



City of Highland

Building and Zoning

Combined Planning & Zoning Board Agenda
City Hall – 1115 Broadway
September 7, 2022 7:00 P.M.

1. Call to Order
2. Roll Call
3. General Business:
Approval of the August 3, 2022 Regular Meeting Minutes
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.
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.
6. New Business
 - a. Tut Properties, Inc. (10 Winged Foot Drive) is requesting Preliminary Plat approval for Tut Industrial Park Subdivision 2, located at the northeast corner of the intersection of Veteran's Honor Parkway and St. Rose Road.
 - b. Philip & Mari Seper (135 Quail Drive) are requesting a variance to Section 90-208 of the Municipal Code to allow for a 3'6" fence in the front yard at 135 Quail Drive. (PIN# 01-2-24-04-08-203-022)
7. Calendar
 - a. October 5, 2022– Combined Planning and Zoning Board Meeting
 - b. Adjournment

Citizens may attend in person or monitor the meeting by phone. To monitor the meeting, call 618-882-4358 and use conference ID# 267091. To have a comment read into the meeting minutes, email your comment to highlandzoning@highlandil.gov or submit it through our Citizen Request portal on our website.

Anyone requiring ADA accommodations to attend this public meeting, please contact Breann Vazquez, ADA Coordinator, at 618-654-9891.



City of Highland
Building and Zoning

August 29, 2022

To: Combined Planning & Zoning Board

From: Breann Vazquez, Director of Community Development

RE: Agenda Item A

The following item is being pulled from the agenda due to staff not receiving all required documents prior to the deadline and at the applicant's request:

- a. Tut Properties, Inc. (10 Winged Foot Drive) is requesting Preliminary Plat approval for Tut Industrial Park Subdivision 2, located at the northeast corner of the intersection of Veteran's Honor Parkway and St. Rose Road.



City of Highland
Building and Zoning

Meeting Date: September 7, 2022

From: Breann Vazquez, Director of Community Development

Location: 135 Quail Drive

Zoning Request: Variance

Description: Variance to allow for 3'6" fence in front yard

Proposal Summary

The applicants and property owners for this case are Philip & Mari Seper. The applicants of this case are requesting the following variance to Section 90-208 of the City of Highland Municipal Code:

- **Allow for a 3'6" fence in the front yard at 135 Quail Drive. (PIN# 01-2-24-04-08-203-022)**

In order for the applicants to be granted variance approval, the request must first be reviewed and approved by the CPZB as per 90-93 'Variances – Public hearing and notice requirements' of the Zoning Code.

Sec. 90-208. - Fences and walls.

This section contains the minimum regulations for the erection or alteration of fences and walls in the city.

- (b) Fence regulations for residential districts (R-1-A, R-1-B, R-1-C, R-1-D, R-2-A, R-2-B, and R-3).
 - b. On a corner lot:
 - (ii) A fence up to a maximum of 30 inches (2.5 feet) shall be allowed in the front yard. The front yard shall be determined by the zoning administrator based upon the property address, the orientation of the dwelling, and/or the location of the primary entrance. A fence shall not be permitted within the sight distance triangle.

Land Use and Zoning of Surrounding Properties

Direction	Land Use	Zoning
North	Single-Family Residence	R-1-C
South	Single-Family Residence	R-1-C
East	Single-Family Residence	R-1-C
West	Single-Family Residence	R-1-C



City of Highland Building and Zoning

Standards of Review for Variances

Below are the seven (7) consideration items listed in Section 90-94, Section (1) Item (b) of the Zoning Code which the Combined Planning and Zoning Board shall take into account while reviewing a variance.

1. The applicant acquired his property in good faith and where by reason of exceptional narrowness, shallowness or shape of his specific piece of property at the time of the effective date of this code, or where by reasons of exceptional topographical conditions or other extraordinary circumstances, that the strict application of the terms of the zoning regulations actually prohibit the use of this property in the manner similar to that of other property in the zoning district where it is located;

This variance is not a result of the property itself, but rather the specific needs of the property owner.

