



City of Highland Building and Zoning

Combined Planning & Zoning Board Agenda
City Hall – 1115 Broadway
May 1, 2019 7:00 P.M.

1. Call to Order – **7PM**
2. Roll Call
CPZB Members – Present – Brad Korte, Deanna Harlan, William Koehnemann, Anthony Walker, Bob Vance, Jim Gallatin and Shirley Lodes
Staff – Breann Speraneo, Mike McGinley, Scott Hanson and Kim Kilcauski
3. General Business:
Approval of the March 6, 2019 Minutes
Motion made to approve the minutes without changes made by Deanna Harlan, seconded by Anthony Walker – 6 Ayes, 1 Abstain. Motion carried.
4. Public Comment Section
Persons who wish to address the Combined Planning and Zoning Board regarding items not on the agenda may do so at this time. Speakers shall be limited to five (5) minutes or a reasonable amount of time as determined by the City Attorney. Any presentation is for informational purposes only. No action will be taken.

Chairperson Korte opened the Public Comment Section. Chairperson Korte recognized Bill Koehnemann for receiving the Dwight F. Davis Award for Outstanding Planning Advocate through the St. Louis Chapter of the American Planning Association for 52 years of service on the City of Highland's planning and zoning boards.
5. Public Hearings and Items Listed on the Agenda
Persons wishing to address the Combined Planning and Zoning Board regarding items on the agenda may do so after the Chairperson opens the agenda item for public hearing or for public comment. Speakers shall be limited to five (5) minutes or a reasonable amount of time as determined by the City Attorney.

Chairperson Korte reviewed the process. No one in the audience stood when asked if they would be addressing the board, so the oath was not administered prior to the opening of hearings.
6. New Business
 - a) Justin Vonder Harr of 900 Cindy St, Germantown, IL is requesting a variance to Section 90-129 of the City of Highland Municipal Code to allow a zero lot line in order to convert an existing condominium duplex to a villa located at 110 Auburn Ct, Unit A. (PIN #02-2-18-31-15-401-019)



City of Highland Building and Zoning

- b) Justin Vonder Harr of 900 Cindy St, Germantown, IL is requesting a variance to Section 90-129 of the City of Highland Municipal Code to increase the maximum lot coverage for the R-2-A zoning classification from 30% to 36.8% in order to convert an existing condominium duplex to villa located at 110 Auburn Ct, Unit A. (PIN #02-2-18-31-15-401-019)
- c) Justin Vonder Harr of 900 Cindy St, Germantown, IL is requesting a variance to Section 90-129 of the City of Highland Municipal Code to allow a zero lot line in order to convert an existing condominium duplex to a villa located at 110 Auburn Ct, Unit B. (PIN #02-2-18-31-15-401-019)
- d) Justin Vonder Harr of 900 Cindy St, Germantown, IL is requesting a variance to Section 90-129 of the City of Highland Municipal Code to increase the maximum lot coverage for the R-2-A zoning classification from 30% to 37.0% in order to convert an existing condominium duplex to villa located at 110 Auburn Ct, Unit B. (PIN #02-2-18-31-15-401-019)

Chairperson Korte opened the public hearing and asked that items A, B, C and D be presented and then a hearing would be done on each item. Breann Speraneo presented the items, which included the standards for review. Jim Gallatin asked if there was anything unusual about the condo to villa conversions. Breann Speraneo responded that there was not anything unusual. Chairperson Korte asked if there were further questions. There were no additional questions. Chairperson Korte closed the public hearing. Chairperson Korte asked if there were further comments from staff or questions from the board. Hearing no further comments or questions, Chairperson Korte closed the discussion.

Motion made to approve Item A made by Anthony Walker, seconded by Shirley Lodes – 7 Ayes, 0 Nays. Motion carried.

Motion made to approve Item B made by Jim Gallatin, seconded by Bob Vance – 7 Ayes, 0 Nays. Motion carried.

Motion made to approve Item C made by Deanna Harlan, seconded by Bob Vance – 7 Ayes, 0 Nays. Motion carried.

Motion made to approve Item D made by Bob Vance, seconded by Anthony Walker – 7 Ayes, 0 Nays. Motion carried.

- e) Bonnie Strieker of 107445 Buckingham Ct, Breese, IL is requesting a variance to Section 90-129 of the City of Highland Municipal Code to allow a zero lot line in order to convert an existing condominium duplex to a villa located at 125 Sunbeam Drive, Unit A. (PIN #01-2-24-04-08-201-012)
- f) Bonnie Strieker of 107445 Buckingham Ct, Breese, IL is requesting a variance to Section 90-129 of the City of Highland Municipal Code to allow a zero lot line in order to convert



City of Highland Building and Zoning

an existing condominium duplex to a villa located at 125 Sunbeam Drive, Unit B. (PIN #01-2-24-04-08-201-012)

Chairperson Korte Brad opened the public hearing regarding items E and F. Breann Speraneo presented the items which included standards for review. Chairperson Korte asked if there was anything unusual about the condo to villa conversion. Breann Speraneo responded that there was not anything unusual. Chairperson Korte explained to those in attendance that condo to villa conversions are regular items on the CPZB agenda. He asked if there were further questions. There were no additional questions. Chairperson Korte closed the public hearing. Chairperson Korte asked if there were further comments from staff or questions from the board. Hearing no further comments or questions, Chairperson Korte closed the discussion.

