

VILLAGE OF NORTH UTICA

801 South Clark Street

North Utica, IL 61373

Planning Commission

Public Hearing

April 12, 2018

www.utica-il.gov

AGENDA

- I. 6:00 p.m. Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Public Hearing - 6:00 pm:
 - 1.) Petition of Ethan Tamborini seeking approval to locate a small home on property located described as lot #5 of Byczynski Subdivision, known as 511 W. Washington St., Utica, IL
 - 1.) Seeking such relief as necessary to grant intended relief for Petition including:
 - a) Determination that the proposed small home is not a mobile home as defined in the Village of North Utica Code;
 - b) Alternatively, if such is determined to constitute a mobile home:
 1. amendment of 10-7A-3 to allow as a Special Use in the R-1 District, a mobile home without the installation date or lot size restrictions currently imposed and;
 2. Granting of a Special Use to this Petitioner
 - c) A Variance from 10-7A-5 to allow a home of less than 1,000 sq. ft. in the R-1 District
 - d) Such other relief as necessary to allow the location of a Small Home on said lot #5 of Byczynski Subdivision, known as 511 W. Washington St., Utica, IL
- II. Discussion and Possible Recommendations of the Planning Commission regarding:
 - 1.) Petition of Ethan Tamborini seeking approval to locate a small home on property located described as lot #5 of Byczynski Subdivision, known as 511 W. Washington St., Utica, IL
 - 2.) Such relief as necessary to grant intended relief for Petition
- III. Consideration of Approval of Minutes: 02-08-18
- IV. Old / New Business
- V. Public Comment
- VI. Adjournment

POSTED 04-10-18

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At 6:02 pm, the meeting was called to Order by Planning Commission Chairman Tom Guttilla who then led the Pledge of Allegiance. Present at the meeting was Village Clerk Laurie Gbur and Planning Commission Members Doug Gift, Warren Munson, Roy Chapman, Matt Cetwinski and Mike Brown. Also present was Village Attorney Herb Klein. Village Engineer Kevin Heitz arrived at 6:45 pm.

Attorney Klein provided a summary of the general rules of procedure followed by a brief summary about the Petition submitted by Mr. Ethan Tamborini.

Village Exhibit #1 – Notice that was published in the News Tribune on 3-28-18.

Petitioners Exhibit #1 – Special Use Permit Application and Zoning Variance Application.

Attorney Klein provided Planning Commission Members with the following excerpts from the Village Code: 10-2-2; 10-7A-2; 10-4-5

Mr. Ethan Tamborini, P.O. Box 251, Big Sur, California 93290, was sworn in by Attorney Klein.

Mr. Tamborini then stated that he is seeking approval to place his ‘tiny home’ on his Moms’ vacant lot located at 511 W. Washington St., Utica, IL. The 350 sq. ft. home has fold down decks, a metal roof, solar electric energy and he would be placing it on a concrete slab and hooking up to Village water and sewer.

Chairman Guttilla asked if the bathroom is separate from the main home.

Tamborini answered yes, the home consists of two separate trailers.

Member Gift stated that he is familiar with the tiny home concept, most of them seem to be placed on large areas of acreage or in mobile / tiny home parks. He asked Mr. Tamborini why he would like to move the tiny home to Utica.

Mr. Tamborini answered that he is moving back to Utica to be near family.

Member Gift asked if Mr. Tamborini had considered placing the tiny home on any other property.

Mr. Tamborini answered no; he has a large investment in the tiny home as it is valued at approx. \$120,000. It is not a regular mobile home trailer. The interior is redwood with a full-size kitchen and the bathroom consists of natural stone.

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The Planning Commission took a brief break while Mr. Tamborini tried to load his photos of the tiny home onto the Village Projector System.

The photos would not load onto the projector so Mr. Tamborini emailed them to the Clerk who then printed out color copies for the Planning Commission.

The meeting then reconvened and the printed photos became Petitioner's Exhibit #3.

Member Munson asked if the tiny home was built on a steel frame with wheels.

Mr. Tamborini answered yes.

Member Munson stated that this is a mobile trailer.

Mr. Tamborini stated that the tiny home was a much larger investment than a regular trailer would be.

Chairman Guttilla asked if there were any questions for Mr. Tamborini.

Mr. Dale Senica, 326 Washington St., Utica: asked Mr. Tamborini if the trailer would be skirted. Mr. Tamborini answered yes.

Mr. Senica then asked what type of power would be used if the solar panels would be an issue.

