

PLANNING & ZONING COMMISSION MEETING MINUTES
February 2, 2010 - 7:00 p.m.

Chairman Smith called the meeting to order at 7:00 p.m. and called roll. Commission members present: Glenda Miller, Jim Pagles, John Killeen, Terry Smith and Jim Carbonetti. Members Ken Gabrys and Don Moede were absent. Also present was Community Development Director Santeler.

Planning and Zoning Commission Minutes of September 1, 2009 – Approved

Moved by Killeen, seconded by Miller to accept the minutes of the Planning and Zoning Commission meeting of September 1, 2009, as presented. All ayes. Motion carried.

M & A Investment Group LLC c/o Marc Hathaway Managing Member – 504 Diggins St., Harvard

Chairman Smith opened the hearing in the petition of M & A Investment Group LLC c/o Marc Hathaway Managing Member (contract purchaser) for property located at 504 Diggins St., Harvard, Illinois. The Certificate of Publication was noted and entered into the record. Certified notices were sent to adjacent property owners. The completed petition was entered into the record for reclassification of the subject property from B-2 Central Business District to R1B Single Family Residence District and Variations from Section 17.20.080, Lot Area, Yard and Bulk Regulations of the Harvard Zoning Code. The party of interest in the petition was present.

Upon being sworn in by Chairman Smith, Marc Hathaway, 7009 S. Oak Grove Rd, Harvard, IL 60033, reviewed the petition for reclassification from B2 to R1B and variations from the lot area and front, rear and side yard requirements for property located at 504 Diggins St. Mr. Hathaway has a contract to purchase subject property and noted that the property owner was aware of the petition. The property has been used as a residential home in the past, but lost its legal non-conforming status and has been vacant for the last couple of years. The petitioner is seeking to reclassify subject property to R1B to utilize the property as a single family residence and noted that the lot is smaller than a normal size lot which necessitates the variations requested. The petitioner felt that the home could not be used as a business.

Chairman Smith stated that the lot was originally platted in 1856 and inquired if the petitioner knew when the back part of the lot was split off. The petitioner did not have any knowledge of the history of the parcel. Chairman Smith further inquired if there was room on the property for two parking spots. The petitioner said the property does not currently have a paved driveway, but that there is plenty of room for off street parking which would be part of the proposed improvements that he intends to make.

Chairman Smith clarified that the petitioner is seeking the following variations:

1. Front yard requirement of 25' reduced to 12'
2. Rear yard requirement of 30' reduced to 2'
3. Side yard requirement of 6' reduced to 5'6"
4. Lot area requirement of 8712 sq. ft. reduced to 3,213 sq. ft.

Questions from Planning and Zoning Commission

- At Commissioner Miller's inquiry, the petitioner indicated that the driveway would come off of Diggins St. on the east side of the house. The drive currently exists but is not paved.
- The petitioner intends to remodel the interior of the home and put on new siding, roof and paved driveway.
- There are currently two front doors on the property and the petitioner will remove the door on the east side.
- The upstairs windows are right at floor level and the petitioner will replace with higher windows.

Supporters

Chairman Smith asked if there was anyone present who wished to speak in support of the petition. There were none.

Objectors

Chairman Smith asked if there was anyone who wished to speak in opposition to the petition. There were none.

Staff Report

Community Development Director Santeler reported that the petitioner is looking for a 62% reduction in lot size, 52% reduction in the front yard setback and a 93% reduction in the rear yard. Steve reported on a similar petition a year ago regarding property owned by Willie Perez at 301 W. Diggins for a duplex lot which was denied by the Planning and Zoning Commission. Steve clarified that the property at 504 Diggins lost its non-conforming status because it was uninhabited for a period of one year.

Commissioner Killeen inquired why the zoning needed to be changed. Community Development Director Santeler noted that the B2 Zoning District doesn't support residences except for apartments above first floor business uses like in the downtown area. Commissioner Killeen felt it was the Commission's idea to diminish the high density areas and noted that the subject property is in one of the neighborhoods where this is not the only small lot with a single family residence on it. Commissioner Killeen wasn't sure what the better use would be on that property but didn't think he was in favor of having a family live on a tiny piece of property. Perhaps its better use would be a small office that didn't need the setback requirements.

