Village Manager for Development
FOR: Planning & Zoning Commission Meeting on June 24, 2024
RE: PZC-24-03 - 411 Campion Dr. - Variance

PROPOSAL: Gerald Cuartero (Petitioner & Owner) is requesting the approval of the following to construct a shed in an easement:

1. Variance to Sec. 7-5-9-A of the Hampshire Subdivision Ordinance to permit a shed in an easement, whereas structures are not permitted in an easement.





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BACKGROUND: The petitioner received a permit from the Village on 5/31/2023 to construct a patio and slab for a future shed. As shown on the Plat of Survey the shed was proposed to be and was constructed in the rear utility easement.

The slab should not have been approved as part of the permit as Sec. 7-5-9-A does not permit structures in any easement.

On 5/22/2024, the petitioner applied for a shed permit and was notified the shed could not be constructed in an easement.

It was found that prior to 2024, that the Village's contractor SafeBuilt who is responsible for permitting was not directed to or was not reviewing permits for zoning compliance.

ANALYSIS: The subject property is approximately 0.24 acres (10,454 sq. ft.) and is located on the south side of Campion Dr. located near the southwest corner of the intersection of Campion Dr. and Jessamine Ln. The subject property is improved with an approximately 2,481 sq. ft. two-story with a basement single-family residence with a two-car attached garage.

The subject property is zoned PRD, Planned Residential District.

The following are the adjacent property zoning and uses:
North: PRD, Planned Residential District - Residential
South: French Harmony Rd. Right-of-Way
East: PRD, Planned Residential District - Residential
West: PRD, Planned Residential District - Residential

Zoning Bulk Standards: The following are the applicable zoning bulk standards for accessory structure.

Code Section	Description	Requirement	Proposed
Sec. 6-3-7-B-2	Structure Height	≤ 15 ft.	8 ft.
Sec. 6-3-7-B-3-a-(1)	Building Separation	≥ 5 ft.	Greater than 5 ft.
Sec. 6-3-7-B-3-a-(2)	Yard Location	Rear or Back-Half of Side	Rear
Sec. 6-3-7-B-3-a-(3)	Property Line Setback	≥ 5 ft.	5 ft.
Sec. 6-3-7-B-3-a-(4)	Alley Setback	≥ 10 ft.	N/A
Sec. 6-3-7-B-3-a-(5)	Lot Coverage (Max 30% of Rear-Yard)	≤ 1,539 sq. ft.	700 sq. ft.*

* Calculation includes 600 sq. ft. patio.



Village of Hampshire
234 S. State Street, Hampshire IL 60140
Phone: 847-683-2181 | www.hampshireil.org

REQUIRED FINDINGS OF FACT: The following are the required findings of fact for a Variance per Sec. 7-5-7-A-2:

1. Because of the particular physical surroundings, shape or topography conditions of the specific property involved, a particular and extraordinary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out.
2. The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property, and have not been created by any person having an interest in the property.
3. The purpose of the variation is not based exclusively upon a desire to make more money out of the property.
4. The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located.

PROPOSED FINDINGS OF FACT: The proposed findings of fact shall be as follows:

1. The subject property does not have unique physical surroundings, shape or topography that prevents the shed from being placed outside the utility easement.
2. The request is being made due to an error by the Village to allow for the concrete pad for the shed to be constructed in the easement. This condition was not created by the petitioner or any other individual having an interest in the property.
3. The proposed variance will not result in increased property value or result in the petitioner making more money than if the shed was placed outside the easement.
4. The proposed variance will not be detrimental to the public safety or general welfare as a shed is a common accessory structure for residential properties.

PUBLIC COMMENTS: Village staff has not received any public comments regarding this petition as of July 17, 2024.

STAFF RECOMMENDED CONDITIONS OF APPROVAL: Village staff is not recommending any conditions of approval.



Village of Hampshire
234 S. State Street, Hampshire IL 60140
Phone: 847-683-2181 | www.hampshireil.org

RECOMMENDED MOTION:

I move to accept and adopt Staff's Findings of Fact included in the Agenda Supplement and recommend approval of PZC-24-03 for a variance to Sec. 7-5-9-A of the subdivision ordinance to permit a shed in an easement, whereas structures are not permitted in an easement.