Mr. Tamborini stated that he would be using a generator as an additional power source.

Mrs. Margaret Koch, 510 Washington St., Utica: asked Mr. Tamborini if he would be renting out the tiny home in the future.

Mr. Tamborini answered that he did consider doing that at one point, but if it is not allowed, then he won't.

Mr. Ken Johnson, 512 Washington St., Utica: asked if there are rules or city Ordinances about using a property as an AirBnb rental property.

Attorney Klein answered: there are rules in the Village regarding operating a Hotel/Motel- B&B- lodging and renting rooms.

Mr. Dale Senica, 326 Washington St., Utica: asked if the property could be used as a rental if it was rezoned.

Attorney Klein stated that the property is currently zoned residential and lodging is not allowed in a residential district without a Special Use. Attorney Klein then stated that Mr. Tamborini had not Petitioned for a Special Use in the residential district.

Member Gift asked if the tiny home is currently located on a large area of property.

Mr. Tamborini stated that it is located in Big Sur, California on 600 acres.

Member Brown asked how the tiny home would be transported here.

Mr. Tamborini answered that he would have the two units towed separately.

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Mrs. Donna Easton, 509 Washington St., Utica: asked how the tiny home would affect the property values in the neighborhood.

Mr. Tamborini stated that he did not know as he had not researched this.

Mrs. Debbie Krizel (Utica Trustee), 402 W. Lincoln, Utica: asked if the wheels will be removed when the tiny home is placed on the concrete pad and skirted.

Mr. Tamborini answered yes.

Mr. Dave Easton, 509 Washington St., Utica: stated that the subdivision has covenants in place. All homes must be a minimum of 1,600 sq. ft.

Member Munson asked if the tiny home would be placed on a concrete pad rather than a foundation.

Mr. Tamborini answered yes, it would be placed on a concrete pad.

Mrs. Linda Moyer-Halm, 78 N. 2853rd Rd., Utica: stated that the tiny home would be better suited on a foundation due to the freezing temperatures during the winter.

Mr. Tamborini stated that he would be placing the tiny home on a concrete pad.

Chairman Guttilla asked Village Engineer Heitz if he had any questions or comments.

Engineer Heitz then asked Mr. Tamborini if he intended to put in a driveway.

Mr. Tamborini stated that he would be using his Moms' driveway to access his property in the beginning but in the future, he would probably put in a driveway.

Member Chapman asked the sizes of the two units that make up the tiny home.

Mr. Tamborini answered that the main house is 10 X 26 and the bathroom is 8 ½ X 14.

Member Munson asked what building code the tiny home was built to.

Mr. Tamborini stated that he paid contractors to build the tiny home, but he was not sure of what code they followed.

Chairman Guttilla asked attorney Klein where else the tiny home or mobile home would be allowed.

Attorney Klein stated that a mobile home is allowed in a mobile home park, but not in the R-1 District.

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Chairman Guttilla asked if anyone wanted to speak in favor of the Petition.

Ms. Lynn Tamborini, 513 Washington St., Utica, was sworn in by Attorney Klein.

Ms. Tamborini stated that she did not know the rules or laws regarding her son placing his tiny home on her vacant lot. She owns the property and was happy that he was moving back to Utica to be near to the family. Although it is mobile, the tiny home is much nicer than a traditional trailer. Ethan made a very large investment in the tiny home and it's been paid for. He is willing to follow whatever rules there are and do whatever he needs to do to be able to move the tiny home to the vacant lot. If renting it out would not be possible, then that is fine; they won't consider renting it and he will just live there. He would not have to pay rent and currently the property is just a vacant lot. The family would really like to have him back home.

Member Munson asked Ms. Tamborini if the Planning Commission and Village Board were to make an exception and approve the Petition, how would she feel if someone else wanted to move a tiny home into the neighborhood.

Ms. Tamborini stated that she had not thought about anything else past her son moving home.

Member Gift asked Village Engineer Heitz if there are restrictive covenants in the subdivision. Engineer Heitz stated that he doesn't have a copy, however he does recall that there were covenants established when the subdivision was developed and platted. He also stated that the Village doesn't enforce covenants.

Chairman Guttilla stated that the subdivision was platted in 2002; the covenants are active however enforcing them would be a private action among the property owners.

Mr. Dale Senica, 326 Washington St., Utica told Ms. Tamborini that once something is placed on the vacant lot, the property taxes will go up.

Chairman Guttilla agreed that the property taxes could increase however that would depend on the property assessment.