Motion made to approve Item E made by Bill Koehnemann, seconded by Jim Gallatin – 7 Ayes, 0 Nays. Motion carried.

Motion made to approve Item F made by Shirley Lodes, seconded by Bob Vance – 7 Ayes, 0 Nays. Motion carried.

- g) The City of Highland (1115 Broadway, Highland, IL) is requesting a text amendment to Chapter 54 “Planning,” Article II “Combined Planning and Zoning Board,” Section 54-28 to remove an expired section.

Chairperson Korte Brad opened the public hearing on item G, Planning Code Update – Deletion of expired text. Breann Speraneo presented Section 54-28 – Term of office and vacancy – Filling Procedure. The purpose is to delete text that became obsolete on August 31, 2009. Chairperson asked if there were further questions. There were no additional questions. Chairperson Korte closed the public hearing. Chairperson Korte asked if there were further comments from staff or questions from the board. Hearing no further comments or questions, Chairperson Korte closed the discussion.

Motion made to approve Item G, Planning Code Update, made by Jim Gallatin, seconded by Bob Vance – 7 Ayes, 0 Nays. Motion carried.

- h) The City of Highland (1115 Broadway, Highland, IL) on behalf of Kurt Korte (15 A Auburn Ct, Highland, IL) is requesting a zoning map amendment to rezone property at 241 Buckingham Ct from R-2-B to R-1-C. (PIN # 01-2-24-04-19-401-033)

Chairperson Korte Brad opened the public hearing on item H, The rezoning of 241 Buckingham Ct from R-2-B to R-1-C. Breann Speraneo presented the information on the rezoning of 241 Buckingham Ct. Breann stated that she was unsure why the property was originally zoned R-2-B. The surrounding properties are zoned R-1-C and R-1 A Single-Family Residential. The property is currently a vacant lot, with a single-family home to be constructed. The area is designated to be residential and is suitable for single-family uses. The proposed map amendment is consistent with the proposed uses and goals within the



City of Highland Building and Zoning

Comprehensive Plan, which shows the area as “residential”. Staff recommended approval of rezoning from R-2-B to R-1-C which is consistent with both the Future Land Use Map and Comprehensive Plan. Deanna Harlan corrected a slide that had read “Lindenthal Park”; it should be “Lindendale Park”. Jim Gallatin asked if flooding was a problem with the property. Breann said that there is a pond close by, but it is not an issue. Chairperson asked if there were further questions. There were no additional questions. Chairperson Korte closed the public hearing. Chairperson Korte asked if there were further comments from staff or questions from the board. Hearing no further comments or questions, Chairperson Korte closed the discussion.

Motion made to approve Item H, Rezoning of 241 Buckingham Ct. from R-2-B to R-1-C, made by Deanna Harlan, seconded by Bob Vance – 7 Ayes, 0 Nays. Motion carried.

7. Old Business

- a) The City of Highland (1115 Broadway, Highland, IL) is requesting a text amendment to Chapter 90 “Zoning,” Article I “In General,” Section 90-15 Definitions to define “hardship.”

Chairperson Korte Brad opened the public hearing on the previously tabled text amendment to Chapter 90 “Zoning,” Article I “In General,” Section 90-15 Definitions to define “hardship.” Scott Hanson presented. The purpose of defining hardship is to make clear what circumstances are considered hardships. The proposed definition of hardship as used in connection with the granting of a variance relating to the restrictions governing dimensional standards, a circumstance that, by reason of exceptional shape of a lot, topographic conditions, or other physical conditions of a parcel of land, strict conformity to the dimensional standards is unnecessarily burdensome or unreasonable in light of the purpose of this code. Hardship shall not include economic hardship or any other hardship that is self-imposed. Scott reminded the board that if an item is appealed it would go to court and not to council.

Scott Hanson asked that the board consider what is “enough” hardship. Regulations do create some level of necessary hardship and inconvenience shared by all of the community. An applicant must show unnecessary hardship. Hardships are determined on a case-by-case basis. The board has a “quasi-judicial” role in the process taking the evidence presented by the applicant and weighing the individual circumstances against the community standards within the zoning code. Hardship must be more than an inconvenience. The cost of compliance is not a determinative. The applicant must show the substantial and undue nature of that additional cost as compared to others subject to the same restriction. The unnecessary hardship must be peculiar to the property, not general to the neighborhood or community.

