CITY OF BATAVIA
100 N. Island Ave., Batavia, IL 60510
(630) 454-2000
www.cityofbatavia.net

PLAN COMMISSION & ZONING BOARD OF APPEALS
AGENDA

Wednesday, May 4, 2016
7:00 PM
City Council Chambers - First Floor

1. Call To Order

2. Roll Call

3. Items Removed/Added/Changed

4. Approval Of Minutes
   April 6 ,2016: Plan Commission
   April 20, 2016: Plan Commission & Zoning Board of Appeals

   Documents: 04-06-16 PCM.PDF, 04-20-16 PCZBAM.PDF

5. Public Hearing: Variances For A Home Second Story Addition
   514 Main Street
   Spillane and Sons, Mike Spillane, Applicant

   Documents: ZBA-514MAINST-ADDITION.PDF

6. Public Hearing: Amendment To The Official Zoning Map From LI, Light Industrial To R2, Two Family Residential
   Northeast Corner of South Mallory Street and First Street
   City of Batavia, Applicant

   Documents: PCMEMO-NECFIRSTMALLORY-ZMA.PDF

7. Approval: Plan Commission & Zoning Board Of Appeals By-Laws

   Documents: PC-ZBA-BYLAWAMENDMEMO-4-28-16.PDF

8. Election Of Officers

   Documents: PCELECTIONS-2016.PDF

9. Other Business

10. Adjournment

Plan Commission & Zoning Board of Appeals
Tom Gosselin
Sara Harms
Joan Joseph
Tom LaLonde, Chair
Sue Peterson
Gene Schneider, Vice-Chair

MINUTES
April 6, 2016
Plan Commission
City of Batavia

PLEASE NOTE: These minutes are not a word-for-word transcription of the statements made at the meeting, nor intended to be a comprehensive review of all discussions. They are intended to make an official record of the actions taken by the Committee/City Council, and to include some description of discussion points as understood by the minute-taker. They may not reference some of the individual attendee's comments, nor the complete comments if referenced.

1. Meeting Called to Order for the Plan Commission Meeting
Chair LaLonde called the meeting to order at 7:00pm.

2. Roll Call:

Members Present: **Chair LaLonde; Vice-Chair Schneider; Commissioners Gosselin, Peterson, Harms and Joseph**

Members Absent:

Also Present: **Joel Strassman, Planning and Zoning Officer; Drew Rackow, Planner; Jeff Albertson, Building Commissioner; and Jennifer Austin-Smith, Recording Secretary**

3. Items to be Removed, Added or Changed
There were no items to be removed, added or changed.

4. Approval of Minutes: March 16, 2016 – Plan Commission

Motion: To approve the Plan Commission minutes from March 16, 2016
Maker: Joseph
Second: Schneider
Voice Vote: 6 Ayes, 0 Nays, 0 Absent
All in favor. Motion carried.

5. Design Review: Proposed Dunkin Donuts Drive-Through at Shell Gas Station, 108 North Batavia Avenue. Jon P. Green, PE, CFM, Engineering Resources Associates Inc., applicant
Strassman reported that City Council approved all the variances and the Conditional Use. There were some conditions that were left for the Plan Commission (PC) to consider as part of the Design Review. These conditions require that the Commission's design review approval addresses adding curbing at the site entrances, adding landscaping in select areas, and finalizing the retaining wall design to have a smooth finish with chamfered (angled) joints to match other walls in the area, with ivy planted at the base to eventually cover the wall. The wall must shield headlights of a vehicle the height of a Ford F-250 truck. Staff recommends approval of the design review subject to the following:

1. The Landscape Plan shall show all existing landscaping to remain and additional new landscaping, including evergreen trees adjacent to the north parking spaces;
2. The Site Plan shall show a curb added to the west end of the north parking area, extending west to meet the Batavia Avenue sidewalk and the landscape plan shall show inside this area low decorative ground cover and shrubs, and a tree;
3. The Landscape Plan shall show the curb in the area south and west of the west end curb for the new south parking spaces as shown on the approved site plan with low decorative ground cover, shrubs, and a tree in this area;
4. The Landscape Plan shall be revised to show ivy planted at the base of the retaining wall;
5. The Site Plan shall include a retaining wall height sufficient to block headlights of vehicles the height of a Ford F-250 truck;
6. The Site Plan shall specify the refuse enclosure to be constructed of brick to match the building; and
7. The Site Plan shall identify, and signs shall be installed for employee parking only hours to facilitate fuel deliveries and refuse pickups.

The Commission discussed the new design of the retaining wall. Peterson stated that ivy does grow better on a textured wall and ivy dies in the wintertime, taking away the coverage of the wall. Joseph asked about the evergreen trees requested by staff. Strassman answered that staff recommends that evergreen trees be added to that area because the latest plan received does not have evergreen trees included. Peterson stated that the proposed design of the retaining wall is not in line with the beautification of the downtown. Steve Vasilion, Vasilion Architects stated that once the ivy is established and mature it would look very nice. Peterson stated that during the winter, which is a very long time, the wall would be exposed. Harms asked if the wall could be painted to complement the building colors.

Vasilion addressed the Commission. Vasilion stated that he does not know what the cost would be so he cannot commit to doing a colored wall. He stated that the reason for the change in design to the retaining wall was because the slip form wall ended up to be substantially more in cost and it could not be afforded in the project budget. He noted that there is enough texture in the wall for ivy to grow. The retaining wall echoes the wall on the large parking lot north of the property. Rackow showed an image of the parking lot wall at this location. Peterson stated that the wall is not aesthetically pleasing. LaLonde questioned what this would look like in the wintertime. Vasilion stated that the ivy would die in the winter but the vines would still be there along with the tree cover in front of it. Vasilion stated that they did measure headlights to get the forty-five inches to the top of the Ford F250.

Vasilion stated that at the Council meeting, the CC did not want trees interfering with the line-of-sight in the entryways. Joseph agreed that trees are not necessary there because it is a difficult area for ingress and egress as it stands today. She does not want anything to block the view.

The Commission discussed the various plantings, heights and widths. The Commission discussed the freestanding curbs, employee parking stalls, the removal of the undergrowth on the south side of the retaining wall, and the corrugated fence. Schneider stated that he would like to see the corrugated fence to be at a minimum of 48 inches, he is only asking for three more inches. He stated that he does not like the look of the retaining wall. As much work that has been put in to

make the downtown look nicer, this is another area in which we could improve the look. This should not look like just another slab of concrete. Gosselin stated that he has seen ivy walls in the winter and it does not look that bad. It shows some texture along the face of the wall. It adds some of what we would get from a textured wall and it would not just be blank concrete.

The Commission discussed screening the retaining wall. LaLonde suggested an evergreen plant in front of the wall to provide yearlong screening. Joseph agreed. Vasilion suggested having ivy along the entire east face of the wall and ten feet on the south face of the wall. LaLonde agreed with the suggestion. LaLonde stated that if the bushes are three foot on center than he estimates that four in each direction should be fine but he is not a plant expert. He explained to staff that they would want evergreens that are three feet on center that would grow to four to six feet tall at maturity. Ivy would be on the entire east face, turning the corner for another ten feet distance where the proposed start of the new wall is. Beyond that, what is shown on the plan is expectable. There were no trees on the corner requested. Schneider asked for the retaining wall to be 48 inches in height. Vasilion reiterated the Commission's direction by stating that they would not be required to put trees in the two island spaces, ivy would be planted on the full length of the east wall and the first ten feet headed west along the south wall, looking at four bushes to the north and four bushes to the west from the corner that would grow to a minimum of 48 inch height and the retaining wall with the corrugated wall would be 48 inches tall on the drive through aisle.

Motion: To approve all five findings of fact
Maker: Gosselin
Second: Schneider
Roll Call Vote: **Aye:** Gosselin, Harms, Joseph, LaLonde, Peterson, Schneider
Nay: None
6-0 Vote, 0 Absent, All in favor. Motion carried.

Motion: To approve the Design Review subject to:

1. The landscape plan showing Ivy planted along the entirety of the east face of the retaining wall and along the east 10 feet of the south face

2. The landscape plan showing 4 evergreen shrubs planted along the east end of the south face of the wall and 4 evergreen shrubs planted along the south end of the east face of the wall – all these shrubs must have a mature height of between 4 and 5 feet

3. The height of the retaining wall with the metal panel as measured from the drive through lane must be a minimum of 4 feet with the retaining wall being a minimum of 32 inches. The panel must be placed along the east and north wall segments.

Maker: Joseph
Second: Schneider
Roll Call Vote: **Aye:** Gosselin, Harms, Joseph, LaLonde, Peterson, Schneider
Nay: None
6-0 Vote, 0 Absent, Motion carried.

6. Other Business

Strassman reported that the Committee of the Whole (COW) recommended approval of the Zoning Map changes for the various stormwater detention ponds. The COW recommended approval of the Zoning Code text changes and the massage parlor on Wilson with the conditions recommended by the PC.

Rackow announced that there would be a public hearing at the next PC and Zoning Board of Appeals meeting. The Methodist Church is looking to rezone 21 North Water Street for use as a youth ministry building. They would like the full campus rezoned to facilitate this. A design review would be needed for the 21 north building as well. Peterson noted that she would have to recuse herself from this discussion since she is a member of the Methodist Church.

Schneider asked about the Golden Corral. Strassman stated that the Golden Corral remains closed with no proposals for the site at this time.

Schneider asked about the Blue Goose grocery store. Rackow stated that the Blue Goose is still in discussions regarding availability of TIF funds for a proposed downtown location.

7. Adjournment

There being no other business to discuss, Chair LaLonde asked for a motion to adjourn the Plan Commission. Harms moved to adjourn the meeting, Joseph seconded. The motion carried. The meeting was adjourned at 8:40pm.

Minutes respectfully submitted by Jennifer Austin-Smith

MINUTES
April 20, 2016
PLAN COMMISSION & ZONING BOARD OF APPEALS
City of Batavia

PLEASE NOTE: These minutes are not a word-for-word transcription of the statements made at the meeting, nor intended to be a comprehensive review of all discussions. They are intended to make an official record of the actions taken by the Committee/City Council, and to include some description of discussion points as understood by the minute-taker. They may not reference some of the individual attendee's comments, nor the complete comments if referenced.

1. Meeting Called to Order of the Plan Commission and Zoning Board of Appeals
Chair LaLonde called the meeting to order at 7:00pm.

2. Roll Call:

Members Present: **Chair LaLonde; Vice-Chair Schneider; Commissioners Harms, Joseph, Peterson and Gosselin**

Members Absent:

Also Present: **Joel Strassman, Planning and Zoning Officer; Drew Rackow, Planner; Jeff Albertson, Building Commissioner; and Jennifer Austin-Smith, Recording Secretary**

3. Items to be Removed, Added or Changed
There were no items to be removed, added or changed.

4. Public Hearing: Batavia United Methodist Church, 8 N Batavia Ave, 17 and 21 N Water St – Batavia United Methodist Church, Applicant
- **Comprehensive Plan Land Use Map Amendment (21 N Water St. Only)**
- **Zoning map Amendment (Full Campus) from DMU, Downtown Mixed Use to PFI, Public Facilities and Institutional**
- **Variances from Zoning Code (Full Campus)**
- **Design Review (21 N Water St Only)**

Commissioner Peterson announced that she would have to recuse herself from this agenda item due to being a member of the Batavia United Methodist Church. She recused herself at 7:01pm.

Motion: To open the Public Hearing
Maker: Schneider
Second: Gosselin
Voice Vote: 5 Ayes, 0 Nays, 1 Recusal
Motion carried

Rackow stated that the Batavia United Methodist Church acquired 21 North Water Street in 2010 right around the time the Zoning Code (ZC) was being approved. An amendment to the ZC changed the requirements for church facilities being in their own building versus a commercial building. In order to use the property for youth ministries and outreach functions they would like to first amend the Land Use Map to reflect the proposed use. They are looking to amend the

Zoning Map for the whole campus that would apply to all the properties. Because of the change in zoning district the non-conforming rights would be lost. The church is requesting variances for the setback, landscaping, and parking as a result. The main change in the design review would be to modify the exterior only of the 21 North Water Street building making a window storefront consistent with the rest of the building. All the properties tonight have tax-exempt status and the change would not affect the TIF. The district that they are proposing is consistent with the current use. The proposed change in use would require more parking spaces but staff recognizes that current deficiency in parking. The church does have control over the parking lot of the Acosta's (former Hubbard's/Ethan Allen) building. A conceptual parking layout across several properties has been provided to staff. Staff did provide variance findings in the affirmative as well as for the zoning map. Staff has provided affirmative design review findings for the Commission to consider.

Rackow stated that staff recommends the Plan Commission take the following actions:

1. Open and Conduct a public hearing for the following items:
    a. Comprehensive Plan Land Use Map Amendment for 21 North Water Street
    b. Zoning Map Amendment for parcels at 8 North Batavia Avenue, 17 & 21 North Water proposed Zoning Map Amendment.
    c. Variances for the existing campus as specified in the staff memo
2. Approve Findings for the following items:
    a. Zoning Map Amendment.
    b. Variances
    c. Design Review
3. Recommend approval of a Comprehensive Plan Land Use Map amendment, reclassifying the 21 North Water Street parcel from Downtown Mixed Use to Public Facilities and Institutional.
4. Recommend approval of a Zoning Map Amendment to reclassify the subject properties from DMU, Downtown Mixed Use to Public Facilities and Institutional.
5. Recommend approval of the variances as specified in staff memo, subject to the condition of the installation of sidewalks along Water Street within 5 years, or concurrent with any future parking or building improvement.
6. Approve Design Review for exterior modifications to 21 North Water Street, subject to review by the Historic Preservation Commission prior to construction.

Chair LaLonde asked if there were any questions for staff. There were none. He asked if there were anyone in the audience who wanted to give testimony. Chair LaLonde swore in Jack Hinterlong of 827 S Jefferson St.

Jack Hinterlong introduced the pastor, chair of the church council, vice-chair of the trustees and members of the church in the audience to the Commission. He stated that he is the chair of the Long Range Site Development Team. They worked on that project for about five years and are now working on what we could do for our church campus based on our needs. The church wanted to develop a place for youth to meet at 21 N Water St. That building has a lot of space that could be used for sports, such as basketball and volleyball. This facility would also provide a place for mission groups to stay overnight on their travels. He is the chair of the Building

Committee, which is charged with what are the needs of the church and the design for the entire church. The committee has not begun to meet yet but will shortly.

