

**PLANNING AND ZONING COMMISSION MINUTES**  
**City of Geneva**  
**109 James Street - City Council Chambers**

**October 8, 2020 – Meeting #17**

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Chairman Stocking called the meeting of the Geneva Planning and Zoning Commission to order at 7:00 p.m. Chairman Stocking announced that Commissioner Rittenhouse would be recusing himself from the meeting.

Roll call followed:

Present: Chairman Stocking; Commissioners Evans (remote), Holomon, Mead, Slifka

Absent: Commissioners Matyskiel, Rittenhouse

Staff Present: Community Development Director David DeGroot and City Planner Chayton True

Public Present: John and Jennifer Rittenhouse, 502 S. Fourth Street; Brad Novak and Tom Korder, 509 Stevens Street; Joanne Ely with Planet Depos; Recording Secretary Celeste Weilandt

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**Approval of the Agenda**

**Motion by Commissioner Mead, second by Commissioner Slifka to approve the agenda as presented. Motion passed by voice vote of 5-0.**

**Approval of October 8, 2020 Minutes**

**Motion by Commissioner Slifka, second by Commissioner Mead to approve the October 8, 2020 minutes, as presented. Motion passed by voice vote of 5-0.**

**Public Hearings**

**A. Variations – Request for a Variation from Section 11-3-5C (Fences and Walls) to increase the allowable fence height in the street yard from 42”inches to 48” inches and for a Variation from Section 11-4A-6 (D-SFMR Single-Family Medium Density Residential District Setback Requirements) to increase the allowable lot coverage from 30% to 40%. Location: 502 S. Fourth Street; Applicant: John and Jennifer Rittenhouse.**

Chairman Stocking opened up the public hearing and briefly reviewed the protocol for tonight’s public hearing. City Planner Chayton True read into the record the contents of the Planning and Zoning file.

Applicant, Mr. John Rittenhouse, 502 S. Fourth Street, discussed that staff’s report was a good summary of what he and his wife submitted in September 2020. He explained that he knew he had a fence issue and had Eric (Nelson) had come on-site to look at the matter. Eric indicated to him that he also had a lot variance issue, which he did not agree with, and therefore spoke to Director DeGroot afterwards. Apparently a misprint had occurred (confirmed by Dir. DeGroot) and his property was at 40%; where Eric had told him it was at 30%. Therefore, it became two variances he was requesting. Mr. Rittenhouse emphasized that he wanted the commissioners to know: 1) that he and his wife purchased the home because it was unique and were the caretakers of it; and 2) a lot of sweat equity and financial equity went into the restoration of their historical home; and 3) after the pandemic hit, his son moved home and his family decided to look into having a pool as an extension of their property.

Continuing, Mr. Rittenhouse explained that Director DeGroot had talked to him about what the “spirit” of the rule was back in 2006 when the City Council voted on the tear down/in-fill (ordinance) which was how his property was affected by that regulation. Mr. Rittenhouse believed he conveyed his intentions tonight and believed the security fence was a benefit to any future property owner, given that they lived near the downtown area and, with the nearby bars, there had been instances where his family was woken up to people entering their property.

Commissioner questions followed with Dir. DeGroot affirming that the approval of the fence applied to the plans, as submitted. For the 40% request, if the lot area was approved for the submitted design, Commissioner Mead asked if a subsequent owner could remove the pool/club house and add an addition, wherein Director DeGroot noted that if the two items were removed, the owners would have 40% lot coverage to work with any improvements; however, for an addition, other regulations would have to apply, i.e., floor area restrictions, etc. and because the lot coverage would run with the land.

Per Commissioner Mead’s questions regarding lot coverage for the Merritt King property, DeGroot stated those lots were at 40% to 45%. Regarding whether the fence was to surround the pool only, Mr. Rittenhouse proceeded to explain how the 48-inch fence would surround his home, but not be installed in the front portion of his home. Commissioner Holomon asked if he had considered decreasing the size of the pool and pool house as referenced in Ms. Cameron’s letter, wherein Mr. Rittenhouse stated he had not seen the letter. (Director DeGroot proceeded to read an email from Patricia Cameron (dtd. 10/22/2020) who did not support the variance and believed the footprint of the pool, pool house, and patio should be reduced and not set a precedent.)

Mr. Rittenhouse indicated that it was not “doable” and while he mentioned he could do without the pool house, in reality the pool house would keep people out of his house and it was also best to encase the utilities, given the Midwestern winters. While he did understand the “spirit” of the rule, he had difficulty understanding that an owner who has 19,999 square feet is allowed 40% coverage while he has 6,000 more square feet and is allowed only 30%. He appreciated the matter being considered on a case by case basis.

Commissioner Evans voiced concern about Director DeGroot’s explanation if a future owner came in and used 40% allowance to construct a wing onto the house, and the fact that there would be other factors to consider, such as the floor/area ratio. As to how difficult it was for someone to do that, Dir. DeGroot, on initial response, did not believe it could be conditioned to the specific improvements. However, he would confirm that with legal counsel, and if the commission wanted that condition to move forward, it could be conditioned upon the site plan and he could present same to council in that fashion. As for the other regulations and their application, DeGroot explained how the floor area ratio within the Tear Down/In-Fill regulation was controlled based on the lot size while the increase in the allowable floor area got smaller as the lot size increased. He explained the regulation was to deter the tear downs occurring in the neighborhood that were being replaced with much larger homes in the historic district and in other areas of the community. Those items would have to be considered for this project.