Scott Hanson presented additional case examples to assist with the hardship discussion. One example presented was a single-family homeowner wanted to replace a one-car garage with a two-car garage. Setbacks would be met; however, if the new garage would then result in exceeding the maximum lot coverage by 5%. The neighborhood features similar sized lots and homes, all with one-car garages. Scott explained that using the definition and guidelines to make a decision would be beneficial. Chairperson Korte commented that some garages are in sad shape and need to be replaced. Chairperson Korte asked the board to consider a 60 year old resident coming before the board to replace an old one-car garage in



City of Highland Building and Zoning

poor condition with a two-car garage. Chairperson Korte and Shirley Lodes agreed they would be for it because of improvement to property and neighborhood. Deanna Harlan stated that she understood the struggle, but it would not be a hardship. Jim Gallatin said he would have to approve. Scott Hanson said without a definition at the current time it is a difficult decision. He also stated that a definition would box in the board. Chairperson Korte agreed.

Shirley Lodes stated that hardship means different things to different people and she does not like the proposed definition. Chairperson Korte stated that the definition of hardship did not have to be decided this evening as it is very important to the board and community. Shirley Lodes found a definition from Legal Lingo and shared. Jim Gallatin said that it brings in a cost factor. Shirley Lodes also provided the Webster definition of "hardship" which included a condition that is difficult to endure suffering, deprivation, oppression or a life of hardship.

Scott Hanson stated the proposed definition was drafted from a combination of definitions from Wisconsin, California, etc. The definition can be changed prior to finalizing.

Deanna Harlan stated the average person that has to read the definition would have a hard time deciding whether or not to pursue. The definition needs to be simplified. Scott Hanson stated a "hardship" definition would provide guidance for staff too.

Mike McGinley noted that the current proposed definition may prevent a reasonable return on the property and proposed that the definition does not include "economic hardship". Shirley Lodes stated residents should be able to improve their property. Jim Gallatin added that if the improvement will not hurt anyone else then homeowners should be able to make improvements. Mike McGinley said that he understood that the board had years of experience and much consideration is given when making decisions. Mike also added that definitions provide a structure for decisions. Mike went on to say that the board can currently wave things and with a definition of "hardship" there would not be that leniency. Jim Gallatin stated that certain precedents have been set. Breann Speraneo stated that staff wants to provide a definition for the board to have a basis for decisions. She said even if lot value is improved, the board still has to think about neighborhood as a whole. Shirley Lodes suggested taking economic hardship into account. Deanna Harlan stated that economic hardship is fair. Shirley said it had been part of the decisions for years. Deanna Harlan provided an example of purchasing a house without a garage and a tree in the way of the new driveway/garage on the property that was 75 years old, but healthy. The tree was in the right-of-way and was going to cost \$25,000 to cut it down. The tree commission did not care. The new property owners know that they bought. What would CPZB have said?

Chairperson Korte said if the board disappeared tomorrow, then a person could not look at past decisions but instead only go forward. Chairperson Korte said that some communities utilize a third party to make these decisions. A definition would put us in a good direction.



City of Highland Building and Zoning

Chairperson Korte said he came across area variances and use variances. Scott Hanson provided an example and the code prohibits certain uses such as a particular property does not allow for the use of a carwash.

Chairperson Korte suggested tabling item.

Scott Hanson provided another example of a request for a home height exception. Is it a “hardship” or a “want”? Chairperson Korte, Anthony Walker and Bob Vance agreed that it was a “want”. Shirley Lodes said it would be better than an empty lot. Anthony Walker agreed, but height restrictions are in place for a reason even if we do not know what the reason is. He said that perhaps fire apparatuses might not be able to access a certain height creating a life safety concern. A guidance or definition of “hardship” is needed and getting the right definition is key. Deanna Harlan said that if approved a precedence would be set. Chairperson Korte suggested that that prior homes that complied would not be happy. Discussion continued. Scott Hanson suggested updated the definition. Mike McGinley suggested taking out the last sentence. Also suggested “hardship shall not prevent a reasonable return on property”. Chairperson Korte referenced the first page of code book regarding making decisions. He suggested a good synopsis behind the definition regarding why the board came up with definition and what the board is trying to avoid. Mike McGinley said that is why “whereas” and “therefore” is used. He suggested simplifying definition and give the meaning context.

Staff with revise the definition of “hardship” and add context.

Motion made to table request for a text amendment to Chapter 90 “Zoning,” Article I “In General,” Section 90-15 Definitions to define “hardship” made by Bob Vance, seconded by Jim Gallatin – 7 Ayes, 0 Nays. Motion carried.

8. Calendar
 - a) June 5, 2019– Combined Planning and Zoning Board Meeting
 - b) Adjournment – 8PM**

Anyone requiring ADA accommodations to attend this public meeting, please contact Dylan Stock, ADA Coordinator, at 618-654-7115.