

**Village of Hodgkins**  
**Zoning Committee Meeting**  
**September 20, 2018**

Meeting called to order at 7:30p.m.

Those Present: Paul Struve, Chairman  
Larry Rice, Member  
Dominic Misasi, Member  
Lida Mills, Member  
Tim Kovel, Member

Also Present: Noel Cummings, President  
Stephanie Gardner, Clerk  
John O'Connell, Attorney  
Matt Struve, Building Inspector

Those Absent: Vicky Moxley, Member

Discussion regarding owner residing at non-conforming rentals and discussion regarding business license fees for Mobile Home Park.

Mr. Struve discussed R-1 non-conforming houses and multiple family or two homes on one lot. There is a home being sold to someone outside the community who wants to remodel and rent out the 2 units and not live at the residents. Mr. Struve said there has been previous discussions that once someone dies or sells the home, anyone purchasing a non-conforming, R-1 lot, would need to live on the property.

Mr. Cummings has concerns about this option. Mr. Kovel discussed that this would be for any new owners, not current owners.

Mr. M. Struve explained there is a gentleman from LaGrange Highlands who is in the process of purchasing 6517 Kane Avenue. He is looking to remodel and rent out the main floor and upstairs as rentals. He wants to use the garage in the back as storage for his business. Mr. M. Struve said the goal of the proposed ordinance if someone now sells property it would remain in non-conforming state as long as the purchaser lives on site. He explained this is a preventative measure trying to keep land lords from purchasing property and not being present to fix any issues. Possible options are if the purchaser were to live somewhere in town, to be available to manage the property. Mr. M. Struve said there are concerns on the complication of this.

Mr. O'Connell addressed the issue. There is a current ordinance that may address 6517 Kane Avenue.

The current ordinance reads: "if a property has remained vacant for more than a year it loses the non-conforming status unless the board grants an extension."

As related to 6517 Kane Avenue, they have interviewed the potential buyer, he seems to have credentials, and he said he is going to put approximately \$190,000.00 to bring the property up to code. The Village could present to the current owner, which is the bank, that we need evidence the property has not been vacant for a year. If bank can provide this evidence the gentleman is free to purchase the property. If they cannot then as related to 6517 Kane Avenue, then this gentleman cannot purchase this property. Mr. O'Connell explained that non-Conforming is a privilege, not a grant or right. If the board does not want to keep this property as non-conforming they have the right to do this.

Mr. Struve wanted to discuss if the Board wants to allow multiple family use, at this particular R-1 location. Mr. Struve is concerned about having good owners, and not having slum lords. Mr. O'Connell said at this time, we cannot predict what owners down the road will be like. At this time, we have the opportunity to stop this. They will have the opportunity to rebut this, but all indications we have say the property has been vacant for more than a year. The home has not passed inspections.

Mr. O'Connell said the gentleman is willing to pay to correct all the issues with the home. The home is 104 years old. We as a village owe it to the buyer to exercise the provision, unless everyone is against it, to say before you spend all this money, let's make sure you are legal. If you are not legal the non-conforming use is gone.

Mr. Struve questioned the board if they want to have a multiple family building that have been there for many years and possibly have a bad land lord, or not? Mr. Cummings said the building has been there 104 years and has not had any problems. Mr. Rice worried about the garage being used for the purchaser's business storage. Mr. O'Connell said 2 portions will be for the renter parking and the balance will be for storage.

Mr. Struve said looking at the situation in a different perspective and there are 14-15 non-conforming properties in this area. All communities need to have multiple family areas. He is not against multiple family. If the codes are enforced how they are supposed to be then we can keep control of a land lords not being a slum lord. He wants to prepare the community. Mr. Cummings said he is not for this. He does not want the Village to keep buying up properties if they can be fixed.

Mr. O'Connell asked about the specific property of 6517 Kane Avenue. Mr. O'Connell would like to make a request to the bank to verify that the building has not been vacant for more than 1 year. If vacant more than a year, then an extension can be granted by the Board.

