

**MINUTES OF THE PLAN COMMISSION
VILLAGE OF WAYNE
VILLAGE HALL
5N430 RAILROAD STREET
WAYNE, ILLINOIS
December 8, 2025
REGULAR MEETING
7:00 p.m.**

Link to Join Webinar

<https://us06web.zoom.us/j/85036473381>

I. CALL TO ORDER/ROLL CALL

The December 8, 2025, Meeting of the Village of Wayne Plan Commission was called to order by Chairperson, Carol Dimitroff at 7:03 pm.

Commissioners present were as follows:

Chairperson, Carol Dimitroff

Commissioners:

Fred Iozzo

Bob Handley

Bill Kohl

Miguel Santana

Members absent:

Greg Richard

Kathy Tranchida

Also present:

Village Attorney, Steven B. Adams

Members of the public who signed in:

None

II. PUBLIC COMMENT

None.

III. APPROVAL OF MINUTES – NOVEMBER 10, 2025

A Motion to approve the Minutes of November 10, 2025, meeting was made by Commissioner Iozzo and seconded by Commissioner Kohl

The Motion carried and the Minutes were approved unanimously.

IV. PLAN COMMISSION DISCUSSIONS AND POSSIBLE ACTION ON VILLAGE OF WAYNE COMPREHENSIVE PLAN

This matter was deferred for further discussion. Hopefully the current Comprehensive Plan can be converted to Word format in order to more easily re-work and update it. Commissioners were instructed to be prepared to discuss the update of the Comprehensive Plan at the next scheduled meeting.

V. PLAN COMMISSION DISCUSSION AND POSSIBLE ACTION ON 10-3-5B ACCESSORY BUILDINGS, STRUCTURES AND USES, AND 10-13-3D NON-CONFORMING USE OF BUILDINGS OR STRUCTURES.

10-13-3D NON-CONFORMING USE OF BUILDINGS OR STRUCTURES.

Attorney Adams presented final language on the proposed amendment to 10-13-3D to allow for re-building of legally non-conforming residential buildings in residential districts on the pre-destruction footprint of the residence as follows:

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 10-13-3D OF THE ZONING ORDINANCE OF THE VILLAGE OF WAYNE PERTAINING TO RESTORATION OF DAMAGED NONCONFORMING RESIDENTIAL BUILDINGS IN RESIDENTIAL DISTRICTS

WHEREAS, the Village of Wayne previously adopted the Village’s Zoning Ordinance, found in Title 10 of the Village Code; and

WHEREAS, Section 10-2-2 of the Village Zoning Ordinance defines “Nonconforming Building Or Structure” as a building or structure which a) does not comply with all of the regulations of this title [the Zoning Ordinance] or of any amendment hereto governing bulk for the zoning district in which such building or structure is located; or b) is designed or intended for a nonconforming use; and

WHEREAS, Section 10-2-2 defines “Bulk” as the term used to indicate the size of buildings or structures, their setbacks from lot lines, and their location with respect to one another, and includes the following: a) size and height of buildings; b) location of exterior walls at all levels in relation to lot lines, streets or other buildings; c) gross floor area of buildings in relation to lot area (floor area ratio); d) all open spaces allocated to buildings; and e) amount of lot area provided per dwelling unit; and

WHEREAS, Section 10-2-2 defines “Nonconforming Use” as a use of land, buildings or structures which does not comply with all of the regulations of this title or of any amendment hereto governing use for the zoning district in which such use is located.

WHEREAS, Chapter 13 of the Village Zoning Ordinance addresses nonconforming uses, buildings and structures, and specifies the circumstances and conditions under which such nonconforming uses, buildings and structures may be continued in accordance with applicable law (Village Zoning Ordinance, §10-13-1 et seq.); and

WHEREAS, Section 10-13-3 states the conditions under which a legal, nonconforming building (including buildings designed or intended for a use permitted in the district in which it is located) may be continued; and

WHEREAS, Section 10-13-3(B)(2) states that a building or structure which is nonconforming only as to bulk shall not be added to or enlarged in any manner unless such additions or enlargements are made to conform to all regulations of the zoning district in which it is located; and

WHEREAS, Section 10-3-4(B) states that no existing building shall be reconstructed in such a manner as to conflict or further conflict with the bulk regulations applicable in the district where the building is located; and

WHEREAS, Section 10-13-3(D) currently places restrictions on the reconstruction of damaged or destroyed buildings or structures, when the *use* of said structure prior to the damage is not permitted in the zoning district in which the building is located; and

WHEREAS the Plan Commission has found and determined that the foregoing sections of the Village Ordinance place an undue hardship on residential property owners whose homes comply with the current zoning ordinance's use regulations, but do not comply with the current zoning ordinance's setback regulations, and who would not be able to reasonably reconstruct their home after a fire or other casualty within the current setback regulations of the applicable zoning district; and

WHEREAS, to prevent the hardship described above for homeowners who suffer a loss by fire or other casualty, the Plan Commission proposed an amendment to Section 10-13-3D of the Zoning Ordinance and said proposed amendment is set forth in Section Two of this Ordinance (the "Proposed Text Amendment"); and