Closing Remarks

The petitioner remarked that all around in that area, families are living in those homes. Further, if there is not going to be a family living in that home, the home will continue to stand there and get worse. No one would utilize the property as a business because it is not a feasible spot for a business. The property is surrounded by single family homes and the house will continue to sit there until someone tears it down. The petitioner felt that if the property is not reclassified and used in the proposed way, it will continue to be an eyesore.

Moved by Carbonetti, seconded by Miller to close the public hearing. All ayes. Motion carried.

The Planning and Zoning Commission Discussion

- Chairman Smith reviewed the zoning in surrounding areas. Across the street is R1B. The triangle where the subject property is located is zoned B2 and is all residential. To the immediate east are new town homes which are residential. To the south on the other side of Front St. is all manufacturing. Chairman Smith noted you could almost build an argument that the trend in the area is towards residential and that Front Street is the boundary line with manufacturing on the south side and residential on the north side. Chairman Smith commented that adjacent property owners might be in opposition to having a business in that location, particularly after looking at the types of businesses that are allowed in a B2 District. A business would also create additional traffic and there might not be sufficient parking on the lot, depending on the type of business. Chairman Smith said the question is if we're better off leaving a house there or putting a business there and is there any reasonable expectation that the house would be converted to a business.
- Commissioner Killeen suggested a professional business in the building such as a lawyer's office and compared the subject lot to the four or five bungalows around the block which are also on undersized lots. Commissioner Killeen stated he didn't have a problem in changing the zoning but expressed concern for setting precedent for property owners of other small lots to seek approval to build new homes on undersized lots.
- Subject parcel is not in the TIF District.
- Commissioner Pagles thought this area went back to Starline with the homes built for employees. Commissioner Pagles noted a difference in the situation with the Perez property with density and a small lot in that it could be put into a single family home whereas the subject property is being proposed as a single family home. Commissioner Pagles didn't think you would get a professional business at the location and other than tearing it down, what else can you do with the property.
- Commissioner Carbonetti noted he lived in the area in the 1946 at which time it was being used as a residence and felt the board had two options: deny the petition and the property will sit there and continue to deteriorate or allow the petitioner to continue using the property as a residence. Commissioner Carbonetti noted that if the home were destroyed, it would not be considered a buildable lot.

Moved by Carbonetti, seconded by Miller to rezone the subject property from B-2 Central Business District to R1B Single Family Residence District contingent on successful completion of the contract with the property owner to the contract purchaser, Marc Hathaway. Roll call vote: Miller, aye; Pagles, aye; Killeen, aye; Smith, aye and Carbonetti, aye. Motion approved five to zero.

The Commission discussed the requested variations from the lot area, side, front and rear yard requirements for the building as it exists. It was noted that none of the adjoining property owners, who were notified of the hearing, came to object to the petition. Moved by Pagles, seconded by Carbonetti to approve the variations as requested contingent on successful completion of the contract with the property owner to the contract purchaser, Marc Hathaway:

- Front yard requirement of 25' reduced to 12'
- Rear yard requirement of 30' reduced to 2'
- Side yard requirement of 6' reduced to 5'6"
- Lot area requirement of 8712 sq. ft. reduced to 3,213 sq. ft.

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

Chairman Smith noted that the recommendations will be forwarded to the City Council.

Clerk's Report

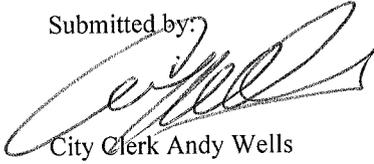
No report at this time.

Chairman's Report

No report at this time.

At 7:28 p.m., moved by Carbonetti, seconded by Pagles to adjourn the meeting. All ayes. Motion carried.

Submitted by:



City Clerk Andy Wells

Date: 02/17/10