The Commission reviewed the site plan and discussed the parcels. Chair LaLonde asked the applicant to consider improving the street façade in some way so that it does not look like the expanse of concrete that currently exists. Chair LaLonde asked about the sidewalk. Rackow answered that the sidewalk would connect up from the Range restaurant to the Fifth Third Bank parking lot and would end there for now, until Fifth Third improved their property. LaLonde asked for clarification on the existing parking and its demand during church events. Hinterlong stated that there would not be an increased demand for parking with the proposed changes.

Motion: To close the Public Hearing
Maker: Joseph
Second: Harms
Voice Vote: 5 Ayes, 0 Nays, 1 Recusal
Motion carried.

Motion: To approve the findings for the zoning map amendment
Maker: Joseph
Second: Schneider
Roll Call Vote: **Aye:** Gosselin, Harms, Joseph, LaLonde, Schneider
Nay:
5-0 Vote, 1 Recusal, Motion carried.

Motion: To approve the findings for the variances
Maker: Joseph
Second: Schneider
Roll Call Vote: **Aye:** Gosselin, Harms, Joseph, LaLonde, Schneider
Nay:
5-0 Vote, 1 Recusal, Motion carried.

Motion: To approve the findings for the design review
Maker: Joseph
Second: Harms
Roll Call Vote: **Aye:** Gosselin, Harms, Joseph, LaLonde, Schneider
Nay:
5-0 Vote, 1 Recusal, Motion carried.

Motion: To recommend approval of a Comprehensive Plan Land Use Map amendment, reclassifying the 21 North Water Street parcel from Downtown Mixed Use to Public Facilities and Institutional
Maker: Joseph
Second: Harms
Roll Call Vote: **Aye:** Gosselin, Harms, Joseph, LaLonde, Schneider
Nay:
5-0 Vote, 1 Recusal, Motion carried.

Motion: To recommend approval of a Zoning Map Amendment to reclassify the subject properties from DMU, Downtown Mixed Use to Public Facilities and Institutional
Maker: Harms
Second: Gosselin
Roll Call Vote: **Aye:** Gosselin, Harms, Joseph, LaLonde, Schneider
Nay:
5-0 Vote, 1 Recusal, Motion carried.

Motion: Recommend approval of the variances as specified in staff memo, subject to the condition of the installation of sidewalks along Water Street within 5 years, or concurrent with any future parking or building improvement
Maker: Gosselin
Second: Joseph
Roll Call Vote: **Aye:** Gosselin, Harms, Joseph, LaLonde, Schneider
Nay:
5-0 Vote, 1 Recusal, Motion carried.

Motion: Approve Design Review for exterior modifications to 21 North Water Street, subject to review by the Historic Preservation Commission prior to construction
Maker: Schneider
Second: Harms
Roll Call Vote: **Aye:** Gosselin, Harms, Joseph, LaLonde, Schneider
Nay:
5-0 Vote, 1 Recusal, Motion carried.

*Peterson returned to the meeting at 7:33pm.

5. Other Business

Strassman reported that the first meeting of June there would be an election of the chair and vice chair. Currently the chair and vice chair cannot be re-elected. Strassman stated that if the Commission would like to amend the by-laws to allow for re-election staff could redraft the by-laws and present it to the Commission. Peterson and Harms recommended that staff amend the by-laws to allow for re-election. Joseph requested that a limit to the amount of times one could be re-elected be implemented. Schneider suggested that the maximum term length be six years.

Harms asked about the appointment of another Plan Commissioner. Strassman stated that no replacement has been named and asked the Commissioners to share names of interested persons. He added that the Mayor is working on finding a new Commissioner. Albertson stated that there are also two open seats on the HPC.

Peterson asked about the LaSalle Factors. Rackow explained that these were added to the findings for any Zoning Map changes in December. The LaSalle Factors are court approved factors for review for zoning map amendment cases.

Rackow stated that there are two items for the May 4th meeting. LaLonde noted that he would not be available that night.

6. Adjournment

There being no other business to discuss, Chair LaLonde asked for a motion to adjourn the Plan Commission and Zoning Board of Appeals meeting. Joseph moved to adjourn the meeting, Gosselin seconded. All were in favor. The motion carried. The meeting was adjourned at 7:48pm.

Minutes respectfully submitted by Jennifer Austin-Smith

CITY OF BATAVIA

DATE: April 28, 2016

TO: Zoning Board of Appeals

FROM: Drew Rackow, AICP, Planner

SUBJECT: **PUBLIC HEARING:** Variances for a Home Second Story Addition at 514 Main Street
Spillane and Sons, Mike Spillane, Applicant

Background and Information Provided by the Applicants

Mike Spillane of Spillane and Sons Inc., has submitted an application for variances from the Zoning Code to allow for the construction of a 187 square foot second floor addition over the existing footprint of the first floor along the east side of the home at 514 Main Street. The property is zoned R1-H, Single Family Residential, High Density. The addition would facilitate construction of a second bathroom for the home. The Zoning Code does not allow for a second story expansion over a non-conforming portion of a structure, meaning a second floor addition must meet current setbacks. The proposed addition would not increase the size of the building footprint. A variance is also required for the roof's overhang into the setback beyond three feet. The applicant has noted that the proposed addition roofline would not exceed the existing first floor roof line encroachment. Staff has included a proposed variance to establish the existing nonconforming interior west setback as a legal setback with an approved variance. As you may recall, the Zoning Board reviewed variances for rear and interior side setbacks for a garage in January.

In his letter to the Zoning Board, Mr. Spillane explains that the property currently has one bathroom and would be best served by having a second. He cites the need to enhance the livability and viability of the home, and that the change would have a positive effect on the home and the larger neighborhood.

Staff Analysis

In the R1-H District, the interior setbacks for a principal structure are 10 feet at one interior side and 5 feet at the other interior side. Both existing setbacks for the home do not comply with this requirement. The east setback is approximately 2.87 feet, plus overhangs. The applicant seeks to use the existing footprint as the logical and least expensive location to add a second bathroom to the home. The location over the existing extension of the first floor would require variances as it would encroach into the required setback. To otherwise meet the setbacks, the addition would have to be reduced by at least 2.13 feet, which would be difficult structurally and expensive to accomplish. Without variances the roof overhang could also not be accomplished, resulting in the addition either needing to be setback even further, or resulting in an asymmetrical roof design. Staff proposes with the consideration of a variance for the east setback line, that the Zoning Board of Appeals consider a variance to legalize the existing encroachment into the west interior setback.

Staff believes the proposed variance reasonably requests the least amount of variance for an addition. The proposed addition would accomplish the need for a second bathroom in the most reasonable and economic manner. While the proposed addition and overhangs will be quite close to the property line, they reflect the conditions of the existing portion of the building at this location. The architect has designed the addition in a manner that should minimize the impact on adjoining property. As the space will be used primarily for a closet and bathroom, windows are designed for privacy. The roof overhangs are designed in a manner to match the existing façade. Staff believes it is appropriate to address the existing west setback within the variance to address the current non-conforming status.

Review of Findings

Staff is supportive of the variance request to construct the proposed second story addition. Staff presents the following Findings, based on this conclusion for the Zoning Board of Appeals (ZBA) to consider.

Under our Code and State Statute, the ZBA is to consider all information submitted by the applicants and provided by staff, together with the information given at the public hearing. The ZBA must determine if the required variance Findings for Approval have been met.

Section 5.503 in Zoning Code Chapter 5.5: Variances establishes Findings the ZBA must reach before voting on a recommendation of approval or denial to the City Council's Committee of the Whole (COW). Below is each of the required findings from Section 5.503 followed by staff analysis.

Finding A: There are unique circumstances applicable to the property, including its size, shape, topography, location or surroundings, where strict application of the Zoning Code would create a hardship or other practical difficulty, as distinguished from a mere inconvenience, and deprive the property owner of property rights enjoyed by other property owners in the same zoning district.

The subject parcel conforms to the dimension and size requirements for the R1-H District. There are non-conforming side setbacks for the principal structure that limit locations where an addition may be construction, particularly on the second floor. Existing improvements to the home and parcel limit opportunities to locate such an addition in a logical manner elsewhere on the site and create a practical difficulty, given existing conditions on the site.

Finding B: Such unique circumstances were not created by the current or previous owners or applicant.

The placement of the existing structure and other improvements is the underlying cause for the variance. The decision to place the house at this location would have been made at the original time of construction, by a previous owner. Records indicate the home was constructed in 1925, which would have been prior to adoption of a Zoning Code, and thus may have not been created by the previous owners. Mr. Spillane, as the current owner has not created any of the existing circumstances.

Finding C: The property cannot yield a reasonable return or be reasonably used for the purpose intended by the Zoning Code under the regulations in the district in which it is located.

The property currently is built with a residence, the highest and best use of the R1-H District. It currently has one bathroom, which presents a usability and livability limitation. It is reasonable to allow an addition to create a second bathroom that would enhance the functional and value of the property. Due to the existing site constraints, locations for an addition are limited.

Finding D: The variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

Other homes in the area and district do have opportunities to locate additions on their properties, and thus the request is not inconsistent with the allowances of the Zoning District. Other parcels seeking to build over an existing footprint could also seek such a variance.

Finding E: The variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general.

The existing encroachments of the home have not had a negative effect on the surrounding area. The existing setback at the west property line is consistent with those found in the neighborhood. The proposed addition while increasing the bulk of the building is of a small portion of the setback area and would not be detrimental to the surrounding area.

Staff believes that all five of the required findings are met.

Staff Recommendation

Staff recommends the ZBA to open and conduct the public hearing. If no additional information is required, the hearing may be closed after all testimony has been received. The ZBA should discuss the required findings, and should determine if it believes all of the findings are met.

Staff recommends that the Zoning Board recommend approval of the following variances:

1. A variance from Table 2.104 for an interior setback in the R1H district to allow a second floor addition with an east side setback of 2.87 feet instead of the required 5 feet.
2. A variance from Section 4.101.I to allow a roof overhang to extend into the required side east side building setback and encroach to approximately 1.625 feet rather than the maximum encroachment of 3 feet.
3. A variance from Table 2.104 for an interior setback in the R1H district to allow an existing west side building setback of approximately 7 feet instead of the required 10 feet.

Attachment: Variance application material

c Mayor and City Council
Department Heads
Mike Spillane, Applicant
Media

Spillane & Sons
253 Trudy Ct.
Batavia Il, 60510

PHONE
1-630-688-4479

FAX
1-630-879-6218

EMAIL
mickeyspillane@comcast.net

April 8, 2016

City of Batavia

Joel Strassman
100 N. Island Avenue
Batavia IL, 60510-1931

Dear Joel,

I would like to request a zoning variance for the property located at 514 Main Street in Batavia. We would like to add a second full bathroom to this 3 bedroom home above an existing sunroom on the west side of the home. We are not asking to increase the footprint of the home as it sits on the property. The current code will not allow us to add any square footage to the second floor of the home because it is a non-conforming lot for this R1-h zoning. Our side yard setbacks do not meet the current zoning. This was not the case when the home was built in 1930 with just one full bathroom.

We are requesting to add 180 square feet to the second floor and build upon a section of our home that already exists.

I feel the current zoning would be detrimental to the value of our home by not allowing us to add the second full bathroom and increase the modern livability and value of the home, as well as increase the value of the neighborhood.

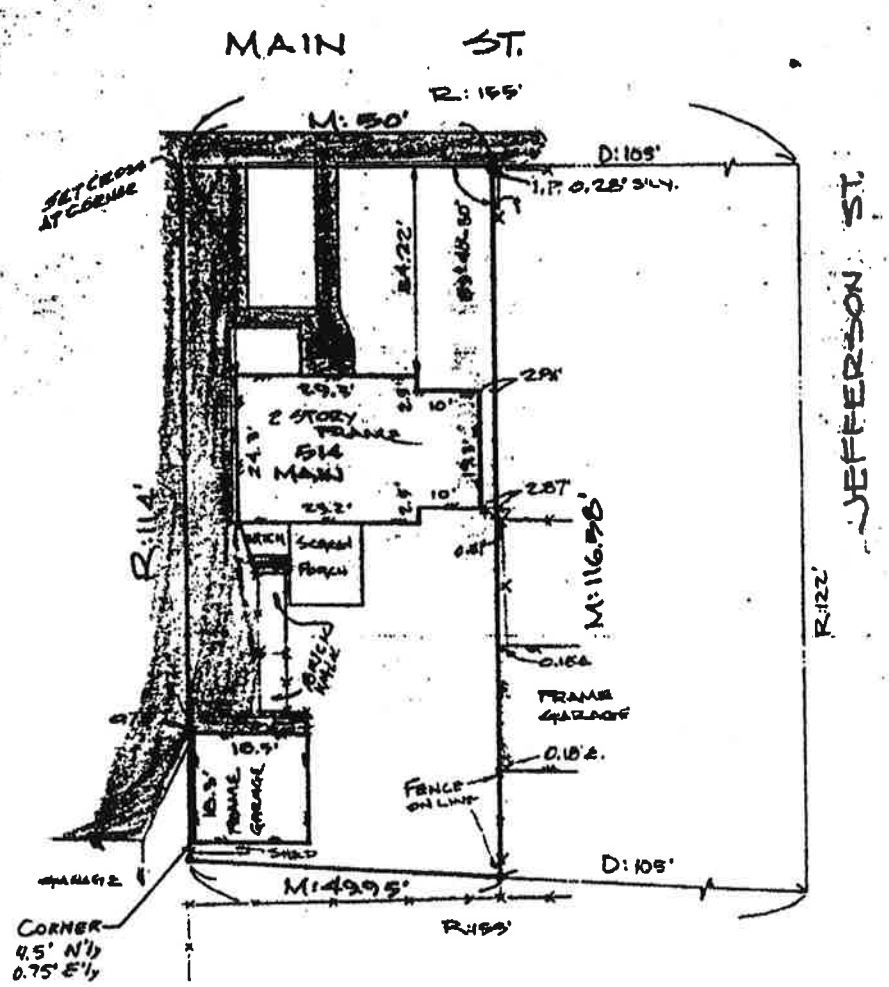
Sincerely yours,

Mike Spillane

PLAT OF SURVEY

Of Lot 1 (except the East 105 feet) in Block 2 of Institute Addition to Batavia, in the City of Batavia, Kane County, Illinois.

