



City of Highland

Department of Community Development Building & Zoning Division

City of Highland
Combined Planning and Zoning Board
Minutes of the October 1, 2014 Meeting

Chairperson Korte called the meeting to order at 7:00 p.m. Members present were Gallatin, Harlan, Lodes, Vance (arrived 7:09), and Korte. Koehnemann was absent. Chairperson Korte notified the board that Leo Painter has resigned due to health reasons. Also present were City Attorney Long, Councilperson Bellm, City Manager Latham, Chief Building & Zoning Official Limestall, and Recording Secretary Walter. 21 citizens were present.

Minutes

The minutes of the August 6, 2014 meeting were approved with no corrections or additions.

Public Comment

Chairperson Korte opened the Public Comment section. Hearing no comments the Public Comment Section was closed. All attendees wishing to speak were sworn in.

Public Hearing

Chairperson Korte opened the Public Hearing for a variance request to Sections 66-5-8.2 (14)(16) of the Land Development Code. Limestall explained Blue Land Development 514 East Vandalia Edwardsville IL is requesting the variance to allow a 2:1 slope instead of the required 3:1 slope for the property and a relaxation of the required 30' horizontal freeboard at 12551 St Rt 143 Highland IL. Marsha Maller from TWM and representing Blue Land Development was present to answer questions. Maller explained the property was originally developed by another private entity and those engineering documents were not available when the addition to the existing strip mall was planned. Public Works was given the engineering report that TWM provided. The Public Works review was a lengthy process and was not completed until well into construction of the addition. Maller stated Blue Land Development reconfigured the detention basin to attempt to conform to the City's requirements. By reconfiguring the basin it was only feasible to obtain 2:1 slope and a 22.11 horizontal freeboard distance. Blue Land is requesting an 8 ft variance to the 30' horizontal distance and a 1' slope variance. Hearing nothing further Korte closed the Public Hearing.

Limestall stated the City recommends approval of both variance requests as they comply with the criteria for approval.

Motion made by Harlan to approve the variance request to Sec 66-5-8.2(14) to allow a 2:1

slope instead of the required 3:1 slope. Seconded by Gallatin. There was no discussion. Roll call taken. All voted yes. Motion carried.

Motion made by Harlan to approve the variance request to Sec 66-5-8.2(16) to allow 22.11' horizontal freeboard distance instead of the required 30' horizontal distance. Seconded by Lodes. There was no discussion. Roll call taken. All voted yes. Motion carried.

Discussion

Chairperson Korte opened the continuation discussion on Zero-Lot line issues. Limestall explained the issues that have occurred due to Madison County signing off on condo plats without the City's knowledge. After researching the Zoning Code in depth Attorney Long has determined that "attached villas" are permitted uses by right in the R2 zoning classifications. However, there are several concerns over converting existing "duplexes" into "villas". The lot would have to be appropriately divided; there are concerns with the existing utilities such as water /sewer lines crossing the adjacent lot. The zoning code does not allow utilities to cross over another owner's lot; variances would have to be granted for non-conforming lot sizes, etc. Long recommended all future construction of "duplexes" must have separate utility taps. Korte questioned how the property owners would have to deal with common issues. Long recommended a written agreement between the two parties and advised those in attendance that the City cannot do any legal work for them. They will have to hire their own attorneys. Lodes questioned if the subdivision plat would have to re-plat. Limestall stated Madison County would require a Plat of Vacation. Korte stated any guidelines must address common wall issues, utility separation, variances, and a defined agreement between both parties. He would like to have a punch list of concerns for the November meeting. Limestall stated the residents in Autumn Crest need to meet and discuss their concerns prior to the November meeting.

William Twyford, 180A Field Crossing questioned why variance would be required. Long explained if the lots are divided they would not meet the minimum sq ft lot size and would become non-conforming and well as utilities crossing someone else's property. Twyford asked about an overall variance for all non-conforming lots.

Lou Dunning, 20A Auburn Ct, stated he originally bought a duplex but somehow it was converted to a condo. He understood that the structure was built as a duplex, the subdivision was platted and approved by the City as duplexes, and the City did not change the designation from duplexes to condos.

Harlan stressed her concern that issues could arise without agreements, changing codes, not separating the utilities. Lodes stressed the residents need to discuss and agree on a condo association general policy so all conversions are done the same way.

Hearing nothing further Chairperson Korte closed the Discussion. No action was taken by the board; however Staff was directed to proceed with researching Zero-lot lines.

Adjournment at 8:45 PM.