2. The proposed variance is consistent with the general purpose of this chapter, Section 90-1;

The variance is consistent with the general purpose of the code.

3. Strict application of this chapter of which the variance is requested would constitute unnecessary hardship upon the property owner represented in the application;

If this variance is not granted, the maximum allowed fence height in the front yard would be 2'6".

4. The proposed variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship and allow a reasonable return on the property;

This is the minimum deviation to the code.

5. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district and is not created by an action or actions of the property owner or applicant;

The variance is the result of the property owner's specific needs.

6. The peculiar circumstances engendering the variance request are not applicable to other property within the district, and therefore, that a variance would be a more appropriate remedy than an amendment (rezoning); and

A variance is the most appropriate remedy.

7. The variance, if granted, will not alter the essential character of the area where the premises in question are located, nor materially frustrate implementation of this city's comprehensive plan.

This variance will not alter the essential character of the area or affect implementation of the comprehensive plan.

In granting a variance, the board may impose such conditions, safeguards and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations.

Staff Discussion

The property owner has indicated to City staff that this variance is needed in order to ensure the safety of a household member with specific medical needs. Staff recommends approval with the following conditions:

1. The fence must be slatted/picket style and not a privacy fence.
2. The variance must not be transferable to the next property owner and it shall be the applicant's responsibility to remove the fence or take it down to 2'6" in the front yard prior to transferring the property to a new owner.

Aerial Photograph

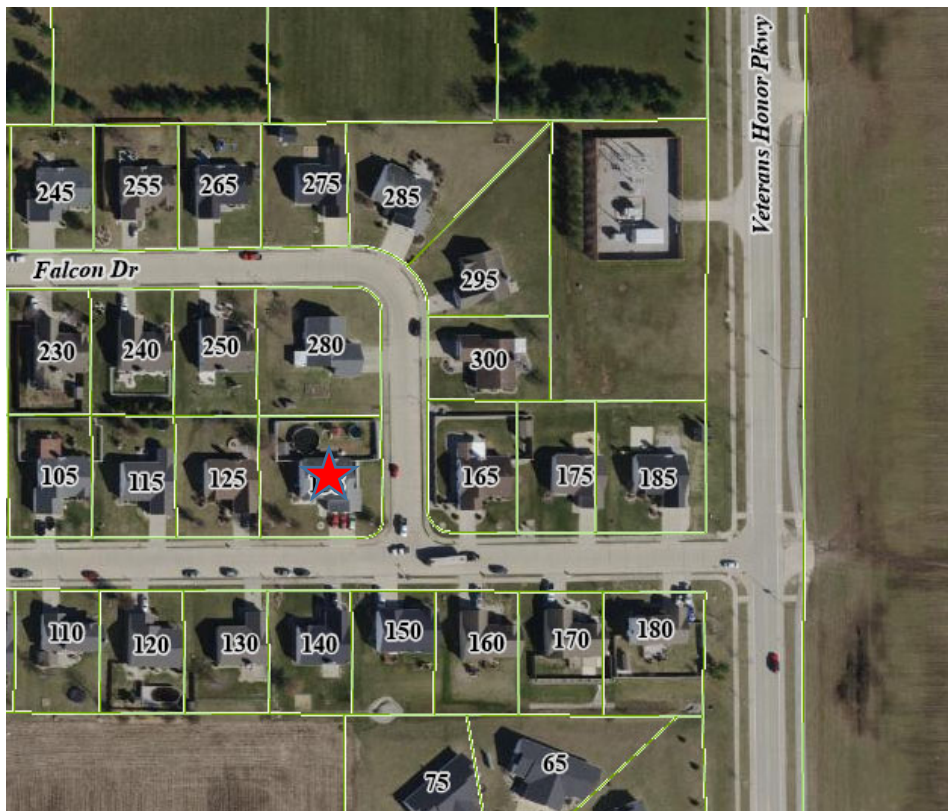


EXHIBIT "A"
Variance Application

Return Form To:
Administrative Official
City of Highland
2610 Plaza Drive
Highland, IL 62249
(618) 654-9891
(618) 654-1901 (fax)