Office Copy



Legend			
R–	record distance	CH–	chord
M–	measured distance	●	Found iron
D–	deed	O	Set iron

Concrete shown shaded

—X—X—X— Fence line

—/—/—/— Limits of building

Scale 1" = 20 feet

SCHLAF-SEDIG & ASSOCIATES, INC.
410 W. Irving Park Road
Itasca, Illinois 60143
(312) 773-1761

Date of Survey AUG. 22, 1989

State of Illinois

County of Du Page

I hereby certify that the above described property has been surveyed, under my supervision, according to the official record and that the above plat correctly represents said survey. All distances are in feet and decimals thereof.

I hereby further certify that unless otherwise shown, the buildings on the parcel are within property lines and the adjoining improvements do not encroach on the above described property.

Timothy J. Murphy

Compare the description of this plat with deed. Refer to title policy for items of record not shown above.

STATE OF ILLINOIS
TIMOTHY J. MURPHY
035-003870
REGISTERED LAND SURVEYOR

EK

NOTICE OF PUBLIC HEARING
SPILLANE & SONS
Building and Remodeling
630-655-6470

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING

GENERAL CONDITIONS AND SPECS

GENERAL CONDITIONS :

1. THE SCOPE OF WORK SET FORTH IN THESE DRAWINGS PREPARED BY GREGORY A. NORRIS, ARCHITECT IS LIMITED TO THAT PORTION OF THE TOTAL PROJECT PERTAINING TO THE GENERAL CONSTRUCTION OF THE SHELL AND CORE OF THE BUILDING STRUCTURE ONLY. ALL OTHER WORK WHICH MAY BE REQUIRED TO COMPLETE THE PROJECT, INCLUDING BUT NOT NECESSARILY LIMITED TO ALL SITE WORK, PLUMBING SYSTEMS, HEATING – VENTILATING AND AIR CONDITIONING SYSTEMS, ELECTRICAL SYSTEMS AND FIRE PROTECTION SYSTEMS, ARE SPECIFICALLY EXCLUDED FROM THE SCOPE OF THESES DRAWINGS.
2. ALL WORK SHALL BE INSTALLED IN STRICT COMPLIANCE WITH ALL APPLICABLE CODES AND ORDINANCES INCLUDING BUT NOT LIMITED TO : 2006 INTERNATIONAL RESIDENTIAL CODE (IRC), 2015 ENERGY CONSERVATION CODE (ECC), 2014 ILLINOIS STATE PLUMBING CODE, 2005 NATIONAL ELECTRICAL CODE (NEC), AND THE CITY OF BATAVIA, IL BUILDING ORDINANCE.
3. THE ARCHITECT IS NOT OVERSEEING THE CONSTRUCTION OF THIS BUILDING. THE USE OF THESE DRAWINGS BY ANY CONTRACTOR, SUBCONTRACTOR, BUILDERS, TRADESMEN, OR WORKER SHALL INSTIGATE A HOLD HARMLESS AGREEMENT BETWEEN THE DRAWING USER AND THE ARCHITECT. THE USER SHALL IN FACT AGREE TO HOLD THE ARCHITECT HARMLESS FOR ANY RESPONSIBILITY IN REGARD TO CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES OR PROCEDURES AND FOR ANY SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK AND FURTHER SHALL HOLD THE ARCHITECT HARMLESS FOR COSTS AND PROBLEMS ARISING FORM THE NEGLIGENCE OF CONTRACTOR, SUBCONTRACTOR, TRADESMEN OR WORKMEN. THE USE OF THESE DRAWINGS ALSO IMPLIES THAT THE ARCHITECT SHALL TAKE NO RESPONSIBILITY FOR THE PLAN USER'S FAILURE TO CARRY OUT THE WORK IN ACCORDANCE WITH THE DRAWING OR CONTRACT DOCUMENTS.
4. THE CONTRACTOR SHALL TAKE FIELD MEASUREMENTS AND VERIFY FIELD CONDITIONS AND SHALL CAREFULLY COMPARE SUCH FIELD MEASUREMENTS AND CONDITIONS AND OTHER INFORMATION KNOWN TO THE CONTRACTOR WITH THE CONTRACT DOCUMENTS BEFORE COMMENCING ACTIVITIES. ALL DIMENSIONS ARE TO BE FIELD VERIFIED BY THE CONTRACTOR. ERRORS, INCONSISTENCIES OR OMISSIONS DISCOVERED SHALL BE REPORTED IN WRITING TO THE ARCHITECT AT ONCE.
5. THE CONTRACTOR IS TO LOCATE ALL UNDERGROUND UTILITIES PRIOR TO COMMENCING WORK.
6. CONTRACTORS SHALL ASSUME FULL RESPONSIBILITY, UNRELIEVED BY REVIEW OF SHOP DRAWINGS AND BY SUPERVISION OR PERIODIC OBSERVATION OF CONSTRUCTION, FOR COMPLIANCE WITH CONTRACT DOCUMENTS, FOR DIMENSIONS TO BE CONFIRMED AND CORRELATED ON THE JOB SITE AND BETWEEN INDIVIDUAL DRAWINGS OR SETS OF DRAWINGS FOR FABRICATION PROCESSES AND CONSTRUCTION TECHNIQUES (INCLUDING EXCAVATIONS, SHORING, SCAFFOLDING, BRACING, ERECTING, FORMWORK, ETC.), FOR COORDINATION OF THE VARIOUS TRADES AND FOR SAFE CONDITIONS OF THE JOB SITE.
7. ARCHITECT/ENGINEER'S APPROVAL MUST BE SECURED FOR ALL SUBSTITUTIONS.
8. DO NOT SCALE DRAWINGS FOR DIMENSIONS.
9. UNLESS NOTED OTHERWISE, ALL DETAILS, SECTIONS, AND NOTES ON THE DRAWINGS ARE INTENDED TO BE TYPICAL FOR SIMILAR SITUATIONS ELSEWHERE.
10. ALL DRAWINGS REMAIN THE PROPERTY OF THE ARCHITECT.

WOOD FRAMING:

1. ALL FLOOR JOISTS, CEILING JOISTS, ROOF RAFTERS, AND WALL STUDS SHALL BE SPACED AT 16 – INCHES ON CENTER, UNLESS NOTED OTHERWISE ON THE PLANS.
2. SPECIES/GRADE, SIZE AND DIRECTION OF SPAN OF FRAMING MEMBERS ARE SHOWN ON THE PLANS. SPECIES/GRADE REQUIRED FOR FRAMING MEMBERS SHALL BE IN ACCORDANCE WITH THE FOLLOWING BASE VALUES.
   - A. STUD FRAMING:
     SPRUCE–PINE–FIR , STUD GRADE:
     E = 1,000 KSI ; Fb = 575 PSI (BASE VALUE)
   - B. FLOOR JOISTS, CEILING JOISTS, AND ROOF RAFTERS:
     SPRUCE–PINE–FIR (CANADIAN SPF) NO. 2:
     E = 1,400 KSI; Fb = 875 PSI (BASE VALUE)
     HEM–FIR NO. 2:
     E = 1,300 KSI; Fb = 850 PSI (BASE VALUE)
     DOUGLAS FIR–LARCH NO. 2:
     E = 1,600 KSI; Fb = 875 PSI (BASE VALUE)
3. ALL OUTSIDE CORNERS IN EXTERIOR WALL FRAMING SHALL BE BRACED EACH WAY WITH 4" x 8" x 1/2" THICK PLYWOOD OR 4' x 8' x 1/2" THICK ORIENTED STRAND BOARD (OSB) APPLIED VERTICALLY.
4. ALL INTERIOR PARTITIONS ARE DIMENSIONED TO FACE OF 2 x 4 STUD.
5. ALL 4" AND/OR 6" EXTERIOR FRAME WALLS ARE DIMENSIONED TO OUTSIDE FACE OF 1/2" SHEATHING.
6. MINIMUM HEADER FOR ALL OPENINGS IN FRAMING SHALL BE TWO (2) 2 x 8 SPRUCE – PINE – FIR (CANADIAN SPF #2) UNLESS NOTED OTHERWISE ON THE PLANS.
7. ALL TIMBER LINTELS SHALL BEAR A MINIMUM OF 3" ON BUILT UP JAMBS AT EACH END OF ALL WALL OPENINGS UNLESS NOTED OTHERWISE.
8. PROVIDE ONE (1) ROW OF CROSS–BRIDGING AT MIDSPAN FOR ALL JOISTS SPANNING LESS THAN 11'–0" AND TWO (2) ROWS AT 1/3 MIDSPAN FOR ALL JOISTS SPANNING 11'–0" OR GREATER.
9. CONTINUOUS SOLID BLOCKING SHALL BE INSTALLED BETWEEN ALL JOISTS AND TRUSSES AT ALL BEARING POINTS AND BENEATH ALL PERPINDICULAR BEARING WALLS ABOVE. THE SPACING OF INTERMEDIATE BRIDGING FOR ALL JOISTS AND TRUSSES SHALL NOT EXCEED THE GREATER OF 8 FEET OR 6 TIMES THE NOMINAL MEMBER DEPTH.
10. ALL FLOOR JOISTS OR TRUSSES SHALL BE DOUBLED UNDER THE FULL LENGTH OF ALL PARTITION WALLS RUNNING PARALLEL WITH THE JOIST AND AT SIDES OF ALL HEADERED OPENINGS LESS THAN TWICE THE TYPICAL JOIST OR TRUSS SPACING.
11. THE QUANTITY AND SIZE OF ALL FASTENERS CONNECTING WOOD FRAME MEMBERS TOGETHER AND SHEATHING MATERIALS TO WOOD FRAME MEMBERS SHALL NOT BE LESS THAN THAT SPECIFIED IN TABLE R602.3 "FASTENING SCHEDULE OF STRUCTURAL MEMBERS" OF THE 2006 IRC.
12. ALL JOISTS, BEAMS, AND TRUSSES SHALL BEAR ON THE FULL WIDTH OF THE SUPPORTING ELEMENTS AND SHALL BEAR DIRECTLY ABOVE A VERTICAL WALL STUD WHERE BEARING ON A STUD BEARING WALL UNLESS NOTED OTHERWISE.
13. ALL JOISTS, BEAMS AND TRUSSES NOT BEARING ON SUPPORTING MEMBERS SHALL BE FASTENED AND HUNG FROM SUPPORTS WITH GALVANIZED METAL HANGERS OF THE SIZE AND TYPE REQUIRED FOR THE FIELD CONDITIONS AND LOADING REQUIREMENTS AS MANUFACTURED BY "SIMPSON" OR AN APPROVED EQUAL. THE HANGERS SHALL BE INSTALLED IN STRICT ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.
14. PROVIDE PRESERVATIVE TREATED LUMBER FOR ALL SILL PLATES; ALL WALL PARTITIONS AND FURRING BELOW FINISH GRADE; AND THOSE AREAS WHERE WOOD PRODUCTS ARE INSTALLED LESS THAN 6" ABOVE FINISH GRADE OR ARE IN DIRECT CONTACT WITH CONCRETE OR MASONRY.
15. LUMBER FOR INDIVIDUAL POSTS SHALL BE DOUGLAS FIR–LARCH NO. 1 ALLOWABLE COMPRESSION PARALLEL TO GRAIN (Fc) = 1,000 PSI.
16. ALL WOOD MEMBERS SHALL HAVE A MOISTURE CONTENT LESS THAN 19%.
17. DOUBLE ALL FLOOR FRAMING MEMBERS AROUND STAIR OPENINGS UNLESS NOTED OTHERWISE ON DRAWINGS.
18. PROVIDE FIRESTOPPING AS FOLLOWS:
    - A. IN CONCEALED SPACES OF STUD WALLS, INCLUDING FURRED SPACES AND AT CEILING AND FLOOR LEVEL.
    - B. AT OPENINGS AROUND VENTS, PIPES, CONDUIT, DUCTS, CHIMNEYS AND FIREPLACES WITH NON–COMBUSTIBLE MATERIALS.
19. ALL RIDGE BEAMS SHALL BE A MINIMUM OF ONE (1) SIZE LARGER THAN THE LARGEST ROOF RAFTER FRAMING INTO THE RIDGE BEAM UNLESS NOTED OTHERWISE ON THE DRAWINGS.
20. FRAMING MEMBERS NOTED AS "LVL" (LAMINATED VENEER LUMBER) , "PSL" (PARALLEL STRAND LUMBER) AND "LSL" (LAMINATED STRAND LUMBER) SHALL BE SIZED AS SHOWN ON THE FLOOR PLANS AND SHALL MEET OR EXCEED THE FOLLOWING DESIGN VALUES FOR "MICROLAM" LVL, "PARALLAM" PSL AND "TIMBERSTRAND" LSL FRAMING MEMBERS AS MANUFACTURED BY TRUSS JOIST MACMILLIAN – BOISE, IDAHO.

MICROLLAM LVL DESIGN VALUES:	PARALLAM PSL DESIGN VALUES:	TIMBER STRAND LSL DESIGN VALUES:
ALLOWABLE Fb : 2,600 PSI	ALLOWABLE Fb : 2,900 PSI	ALLOWABLE Fb : 2,250 PSI
ALLOWABLE Fv : 285 PSI	ALLOWABLE Fv : 290 PSI	ALLOWABLE Fv : 285 PSI
MOD. OF ELAS. (E) : 1,900,000 PSI	MOD. OF ELAS. (E) : 2,000,000 PSI	MOD. OF ELAS. (E) : 1,500,000 PSI

21. ALL ENGINEERED LUMBER (LVL,PSL, AND LSL ETC.) SHALL BE DESIGNED TO SAFELY SUPPORT THE DESIGN LOADS AND SPAN CONDITIONS INDICATED ON THE CONTRACT DOCUMENTS, THE RECOMMENDED MINIMUM DESIGN LOADS OF APPENDIX "A" OF TPI AND SHALL MEET ALL REQUIREMENTS OF THE GOVERNING CODES AND BUILDING DEPARTMENTS.
22. ALL ENGINEERED LUMBER (LVL, PSL, AND LSL ETC.) SHALL BE DETAILED, FABRICATED, HANDLED, BRACED AND INSTALLED IN STRICT ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS AS REQUIRED TO OBTAIN THE FULL CAPACITY OF THE MEMBERS.

