



MINUTES
Carbondale Zoning Board of Appeals
Wednesday, September 20th, 2023
Room 108, 6:00 p.m.
200 South Illinois Avenue

MEMBERS PRESENT: Litecky, Allee, Carrier, Weiss, Shukites

MEMBERS ABSENT: Sheffer, Hamilton, Lilly, Love

STAFF PRESENT: Gibson, Lenzini

1. Call to Order and Roll Call

Roll call was completed and the determination of a quorum was made.

2. Approval of Minutes:

Mr. Weiss made a motion to approve the minutes from the November 16th, 2022 and March 1st, 2023 Zoning Board of Appeals meetings, seconded by Mr. Carrier. The motion was passed with unanimous voice vote.

3. Citizen Comments or Questions:

There were none.

4. Hearing:

ZBA 24-01: Kaw River Management, LLC is requesting a Variance from sections 15.4.8.4 and 15.4.8.7 of the City of Carbondale Revised Code as it pertains to the location and minimum parking space requirements for off-street parking in an R-3, High Density Residential, zoning district for the following described property: 805 West Freeman Street, Parcel Number: 15-21-312-005

Ms. Litecky declared public hearing ZBA 24-01 open and asked Ms. Gibson to read the legal notice.

Ms. Gibson, Planner for the City of Carbondale, read the Legal Notice.

Ms. Litecky asked Ms. Gibson to present the staff report.

Ms. Gibson read part A of the staff report for ZBA 24-01.

Ms. Litecky asked if the Board had any questions for the staff.

Ms. Allee asked who currently owned the parcels in question.

Mr. James Gregg from Kaw River stepped forward and stated that the company is under contract to purchase the parcels depending on the outcome of the case.

Ms. Litecky asked if the applicant would like to make a statement in favor of the request.

Mr. Gregg from Kaw River stepped forward and provided reasoning for the request.

Ms. Litecky asked if the Board had any questions for the applicant.

Mr. Carrier asked if Mr. Greg had a timeline on the purchase of the parcels for this request.

Mr. Gregg explained that they have no exact timeline but that a contingent offer is in place dependent on the outcome of this case.

Ms. Allee asked why the applicant chose this location for their intended parking lot and not another.

Mr. Gregg explained how Kaw River came about picking Carbondale for their latest development, how they chose the building they did, and how they ran into issues with there being little to no on-site parking.

Ms. Allee asked if the applicant had discussed sharing or buying a parking lot from an adjacent property owner.

Mr. Gregg explained that the adjacent land owner has shown no interest in doing such, and that he believes that the lot is needed for the adjacent property's parking requirement.

Mr. Lenzini confirmed that the adjacent property needs the parking stalls on the lot Ms. Allee questioned to fulfill their minimum parking requirement.

Ms. Litecky asked if anyone wished to speak in favor.

There were none.

Ms. Litecky asked if anyone wished to speak in opposition.

There were none.

Ms. Litecky asked Ms. Gibson to read the staff analysis.

Ms. Gibson read Part B and C of the staff report for ZBA 24-01, with a recommendation of approval.

Ms. Litecky asked if the Commissioners had questions for staff.

Ms. Litecky asked if a landscape plan will be required for the parking lot.

Mr. Lenzini confirmed that they will be required to complete and adhere to a landscape plan.

Ms. Allee asked if any trees that would be removed must be replaced.

Mr. Lenzini confirmed that they will and stated that the present count is one tree per ten parking spaces.

Mr. Shukites asked about the lighting requirements for the proposed parking lot.

Mr. Lenzini explained that the location will be subject to the City code's site lighting requirements and that a photometric plan is required for site plan approval.

Ms. Litecky asked if there were questions from anyone to anyone.

Mr. Carrier asked Ms. Allee if she would request and conditions of approval regarding trees on the property.

Ms. Allee stated she would like something to be done in regard to the trees.

Ms. Litecky asked how many trees were currently on the lot.

Mr. Sean Henry, engineer for the project, stepped forward and stated that current plans were to keep two of the heritage trees growing on site, and to remove one in the center of the property. Mr. Henry stated that Kaw River has requested to keep as many trees on site as possible.

Ms. Allee asked if a tree could be required to be planted near the sidewalk to help maintain the image of the neighborhood.

Mr. Henry stated that the location of trees is determined by the City code, and that there was 12 feet of City right-of-way between the sidewalk and the property line that the City could take advantage of for street planting.

Mr. Carrier asked if the board was satisfied with the answers received about the requirement of trees.

Ms. Litecky stated that she believes that the appropriate measures are in place to ensure appropriate tree coverage on the lot.

Ms. Litecky asked if the applicant would like to make a closing statement.

Mr. Greg Hebner of Kaw River stepped forward and provided a closing statement in support of the variance request.

Ms. Litecky declared ZBA 24-01 closed and asked for a motion on whether the applicant has standing to make this application.

Mr. Carrier moved that applicant has the standing to make this application, seconded by Mr. Weiss.

The motion was approved by a unanimous voice vote.

Ms. Litecky asked for a motion on the finding of fact.

Mr. Carrier moved that Parts A and B, and the applicant, and zero people spoke in favor, zero people spoke in opposition, and zero letters in favor or opposition were submitted all be accepted as the findings of fact, seconded by Mr. Weiss.

The motion was approved by a unanimous voice vote.

Ms. Litecky asked for a motion on whether the board would like to vote consider all five criteria as one or separately.

Mr. Carrier moved to make a motion to consider all five criteria as one, seconded by Mr. Weiss.

Roll Call Vote

Yes –5 (Litecky, Allee, Carrier, Weiss, Shukites)

No – 0

Ms. Litecky stated the motion carries and all criteria will be considered as one.

Ms. Litecky asked for a motion on if the applicant has met all five criteria.

Mr. Carrier moved that the applicant has met all five criteria, seconded by Mr. Weiss.

Roll Call Vote

Yes – 5 (Litecky, Allee, Carrier, Weiss, Shukites)

No – 0

Ms. Litecky stated that the Board finds the applicant has met all five criteria for granting a variance.

Ms. Litecky asked for a motion on granting the variance.

Mr. Carrier moved to grant the variance of ZBA 24-01, seconded by Mr. Weiss.

Roll Call Vote

Yes – 5 (Litecky, Allee, Carrier, Weiss, Shukites)

No – 0

Ms. Litecky stated that the variance has been approved.

5. Old Business:

There was none.

6. New Business:

a. Approve 2024 Meeting Calendar

a. Ms. Litecky asked for a motion on the approval of the 2024 Meeting Calendar.

Ms. Allee motioned that the proposed 2024 Meeting Calendar be approved, seconded by Mr. Carrier. The motion was passed with a unanimous voice vote.

b. Introduce new Commissioner, John Shukites

a. Mr. Shukites introduced himself to the present members.

c. City Council Update

a. There was none.

7. Adjournment:

Ms. Litecky asked for a motion to adjourn

Mr. Weiss made a motion to adjourn the meeting, seconded by Mr. Shukites.

The meeting was adjourned at 6:50 p.m.