Mr. Misasi asked if the building is in foreclosure, and the Village does not want it rehabbed by this gentleman what is the Board going to do? Is the Village going to buy it and tear it down? Mr. Misasi said there is someone willing to buy the property and spend almost \$200,000 to rehab it. Mr. Misasi feels we should give the gentleman a chance to do it. Mr. Kovel said the gentleman is a contractor, state licensed and going to do a lot of work. He was going to do complete plumbing and electrical repair, remove the asbestos from the siding. He would like to know how we can deny this. Mr. Kovel explained they are looking at this for the next juncture.

Mr. Misasi said he would like to let 6517 Kane Avenue be purchased and rehabbed, and then pass the ordinance, so when or if the building goes up for sale again, the next owner would need to live at the residence. The purchaser is looking to get \$1,700.00 per month in rent per unit.

Mr. Cummings brought up having homes 5 feet off the property line. Mr. Kovel said you cannot force people to tear their homes or garages down. Mr. Struve said this ordinance is for new construction, not existing homes. Mr. Struve said one is building codes and one is Zoning. Mr. Struve said he is the reason for the non-conforming use. In 1975 Mr. Struve said he had a petition signed by everyone in the town to allow non-conforming use. If a non-conforming home is not used for 1 year or more, it is supposed to revert back. This was put in place in 1975. Mr. O'Connell said the Ordinance Mr. Struve refers to does allow the Zoning Board of Appeals, upon a petition from the property owner, to extend for an additional of 12 months. Mr. O'Connell would at least like to find out how long it has been vacant. Mr. Kovel said this is fine to do. He likes Mr. Misasi idea that is discussed above.

Mr. Struve said regarding the extension, in the past, when people have gone for loans on non-conforming homes the Village would write a letter. This could affect the ability to get a loan. Mr. O'Connell hopes the person purchases the home, since he will be putting money into the home. If this gentleman does not proceed with the purchase we would need to revisit the situation.

Mr. Rice would like to go with Mr. Misasi's idea of letting the gentleman purchase this property and proceed with the remodeling. There is an inspection of the home scheduled for tomorrow at 10:00am.

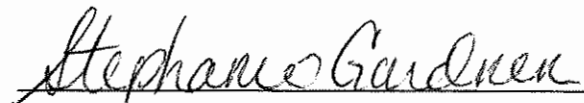
Clerk Gardner asked for a consensus for the gentleman to go through with purchase and plans for remodeling. All in consensus: Mr. Struve, Mr. Rice, Mr. Misasi, Mrs. Mills, and Mr. Kovel.

The next item on the agenda is business licenses fees for mobile home parks. Mr. Struve said this is just a matter of clarification. There are 2 different numbers listed and he just wants to know which one. Mr. Cummings would like to see them charged the same amount as last year. The amount was \$900.00 last year. Mr. Struve wants this in the ordinance book so it is consistent. The fee schedule in the codebook says the fee is \$100.00 application fee plus \$5.00 per mobile home. Mr. Struve wants to clarify a flat fee or what is in the code book. Mr. O'Connell said there was an amendment to the fees and \$900.00 was decided. There was a building committee meeting a few years back to discuss fees and the fee was updated. The fee will stay at \$900.00 for the mobile home parks. Mr. Struve wanted to know so the office staff was aware.

Clerk Gardner asked for a consensus to have the business license fee for all Mobile Home Parks to remain at \$900.00. All in consensus: Mr. Struve, Mr. Rive, Mr. Misasi, Mrs. Mills, and Mr. Kovel

Mr. Struve would like to eliminate Zoning Ordinance 10-8-4-D paragraph 1. Mr. O'Connell said he would have an Ordinance available for October Board Meeting, reflecting the changes.

Zoning Committee Meeting closed at 8:05 p.m.

  
Stephanie Gardner, Village Clerk