PLYWOOD SHEATHING:

1. ROOF SHEATHING: ALL ROOF SHEATHING SHALL BE 1/2" APA RATED 32/16 EXPOSURE 1 CDX PLYWOOD ROOF SHEATHING NAILED TO ALL SUPPORTS.
2. FLOOR SHEATHING: ALL INTERIOR FLOOR SHEATHING SHALL BE 3/4" APA RATED 48/24 TONGUE AND GROOVE (T&G) EXPOSURE 1 STURD–1– FLOOR PLYWOOD SHEATHING GLUED AND NAILED TO ALL SUPPORTS.
3. WALL SHEATHING: ALL WALL SHEATHING SHALL BE 1/2" APA RATED 32/16 EXPOSURE 1 CDX PLYWOOD SHEATHING NAILED TO ALL SUPPORTS.
4. ALL PLYWOOD SHEATHING SHALL BE INSTALLED WITH THE LONG DIMENSION PERPINDICULAR TO ALL SUPPORTING MEMBERS AND SHALL BE CONTINUOUS OVER A MINIMUM OF THREE (3) SPANS. STAGGER THE LOCATIONS OF ADJACENT PANEL END JOINTS 4'–0" MINIMUM. ALL PANEL END JOINTS SHALL OCCUR OVER FRAMING MEMBERS. ALLOW 1/8" SPACING AT ALL PANEL EDGES U.N.O. BY THE PANEL MANUFACTURER. PROVIDE ONE (1) PANEL EDGE CLIP BETWEEN SUPPORTS WHERE T & G PANELS ARE NOT SPECIFIED.

DOORS AND WINDOWS:

1. GLAZING AT ALL DOORS AND WINDOWS IS TO COMPLY WITH SECTION R308 OF THE 2006 INTERNATIONAL RESIDENTIAL CODE.
2. PROVIDE "B" LABEL DOORS WITH CLOSER AT ALL ONE HOUR RATED FIRE WALLS.
3. ALL WINDOWS ARE TO BE THE TYPE AND BY THE MANUFACTURER LISTED IN THE MANUFACTURER'S WINDOW SCHEDULE (OR A MANUFACTURER AS SELECTED BY THE OWNER). PROVIDE SCREENS AT ALL OPERABLE WINDOWS. WINDOW TRIM AND GLAZING OPTIONS TO BE PROVIDED AS SELECTED BY OWNER.

MISCELLANEOUS:

1. PROVIDE MOISTURE RESISTANT SUBSTRATE MATERIALS AT ALL BATHROOMS, UTILITY ROOMS AND LAUNDRY ROOMS.
2. PROVIDE SPARK ARRESTORS AT ALL FIREPLACES FLUES.
3. PROVIDE 2 INCH MINIMUM CLEARANCE AT ALL FLUES.
4. PROVIDE 5/8 INCH TYPE–X GYPSUM BOARD AT ALL WALLS AND CEILING OF ALL ENCLOSED FURNACE ROOMS AND ALL COMMON WALLS AND CEILINGS BETWEEN GARAGE AND HABITABLE LIVING SPACES.

MECHANICAL:

1. PROVIDE A COMPLETE HEATING, VENTILATING AND AIR–CONDITIONING SYSTEM. HEATING SHALL BE CAPABLE OF HEATING A RESIDENCE TO 72 DEGREES F WHEN OUTSIDE TEMPERATURE IS – 10 DEGREES F. AIR CONDITIONING SYSTEM SHALL BE CAPABLE OF COOLING RESIDENCE TO 78 DEGREES F WHEN OUTSIDE TEMPERATURE IS 95 DEGREES F. FURNACE SYSTEM SHALL BE A MINIMUM OF 92 SEER, AC CONDENSING UNIT SHALL BE A MINIMUM OF 13 SEER.
2. MODIFY AND EXTEND THE EXISTING MECHANICAL SYSTEMS, INCLUDING BUT NOT LIMITED TO HVAC (HEATING, VENTILATING AND AIR CONDITIONING SYSTEM), ELECTRICAL, PLUMBING (WASTE AND SUPPLY), TELEPHONE, AND ALARM SYSTEMS AS REQUIERD TO PROVIDE A COMPLETE AND OPERATIONAL SYSTEM.

DESIGN LOAD CRITERIA

FLOOR	= 40 # LL 10 # DL	ALL AREAS EXCEPT SLEEPING	ROOF	= 30 # LL 10 # DL	
FLOOR	= 30 # LL 10 # DL	SLEEPING AREAS	CATHEDRAL	= 30 # LL 15 # DL	ALL SLOPES
WALL	= 60 # PLF OR ACTUAL LOAD		EXT. DECK	= 40 # LL 10 # DL	
CEILING	= 20 # LL 10 # DL	ROOF SLOPES OVER 3 IN 12	BALCONY	= 60 # LL 10 # DL	EXTERIOR

INDEX OF DRAWINGS

NO.	SHEET NAME
A1	GENEAL CONDITIONS, SPECS, TABLES, DEMOLTION PLAN AND DEMOLITION ELEVATIONS
A2	ADDITION PLANS, ADDITION ELEVATIONS AND WALL SECTION

PLUMBING - WATER SUPPLY FIXTURE UNITS

1ST FLOOR - EXISTING FIXTURES

KITCHEN	
KITCHEN SINK	2
DISHWASHER	1
POWDER ROOM	
LAVATORY - 1 SINK	1
WATER CLOSET	3
TOTAL EXISTG 1ST FLOOR FIXTURE COUNT	7

2ND FLOOR - EXISTING FIXTURES

HALL BATH	
LAVATORY - 1 SINK	1
WATER CLOSET	3
TUB	2
TOTAL 2ND FLOOR FIXTURE COUNT	6

BASEMENT - EXISTING FIXTURES

LAUNDRY	
LAUNDRY TUB	3
WASHING MACHINE	2
TOTAL BASEMENT FIXTURE COUNT	5
TOTAL EXISTING FIXTURE COUNT	18

1ST FLOOR - NEW FIXTURES

NEW BATHROOM	
LAVATORY - 2 SINK	2
WATER CLOSET	3
SHOWER	2
TOTAL NEW 1ST FLOOR FIXTURE COUNT	7

WATER DEMAND FIXTURE COUNT

TOTAL EXISTING FIXTURE COUNT	18
NEW FIXTURE COUNT	7
TOTAL NEW & EXISTING FIXTURE COUNT	25

WSFU FIXTURE VALUES

WC FLUSH TANK	3
WC FLUSH VALVE	6
LAVATORY	1
BATHTUB	2
SHOWER STALL	2
KITCHEN SINK	2
LAUNDRY TUB	3
DISHWASHER	1
LAUNDRY MACHINE	2

ABBREVIATIONS AND SYMBOLS LEGEND

ABBREVIATIONS

V.I.F.	VERIFY IN THE FIELD	E.E.	EACH END
TMB	TO MATCH EXISTING	F.J.	FLOOR JOIST
A.F.F	ABOVE FINISH FLOOR	C.J.	CEILING JOIST
O.C.	ON CENTER	R.R.	ROOF RAFTER
TYP.	TYPICAL	CONT.	CONTINUOUS
DIA.	DIAMETER	FDN	FOUNDATION
EX.	EXISTING	MFR	MANUFACTURER
EXR	EXISTING TO REMOVE	CLG:	CEILING
T/	TOP OF	FLR:	FLOOR
B/	BOTTOM OF	FPHB	FROST PROOF HOSE BIBB
C.O.	CASED OPENING		

SYMBOLS

SECTION MARK

2 — DETAIL NUMBER
A6.4 — SHEET NUMBER

SECTION MARK - SEE DETAIL 2 ON SHEET A6

DOOR TAG

266B — 2'-6" WIDE x 6'-8" HIGH DOOR

WINDOW TAG

2426 DH — NOMINAL 2'-4" WIDE x 2'-6" HIGH WINDOW UNIT. SEE WINDOW SCHEDULE FOR WINDOW SIZE, TYPE AND SPECIFIED WINDOW MANUFACTURER

2015 IECC - PRESCRIPTIVE REQUIREMENTS

ASSEMBLY DESCRIPTION	REQ'D MIN. R-VALUE	PROPOSED R-VALUE	COMMENTS
CEILING WITHOUT ATTIC SPACE	R-30, MAX 500 SF OR 20% (R402.2.2)	R-30	N/A
CEILING WITH ATTIC SPACE	R-44	R-44 MIN.	SEE WALL SECTIONS
WOOD FRAME STUD WALL	R-20	R-20 MIN.	SEE WALL SECTIONS
FLOOR FRAMING	R-30	R-30	N/A
BASEMENT WALL	R-10 CONTINUOUS OR R-13 CAVITY	R-15 CAVITY	N/A
CRAWL SPACE WALLS	R-15 CONTINUOUS OR R-19 CAVITY	N/A	N/A
SLAB ON GRADE R VALUE & DEPTH	R-10 2 FEET	N/A	N/A
FENESTRATION "U-FACTOR" FOR WINDOW / DOOR UNITS	0.32 "U" FACTOR	0.32"U" FACTOR MINIMUM	UPTO 15 SF OF GLAZING MAY BE EXEMPT
SKYLIGHT "U-FACTOR"	0.55 "U" FACTOR	N/A	N/A

INSULATION NOTES:

SEE WALL SECTIONS FOR TYPICAL INSULATION R-VALUES

HVAC SYSTEM NOTES:

1. INSULATE ALL DUCTS OVER UNHEATED SPACES TO A MINIMUM OF R-8. HOLD TOP OF DUCT TIGHT TO UNDERSIDE OF SUBFLOOR.
2. SUPPLY AND RETURN DUCTS IN ATTICS SHALL E INSULATED TO A MINIMUM OF R-8 FOR DUCTS 3 INCHES IN DIAMETER OR GREATER AND R-6 WHERE LESS THAN 3 INCHE IN DIAMETER.
3. SUPPLY AND RETURN DUCTS IN OTHER PORTIONS OF THE BUILDING THAN THE ATTIC SHALL BE INSULATED TO A MINIMUM OF R-6 WHERE 3 INCHES IN DIAMETER OR GREATER AND R-4.2 WHERE LESS THAN 3 INCHES IN DIAMETER. DUCTS OR PORTIONS THEREOF LOCATED COMPLETELY INSIDE THE BUILDING THERMAL ENVELOPE ARE NOT REQUIRED TO BE INSULATED.
4. ALL NEW DUCTS ARE TO BE SEALED AT ALL SEAMS AND JOINTS TO COMPLY WITH 2015 IMC OR 2015 IRC
5. BUILDING FRAMING CAVITIES SHALL NOT BE USED AS DUCTS OR PLENUMS.
6. AT LEAST ONE THERMOSTAT SHALL BE PROVIDED FOR EACH SEPERATE HEATING AND COOLING SYSTEM. THE PRIMARY THERMOSTAT SHALL BE A PROGRAMMABLE THERMOSTAT.
7. AIR HANDLERS SHALL HAVE A MANUFACTURER'S DESIGNATION FOR AN AIR LEAKAGE OF NO MORE THAN 2 PERCENT O FTHE DESIGN FLOW RATE WHEN TESTED IN ACCORDANCE WITH ASHRAE 193.
8. EXHAUST AIR FROM BATHROOMS AND TOILET ROOMS SHALL NOT BE RECIRCULATED WITHIN A RESIDENCE AND SHALL BE EXHAUSTED DIRECTLY TO THE EXTERIOR. EXHAUST FANS SHALL NOT DISCHARGE INTO AN ATTIC, CRAWL SPACE, OR OTHER SPACES INSIDE THE RESIDENCE. ALL EXHAUST DUCTS ARE TO BE INSULATED TO A MINIMUM OF R-8.

PLUMBING INSULATION NOTES:

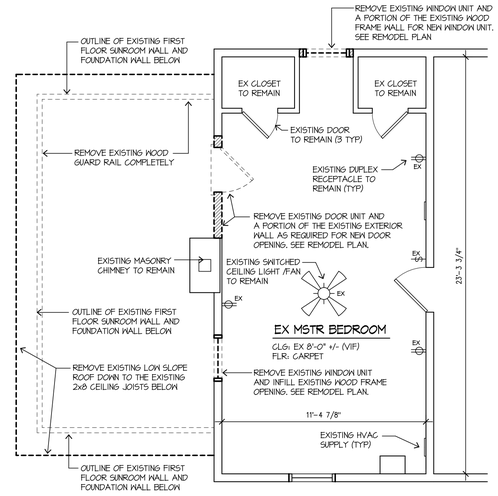
1. HOT WATER PIPING MUST BE INSULATED TO A MINIMUM OF R3 AS FOLLOWS: PIPING 3/4" IN DIAMETER AND LARGER; PIPING LOCATED OUTSIDE THE CONDITIONED SPACE; PIPING FROM THE WATER HEATER TO A DISTRIGUTION MANIFOLD; PIPING LOCATED UNDER A FLOOR SLAB; BURIED PIPING.

ELECTRICAL NOTES:

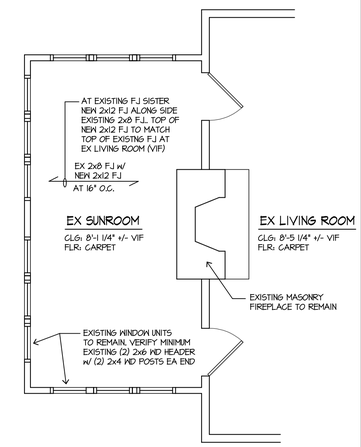
1. NOT LESS THAN 75 PERCENT OF THE LAMPS IN PERMANENTLY INSTALLED LIGHT RIXTURES SHALL BE HIGH-EFFICACY LAMPS OR NOT LESS THAN 75 PERCENT OF THE PERMANENTLY INSTALLED LIGHTING FIXTURES SHALL CONTAIN ONLY HIGH-EFFICACY LAMPS (EXCLUDING LOW-VOLTAGE LIGHTING).