DOCUMENTS ATTACHED:

1. Land Use Application
2. Plat of Survey
3. Shed Drawing
4. Petitioner's Response to Findings of Fact
5. Certificate of Publication of Public Hearing Legal Notice



Village of Hampshire
234 S. State Street, Hampshire, IL 60140
Phone: 847-683-2181 ▪ www.hampshireil.org

Land Use Application

Date: 05/28/2024

The Undersigned respectfully petitions the Village of Hampshire to review and consider granting the following approval(s) on the land herein described.
(check all that apply)

- Variance*
- Special Use Permit*
- Rezoning from _____ District to _____ District (ex. M1 to M2)*
- Annexation*
- Subdivision
- Other Site Plan: _____

*requires a 15-30 day public notice period

APPLICANT INFORMATION

APPLICANT (print or type)

Name: GERALD QUARTERO Email: [REDACTED]
Address: 411 CAMPION DR Phone: [REDACTED]
HAMPSHIRE, IL. 60140

CONTACT PERSON (if different from applicant)

Name: _____ Email: _____
Address: _____ Phone: _____

IS THE APPLICANT THE OWNER OF THE SUBJECT PROPERTY?

YES NO

If the applicant is not the owner of the subject property, a written and signed statement from the owner authorizing the applicant to file must be attached to this application.

IS THE OWNER A TRUSTEE/BENEFICIARY OF A LAND TRUST?

YES NO

If the owner of the subject property is a trustee of a land trust or beneficiaries of a land trust, a disclosure statement identifying each beneficiary of such land trust by name and address, and defining his/her interest therein, shall be attached hereto.

PROPERTY INFORMATION

Name of Development (if any): GERALD CARTERO

Address: 411 CAMPION DR. HAMPSHIRE, IL. 60140

Parcel Number(s): 01-21-270-007

Total Area (acres): .23 ACRES

Legal Description: must be attached to this application

Fire Protection District: _____

School District: _____

Library District: _____

Park District: _____

Township: _____

Current Zoning District: PRD

Current Use:

