

**CITY OF WASHINGTON, ILLINOIS
PLANNING AND ZONING COMMISSION MEETING
WEDNESDAY, OCTOBER 3, 2018
WASHINGTON DISTRICT LIBRARY
380 N. WILMOR ROAD – 6:30 P.M.**

Call to Order	Chairman Mike Burdette called the regular meeting of the City of Washington Planning and Zoning Commission to order at 6:30 p.m. in the meeting room at Washington District Library.
Roll Call	<p>Present and answering roll call were Commissioners, Mike Burdette, Brian Fischer, Louis Milot, Tom Reeder, Joe Roberts, & Steve Scott. Commissioner Doug Weston was absent.</p> <p>Also present was P & D Director Jon Oliphant, B & Z Supervisor Becky Holmes and City Clerk Pat Brown.</p>
Appv min 9/5/18 PZC meeting as presented	<p>Commissioner Milot moved and Commissioner Roberts seconded to approve the minutes of the September 5, 2018 Planning and Zoning Commission meeting as presented.</p> <p><u>Motion carried unanimously by voice vote.</u></p>
Public Hearing: side yard & distance between structures variance request, Don & Meredith Seaton, 114 N. High Street	<p><u>Case No. 100318-V-1</u> – A public hearing was opened for comment at 6:31 p.m. on the request of Don & Meredith Seaton for a side yard and distance between structures variance at 114 N. High Street. Publication was made of the public hearing notice, and there were no “interested parties” registered.</p> <p>B & Z Supervisor Holmes gave a brief overview of the variance request noting the following: the petitioner is requesting a 4’ side yard and 2’6” distance between structures variance in order to construct a detached garage that was destroyed by fire; the original garage was built in 1984 and destroyed in 2016; the 1984 building permit shows a 3’ side yard which would have been the requirement in 1984 and there was not a distance between structures requirement at that time; the petitioner would like to use the existing foundation for rebuilding; and the current side yard setback requirement is 5’ and the distance between structures requirement is 10’.</p> <p>Interested Party Registration: Mr. Mark Cunningham. Mr. Cunningham shared that he has brought pictures from the fire that destroyed the roof on his building. He indicated that if the insurance had taken care of reimbursing him for his building repair expenses he would not have a concern but they declined payment. He shared that the tenants of Mr. Seaton’s property have garbage up against his building and a fire pit that sits on the concrete slab. Chairman Burdette shared that most of the Commission have been to the property to make observations as well. Mr. Cunningham shared that he would like to see the 10’ increased to keep his building from any further damage. He shared that the tenants still continue to burn and that his foundation also dropped due to the amount of water that was used to extinguish the fire. He shared he has spent \$40K in out of pocket expenses on his building as a result of the fire and his main concern is having another fire break out that would cause further damage to his building. Chairman Burdette shared that there are existing codes today that can help protect his building. Mr. Cunningham shared that he would like the building to be as far away as possible in order to protect the flat roof on his building that he had to have replaced.</p> <p>Petitioner comments: Mr. Seaton shared that Mr. Cunningham’s building is only inches from a property stake that was there that has since been removed. He shared that the fire pit currently is sitting on the garage floor slab and is okay to be there and he does have a neighbor who has had quite a bit of junk and Sergeant Abel is helping them with getting things cleaned out. He shared that Cilco used Mr. Cunningham’s building years ago and it has a high rise which directs all the water to his property. He shared that he has recently noticed that Mr. Cunningham has put in a gutter to run water around it and does not think that the water from the Fire Department caused his foundation to sink. He also shared with Mr. Cunningham that he can understand his concerns. Mr. Cunningham shared with Mr. Seaton the gutter has been in place for two years now. He shared that he does not have any problems with Mr. Seaton and his problems are directed at Mr. Seaton’s grandson who is the tenant of the property. Mr. Seaton shared that the inspectors who inspected the garage after the fire indicated that the fire started either from an electrical drop cord or the spontaneous combustion of wet grass and was not caused by an outside fire.</p> <p>Public comments: None.</p>
Close Public Hearing	At 6:43 p.m. the public hearing was closed.
Approve Case No. 100318-V-1, side yard & distance between structures variance request	<p>Commissioner Roberts moved and Commissioner Reeder seconded to approve the variance request as presented.</p> <p>Commissioner comments: Following discussion on the current placement of the foundation on the property and that variances have been historically granted for accessory structures to be rebuilt on the existing foundation and the uniqueness of the situation, it was the general consensus of the Commission to place a condition that would provide for a 1-hour fire rated wall to be constructed on the portion of the garage facing Mr. Cunningham’s property at 114½ N. High Street (Rear).</p>
Amended Motion	Commissioner Roberts moved to amend his motion to approve the variance on the condition that a 1-hour fire rated wall be constructed on the portion of the garage facing Mr. Cunningham’s property at 114½ N. High Street (Rear), seconded by Commissioner Reeder.