GENERAL NOTE:

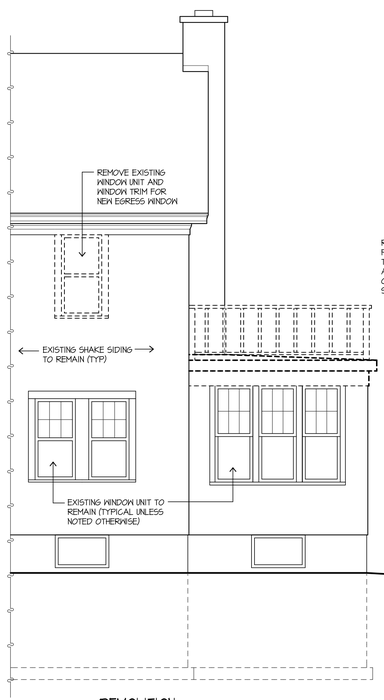
A PERMANENT EFFICIENCY CERTIFICATE SHALL BE COMPLETED AND POSTED ON OR IN THE ELECTRICAL DISTRIBUTION PANEL. THE CERTIFICATE SHALL LIST THE PREDOMINANT R-VALUES OF THE INSULATION INSTALLED, U-FACTORS AND SHGC OF FENESTRATION, AND THE RESULTS FROM ANY REQUIRED DUCT SYSTEM AND BUILDING ENVELOPE AIR LEAKAGE TESTING DONE ON THE BUILDING. ON THE BUILDING.



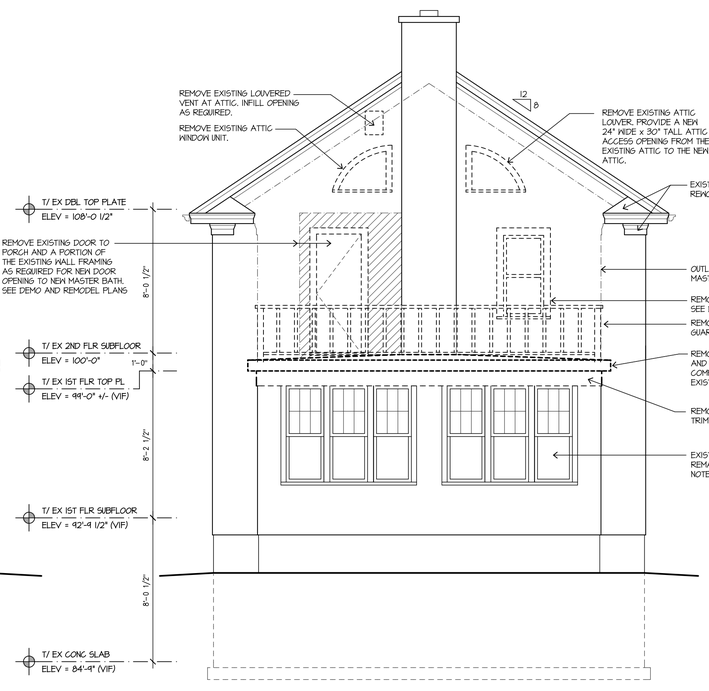
DEMOLITION PLAN
2 A1 SECOND FLOOR
SCALE: 1/4" = 1'-0"



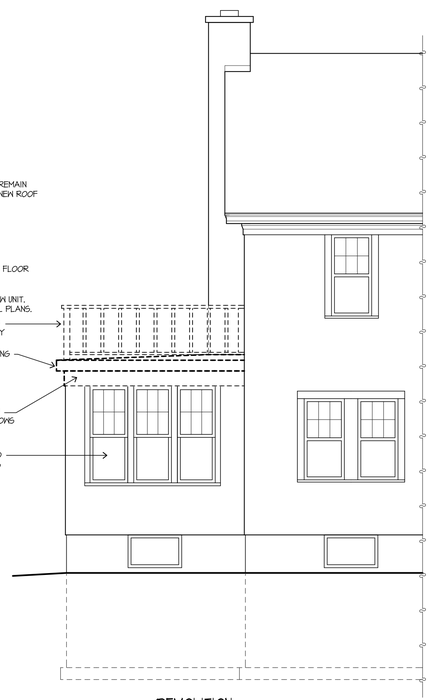
EXISTING PLAN
1 A1 FIRST FLOOR
SCALE: 1/4" = 1'-0"



DEMOLITION
5 A1 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



DEMOLITION
4 A1 EAST ELEVATION
SCALE: 1/4" = 1'-0"



DEMOLITION
3 A1 NORTH ELEVATION
SCALE: 1/4" = 1'-0"

Gregory A. Norris
Architect
437 South Van Buren Street
Batavia, IL 60510-2751
630 - 336- 4368
ganarchitect@aol.com
IL License No.: 001-011764

A NEW SECOND FLOOR MASTER BATH ADDITION FOR:

SPILLANE & SON'S

Project Location:
514 Main Street
Batavia, IL 60510

General Contractor
Spillane & Son's
Builidng and Remodeling
253 Trudy Court
Batavia, IL 60510

ph: 630-688-4479
fax: 630-879-6218

STATE OF ILLINOIS
GREGORY A. NORRIS
001-011764
LICENSED ARCHITECT

EXPIRES: 11/30/2016
DATE: 04/05/2016
Gregory A. Norris

REVISIONS

Gregory A. Norris, Architect
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ISSUE DATE: April 5, 2016
DRAWN BY: GAN
FILENAME: Spillane 514 Main CD's
GAN JOB No.: GAN 2016-08
GENERAL CONDITIONS, SPECS,TABLES DEMO PLAN AND DEMO ELEVATIONS
SHEET NO. : A-1 OF 2

ROOF VENTILATION CALCULATIONS

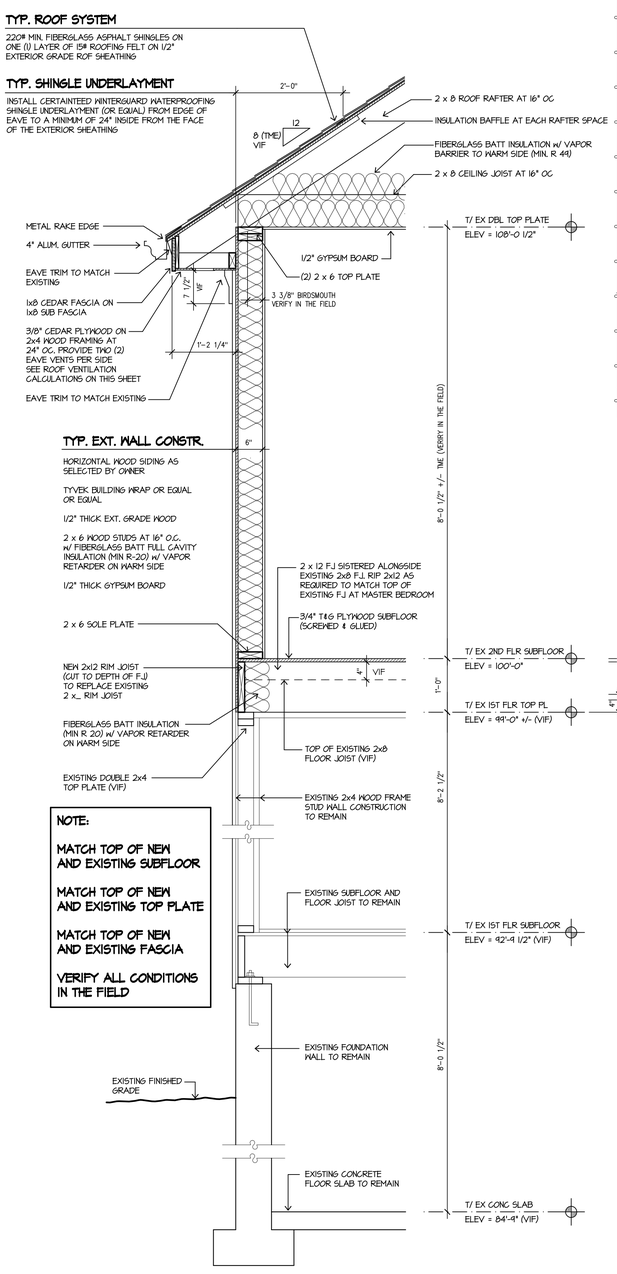
AREA OF ATTIC AT NEW ADDITION= 169.3 SQ FT
REQUIRED MINIMUM TOTAL NET FREE AREA= 1.06 SQ FT (AT 1/150 SF)
ACTUAL MINIMUM NET FREE AREA= 1.11 SQ FT
ROOF VENT: 1 VENT AT .35 SQ FT / VENT = 0.35 SQ FT
EAVE VENT: 4 VENTS AT .19 SQ FT / VENT = 0.76 SQ FT (2 VENTS PER SIDE)

REQUIRED MINIMUM TOTAL NET FREE AREA
1 / 150 OF THE ATTIC AREA TO BE VENTILATED OR 1 / 300 IF A MINIMUM OF 50% AND A MAXIMUM OF 80% OF THE REQUIRED VENTING IS LOCATED 3' ABOVE THE EAVE OR CORNICE VENT (PER IRC 2006 ~ SECTION R806.2)

ROOF VENT SPECIFICATIONS:
RIDGE VENTS: SHINGLE VENT II AS MFGR BY AIR VENT, INC. (OR EQUAL) WITH 18" NET FREE AREA PER LINEAL FOOT.

NON-POWERED ROOF VENT: AIR STREAM SQUARE METAL ROOF VENTS AIR VENT, INC. (OR EQUAL) WITH MINIMUM OF 50 SQ IN (0.35 SQ FT) OF NET FREE AREA PER VENT.

EAVE VENT: 16" x 4" ALUMINUM UNDER EAVE VENT AS MFGR BY AIR VENT, INC. (OR EQUAL) WITH MINIMUM OF 28 SQ IN (0.19 SQ FT) OF NET FREE AREA PER VENT.



NOTE:

MATCH TOP OF NEW AND EXISTING SUBFLOOR

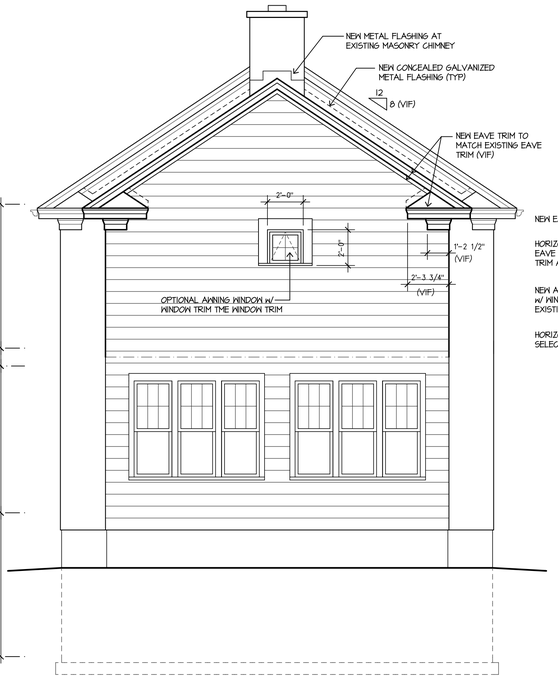
MATCH TOP OF NEW AND EXISTING TOP PLATE

MATCH TOP OF NEW AND EXISTING FASCIA

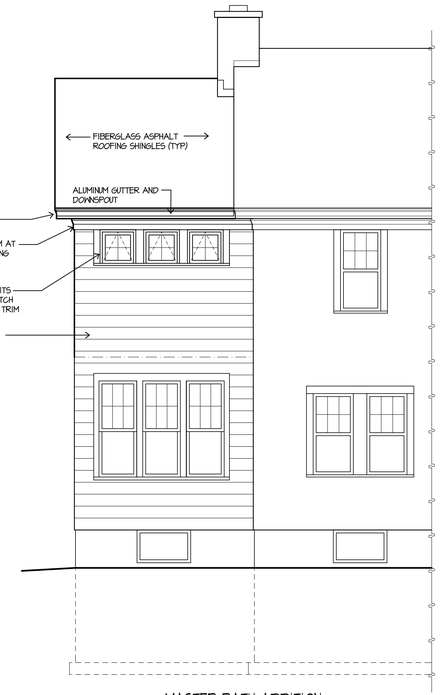
VERIFY ALL CONDITIONS IN THE FIELD

MASTER BATH ADDITION
6 / A2 WALL SECTION
SCALE: 3/4" = 1'-0"

MASTER BATH ADDITION
5 / A2 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



MASTER BATH ADDITION
4 / A2 EAST ELEVATION
SCALE: 1/4" = 1'-0"



MASTER BATH ADDITION
3 / A2 NORTH ELEVATION
SCALE: 1/4" = 1'-0"

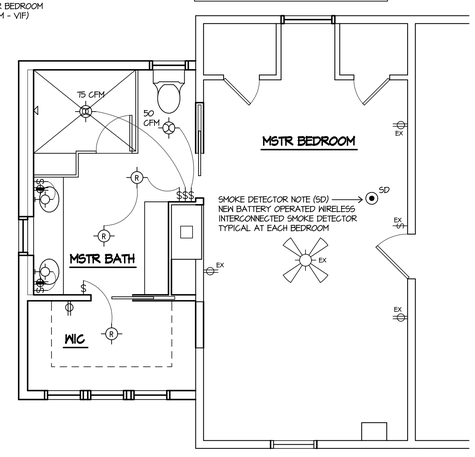
GENERAL FRAMING NOTES:

1. ALL ROOF RAFTERS SHALL BE SPRUCE-PINE-FIR (CANADIAN) NO. 2 UNLESS NOTED OTHERWISE ON THE ROOF AND FLOOR PLANS.
2. ALL CEILING JOISTS SHALL BE SPRUCE-PINE-FIR (CANADIAN) NO. 2 UNLESS NOTED OTHERWISE ON THE ROOF AND FLOOR PLANS.
3. ALL FLOOR JOISTS SHALL BE SPRUCE-PINE-FIR (CANADIAN) NO. 2 UNLESS NOTED OTHERWISE ON THE ROOF AND FLOOR PLANS.
4. THE MINIMUM HEADER SIZE AT ALL OPENINGS SHALL BE: TWO (2) 2 x 8 HEADERS, SPRUCE-PINE-FIR (CANADIAN) NO. 2 W/ TWO (2) 2x4 WOOD POSTS AT EACH END UNLESS NOTED OTHERWISE ON THE FLOOR PLANS. NOTE: PROVIDE 2x6 WOOD POSTS AT ALL HEADERS AND BEAMS IN 2x6 WOOD FRAME WALLS. SEE FLOOR PLANS.
5. PROVIDE "SIMPSON" JOIST HANGERS (OR EQUAL) AT ALL FLUSH HEADERS. SEE FLOOR PLANS.
6. PROVIDE SOLID WOOD BLOCKING UNDERNEATH ALL POST LOADS TO FOUNDATION WALL OR SUPPORTING STRUCTURE BELOW.