For Office Use Only
Date Submitted: _____
Filing Fees: _____
Date Paid: _____
Date Advertised: _____
Date Notices Sent: _____
Public Hearing Date: _____
Zoning File #: _____

APPLICANT INFORMATION:

Applicant: Philip & Mari Seper Phone: 618-979-2055
Address: 135 Quail Drive, Highland, IL Zip: 62249
Email Address: marig1995@yahoo.com
Owner: SAME Phone: _____
Address: _____ Zip: _____
Email Address: marig1995@yahoo.com

PROPERTY INFORMATION:

Street Address of Parcel ID of Property: 135 Quail Drive; PIN# 01-2-24-04-08-203-022

Present Use of Property: Single-Family Residence

Proposed Use of Property: Single-Family Residence

Variance Requested: to allow for a 3'6" fence in the front yard

Code Section: 90-208 (b)(b)(ii)

SURROUNDING LAND USE AND ZONING:

	<u>Land Use</u>	<u>Zoning</u>
North	<u>Single-Family Residence</u>	<u>R-1-C</u>
South	<u>Single-Family Residence</u>	<u>R-1-C</u>
East	<u>Single-Family Residence</u>	<u>R-1-C</u>
West	<u>Single-Family Residence</u>	<u>R-1-C</u>

The Combined Planning and Zoning Board shall not grant any zoning variance unless, based upon the evidence presented to them, they determine that:

Yes No

1. Property Acquisition: The property was acquired in good faith and strict application of the terms of the Zoning regulations would prohibit the use of the property.	X	
2. Zoning Code Compliance: The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.	X	
3. Hardship: Strict application of this Chapter of which the variance is requested would constitute unnecessary hardship upon the property owner represented in the application;	X	
4. Minimal Deviation: The proposed variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship and allow a reasonable return on the property;	X	
5. Uniqueness: The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district and is not created by an action or actions of the property owner or applicant.	X	
6. Public Interest: The variance is not applicable to other property within the district, and therefore, that a variance would be a more appropriate remedy than an amendment (rezoning), and	X	
7. Comprehensive Plan Compliance: The variance, if granted, will not alter the essential character of the area where the premises in question are located, nor materially frustrate the implementation of this City's comprehensive plan.	X	

THE FOLLOWING ITEMS MUST ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description AND warranty deed of the property. If the applicant is not the property owner, a notarized letter from the property owner granting the applicant permission to apply for the request will be required.
2. A current plat, site plan, survey, or other professional illustration.
3. One copy of a narrative statement describing the impact of the proposed change, including the purpose of the request, the desired land use, any traffic conditions that may result, how the proposed change may affect the character of the surrounding properties, and how the proposed change will benefit the City of Highland.
4. Application fee.
5. Any other information required by planning staff (i.e. landscaping plan, elevation plan, exterior lighting plan, etc).

I HAVE READ AND UNDERSTAND THE ABOVE CITY OF HIGHLAND PETITION TO THE COMBINED PLANNING & ZONING BOARD REQUIREMENTS.

Mari Seper

 Applicant's Signature

8/4/2022
 Date

Property Line



3ft back from sidewalk

Garage



We are requesting permission to add a fence up to 3.6 feet high to the front and side area of our home located at 135 Quail Drive E.

Our daughter has Autism along with several other diagnosis. We have had several circumstances where she has been outdoors going to and from the vehicles or even sitting on the porch and have been placed in unsafe conditions due to roaming animals. We have also had situations where the speed of vehicles traveling down our street have become concerning. Our daughter is supervised 24/7, an adult is always with her. A fence would allow her a little more independence and prevent her from getting hurt at the same time. The fence would be maintained, slated or picket and not above the height stated above.

Approval for this would be greatly appreciated.

Sincerely,

Philip and Mari Seper