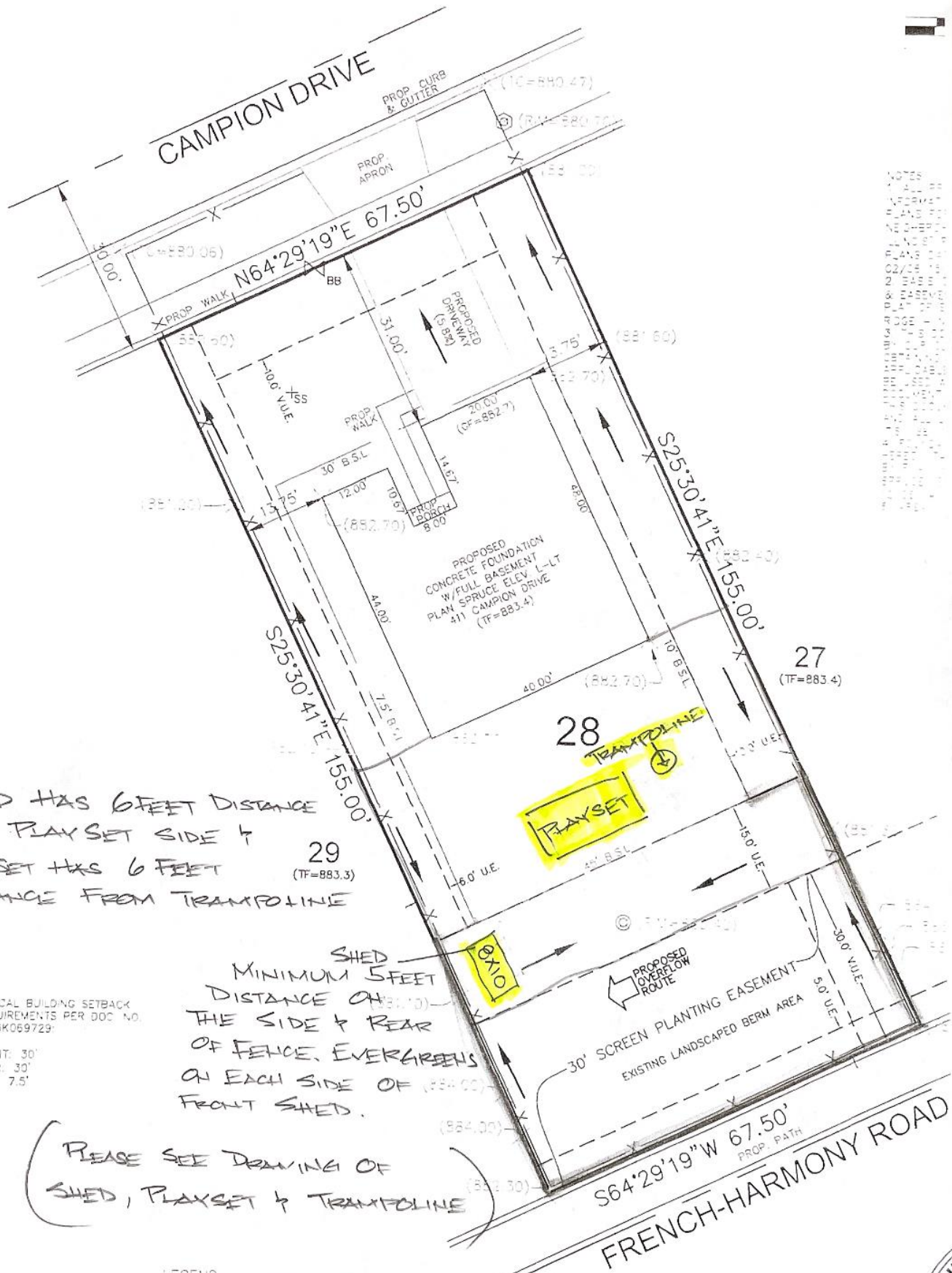
SINGLE FAMILY RESIDENCE

Proposed Zoning/Variance/Use:

VARIANCE TO PERMIT SHED ON EASEMENT.

Reason/ Explanation for Zoning/ Variance/ Use:

THE VILLAGE APPROVED A PERMIT FOR A SHED PAD
IN THE EASEMENT. THIS REQUEST IS TO PERMIT
SHED IN THE EASEMENT.



SHED HAS 6 FEET DISTANCE FROM PLAYSET SIDE & PLAYSET HAS 6 FEET DISTANCE FROM TRAMPOLINE SIDE.

SHED MINIMUM 5 FEET DISTANCE ON THE SIDE & REAR OF FENCE, EVERGREENS ON EACH SIDE OF FRONT SHED.

TYPICAL BUILDING SETBACK REQUIREMENTS PER DOC NO. 2006K069729:
 FRONT: 30'
 REAR: 30'
 SIDE: 7.5'

PLEASE SEE DRAWING OF SHED, PLAYSET & TRAMPOLINE

LEGEND

- LIGHT POLE
- STORM MANHOLE

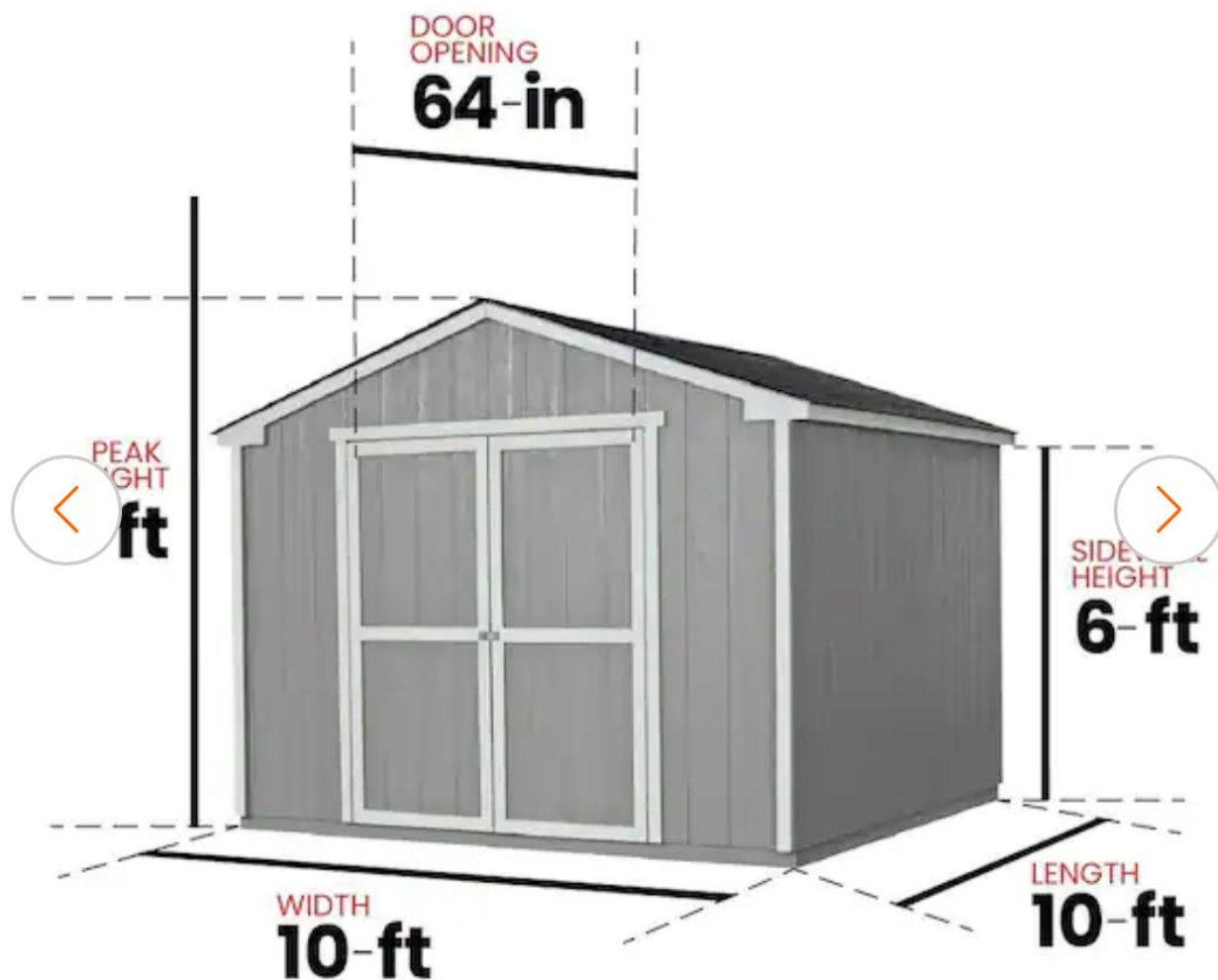
ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF
 ALL DISTANCES ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED
 THE DRAWING IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE AN OFFER OF ENGINEERING OR ARCHITECTURAL SERVICES
 THE PROJECT IS SUBJECT TO THE CITY OF WASHINGTON'S ZONING REGULATIONS AND ORDINANCES
 THE PLANNING BOARD HAS REVIEWED AND APPROVED THIS SITE PLAN FOR THE PROPOSED CONCRETE FOUNDATION AND TRAMPOLINE/PLAYSET