LIGHT & VENT SCHEDULE

ROOM NAME	FLOOR AREA (SQ FT)	GLASS AREA (SQ FT)		VENTILATION			
				NATURAL (SQ FT)		MECH'L (CFM)	
		REQ'D	ACTUAL	REQ'D	ACTUAL	REQ'D	ACTUAL
FIRST FLOOR							
EX MASTER BEDROOM	239.5	19.16	19.53	9.58	10.58	---	---
NEW MASTER BATH	106.1	---	4.32	---	5.1	107	125

NOTE: VERIFY THAT THE EXISTING RESIDENCE COMPLYS WITH ALL CODES AND LOCAL ORDINANCES REGARDING THE INSTALLATION OF SMOKE AND CARBON MONOXIDE DETECTORS. SMOKE DETECTORS SHALL BE LOCATED ON EACH FLOOR OF THE RESIDENCE, IN ALL SLEEPING ROOMS, AND IN HALLWAYS WITHIN 15' OF ALL SLEEPING ROOMS. A CARBON MONOXIDE DETECTOR SHALL BE LOCATED WITHIN 15' OF EVERY ROOM USED FOR SLEEPING PURPOSES.



MASTER BATH ELECTRICAL PLAN
2 / A2 SECOND FLOOR
SCALE: 1/4" = 1'-0"

ELECTRICAL LEGEND

- WALL MTD INCANDESCENT LIGHT FIXTURE
- INCANDESCENT LIGHT FIXTURE
- RECESSED LIGHT FIXTURE PROVIDE DIMMER AT SWITCH
- EXHAUST FAN / LIGHT PROVIDE SEPARATE SWITCH FOR LIGHT AND SEPARATE SWITCH FOR EXHAUST FAN
- CEILING FAN / LIGHT
- DUPLEX RECEPTACLE
- DUPLEX RECEPTACLE AT 42" A.F.F.
- G.F.I. RECEPTACLE
- G.F.I. RECEPTACLE AT 42" A.F.F.
- SD SMOKE DETECTOR SEE NOTE ON ELECTRICAL PLAN
- LIGHT SWITCH

ELECTRICAL NOTES:

PROVIDE DIMMER SWITCH AT ALL RECESSED LIGHT FIXTURE LIGHT SWITCHES.

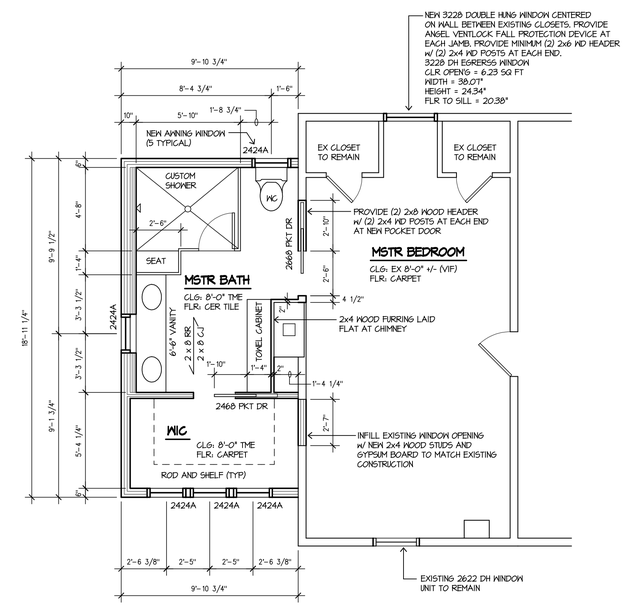
ALL OUTLETS WITHIN KITCHENS, COUNTERS WITH A SINK, BASEMENTS, GARAGES, AND AT THE EXTERIOR SHALL BE GFCI PROTECTED.

RECESSED LUMINAIRES SHALL BE SEALED TO LIMIT AIR LEAKAGE BETWEEN CONDITIONED AND UNCONDITIONED SPACES. ALL RECESSED LUMINAIRES SHALL BE IC-RATED AND LABELED AS MEETING ASTM E 283. ALL RECESSED LUMINAIRES SHALL BE SEALED WITH A GASKET OR CAULK BETWEEN THE HOUSING AND THE INTERIOR WALL OR CEILING COVERING.

PER THE 2015 IECG SECTION R404.1 (LIGHTING EQUIPMENT) A MINIMUM OF 75% OF THE LAMPS IN PERMANENTLY INSTALLED LIGHTING FIXTURES SHALL BE HIGH EFFICACY LAMPS OR A MINIMUM OF 75% OF THE PERMANENTLY INSTALLED LIGHTING FIXTURES SHALL CONTAIN ONLY HIGH EFFICACY LAMPS.

HIGH EFFICACY LAMPS ARE: COMPACT FLUORESCENT, T-8 OR SMALLER DIAMETER LINEAR FLUORESCENT LAMPS, OR LAMPS WITH A MINIMUM EFFICACY OF 60 LUMENS PER WATT FOR LAMPS OVER 40 WATTS, OR 50 LUMENS PER WATT FOR LAMPS OVER 15 WATTS TO 40 WATTS, OR 40 LUMENS PER WATT FOR LAMPS 15 WATTS OR LESS.

EXHAUST DUCTS FOR ALL EXHAUST FANS ARE TO BE INSULATED AND ARE TO TERMINATE DIRECTLY TO THE EXTERIOR.



MASTER BATH ADDITION PLAN
1 / A2 SECOND FLOOR
SCALE: 1/4" = 1'-0"

Gregory A. Norris Architect
437 South Van Buren Street
Batavia, IL 60510-2751
630 - 336- 4368
ganarchitect@aol.com
IL License No.: 001-011764

A NEW SECOND FLOOR MASTER BATH ADDITION FOR:

SPILLANE & SON'S

Project Location:
514 Main Street
Batavia, IL 60510

General Contractor
Spillane & Son's Builidng and Remodeling
253 Trudy Court
Batavia, IL 60510

ph: 630-688-4479
fax: 630-879-6218

REVISIONS

Gregory A. Norris, Architect
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ISSUE DATE: April 5, 2016
DRAWN BY: GAN
FILENAME: Spillane 514 Main CD's
GAN JOB No.: GAN 2016-08
ADDITION PLANS, ADDITION ELEVATIONS AND WALL SECTION
SHEET NO. : A-2 OF 2

CITY OF BATAVIA

DATE: **April 28, 2016**

TO: **Plan Commission**

FROM: **Drew Rackow, AICP, Planner**

SUBJECT: **PUBLIC HEARING:** Amendment to the Official Zoning Map from LI, Limited Industrial to R2, Two Family Residence District
Northeast Corner of South Mallory Street and First Street
City of Batavia, Applicant

Background

A public hearing is scheduled for the May 4th Plan Commission meeting to review a proposed Zoning Map amendment for parcels located at the northeast corner of South Mallory Street and First Street. The two parcels at this location are part of the West Town Tax Increment Finance District (TIF 4), which was approved in January. The parcels were designated on the Comprehensive Plan for Residential >3.5-5 Dwelling Units per Acre. The City is taking action to rezone the property, with the consent of the property owner to place the parcel in a Zoning District that complies with the Comprehensive Plan.

From 1992 to 2010 the parcel was zoned R4-Two Family Residential use for a proposed project called Mallory Place that did not come to fruition. In 2010 it was zoned LI-Limited Industrial with the adoption of the Zoning Code. This change was to place the shared holdings back in one zoning district. The two parcels are approximately 0.42 acres.

The proposed amendments would reclassify these properties from the zoning designation of LI, Limited Industrial to R2, Two Family Residential. The change is not to facilitate any particular development proposal. Properties to the north are zoned R1-H, Single Family Residential High Density. Properties to the east and south are zoned LI, Limited Industrial. Properties to the west are zoned R2, Two Family Residential.

Staff Analysis

The proposed Zoning Map amendment would conform to the Comprehensive Plan and would match the adjacent zoning district to the west, and the previous development approval for this parcel. The classification would reduce the amount of industrially zoned property in West Town that could lead to more residential development, one of the underlying objectives in the Comprehensive Plan's West Town Focus Area Plan.

The present undeveloped status of the parcel would not change. Additional development approvals, such as Design Review would be required for any development proposal, with similar notice requirements. The parcels would meet the non-conforming standard for lot area for existing lots at approximately 9,110 square feet rather than 10,000 square feet required for new lots. The change would limit future development of the property to residential uses (either single or two family residential), which in turn would increase required setbacks and limit future building height comparatively to the present industrial designation.

Conformance to the Comprehensive Plan

Staff has reviewed the proposed change for its conformance with the Comprehensive Plan and believes that several Goals and Policies are met with this change. Chiefly, this most directly advances Land Use Element Goal 7 to *"Redevelop obsolete industrial areas as mixed-use developments compatible with neighborhood character"*, through Policy a. *"Plan for adaptive reuse and redevelopment of older*

industrial areas". The proposed change would take an obsolete industrial parcel and place it in a district appropriate for redevelopment.

The change is also consistent with Goal 1 of the West Town Area Plan *"Establish land uses that are compatible with proximate existing uses to create a vibrant West Town, in accordance with the West Town Land Use Map."* This goal is met through policy c which states the City should *"Seek redevelopment of obsolete industrial properties to provide mixed residential/commercial uses that support area residents and each other"*. The proposed change would create an appropriate transition and lower the overall intensity of the use of these parcels. Under the LI district, uses on the property could be less harmonious with the nearby residential uses. The proposed district would create uses and intensity of uses that are consistent with the surrounding neighborhood and the Comprehensive Plan.

Findings

The Plan Commission must review and approve the following Findings with a Zoning Map Amendment. Staff provides the following evaluation of the Findings for the Commission to consider.

Public Notice. All required public notice has been conducted in accordance with applicable state and local laws;

> **Finding:** City staff executed the notice mailing and posting of the property pursuant to City Code. Notice was published in the Daily Herald on April 19, 2016. Sign posting and mailing also occurred on this date.

Public Meetings and Hearings. All required public meetings and hearings have been held in accordance with applicable state and local laws.

> **Finding:** The Plan Commission on May 4, 2016 conducted a public hearing in accordance with state and local law.

Conformance to the Comprehensive Plan. The extent to which the proposed amendment to the Official Zoning Map conforms generally to the goals and policies of the Comprehensive Plan and Comprehensive Plan Land Use Map.

> **Finding**: The proposed amendment to the Zoning Map is consistent with several goals and policies of the Comprehensive Plan, by placing the property in a zoning category consistent with the Comprehensive Plan Land Use map. The proposed change would allow for uses more consistent with the existing residential character and future uses identified in the Comprehensive Plan and Focus Area Plan for West Town.

Review of Conditions.

1. Is the proposed zoning district and the development it allows compatible with the existing uses and zoning of nearby property?

   Finding: The R2 district would allow land uses and structures similar to that in the adjoining, identical zoning district to the west. It would also be an appropriate transitional zoning district from the single family to the north to the more intense mixed use or commercial uses intended for development to the south, or the industrial properties currently present.

2. Is there evidence to suggest that property values will be diminished by the particular zoning restriction changes?

Finding: There is no evidence to suggest that property values will be diminished by the restriction. There should be no diminishment as the property currently allows industrial use by right. The proposed Zoning District will decrease the intensity of uses allowed. The property's owner has not submitted evidence to the contrary and has stated to staff that they support the proposed zoning change.

3. If any property values are diminished, does the diminishment promote the health, safety, morals, or general welfare of the public?

   Finding: While there is no diminishment, the health, safety, morals and general welfare will be promoted by placing the properties under a Zoning District that would reduce the potential for future industrial use and be more consistent with adjacent residential use.

4. Does the proposed zoning change provide a greater relative gain to the public as compared to the hardship imposed on the individual property owner?

   Finding: The zoning change will provide greater gain to the general public by placing use allowances and limitations on the property that are compatible with adjacent properties. The property owner would not be severely impacted as the parcels would still have development potential, consistent with previously considered development of the property.

5. Is the subject property is suitable for the zoned purpose?

   Finding: The properties are suitable for the zoned purpose and consistent with adjacent zoning districts.

6. Has the length of time the property has been vacant as zoned been excessive, considering the context of land development in the area in the vicinity of the subject property?

   Finding: The properties have been vacant as industrial property since 2010 with no plans for development. Adjoining residential property has been developed and used for such purpose. Adjacent vacant industrial land to the south has not seen the re-establishment of an industrial use since a fire on March 5, 2014, with subsequent building demolition permits being issued in November of that year.

7. Is there a community need for the proposed zoning or use?

   Finding: There is little vacant R2 designated property in the City at present.

