



WINFIELD BOARD OF ZONING APPEALS MEETING MINUTES APRIL 8, 2021 @ 5:30PM

The Winfield Board of Zoning Appeals held their regularly scheduled meeting on Thursday, April 8, 2021 at the Winfield Town Hall at approximately 5:30 p.m. Those present: Jim Hajek, Mark Nelson, Sash Becvarovski, Austin Holtz, and Phil Metzger. Also present was Nick Bellar, Zoning and Planning Administrator; and Attorney Ryan Deutmeyer.

MINUTES: February 11, 2021

Jim Hajek made the motion to accept the minutes from the February 11, 2021 meeting. Sash Becvarovski seconded the motion, the motion carried with all in favor 5-0.

NEW BUSINESS

1. Public Hearing and Recommendation to the Town Council:

Docket BZA 2021-01 – Variance from Use

Owner: Tom Salkovski

Petitioner: Tom Salkovski

Vicinity: 11025 State St.

Request: Use Variance to permit soccer field use per Chapter 156 Zoning, Appendix A.

Dan Feltman from MECA engineering explained there was a typo in the legal description the last time that this had a Public Hearing. It has since been corrected and reviewed by the town's staff. They also modernized the legal description and did another plat of survey and changed where the point of commencement was in relation to a monument maintained by Lake County. Nick Bellar stated nothing has changed about the request and this Public Hearing was properly published and advertised. Sash Becvarovski stated since they heard from both parties already, he would like to make a motion. Nick Bellar stated they still have to hold the Public Hearing.

Mark Nelson opened the Public Hearing at 5:37p.m.

Terry Willie, 11188 State St., stated he lives three houses away and he never gets any notification for any of these Public Hearings despite living in the area. He thinks the town should revisit their policy on the distance for notifying residents, it does not seem that they take into account how people living outside of a subdivision are affected by these changes. A soccer field does impact their quality of life and will affect their property values. People will not want to live next to a soccer field they will move somewhere further down the road.

Shane Brazeal, 11260 State St., stated he is three lots past Terry, about a quarter of a mile away from the soccer field, and he can hear noise from the field clear as day. He moved out here for peace and quiet and it sounds like the soccer field is in his front yard. He believes the Board should take into consideration that noise pollution as well as the zoning to keep it AG; which seems like they are only doing so to pay lower property taxes. He does not see it as beneficial to any of the residents, the town, or the stable business in the area without requiring them to put in a fence.

Christine Moosemann, 1490 Happy Valley Rd., is concerned about safety of the horses from the children at the soccer field as well as the safety of the children from the soccer field that may come over to see the horses. She wants to know who will be held financially liable if a horse or a child were to get hurt. She explained this is a business that has trained many children over the years and houses expensive show horses. There is also a 4-H program that is run out of there. People who board their horses there might feel uncomfortable with having the noise and children from the soccer field so close stressing their horses and possibly injuring them, they will pull their horses out which will affect the revenue of this business that has been paying taxes since 1977. She boards her horse at this facility and these are her concerns, she wanted to make the Board aware of that.

Virginia Fox, 11001 State St., the noise and unpredictable nature of the children in the soccer field is concerning to her. She has nothing against soccer but she does not want it next to her horses. She does not want the noise to spook her horses which

could endanger her riders. They have not had many issues with the soccer field thanks to the buffer of the farm land between the properties but now they have purchased that farm land to make a soccer field which will play havoc with her home and business as well as other homes in the area. Her son suggested the petitioner could build a fence, and were told they should be the ones to build a fence. She does have fences that keep her horses in, she does not believe she should have to build a fence to keep out noise that has nothing to do with her business. Mrs. Fox reviewed some statements made from the last meeting which included the area being kept as a green space, and more kids coming so they could expand their soccer practice. This was said at several points during the meeting. Then someone stated they're weren't going to expand the number kids just use the field to rotate the use of fields for practices so they are not so hard to maintain. Now they are talking about increasing and increasing traffic, which will also affect dust in the area. They also mentioned this will add children to a non-profit, this is not a non-profit organization; the players pay to rent the fields. She stated there are too many discrepancies from what they've said in the forms they have filled out and believes they are trying to cover things up. She said this will totally disrupt her business, there have been horses on her property since 1973, they have only owned their land for two years and believes there should be some sort of grandfather clause.

Lisa Previs, 11280 State St., believes this will upset Mrs. Fox's business and her home. She wanted to made the Board aware that she is another neighbor with significant concerns about the traffic, there was already a new driveway put in and cars parked on the road. This will disrupt their quiet area and the Board should take into consideration this is an agricultural area and what this will do to it.

With no further comments, Mark Nelson closed the Public Hearing at 5:50p.m.

Mark Nelson questioned the statement on the cars parked on State Street and using that entrance. The petitioner stated he is doing some work, of which he has a permit for, and believes what they are referencing is the contractor parking their trucks and equipment. Mark stated they also talked about installing a gate at the last meeting. Nick Bellar said he had a list of conditions that were brought up at the last meeting. He listed the following, no lights are to be added without additional review by the Plan Commission, a gate is to be installed at the State Street entrance outside of the right of way, no access via State Street, practice use only no official games, upon sale use variance is revoked. Austin Holtz asked what is making the noise so loud, and if there was a speaker system on site. Mrs. Fox answered she does not think there is a speaker system but she can hear screaming from inside her barn. Terry Willie said he cannot sit in his front yard anymore because of the noise. Sash Becvaroski made the motion for a favorable recommendation to the Town Council for Docket BZA 2021-01, use variance to permit soccer field use per Chapter 156 Zoning, Appendix A, accepting the legal description changes including all conditions; no lights being added without additional review by the Plan Commission, a gate must be installed on the State Street entrance 10 feet outside of the Right of Way, no access allowed via State Street, the field be used for practices only, upon sale of the property, the use variance is revoked, and along with any conditions placed by the Plan Commission. Jim Hajek seconded the motion, the motion carried 4-1 with Austin Holtz voting against.

STAFF/ATTORNEY REPORT:

None.

With no further business before the Board, Jim Hajek made a motion, seconded by Austin Holtz to adjourn. The motion carried with all in favor 5-0.

ADJOURNMENT: 5:54 pm

Attest:

Board of Zoning Appeals Secretary

Board of Zoning Appeals Chairman

Transcriber: Kim Wachowski
Administrative Assistant