There was no additional discussion and on roll call the vote was:
Ayes: 6 Burdette, Fischer, Milot, Reeder, Roberts, Scott
Nays: 0
Motion carried.

Approve Case No.
100318-V-1, Cont.)

Findings of Fact – application was made by owners of property; fees were paid; property is zoned R-1; and a 4’ side yard and 2’6” distance between structures variance is requested to construct a detached garage that was destroyed by fire. A public hearing was held on Wednesday, October 3, 2018, all present were given the opportunity to be heard; there was one ‘interested parties’; there were objections to the granting of the variance; property cannot yield a reasonable return because the original garage was destroyed by fire; plight of the owner is due to unique circumstances as the property is narrow; and character of the neighborhood would not be visibly changed as surrounding garages do not currently meet code.

Finding of Facts

Case No. 100318-V-2 – A public hearing was opened for comment at 6:55 p.m. on the request of Bernard Behrends, 407 Edgewood Court, to vary the requirement that only allows horse stables as a special use on parcels of real estate with a minimum of five acres in a residential zoning classification. Publication was made of the public hearing notice, and there were no “interested parties” registered.

Public Hearing: allow horses on a lot with less than 5-acres, request of Bernard Behrends, 407 Edgewood Ct. (recommendation to Council to vary the requirement)

B & Z Supervisor Holmes gave a brief overview of the variance request noting the following: the property is zoned R-1 with a total of 3.09 acres; the petitioner is selling the property and wants to market it with the ability to have horses; the property has an existing horse barn and fencing; a permit was issued in 1990 for the barn construction; the petitioner has knowledge that there were horses on the property at one time; and in 1987 horse stables were added to the City’s Zoning Code as a special use in residential zoning with the stipulation that the property has a minimum of 5-acres. She indicated that if City Council approves the variance the special use request will come back to the PZC for a public hearing and recommendation back to City Council.

Petitioner comments: Mr. Behrends shared that when he bought the property you could have horses there and he now has the property for sale and is asking for a variance that would allow horses. He shared that the property is set up for horses with a three stall horse barn and is perfect for two horses.

Public comments: Ms. Diane Childers, representing neighbors, shared that they do not want this to happen in their neighborhood. She stated that houses are too close and she has lived there for a long time. She shared that at one time there were horses there and they were a nuisance with the smell, flies, and the runoff going into the creek. She shared that it would be a public safety hazard to people in the neighborhood. Mr. Barry Sauder, expressed the following concerns: of the 3.09 acres half of it is in the woods and part of a gully; only 1.5 to 1.7 acres would be usable and by humane standards 2-acres are required for one horse and 1-acre for each additional horse; there is not enough open pasture to allow one horse let alone two to be humanly stabled; more insects in neighborhood are a risk to all of us; and, any domesticated animal if it is going to be a nuisance, is a public safety issue. Ms. Childers submitted their concerns on paper along with a signed petition from six property owners sharing their opposition to allowing horses on a property with less than 5-acres.

At 7:01 p.m. the public hearing was closed.

Close Public Hearing

Commissioner Scott moved and Commissioner Reeder seconded to recommend approval of the variance request as presented.