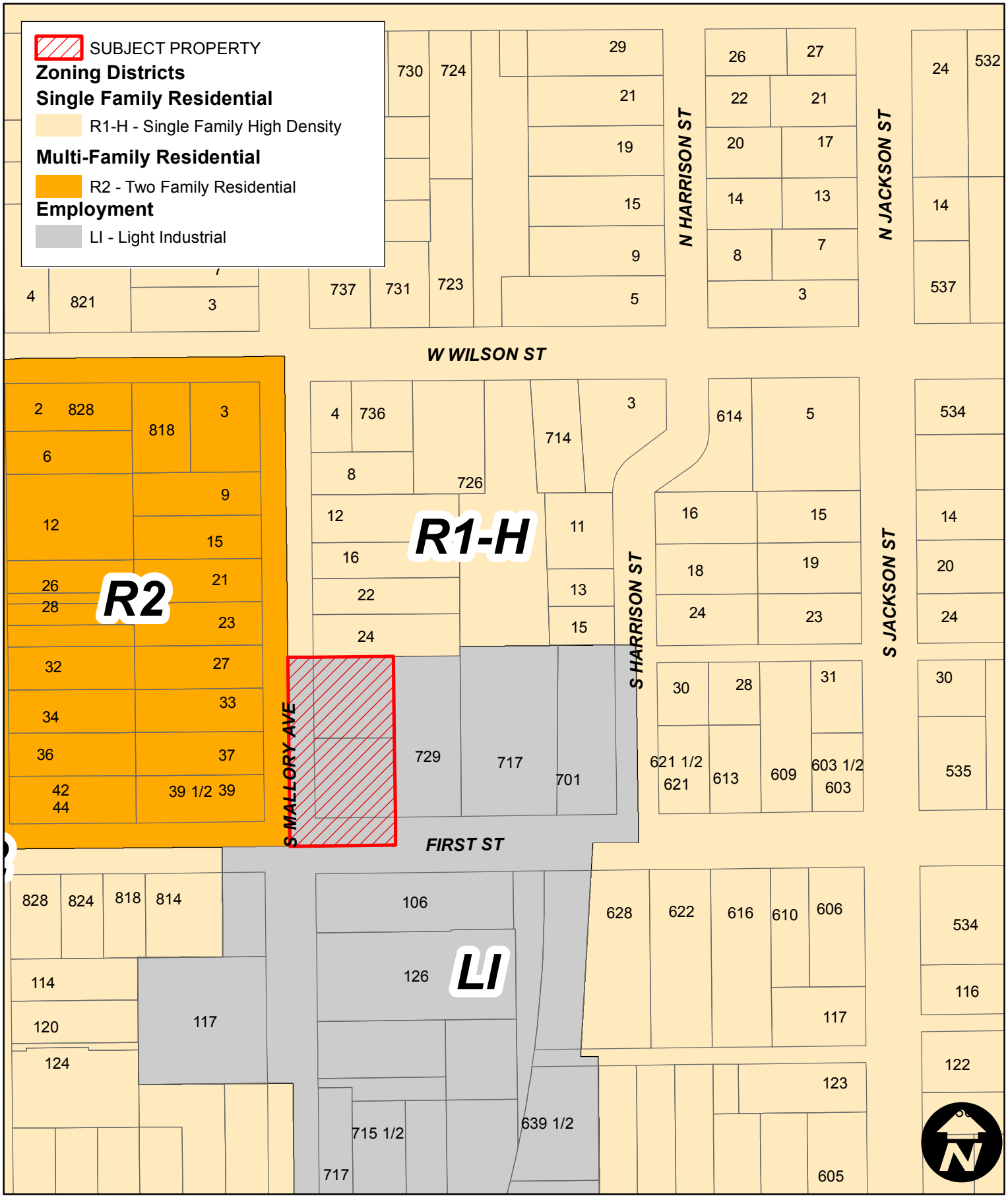
<u>Staff Recommendation</u>

Staff recommends the Plan Commission take the following actions:

1. Open and conduct a public hearing for the proposed Zoning Map Amendment.
2. Approve Findings for Approval for a Zoning Map Amendment.
3. Recommend approval of a Zoning Map Amendment to reclassify the subject property from LI, Limited Industrial District to R2, Two Family Residential District.

Attachment: Zoning Map Exhibit

Cc: Mayor and City Council
Media



Maps and data provided by the City of Batavia are not intended to have, nor do they have, the accuracy of surveys or legal descriptions of land areas. GIS data obtained from the City of Batavia is intended for representational use only. Reliance on such maps and data is at the risk of the recipient. This information, in either electronic or map form, is provided "as is." No warranty expressed or implied is made regarding the accuracy, timeliness, or completeness of the data, nor shall the act of distribution constitute any such warranty. This disclaimer applies both to individual use of the data and aggregate use with other data.

BATAVIA Since 1833 CITY OF ENERGY

Zoning Map Amendment
First St and Mallory Ave

0 25 50 100 Feet

SOURCE: BATGIS, KANEGIS DATE: 4/18/2016

CITY OF BATAVIA

DATE: **April 28, 2016**

TO: **Plan Commission & Zoning Board of Appeals**

FROM: **Drew Rackow AICP, Planner**

SUBJECT: **Plan Commission & Zoning Board of Appeals Bylaws**

At the April 20th Plan Commission and Zoning Board of Appeals meeting staff indicated that the biannual election of officers was coming up and inquired if the PC and ZBA would like to consider amending their bylaws to allow for the re-election of officers. It was the consensus of the PC and ZBA to allow for the re-election of officers with a term limitation of three consecutive terms.

Upon review of the Zoning Code, Chapter 5.104.A does specify the election of officers. This section will need to be amended to implement the consensus of the Commission. The modification of the bylaws must be contingent on this medication occurring.

Attached is a draft of amended bylaws. The proposed amendment is in Section I.B.1 of each document. Consideration of amending these bylaws is on the Plan Commission and Zoning Board of Appeals' agendas for the May 4th meeting.

Staff Recommendation

Staff recommends the Commission adopt its bylaws with the proposed amendment, with amendment of the Zoning Board of Appeals Bylaws being contingent on modification of the Zoning Code Section 5.104.A.

Attachments: Plan Commission Bylaws
Zoning Board of Appeals Bylaws

c Mayor and City Council
Department Heads
Media

CITY OF BATAVIA PLAN COMMISSION
BYLAWS

Adopted ~~August 21, 2013~~ May 4, 2016

I. ORGANIZATION AND RESPONSIBILITIES

A. Plan Commission

1. Organization. The Plan Commission consists of seven (7) members appointed by the Mayor with the advice and consent of the City Council.

2. Responsibilities. The Plan Commission shall have such powers and duties as enumerated in Zoning Code Section 5.103.C.

B. Officers

The Commission shall elect a Chair and Vice Chair every two years from among the Commissioners at the first meeting held after May 1st. The current Chair and Vice Chair will remain in office until the election.

1. The term of Chair and Vice Chair shall be two years, and may be re-elected to no more than three consecutive terms. ~~no Commissioner serving as Chair or Vice Chair shall be eligible for re-election.~~

2. The Vice Chair shall act as Chair in the Chair's absence. In the absence of the Chair and Vice Chair, the senior Commissioner based upon years of Commissionership shall act as Chair.

3. Any vacancy for Chair or Vice Chair shall be filled from the Commissionership by majority vote of the Commission. The term shall be for the remainder of the unexpired term of office.

4. The Chair shall preside at all meetings and hearings of the Commission, decide all points of order and procedure, and perform any duties required by law, ordinance, or these bylaws. The Chair shall have the right to vote on all matters before the Commission, and shall also have the right to make motions or second motions in the absence of either.

C. Staff

City staff shall furnish professional and technical advice and recommendations to the Plan Commission.

II. MEETINGS

A. General Meeting Procedure

1. Meetings shall be held on the first and third Wednesday, following the first Monday of the month, at 7 PM. Meetings shall be held in the Council Chambers of City Hall, 100 North Island Avenue, Batavia IL unless otherwise advertised in the notices required by law. If necessary, meetings may be held at different times or at different locations.

2. Meetings of the Commission shall be open to the public and the minutes of the proceedings, showing the vote of each Commissioner and records of its examinations and other official actions, shall be approved and filed with the City Clerk and kept as a public record.

3. Commissioners are expected to attend all meetings. If a Commissioner cannot attend a meeting for whatever reason, that Commissioner shall give prior notice to the City staff of the inability to attend.

4. Whenever a Commissioner has a conflict of interest in the subject matter of a pending application, the Commissioner shall disclose the conflict, step away from the dais and refrain from any and all discussion of the matter. When a Commissioner steps away from the dais, the clerk shall record in the minutes that the Commissioner is absent. If the Commissioner returns to the dais after the vote, the clerk shall note in the minutes that the Commissioner returned to the meeting.

5. If for any reason a Commission meeting must be cancelled, staff shall post a notice in a conspicuous place that can be seen by any person attempting to attend the meeting that all matters on the posted agenda are being continued to a date, time and place certain. All posted agendas shall be revised accordingly.

6. Meeting agendas shall be generally limited to two public hearings and all other matters of business will be scheduled at the discretion of staff. Review of applications that do not require Public Hearings will be limited by staff to assure for appropriate time to discuss all agenda matters.

B. Meeting Materials

Agendas and supporting material for all meetings shall be delivered to Commissioners and posted on the City's website at least 48 hours before every meeting.

C. Quorum

A majority of Commissioners currently appointed shall constitute a quorum for transacting business at any meeting.

D. Withdrawal of Request

An applicant may withdraw an application by giving notice to the staff prior to the meeting or by presentation to the Commission at a meeting.

E. Site Visits

City staff or the Commission may schedule a site visit as an agenda item for a meeting to view a property that is the subject of an application. The purpose of the visit is to gather information relevant to an application. The minutes shall include a record of the site visit. Commissioners may individually visit property which is the subject of an application at any time other than a scheduled meeting, provided that a majority of a quorum of the Commission is not present at the property at the same time.

III. ORDER OF BUSINESS

A. Procedure

1. The Chair shall call the meeting to order and the minutes clerk shall record the Commissioners present or absent. The Chair shall declare if a quorum is present.

2. If a public hearing has been scheduled for a meeting at which a quorum is not present, the meeting and public hearing shall be continued to a specific date, time and place.

3. The Chair shall call each matter of business in the order of the approved agenda, unless the order of the order of business is changed by action of the Commission.

B. The Chair shall generally conduct meetings under Robert's Rules of Order, as modified herein. The formalities of Robert's Rules of Order shall be considered waived if any action taken deviates from those formalities without objection from the Commission. A Commissioner may object to any deviation in formalities of Robert's Rules of Order at the time the action is taken before the next agenda item is called. When any provision in Robert's Rules is raised by a Commissioner for consideration, such provision may only be suspended or modified by majority vote of the Commission.

C. Applications Requiring a Public Hearing

1. Public Hearings shall be held when required by law to gather facts and information pertinent to the matter under consideration.

2. Multiple applications on the same project may be heard at a single Public Hearing. Each application shall be separately considered and voted upon by the Commission.

3. After opening the Public Hearing, the Chair shall, in the following order:

   a. Request a staff report and provide an opportunity for Commissioners to question staff.

   b. Invite the applicant to present the application, testimony and other information in support of the application that is relevant to the criteria the Commission must consider in making its determination.

   c. Invite Commissioners and staff to ask questions of the applicant.

   d. Invite all persons wishing to address the matter to:

      i. Ask questions of the staff, the applicant and any other person testifying; and

      ii. Present information and testimony that is relevant to the criteria the Commission must consider in making its determination.

4. All relevant evidence for consideration of the matter at hand shall be made part of the record. The Chair may exclude irrelevant or redundant testimony from the record.

5. The introduction of any new plans, facts or documentation by an applicant that was not submitted to staff for consideration prior to the hearing shall be grounds for continuation of the Public Hearing to allow the staff to review the material and to present an updated recommendation to the Commission.

6. If an applicant fails to appear, the Commission may conduct the hearing, continue the hearing to a date and time certain, or table the matter in the Commission's discretion, unless the applicant has submitted a request in writing at least 24 hours prior to the meeting that the Commission continue the hearing or conduct the hearing without the applicant being present. If a Public Hearing is conducted at which the applicant fails to

appear, the Commission may conduct the hearing and hear those persons requesting to speak to the application. The Commission may take action or continue the matter to a subsequent meeting.

7. Once the hearing has begun, all Commissioners must remain in the hearing room for the duration of the hearing. Commissioners shall request the Chair recess the hearing, and the hearing shall be recessed, before a Commissioner leaves the room. A Commissioner who is absent from any portion of a Public Hearing may not vote on the matter unless he or she has reviewed the minutes or the recording of any portion of the hearing from which he or she was absent. Prior to voting the Commissioner who was absent must state that he or she is familiar with the record before voting. The vote of a Commissioner who was absent for all or a portion of a hearing who has not stated the he or she is familiar with the record will be counted as an abstention.

8. Any interested persons may speak to the issue under consideration, after being recognized by the Chair, signing the speakers' roster, and stating their name and address, and if applicable, the names of persons on whose behalf they are appearing.

9. The Chair may limit testimony to avoid repetitious or irrelevant evidence.

10. By majority vote, the Commission may continue a hearing if it concludes that additional information or time for study is necessary. If a hearing is not continued to a date, time and place certain, or if it is tabled, the subject of the hearing shall not be considered again until new notice is published and given as required by law.

11. When the Commission determines that no additional information is necessary to reach a decision, and all persons wishing to speak have been heard, the Public Hearing shall be closed. A public hearing shall be closed by an approved motion.

D. Applications Not Requiring a Public Hearing

1. Multiple applications for a project may be heard simultaneously. Each application shall be separately considered and voted upon by the Commission.

2. After calling the agenda item, the Chair shall, in the following order:

   a. Request a staff report and provide an opportunity for Commissioners to question staff.

b. Invite the applicant to present the application, information in support of the application that is relevant to the criteria the Commission must consider in making its determination.

c. Invite Commissioners and staff to ask questions of the applicant.

d. At the Chair's discretion, persons in attendance may:

i. Ask questions of the staff, the applicant and any other persons speaking; and

ii. Present information that is relevant to the application under consideration.

3. All relevant information for consideration of the matter at hand shall be made part of the record. The Chair may exclude irrelevant or redundant information from the record.

4. The introduction of any new plans, facts or documentation by an applicant that was not submitted to staff for consideration prior to the meeting shall be grounds for continuation of the matter to allow the staff to review the material and to present an updated recommendation to the Commission.

5. If an applicant fails to appear, the Commission may call the agenda item, continue the item to a date and time certain, or table the matter, in the Commission's discretion, unless the applicant has submitted a request in writing at least 24 hours prior to the meeting that the Commission continue the matter or call the matter without the applicant being present. If a matter is reviewed at which the applicant fails to appear, the Commission may conduct the matter. The Commission may take action or continue the matter to a subsequent meeting.

6. Any interested persons may speak to the issue under consideration after being recognized by the Chair and stating their name and address, and, if applicable, the names of persons on whose behalf they are appearing.

7. The Chair may limit the presentation of information to avoid repetitious or irrelevant information.

8. By majority vote, the Commission may continue the matter if it concludes that additional information or time for study is necessary. If a matter is not continued to a date, time and place certain, or if it is tabled, the subject of the matter shall not be considered again until new notice is published and given as required by the Zoning Code.

E. Deliberation & Voting on Applications

1. Commencement of deliberations:

   a. Public Hearing. The Commission may begin deliberation before or after the public hearing is closed, at the Commission's discretion.

   b. Other Matters. The Commission may begin deliberation at any time.

2. Prior to voting, the Commission may discuss and attempt to reach a consensus on each individual request.

3. Findings for Design Review and applications requiring Public Hearings:

   a. If there is no consensus on the draft Findings, the Chair may call for a non-binding poll to enable staff to prepare revised Findings. The Commission shall continue the matter to be to a future meeting, with or without continuation of the public hearing, for preparation of revised Findings.

   b. Prior to voting on the application, the Commission shall vote on all Findings necessary to meet the criteria for each request.

   c. After the consideration of Findings, the Commission shall vote on the application. The Commission may include recommended conditions in the motion for action on an application before voting on the application itself.

   d. The Commission may recommend approval, approval with conditions, or denial of each application.

