

**VILLAGE OF PERRY
ZONING BOARD OF APPEALS MEETING
AUGUST 23, 2022**

Present: John Czyryca, Chairman Melissa Hennen, Member
 Zach Kowasz, Member Joe Rebisz, Alternate
 Bethany Zerbe, Member Don Roberts, ZEO
 Meggan Quartz, Member Christina Slusser, Zoning Secretary

Guests: David Hou, Boylan Code
 James Reynolds, Planning Board Member

Chairman Czyryca called the meeting to order at 6:45 pm and led in the Pledge of Allegiance.

MINUTES

The minutes for August 3, 2022 were reviewed and one suggestion was made to add “of code enforcement” to the first sentence of the second paragraph on page three: “The county took over jurisdiction of code enforcement in about 2003.” With this correction, motion to approve the minutes for August 3, 2022 was made by Bethany Zerbe, seconded by Zach Kowasz, and carried with the following vote:

Ayes	5
Nays	0
Abstain	0

ACKNOWLEDGE RESIGNATION OF ZBA MEMBER ELEANOR JACOBS

Eleanor Jacobs submitted her resignation on August 3, 2022 which was approved by resolution by the Village Board on August 22, 2022. The ZBA will look to find another alternate to fill this open position.

WORKSESSION – 55-57 SOUTH MAIN STREET

A work session took place to discuss first floor residential use of Travers Place at 55-57 South Main Street. Chairman Czyryca introduced the discussion stating that there has been an “interesting turn of events.” After believing that first floor residential use was never permitted, some new information was found. The original application for a permit was denied but a subsequent permit was approved. No meeting minutes for the issuance of the permit were found.

Once a variance is issued, it stands when the property changes hands. Throughout the documents found pertaining to a permit, it lists the property as “elderly” or “senior” housing/apartments. Mr. Hou commented that as far as he is aware, variance approval does

not have restrictions for age limitations. Elderly residence is not an explicit use condition. The variance itself is not limited to that. What is absent in the record is subsequent use – whether it was adhered to by his client or predecessors. Zach Kowasz added that regarding the term “senior citizen,” the variance didn’t state a restriction. Mr. Hou said that in reading through the documents, the reason for use was an existing hotel to be used as an apartment building. Chairman Czyryca stated the citation was for first floor occupancy and if there was a condition, it should have been on the zoning permit that was issued. The assumption was not specific on the permit. In the letter from Warehard (the applicant at the time), the permit was requested to convert the building into apartments for senior citizens. The ZBA approved the application as it was submitted. If the permit was approved as it was applied for, that may be why conditions were not listed. James Reynolds questioned whether senior housing was an occupancy type at the time, but whether apartments or senior apartments, the same type of variance would have been needed.

When the DePaul project was introduced, it was a huge discussion because of the type of clientele. Should there be restrictions on the site plan approval if it was a similar situation? Champion Place is senior housing in the village. The application was specifically for senior housing, but the situation is different because it is in a residential area. The question is regarding first floor apartments and not a question of the elderly age restriction.

Don Roberts spoke about the citation that was issued, reading directly from the letter that was issued on March 21, 2022. “Please be advised, we have become aware of your listing of your above-mentioned apartment complex located in the Village of Perry. The Village for some time has been aware of various violations located at the property. Specifically, the fact that the first floor is currently being utilized for residential purposes, which is in direct contravention to the Zoning Laws of the Village of Perry. Upon sale, or in the near future, it is the Village’s intention to require compliance with the Zoning Laws. All residential occupancy of the first floor needs to cease and desist, and the property needs to revert back to commercial purposes. Please be further advised, we have been searching our records, and to-date have not been able to locate any authorization by the Village of Perry to permit this property to go from commercial uses to residential uses.”

The letter at the time was not specific to elderly housing and since the appeal is against Don’s decision, that is the issue that needs to be addressed. It was suggested that Don could write a new letter citing the correct violation.

The final determination will require a public hearing, but the information found regarding the variance for first floor occupancy changes the accuracy of the letter from Mr. Roberts. The citation is no longer accurate due to the variance that was found for first floor occupancy. It will be up to the Village if they want to pursue anything regarding elderly housing.

The September 6th meeting will be cancelled to allow for time for a public hearing to be advertised. Bethany Zerbe made a motion to schedule a public hearing on September 13th to announce a decision on first floor residential use of Travers Place. This motion was seconded by Melisa Henchen and carried with the following vote:

Ayes	5
Nays	0
Abstain	0

There is no other known upcoming business. Motion to adjourn was made by Melissa Henchen at 7:12 pm, which was seconded by Zach Kowasz, and carried.

Respectfully submitted,
Christina Slusser, Zoning Secretary