Responding to commission questions, Mr. Rittenhouse envisioned the front fence would be an aluminum material fence with landscaping to shield it. Asked if the Historic Preservation Commission would be able to review the fence material, Director DeGroot indicated it would be an administrative review. If the variance for 40% was approved just for the project submitted, Rittenhouse was agreeable to it. Commissioner Mead suggested to review the matter with legal counsel on whether percentage coverage could be conditioned by the site plan.

Chairman Stocking supported the fence request and believed the applicant did have a hardship: he was located next to the train station and he was installing a pool which needed to be secured. The percentage and conditioning it to the lot could be an issue; however.

Chairman Stocking invited the public to comment. No comments received.

In reviewing some research Director DeGroot indicated that conditions may be placed on a variation as long as they reference back to the standards, meaning that if commissioners felt the standards were met with the condition that it was for the accessory improvements and not necessarily typing it to the pool and pool house, but instead to the accessory structures, would be appropriate. Mead interpreted that as meaning that future owners would have to come before the Plan Commission and seek their own variance to build onto the house to which DeGroot concurred.

**Motion by Commissioner Mead, second by Commissioner Slifka to close the public hearing. Roll call:**

**Ayes: Evans, Holomon, Mead, Slifka, Stocking**  
**Nay: None**

**MOTION PASSED. VOTE: 5-0**

**Motion by Commissioner Mead to recommend approval of a Variation from Section 11-3-5C (Fences and Walls) to increase the allowable fence height in the street yard from 42”inches to 48” inches, as submitted on the proposed site plan and subject to findings of fact contained in the staff report. Second by Commissioner Slifka. Roll call:**

**Ayes: Evans, Holomon, Mead, Slifka, Stocking**  
**Nay: None**

**MOTION PASSED. VOTE: 5-0**

**Motion by Commissioner Mead to recommend approval of a Variation from Section 11-4A-6 (D-SFMR Single-Family Medium Density Residential District Setback Requirements) to increase the allowable lot coverage from 30% to 40% conditioned on the site plan submitted, if permitted by City Council and legal review, and subject to the findings of fact contained in the staff report. Second by Commissioner Slifka. Roll call:**

**Ayes: Evans, Holomon, Mead, Slifka, Stocking**  
**Nay: None**

**MOTION PASSED. VOTE: 5-0**

**B. Special Use – Request for an Amendment to an Existing Special Use (Ordinance 2013-22) to allow for the addition of a permanent outdoor seating area. Location: 509 Stevens Street; Applicant: Brad Novak, Penrose Brewing Company, LLC.**

City Planner Chayton True read into the record the contents of this Planning and Zoning file.

Mr. Brad Novak along with Partner Tom Korder (co-partner), 509 Stevens Street, were seeking a special use to add permanent seating on the east side of his property, with the idea to prepare for next year and the future. .

Discussion between Commissioner Mead and Mr. Novak centered on BEI Properties being Mr. Novak’s landlord and BEI Properties owning much of the surrounding properties. Mr. Novak referenced the letter on the dais from BEI Properties which he said was part of the parking agreement and another document from BEI which allows for the outdoor seating. He confirmed the documentation was signed by the landlord and the parties. Regarding the 10 parking spaces, Mr. Novak clarified they

were not specifically designated but were agreed upon. The seating design would be exactly the same as what exists currently.

Commissioner Holloman inquired about the location of a smaller drive and whether there was any effort to make it wider and more convenient to enter/exit to which staff indicated that issue would be a BEI Properties matter. Per another question, Mr. Novak stated there was no interest for adding additional food beyond having a food truck because there was no additional space. Chairman Stocking confirmed with the applicants that they had enough delivery door options.

**Motion by Commissioner Mead, second by Commissioner Slifka to close the public hearing. Roll call:**

**Ayes: Evans, Holomon, Mead, Slifka, Stocking**

**Nay: None**

**MOTION PASSED. VOTE: 5-0**

**Motion by Commissioner Mead to approve a request for an amendment to an existing Special Use (Ordinance 2013-22) to allow for the addition of a permanent outdoor seating area, subject to the findings of fact contained in the staff report. Second by Commissioner Slifka. Roll call:**

**Ayes: Evans, Holloman, Mead, Slifka, Stocking**

**Nay: None**

**MOTION PASSED. VOTE: 5-0**

### **Public Comment**

City Planner Chayton True updated the commissioners on the following projects: the Trexler subdivision, which was approved with tree modifications; Emma's Landing (in its second review); and the Verizon Wireless Communications Tower proposal (second comments sent to them).

### **Other Business**

Director addressed the new COVID-19 restrictions that would begin tomorrow stating he would need at least four members present for the commission, to allow for more public. Discussion and options followed regarding the logistics of the issue, especially with larger crowds. The Mill Race topic will be pushed further back based on feedback received by staff. Chairman Stocking asked that what ever procedure is used, that staff place such information up front on the notice.

### **Adjournment**

**Meeting was adjourned at 7:51 p.m. on motion by Commissioner Evans, second by Commissioner Mead. Motion passed unanimously by voice vote of 5-0.**