4. Appeals: The Commission shall uphold, reverse, or modify the decision of the administrative official.

5. Any motion may be approved by a majority vote of those Commissioners present and voting. A tie vote on a motion shall be recorded as a denial or recommendation for denial.

F. Reconsideration

1. Before the next agenda item is called, a Commissioner who voted on the prevailing side of any action may make a motion for reconsideration of that action.

2. An applicant, appellant, or any Commissioner may request reconsideration of any action taken at the preceding meeting by notifying the Community Development Department in writing at least four working days prior to the next meeting.

3. In the case of a tie vote, any Commissioner may make a motion for reconsideration of that matter before the next agenda item is called. A successful motion to reconsider a tie vote will permit the matter to be discussed and acted upon at that time.

4. If a timely request for reconsideration is received, the reconsideration will be included on the agenda for the next meeting.

5. Only a Commissioner who voted with the majority may make a motion for reconsideration of any matter for which a prior motion resulted in something other than a tie vote.

6. Any Commissioner may second a motion for reconsideration, regardless of which side he or she voted on.

7. If a motion for reconsideration passes, the matter shall be considered undetermined until a new motion is made and vote is taken. The Commission may continue the discussion of the matter following approval of the motion for reconsideration or table it for future discussion. No action on the matter to be reconsidered shall be taken unless the matter is listed on an agenda for action and all required notification has taken place.

8. If new information is to be presented on a matter, for which public notice is required, and discussion on the matter has been concluded, new public notice must be given, as required by law.

G. Recommendation to City Council

The Community Development Director shall forward in writing to the Community Development Committee a complete and accurate summary of the Commission's recommendations and if required, Findings, for the Committee's recommendation to the City Council. The Director shall prepare a draft Ordinance, when necessary, incorporating the above Findings and recommendations.

IV. AMENDMENTS

These bylaws may be amended by majority vote at any meeting of the Commission, provided that intent to amend the bylaws has been listed on the agenda.

CITY OF BATAVIA ZONING BOARD OF APPEALS
BYLAWS

Adopted ~~June 6, 2012~~May 4, 2016

I. ORGANIZATION AND RESPONSIBILITIES

A. Board

1. Organization. (Zoning Code Section 5.104) The Zoning Board of Appeals consists of seven members of the Plan Commission appointed by the Mayor with the advice and consent of the City Council.

2. Responsibilities

   a. Variances. (Section 5.104.D.1) The Board shall approve Findings of Fact and make recommendations to the City Council, based on the facts and evidence in the public record relating only to the specific variance requested. Board Members are expected to study the agenda packet and visit the project site in preparation for the Public Hearing.

   b. Appeals. (Section 5.104.D.2) The Board shall hear and decide appeals from decisions, determinations, and interpretations made by the Planning and Zoning Officer and Community Development Director in the administration and enforcement of the Zoning Code.

B. Officers

The Board shall elect a Chair and Vice Chair every two years from among the members at the first meeting held after May 1st. The current Chair and Vice Chair will remain in office until the election.

1. The term of Chair and Vice Chair shall be two years, and may be re-elected to no more than three consecutive terms. ~~and no member serving as Chair or Vice Chair shall be eligible for re-election~~.

2. The Vice Chair shall act as Chair in the Chair's absence. In the absence of the Chair and Vice Chair, the senior member based upon years of membership shall act as Chair.

3. Any vacancy for Chair or Vice Chair shall be filled from the Board membership by majority vote of the Board. The term shall be for the remainder of the unexpired term of office.

4. The Chair shall preside at all meetings and hearings of the Board, decide all points of order and procedure, and perform any duties required by law, ordinance, or these bylaws. The Chair shall have the right to vote on all matters before the Board, and shall also have the right to make motions or second motions in the absence of either.

C. Staff

City staff shall furnish professional and technical advice and recommendations to the Zoning Board of Appeals.

II. MEETINGS

A. General Meeting Procedure

1. Meetings shall be held as needed. Meetings of the Board shall be held in the Council Chambers of City Hall, 100 North Island Avenue, Batavia IL unless otherwise advertised in the notices required by law. If necessary or appropriate, meetings may be held at different times or at different locations.

2. Meetings of the Board shall be open to the public and the minutes of the proceedings, showing the vote of each member and records of its examinations and other official actions, shall be approved and filed with the City Clerk and kept as a public record.

3. Board members are expected to attend all meetings. If a member cannot attend a meeting for whatever reason, that member shall give prior notice to the City staff of the inability to attend.

4. Whenever a member has a conflict of interest in the subject matter of a pending application, the member shall disclose the conflict, step away from the dais and refrain from any and all discussion of the matter. When a member steps away from the dais, the clerk shall record in the minutes that the member is absent. If the member returns to the dais after the vote, the clerk shall note in the minutes that the member returned to the meeting.

5. Meeting agendas shall be generally limited to two public hearings and all other matters of business will be scheduled at the discretion of staff.

B. Meeting Materials

Agendas and supporting material for all meetings shall be delivered to Board Members and posted on the City's website at least 48 hours before every meeting.

C. Quorum

A majority of Board members currently appointed shall constitute a quorum for transacting business at any meeting.

D. Withdrawal of Request

An applicant may withdraw an application by giving notice to the staff prior to the meeting or by presentation to the Board at a meeting.

E. Site Visits

City staff or the Board may schedule a site visit as an agenda item for a meeting to view a property that is the subject of an application. The purpose of the visit is to gather information relevant to an application. The minutes shall include a record of the site visit. Members may individually visit property which is the subject of an application at any time other than a scheduled meeting, provided that a majority of a quorum of the Board is not present at the property at the same time.

III. ORDER OF BUSINESS

A. Procedure

1. The Chair shall call the meeting to order and the minutes clerk shall record the members present or absent. The Chair shall declare if a quorum is present.

2. If a public hearing has been scheduled for a meeting at which a quorum is not present, the meeting and public hearing shall be continued to a specific date, time and place.

3. The Chair shall call each matter of business in the order of the approved agenda, unless the order of the order of business is changed by action of the Board.

   The Chair shall generally conduct meetings under Robert's Rules of Order, as modified herein. The formalities of Robert's Rules of Order shall be considered waived if any action taken deviates from those formalities without objection from the Board. A Board member may object to any deviation in formalities of Robert's Rules of Order at the time the action is taken before the next agenda item is called. When any provision in

Robert's Rules is raised by a Board member for consideration, such provision may only be suspended or modified by majority vote of the Board.

B. Public Hearing Conduct

1. Public Hearings shall be held when required by law to gather facts and information pertinent to the matter under consideration.

2. Multiple variance requests on the same project may be heard at a single Public Hearing; each Variance shall be separately considered and voted upon by the Board.

3. Multiple appeals on the same project may be heard at a single Public Hearing; each appeal shall be separately considered and voted upon by the Board.

4. After opening the Public Hearing, the Chair shall, in the following order:
   a. Request a staff report and provide an opportunity for members to question staff.

   b. Invite the applicant to present the application, testimony and other information in support of the application that is relevant to the criteria the Board must consider in making its determination.

   c. Invite members and the staff to ask questions of the applicant.

   d. Invite all persons wishing to address the matter to:
      i. Ask questions of the staff, the applicant and any other person testifying; and

      ii. Present information and testimony that is relevant to the criteria the Board must consider in making its determination.

5. All relevant evidence for consideration of the matter at hand shall be made part of the record. The Chair may exclude irrelevant or redundant testimony from the record.

6. The introduction of any new plans, facts or documentation by an applicant that was not submitted to staff for consideration prior to the hearing, shall be grounds for continuation of the Public Hearing to allow the staff to review the material and to present an updated recommendation to the Board.

7. If an applicant fails to appear, the Board may conduct the hearing, continue the hearing to a date and time certain, or table the matter in the Board's discretion, unless the applicant has submitted a request in writing at least 24 hours prior to the meeting that the Board continue the hearing or conduct the hearing without the applicant being present. If a Public Hearing is conducted at which the applicant fails to appear, the Board may conduct the hearing and hear those persons requesting to speak to the application. The Board may take action or continue the matter to a subsequent meeting.

8. If for any reason a Board meeting must be cancelled, staff shall post a notice in a conspicuous place that can be seen by any person attending the meeting that all matters on the posted agenda are being continued to a date, time and place certain. All posted agendas shall be revised accordingly.

9. Once the hearing has begun, all members must remain in the hearing room for the duration of the hearing. Members shall request the Chair recess the hearing, and the hearing shall be recessed, before a member leaves the room. A member who is absent from any portion of a Public Hearing may not vote on the matter unless he or she has reviewed the minutes or the recording of any portion of the hearing from which he or she was absent. Prior to voting the member who was absent must state that he or she is familiar with the record before voting. [KGD1] The vote of a member who was absent for all or a portion of a hearing who has not stated the he or she is familiar with the record will be counted as an abstention.

10. Any interested persons may speak to the issue under consideration, after being recognized by the Chair, signing the speakers' roster, and stating their name and address, and if applicable, the names of persons on whose behalf they are appearing.

11. The Chair may limit testimony to avoid repetitious or irrelevant evidence.

12. By majority vote, the Board may continue a hearing if it concludes that additional information or time for study is necessary. If a hearing is not continued to a date, time and place certain, or if it is tabled, the subject of the hearing shall not be considered again until new notice is published and given as required by law.

13. When the Board determines that no additional information is necessary to reach a decision, , and all persons wishing to speak have been heard, the Public Hearing shall be closed. A public hearing shall be closed by an approved motion.

C. Deliberation & Voting

1. The Board may begin deliberation before or after the public hearing is closed, at the Board's discretion.

2. Prior to voting, the Board may discuss and attempt to reach a consensus on each individual request.

3. Variances

   a. If there is no consensus on the draft Findings of Fact, [KGD2]the Chair may call for a non-binding, straw poll to enable staff to prepare revised Findings of Fact. The Board shall continue the matter to be to a future meeting, with or without continuation of the public hearing, for preparation of revised findings.

   b. The Board shall vote on all Findings of Fact necessary to meet the criteria for each Variance request prior to voting on the request itself. If the Board does not find in the affirmative for each of the required Findings of Fact, the Board's action shall be recorded as a unanimous recommendation for denial. If the Board finds in the affirmative for each of the required Findings of Fact, the Board shall proceed to vote on the request itself. The Board may include recommended conditions in the motion for action on a Variance before voting on the Variance application itself.

   c. The Board may recommend approval, approval with conditions, or denial of each request.

4. Appeals: The Board shall uphold, reverse, or modify the decision of the administrative official.

5. Any motion may be approved by a majority vote of those Board members present and voting. A tie vote on a motion to approve a recommendation shall be recorded as a denial or recommendation for denial.

D. Reconsideration

1. Before the next agenda item is called, a member of the Board who voted on the prevailing side of any action may make a motion for reconsideration of that action.

2. An applicant, appellant, or any member of the Board may request reconsideration of any action taken at the preceding meeting by notifying

the Community Development Department in writing at least four working days prior to the next meeting.

3. In the case of a tie vote, any member may make a motion for reconsideration of that matter before the next agenda item is called. A successful motion to reconsider a tie vote will permit the matter to be discussed and acted upon at that time.

4. If a timely request for reconsideration is received, the reconsideration will be included on the agenda for the next meeting.

5. Only a member who voted with the majority may make a motion for reconsideration of any matter for which a prior motion resulted in something other than a tie vote.

6. Any member may second a motion for reconsideration, regardless of which side he or she voted on.

7. If a motion for reconsideration passes, the matter shall be considered undetermined until a new motion is made and vote is taken. The Board may continue the discussion of the matter following approval of the motion for reconsideration or table it for future discussion. No action on the matter to be reconsidered shall be taken unless the matter is listed on the agenda for action and all required notification has taken place.

8. If new information is to be presented on a matter for which a public hearing has been concluded, a new public hearing must be scheduled and notice given as required by law.

E. Recommendation to City Council

The Community Development Director shall forward in writing to the Community Development Committee a complete and accurate summary of the Board's Findings and recommendations for the Committee's recommendation to the City Council. The Director shall prepare a draft Ordinance incorporating the above Findings and recommendations.

IV. AMENDMENTS

These bylaws may be amended by majority vote at any meeting of the Board, provided that intent to amend the bylaws has been listed on the agenda.

CITY OF BATAVIA

DATE: April 27, 2016

TO: Plan Commission and Zoning Board of Appeals

FROM: Joel Strassman, Planning and Zoning Officer

SUBJECT: **Election of Officers**

The agenda for the May 4th Plan Commission and Zoning Board of Appeals (ZBA) joint meeting includes an item for the election of officers for both bodies. According to the Bylaws for each body, elections are to be held during the first meeting that occurs after May 1st every other year. Both the Chair and Vice Chair serve two year terms. Elections would be conducted after the ZBA and Commission consider amendments to each one's Bylaws also to take place at the May 4th joint meeting.

Plan Commission

Section 2.1.5 of the Batavia City Code establishes that the Plan Commission's bylaws shall establish a procedure for the election of officers. With the expected amendment to the Commission's Bylaws to allow officers to serve consecutive terms, all Commissioners are eligible to serve as either Chair or Vice Chair.

The Commission shall solicit nominations for officer positions and then vote on each nominee for each position.

Zoning Board of Appeals

Requirements for the Election of Officers are established under State Statute and Section 5.104 of the Zoning Code. Section 5.104.A specifies that officers cannot succeed themselves. With the expected amendment to the Board's Bylaws to allow officers to serve consecutive terms, all Board members would be eligible to serve as either Chair or Vice Chair, pending an amendment to Zoning Code Section 5.104.A.

The ZBA may table its election of officers until after the Zoning Code is amended, or nominate and elect eligible officers for each position. ZBA member LaLonde cannot be nominated for Chair and member Schneider cannot be nominated for Vice Chair.

Staff notes that since Commission and ZBA meetings are often joint meetings, having the same persons serve as Chair and Vice Chair for both the Commission and ZBA would help meetings to run smoothly. With the ZBA tabling its officer elections until after the Zoning Code is amended, the current Chair and Vice Chair would continue in their respective capacities until the elections take place.

An agenda item has been set aside for the election of a Chair and Vice Chair for the Plan Commission and ZBA. Please be prepared to nominate and elect officers for the Commission and for the ZBA, or to table ZBA elections at the May 4th Plan Commission and Zoning Board joint meeting.

c Mayor and City Council
Department Heads
Media