Handy Home Products

Professionally Installed Princeton 10 ft. x 10 ft. Backyard Wood Storage Shed with Onyx Black Shingles (100 sq. ft.)

★★★★☆ (1670) ✓



Petitioner's Response to Findings of Fact for Variance

I am applying a permit for a shed located in my backyard. In 2022, I was approved for a shed to be installed but I was unable to complete it because we decided to have a shed concrete slab installed first. In 2023, I was approved for a shed concrete slab 10X10 and the project was completed. This year 2024, I applied for a shed to be installed on top of the shed concrete slab but I was denied because they told me it was on the utility easement. Why was I approved on the year 2022 and not on the year 2024? I already have a shed concrete slab installed in 2023 and I'm just trying to get a shed on top of the shed concrete slab and their denying my permit request. What requirements do I need to get this project done? I followed all protocols in getting an approval from the HOA and I am being denied for a shed permit when I was approved in 2022. What do you want me to do with the shed concrete slab that was approved in 2023? Are you going to reimburse me the money I spent for installing the shed concrete slab that the Hampshire Village approved?

**NOTICE OF PUBLIC HEARING
VILLAGE OF HAMPSHIRE PLANNING & ZONING
COMMISSION**

NOTICE IS HEREBY given that on July 22, 2024 at 7:00 p.m., or as soon thereafter as the case may be heard, at the Hampshire Village Hall, 234 S. State Street, Hampshire, IL 60140, Gerald Cuartero (Petitioner & Owner) shall appear before the Hampshire Planning & Zoning Commission for a Public Hearing on the following for the property located at 411 Campion Drive, Hampshire, IL 60140:

1. Request for Variance to Sec. 7-5-9-A of the Hampshire Subdivision Ordinance to permit a shed in an easement, whereas structures are not permitted in an easement.

The Subject Property is identified by the following PIN: 01-21-270-007.

The above petition is open to inspection at the Hampshire Village Hall, 234 S. State Street, Hampshire, IL 60140.

Written comments, questions, and/or statements can be submitted by email to mkhan@hampshireil.org or by mail addressed to:

Village of Hampshire
Attn: Mo Khan – PZC-24-03
PO Box 457
Hampshire, IL 60140

NOTE: Any person who has a disability requiring a reasonable accommodation to participate in this public hearing should contact Karen Stuehler, Village Clerk, 234 S. State Street, Hampshire, IL 60140 or call 847-683-2131 within a reasonable time before the meeting. Requests for a qualified interpreter require five (5) working days advance notice.

Karen Stuehler, Village Clerk
Published in Daily Herald July 2, 2024 (4617238)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Fox Valley Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **Fox Valley DAILY HERALD**. That said **Fox Valley DAILY HERALD** is a secular newspaper, published in Elgin, Kane County, State of Illinois, and has been in general circulation daily throughout Kane County, continuously for more than 50 weeks prior to the first Publication of the attached notice, and a newspaper as defined by 715 ILCS 5/5.

I further certify that the **Fox Valley DAILY HERALD** is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 07/02/2024 in said **Fox Valley DAILY HERALD**. This notice was also placed on a statewide public notice website as required by 5 ILCS 5/2.1.

BY

Designee of the Publisher of the Daily Herald

Control # 4617238

