

PLANNING & ZONING COMMISSION MEETING MINUTES

August 5, 2008 - 7:00 p.m.

Chairman Stafford called the meeting to order at 7:00 p.m. and called roll. Commission members present: Glenda Miller, Jim Pagles, John Killeen, Terry Smith, Ken Gabrys, Carl Opper and Harry Stafford. Also present was Community Development Director Santeler.

Planning and Zoning Commission Minutes of May 6, 2008 – Approved

Moved by Miller, seconded by Opper to accept the minutes of the Planning and Zoning Commission meeting of May 6, 2008, as presented. All ayes. Motion carried.

Narciso Herrera/Petition for Subdivision for Property Located at 361 Marengo Rd.

Chairman Stafford opened the hearing in the petition of Narciso Herrera, 361 Marengo Road, Harvard, IL 60033. The fees have been paid. The Certificate of Publication was noted and entered into the record. Certified notices were sent to adjacent property owners. Clerk Wells presented into record the signed petition for subdivision as submitted by the petitioner. The location of the property subject to the petition is 361 Marengo Road, Harvard, IL.

Attorney Joel Berg, 16 N. Ayer St., Harvard was present on behalf of the petitioner, Narciso Herrera. Attorney Berg reviewed the petition submitted by Mr. Herrera to subdivide the subject property commonly known as 361 Marengo Road into two lots pursuant to the proposed Final Plat of Subdivision as prepared by RLS Land Surveyors and dated February 26, 2008. Subject property is located at the northwest corner of Marengo/Airport Roads.

At Chairman Stafford's inquiry, Attorney Berg stated that the existing barn on Lot 2 exceeds the City's accessory use structure requirements if the petitioner builds a duplex on the subject property. The property is currently zoned R-2 Residential Use District and both lots exceed the minimum lot square footage requirements in a R-2 Use District. The barn is currently being used to house autos for Lot 1 and will stay up until the time comes to build a duplex, at which time the barn will come down. Community Development Director Santeler indicated that the structure is legal non-conforming use at this point, but that the barn would have to come down prior to a building permit being issued for a duplex. Attorney Berg noted that he did not have any objection to including a provision in the ordinance that no building permits shall be issued unless or until such time as the accessory use is torn down. Attorney Berg is also working with the petitioner to figure out how to put a garage in on the northern side of the existing house so the house will have garage parking when the barn is taken down.

Chairman Stafford opened the floor to questions from the Commissioners

- Commissioner Miller inquired about the For Sale sign on the property; Attorney Berg replied that was for a vehicle on the property that is for sale.
- Commissioner Killeen inquired about the petitioner's immediate plans for the separate parcel of property. Attorney Berg replied that the petitioner's plans are to one day to construct a duplex but that is not in the near future and that the petitioner does not have any plans to sell the parcel off.

Audience Comments

Upon being sworn in, Bob Knutson, 21616 Airport Rd., Harvard, addressed the Planning and Zoning Commission and said he would like the petitioner to put up a privacy fence along the lot line. Chairman Stafford responded that he had discussed the issue with Attorney Berg who would talk to his client so that the issue could be resolved. Mr. Knutson expressed his opinion that there were already too many houses in that area.

Chairman Stafford opened the floor to questions from the Commissioners

The Commission further discussed including a restriction that the barn must be demolished before a building permit is issued for any improvements on Lot 2 or within sixty days of the completion of improvements on Lot 1.

Moved by Opper, seconded by Gabrys to recommend to the City Council that the petition for a Plat of Subdivision be approved as presented with a caveat in the ordinance that before any improvements are permitted on Lot 2 or within sixty days after the completion of improvements on Lot 1, the existing accessory building on Lot 2 would be demolished, with an emphasis on the penalty portion of the ordinance. Attorney Berg and Andy Wells noted that a Memorandum of Ordinance will also be recorded along with the ordinance to ensure that a title search would make any future property owners aware of the ordinance provisions. Attorney Berg further clarified that the covenant would run with the land so that the restrictions would still apply even if Lot 2 were sold. Roll call vote: Miller, aye; Pagles, aye; Killeen, aye; Smith, aye; Gabrys, aye; Opper, aye and Stafford, aye. Motion approved seven to zero.

Clerk Wells noted that the recommendation will come before the City Council at their meeting on August 12, 2008.

Robert Plane/Petition for Variation of Rear Yard Setback Requirements

Chairman Stafford opened the hearing in the petition of Robert Plane, 607 W. Brown St., Harvard, IL 60033. The fees have been paid. The Certificate of Publication was noted and entered into the record. Certified notices were sent to adjacent property owners. Clerk Wells presented into record the signed petition for a variation of rear yard setback requirements as submitted by the petitioner. The location of the property subject to the petition is 607 W. Brown St., Harvard, Illinois.

Upon being sworn in, the petitioner, Robert Plane, addressed the Planning and Zoning Commission and reviewed his petition for a variation of the rear yard setback requirements from 30' to 28". The petitioner would like to remove the existing one car garage and replace with a three car garage addition, approximately 33'x 26' which would be consistent with the house which is 28' from the rear property line. The existing patio would also be removed.

Staff Report

Community Development Director Santeler noted that the garage addition is proposed to be consistent with the existing structure which is set back 28' from the rear property line.

Audience Comments: None

Moved by Miller, seconded by Opper to recommend to the City Council that the petitioner's request to reduce the rear yard setback requirements from 30' to 28' to build a three-car garage addition be approved as presented. Roll call vote: Pagles, aye; Killeen, aye; Smith, aye; Gabrys, aye; Opper, aye; Stafford, aye and Miller, aye. Motion approved seven to zero.

Clerk Wells noted that the recommendation will come before the City Council at their meeting on August 12, 2008.

At 7:35 p.m., moved by Opper, seconded by Miller to adjourn the meeting. All ayes. Motion carried.

Submitted by:

City Clerk Andy Wells

Date: _____