WHEREAS, the Zoning Board of Appeals duly called, noticed and conducted a public hearing on the Proposed Text Amendment on _____, 2025 (the "Public Hearing"); and

WHEREAS, following the Public Hearing, the Plan Commission submitted its report and recommendation concerning the Proposed Text Amendment to the Village Board for review and consideration prior to final action on the proposed amendment; said report and recommendation is attached hereto as **Exhibit A**; and

WHEREAS, the Village President and Board of Trustees hereby find and determine that it is in the best interests of the Village and its residents to amend Section 10-13-3D of the Village's Zoning Ordinance with respect to the restoration of legally nonconforming buildings damaged by fire or other casualty in the residential zoning districts of the Village.

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WAYNE, DUPAGE AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:

SECTION ONE: The recitals set forth hereinabove are hereby adopted as findings of fact as if said recitals were set forth in their entirety within this Section One.

SECTION TWO: Section 10-13-3D of the Zoning Ordinance of the Village of Wayne, which sets forth regulations governing the restoration of damaged nonconforming buildings, is hereby amended by the addition of the highlighted paragraph in this Section Two:

10-13-3 D. Restoration Of Damaged Nonconforming Building: A building or structure, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, and which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence will exceed fifty percent (50%) of the cost of restoration of the entire building or structure new, shall not be restored unless said building or structure, and the use thereof, shall conform to all regulations of the district in which it is located. In the event that such damage or destruction is less than fifty percent (50%) of the cost of restoration of the entire building or structure new, no repairs or reconstruction shall be made unless such restoration is started within one year from the date of the partial destruction and is diligently prosecuted to completion.

Notwithstanding any language to the contrary in this Zoning Ordinance, whenever a residential structure that: (a) is used for residential purposes in a residential zoning district; (b) is legally non-conforming as to applicable setback requirements; and (c) is destroyed or damaged by fire or other casualty or act of God, regardless of the level of damage, said residential structure may be restored, or reconstructed to the same front, rear and side yard setback distances, and bulk that existed at the time of the loss; provided, that the reconstruction: (a) must comply with all use requirements for the zoning district in which the residence is located; and (b) must commence within 18 months of the loss.

If the Historic Sites Commission concurs, the owner of a nonconforming building in an Historic District may petition the Zoning Board of Appeals for a variation from the requirements of this subsection D.

In the event the owner of a nonconforming building subject to the jurisdiction of the Historic Sites Commission seeks a variation from the requirements of this Title when reconstructing after a fire or other casualty or act of God, and requests a hearing from the Historic Sites Commission pursuant to Section 9-4-2 C 4 of this Code, (if required), the variation hearing and the Historic Sites Commission hearing may be held jointly.

SECTION THREE: To further assist homeowners whose residences have been damaged or destroyed by fire or other casualty or act of God, the following provision shall be added at the end of Section 10-4-6 E of the Village's Zoning Code (Standards For Variations):

In making its findings under this Section, the Zoning Board of Appeals shall consider the unique and particular hardship facing homeowners whose residences have been damaged or destroyed by fire or other casualty or act of God.

SECTION FOUR: Those portions of the Zoning Ordinance of the Village of Wayne which are not specifically amended or repealed herein shall be and are hereby ratified and affirmed and shall remain in full force and effect.

SECTION FIVE: This Ordinance shall take effect after its passage, approval and publication in the manner provided by law.

PASSED THIS _____ day of _____, 2025.

AYES:

NAYS:

ABSENT:

APPROVED THIS _____ day of _____, 2025.

ATTEST:

Village President

Village Clerk

Published _____

There was a Motion by Commissioner Santana, seconded by Commissioner Iozzo to approve the language for final vote at the next public hearing. The Motion carried unanimously.

10-3-5B ACCESSORY BUILDINGS, STRUCTURES AND USES

There was a lengthy discussion on the proposed amendments to Section 10-3-5B, relating to the size and location of accessory buildings and structures. No consensus could be reached on how to accommodate the issues of required side yards, rear yards, shed location on corner lots, or other issues relating to detached accessory buildings on the smaller non-conforming lots. Therefore, the matter was tabled and will be discussed further at a future meeting.

VI. OTHER BUSINESS

None

VII. ADJOURNMENT

Upon Motion of Commissioner Santana and seconded by Commissioner Kohl to adjourn, the meeting was adjourned at 8:18 p.m. The motion carried unanimously.

Note: Any person who has a disability requiring a reasonable accommodation to participate in this meeting should contact the Village ADA Compliance Officer Monday through Thursday 8:00 a.m. to 12:00 Noon, Village of Wayne, 5N430 Railroad Street, P.O. Box 532, Wayne, Illinois 60184, or call (630) 584-3090 within a reasonable time before the meeting. Requests for a qualified interpreter require five (5) working days' advance notice.

Respectfully submitted:

/s/Robert Handley

Acting Secretary, Wayne Plan Commission