Chairman Guttilla then asked if anyone wanted to speak in opposition of the Petition.

Mrs. Linda Moyer-Halm, 780 N. 2853rd Rd., Utica, was sworn in by Attorney Klein.

Mrs. Moyer- Halm stated that she thought that the tiny home was an interesting concept but it seems that it is a mobile home and due to the restrictive covenants, she did not think the Petition should be approved.

Mrs. Margaret Koch, 510 Washington St., Utica, was sworn in by Attorney Klein.

Mrs. Koch stated that she would not like to see the tiny home approved. She does not want it to be rented out or sublet; the neighborhood is quiet and she doesn't want to see a lot of different people coming and going.

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Mr. Anthony Tisdale, 414 Washington St., Utica asked to speak in favor of the Petition. He was sworn in by Attorney Klein.

Mr. Tisdale stated that the tiny home is very high quality and was constructed with good materials. He also stated that he has known Mr. Tamborini for a long time and he really just wants to be able to come back to Utica to be near his family.

Mr. Dale Senica, 326 Washington St., Utica was sworn in by Attorney Klein.

Mr. Senica stated that he is strongly opposed to the Petition of Mr. Tamborini requesting to place his tiny home on the vacant lot. He is fearful that if the Village allows one, then others will follow.

Mrs. Donna Easton, 509 Washington St., Utica was sworn in by Attorney Klein.

Mrs. Easton then stated that she really likes Lynn and Ethan Tamborini and their family and they have always been good neighbors, but she is afraid that the value of her property and the neighborhood would decrease as a result of a tiny home being allowed.

Ms. Abby Newell, 513 Washington St., Utica asked to speak in favor of the Petition. She was sworn in by Attorney Klein. Ms. Newell then stated that she just wants her brother to be able to move back home however he wants to be able to live in his own home. He is not considering renting it out to anyone.

Mr. Ethan Tamborini then stated that it is not his intention to lower property values in the neighborhood. He has a lot of money invested in the home and he has maintained it really well. He stated that he just wants to move home and put the tiny home on a lot that is vacant so he can be near his family.

With no additional questions or Testimony, the Public Hearing was closed at 7:04 pm. Motion made by member Brown, seconded by Member Cetwinski.

All in Favor

Motion Carried

It was then motioned by Member Brown, seconded by Member Gift to recommend to the Village Board to Deny the Petition.

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Discussion was then held.

Member Munson – ‘The purpose of the Planning Commission is not to review family situations, but rather to consider the Petition and determine whether it is a good fit and in the best interest of the Village. Countless hours have gone into reviewing and revising the Village Code. I don’t see how we can make an exception this time. One example is just the noise in the neighborhood from a generator that would be used as an additional power source. Because of these reason, I can’t favor this Petition.’

Member Gift – ‘The duty of the Planning Commission is to consider the Petition and make decisions. Making a decision that would then allow mobile homes to be placed in the R-1 District when they really weren’t intended to be there. The vacant lot could be used to construct another home rather than to place a tiny mobile home. While there are Special Uses that have been approved in the past, there have been special conditions involved. Maybe someday there will be a development where tiny homes would be allowed, but I don’t feel they should be located in an already platted subdivision.’

Member Brown – ‘I don’t see this fitting into the current R-1 area as it exists.’

Chairman Guttilla asked Attorney Klein if the Planning Commission recommends to approve the Petition, would other tiny homes be allowed in all R-1 Districts?

Attorney Klein stated that it would amend the R-1 District to allow a tiny home or mobile home as a Special Use. Then a Special Use could be granted and Variances could be granted to allow homes that are less than 1,000 sq. ft.

Ms. Tamborini than asked why they went through the Petition process if it was impossible to begin with.

Chairman Guttilla stated that it is not impossible however the purpose of the Public Hearing is to make everyone understand what is involved and to consider all of the information. To do this requires due process and a Public Hearing.

The Clerk repeated the Motion that had been made:

It was motioned by Member Brown, seconded by Member Gift to make the recommendation to the Village Board to Deny the Petition.

A roll call vote was taken.

5 Yes

Motion Carried

Minutes: It was motioned by Member Gift, seconded by Member Cetwinski to approve the Minutes from the 2-8-18 meeting as distributed.

All in Favor

Motion Carried

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Old / New Business: NONE

Public Comment: NONE

Adjournment: It was motioned by Member Brown, seconded by Member Gift to adjourn the meeting at 7:16 pm.

All in Favor

Motion Carried

Respectfully submitted,

Laurie A. Gbur
Village Clerk