

## PLANNING & ZONING COMMISSION MEETING MINUTES

June 5, 2012 - 7:00 p.m.

Chairman Carbonetti called the meeting to order at 7:00 p.m. Clerk Wells called roll. Commission members present: Jim Carbonetti, Mike Grieshop, Jim Hutchinson, Glenda Miller, John Killeen, Jim Pagles and Philip Smith. Also present were City Clerk Wells and Community Development Director Santeler.

### Planning and Zoning Commission Minutes of April 3, 2012 – Approved

Moved by Commissioner Smith, seconded by Commissioner Killeen to accept the minutes of the Planning and Zoning Commission meeting of April 3, 2012, as presented. All ayes. Motion carried.

### McCauley Side Yard Variation for Property Located at 202 Ayer St.

Chairman Carbonetti opened the hearing in the petition of Michael and Mary McCauley for property located at 202 Ayer Street, Harvard, Illinois. Petitioner Michael McCauley was present. The Certificate of Publication was noted and entered into the record. All fees required by said petition have been paid and certified notices were sent to adjacent property owners. The completed petition was entered into the record for a variation from Section 17.20.080, Lot Area, Yard and Bulk Regulations (Table 1) to reduce the 25' side yard setback requirement abutting a residential zone to zero feet. The subject property is vacant land and is zoned "B-2" Zoning District.

### Identification of Objectors/Supporters/Witnesses/Audience Participation

No objectors, supporters or witnesses were identified.

### Presentation of Evidence by Petitioners

Upon being sworn in by City Clerk Wells, Mike McCauley, 19312 E. State Route 173, Harvard, IL gave an overview of his petition for a variation to reduce the side yard setback on the south side of the property which abuts a residential zone from the requirement of 25' to zero feet in order make the property marketable. The petitioners purchased the property in 1994 as an investment with the understanding that the adjoining properties were zoned B-2 and that the he could build lot line to line with zero setback requirements on both sides of the property. The original real estate listing as attached to the petition included language "buy it & build or seller will build a building to suit your needs". The petitioners had no intention of actually building on the lot and when they considered listing the property in 2005, they discovered that the property to the south was actually zoned residential which would require a 25' setback. The petitioners stopped thinking about listing the property until 2011, at which time they had a conversation with City Administrator Nelson who suggested they fill out a zoning petition requesting a variation,

### Questions by Planning and Zoning Commissioners to Petitioners

- At Commissioner Miller's inquiry, petitioner McCauley confirmed that they purchased the property for investment purposes with no intention of immediately building on it so they didn't get attorneys involved at the time to thoroughly investigate the matter.
- Commissioner Killeen noted that this could impact the residence to the south if a two-story building were put up right next to their property in the future. Petitioner McCauley noted that the building to the south is about 6' off the lot line.
- Commissioner Grieshop noted that most of the B-2's up and down Ayer Street have alleyway access. The Commissioners further discussed a need to have either alleyway access or a driveway along the lot line to provide for side entrance deliveries. Petitioner McCauley noted that the building to the north goes nearly all the way back with a garage behind the building.
- Petitioner McCauley noted the property is currently listed and he was approached by an adjoining property owner who expressed interested in purchasing the property.
- The Commissioners discussed that much of the surrounding area is zoned business.
- At Commissioner Smith's inquiry, Comm. Development Director Santeler noted that water run off would be taken into consideration at such time as plans were brought to the City for development of the property.

Staff Report

Community Development Director Santeler noted this is a little different than normal in that the petitioner was kind of misled by the realtor at the time of purchase.

Audience Participation: None

Vote on Petition

Moved by Commissioner Pagles, seconded by Commissioner Miller to recommend to the City Council to approve the petitioner's request as presented for a variation to reduce the side yard setback requirement of 25' on the south side of the subject property to zero feet based on the following findings of fact:

1. In light of all the evidence presented, a hardship was created by misinformation on the original real estate listing.
2. In light of all of the evidence presented, the proposed variation would not be detrimental to the orderly development of the City of Harvard.
3. In light of all of the evidence presented, the proposed variation will not be detrimental to or endanger the public health, safety, morals or general welfare of the community of the City of Harvard.

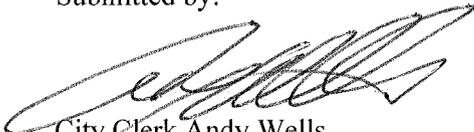
Roll call vote: Miller, aye; Killeen, aye; Pagles, aye; Smith, aye; Carbonetti, aye; Grieshop, aye and Hutchinson, aye. Motion approved seven to zero.

Clerk Wells stated that the Planning and Zoning Commission's recommendation will come before the City Council at their next regular meeting on Tuesday, June 26, 2012, at 7 p.m. and advised the petitioner to be in attendance should the City Council have additional questions.

Chairman Carbonetti welcomed new members Jim Hutchinson and Mike Grieshop to the Planning & Zoning Commission.

At 7:20 p.m., moved by Smith, seconded by Killeen to close the hearing. All ayes. Motion carried.

Submitted by:

  
City Clerk Andy Wells

Date: 06/13/12