Approve Case No.
100318-V-2

Commissioner comments: Commissioner Scott asked what horse requirements there are on a residential property and P & D Director Oliphant shared that the requirement allows up to one horse per acre but because it is a special use it can also be limited. Commissioner Fischer asked what guides them in their decision and Oliphant shared if this property is fit to house horses with less than 5-acres. Commissioner Scott asked if recommendation is made to allow that it would still have to go through the special use process and Oliphant shared that this hearing is specific to the variance request only but we have to look at both. Chairman Burdette asked when the horse barn was built and Oliphant shared that a permit was issued in 1990 which essentially showed horse stables but the code was amended in 1987 that established the 5-acre requirement to allow horses. Commissioner Milot indicated that if the recommendation is to allow the variance we would be acknowledging that the special use would allow at least one horse. Further discussion ensued on the issue that horses were previously stabled on the property and how the special use would allow for conditions to be placed that would cause the least impact to surrounding properties, as well as concerns with the closeness of the stable to adjoining properties.

There was no additional discussion and on roll call the vote was:
Ayes: 2 Roberts, Scott
Nays: 0 Burdette, Fischer, Milot, Reeder
Motion did not Carry.

Motion did not carry.

A public hearing was opened for comment at 7:19 p.m. on the request of Daniel Manikowski, 504 Ernest Street, to annex part of 600 Ernest Street, and staff is requesting it’s rezoning from R-1A to R-1 concurrent with annexation. Publication was made of the public hearing notice, and there were no “interested parties” registered.

Public Hearing: Annexation & Rezoning, part of 600 Ernest Street, Daniel Manikowski

P & D Director Oliphant gave a brief overview of the annexation request noting the following: the petitioner would like to build a garage south of his current property; the adjoining property

Public Hearing: Annexation & Rezoning, part of 600 Ernest Street, Daniel Manikowski, Cont.)	<p>to the south is not in the City’s corporate limits; the part of 600 Ernest Street that is subject to the annexation would need to be attached to the 504 Ernest Street property once annexed in order to construct the garage; and once annexed, the property would automatically come into the City with R-1A (Singled-Family Residential) zoning and in order to keep the zoning consistent with 504 Ernest Street, the request is to concurrently annex and rezone the parcel R-1 (Single- and Two-Family Residential). He also shared that the Zoning Code does state that annexation of property comes before the Planning and Zoning Commission for a public hearing and recommendation prior to going to City Council for consideration.</p> <p>Petitioner comments: Mr. Manikowski shared that he just wants to put up a garage to store his things and he bought the property from his neighbor at 600 Ernest Street in order to do it.</p> <p>Public comments: None.</p>
Close Public Hearing	At 7:21 p.m. the public hearing was closed.
Recommend approval of annexation	<p>Commissioner Milot moved and Commissioner Reeder seconded to recommend approval of the request as presented.</p> <p>Commissioner comments: Commissioner Milot asked if the City will assume anything upon annexation and P & D Director Oliphant shared that we already maintain the length of roadway adjacent so there would be nothing. Commissioner Scott asked if the two properties would be tied together once the parcel was annexed and Oliphant replied yes they would become one lot of record.</p>
Amended Recommendation	<p>Commissioner Milot moved to amend his motion that the property also be zoned R-1 upon annexation and Commissioner Reeder seconded.</p> <p>There was no additional discussion and on roll call the vote was: <u>Ayes: 6</u> Burdette, Fischer, Milot, Reeder, Roberts, Scott <u>Nays: 0</u> <u>Motion carried.</u></p>
Commissioner Comments	None.
Staff Comments	P & D Director mentioned that the accessory building height variance at 1000 S. Main Street was approved by City Council. He shared that currently there are no cases scheduled for the November meeting.
Adjournment	At 7:26 p.m. Commissioner Roberts moved and Commissioner Reeder seconded to adjourn. <u>Motion carried unanimously by voice vote.</u>

Patricia S. Brown, City Clerk