

**PLANNING & ZONING COMMISSION MEETING MINUTES**  
**January 6, 2009 - 7:00 p.m.**

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

**Planning and Zoning Commission Minutes of October 7<sup>th</sup> and 14<sup>th</sup>, 2008 – Approved**

Moved by Miller, seconded by Opper to accept the minutes of the Planning and Zoning Commission meeting of October 7<sup>th</sup> & 14<sup>th</sup>, 2008, with a correction to the October 14<sup>th</sup> minutes, changing the time of the meeting to 6 p.m. All ayes. Motion carried.

**William Perez/Variation from Section 17.48.040, Non-Conforming Uses for Property Located at 303 and 303½ W. Diggins St.**

Chairman Stafford opened the hearing in the petition of William Perez, 25817 Streit Road, Harvard, IL 60033. The parties of interest were present. 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 from Section 17.48.040, Non-conforming Uses as submitted by the petitioner. The location of the property subject to the petition is 303 and 303½ W. Diggins St., Harvard, IL.

Upon being sworn in, petitioner reviewed his petition requesting a variation from Section 17.48.080, Non-conforming Uses, which states that “whenever a non-conforming use of a building or structure, or part thereof, has been discontinued for a period of 12 months...., such use shall not, after being discontinued or abandoned, be reestablished, and the use of the premises thereafter shall be in conformity with the regulations of the district.” The property at 303 W. Diggins has been totally vacant since January 1<sup>st</sup>, 2008. The building permit was issued in November or December, 2007, and has expired. The remodeling project actually started in February or March, 2008, and Mr. Perez indicated he needs an additional six months to convert the building from apartments to (2) town homes with separate PIN numbers and individual owners.

**Chairman Stafford opened the floor to questions from the Commissioners**

- Commissioner Killeen inquired whether or not the property has been split into two individual properties; Willie noted that he was waiting until the project is finished to determine the exact location of the dividing wall.
- The lot is a standard 66’ x 132’ and the home is over 1,600 sq. ft.
- Each proposed unit will be two bedrooms, 1½ bathrooms, living room, dining room and eat in kitchen with separate driveways.
- Mr. Perez didn’t feel a single family home would be appropriate for this particular property because of its size and thought that the property originally was a hotel and never used as a single family home.
- Commissioner Pagles brought up a concern on what distinguishes this petition from previous similar petitions which have been denied.

**Staff Report**

Administrator Nelson clarified that the property lost its legal non-conforming status because it has been vacant for over a year and pointed out that regardless of whether or not Mr. Perez finishes the project, there is no guarantee that it will be sold and could still be vacant. Administrator Nelson further noted that Jim’s concern makes a good point about precedent and that the commission should not make a decision based on prior experience with Mr. Perez’ work. Commissioner Miller inquired if there was any alternative. Administrator Nelson replied that a zoning change to R2 was a possibility, but noted that when the area was rezoned to R1B Single Family years ago it was with the underlying goal to convert the neighborhood to single family homes and not have duplexes or converted houses. Administrator Nelson noted that reconverting old houses from multi-family units to single family homes has been an ongoing struggle. Over the last 5-10 years progress has been made in this area with approximately 20-25 homes that have been reconverted reducing the density down to duplexes and single family homes which is what their intended purpose was when they were built. Also discussed was converting the home into two separate condo’s which would fall under the Condominium Act.

**Supporters/Objectors: None**

Moved by Miller, seconded by Pagles to recommend to the City Council to deny the petition for a variation from Section 17.48.040 on the time allowed for a discontinued use of legal non-conforming property. Roll call vote: Miller, aye; Pagles, aye; Killeen, aye; Smith, abstain; Opper, aye and Stafford, no. Motion approved four to one with one abstention to deny the petition.

Clerk Wells noted that the recommendation will come before the City Council at their meeting on January 13, 2009.

Moved by Pagles, seconded by Killeen to close the hearing. All ayes. Motion carried.

**City of Harvard Text Amendment**

Chairman Stafford opened the hearing in the petition of the City of Harvard. The Certificate of Publication was noted and entered into the record. Clerk Wells presented into record the signed petition submitted by the petitioner.

City Administrator Dave Nelson reviewed the City’s petition for text amendments as follows:

1. Amend Section 17.20.080(K)(1) Lot Area Bulk Regulations, Height of Accessory Use which currently reads “no accessory building... shall be pursuant to Table 1; amend to read “*all* accessory buildings...”
2. Delete Table 2, Lot Area For Particular Uses
3. Delete Section 17.20.090, Lot Area Requirements for Particular Uses, which references Table 2. All uses in this section are conditional uses and subject to case specific lot requirements as determined by the Commission and City Council on an as needed basis.
4. Amend Section 17.36.020(B)(2) and (C)(3), Location of Accessory Uses. Amend language in both paragraphs to add “*or in a business district*”. Current code does not allow any accessory building in a business district. An amendment would allow and reflect conditions similar to manufacturing districts. There was discussion on whether or not to eliminate B-2 which would be the downtown district as an allowable location for an accessory. Administrator Nelson noted that a request would probably not come up for an accessory use in the downtown district because if an owner needed additional space, it would make more sense to add on to the existing building because they could come to the lot line with a principal use. After further discussion, the general consensus was to exclude the B-2 Zoning District as an allowable location for an accessory use.

Moved by Opper, seconded by Smith to recommend to the City Council approval of the City’s petition for text amendments as discussed. Roll call vote: Pagles, aye; Killeen, aye; Smith, aye; Opper, aye; Stafford, aye and Miller, aye. Motion approved six to zero.

At 7:40 p.m., moved by Pagles, seconded by Killen to adjourn. All ayes. Motion carried.

Submitted by:

City Clerk Andy Wells

Date: \_\_\_\_\_