

**City of Zion
Planning and Zoning Commission**

Juanita Winfrey, Chairperson

Jim Bowman

Howard Burkemper

Ernest Isley

Bruce Quinn

Gerald Riley

Madeline Santana

Meeting Minutes

REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION

Thursday, November 3, 2016, 7:00pm

ZION CITY HALL COUNCIL CHAMBERS

I. Opening Protocol

- Call to Order
Acting Chairperson Isley called the meeting to order at 7:04pm

- Attendance
Present: Jim Bowman, Howard Burkemper, Bruce Quinn, Gerald Riley, Ernest Isley

Also present: Richard Ianson, Director of Building and Zoning, City of Zion, Paula Randall, Attorney, City of Zion

Absent: Madeline Santana (Absent), Juanita Winfrey, (Excused)

- Approval of Agenda
It was motioned by Mr. Bowman and seconded by Mr. Burkemper to approve the agenda as presented.
Vote: Jim Bowman, aye; Howard Burkemper, aye; Bruce Quinn, aye; Gerald Riley, aye; Ernest Isley, aye. Motion passes

- Approval of Regular Meeting Minutes from August 4, 2016
It was motioned by Mr. Burkemper and seconded by Mr. Quinn to approve the meeting minutes as presented.
Vote: Jim Bowman, aye; Howard Burkemper, aye; Bruce Quinn, aye; Gerald Riley, aye; Ernest Isley, aye. Motion passes

II. Public Hearings/Swearing In

At this time, Acting Chairman Isley swore in all audience members that would be speaking towards any of the dockets.

1. Docket 16-Z-12

Petitioner: Christopher Elliott

Request: Seeking a variance from Section 102-206(a)(2) to secure a mortgage for the legal non-conforming residence.

Director Ianson stated that the Petitioner currently resides at the property and is interested in purchasing the property but he has had difficulty getting a mortgage due to the legal non-conforming status.

Mr. Bowman asked how many units the property has. Mr. Elliott stated that the property currently has three units and are currently in talks with the building department to turn it into a two unit.

Referencing the Petitioner's application, Mr. Bowman asked Mr. Elliott if he had any documentation stating that federal guidelines prevent mortgage underwriting for a legal non-conforming property unless it can be rebuilt with the same number of units. Mr. Elliott stated that he does not have a paper however he stated that he has spoken with multiple loan companies who have said that there is a "potential loss of investment" to go from a multifamily home to a single family home. Mr. Elliott added that its part of the Fannie Mae & Freddie Mac underwriting standards in which they will not provide any underwriting for this legal non-conforming structure unless it can be rebuilt as a two unit home.

Mr. Burkemper asked Mr. Elliott if he is pursuing an FHA loan. Mr. Elliott stated that he looked at both FHA and Conventional loans. He added that both follow the same guidelines in this case. Mr. Burkemper asked how long has this guideline been in place. Mr. Elliott said that he believes it has been around since the housing crash of 2008. Mr. Burkemper stated that he believes there are products available that will give Mr. Elliott a loan under these conditions and encouraged Mr. Elliott to check more. Mr. Elliott stated that he has spoken to at least half a dozen different companies including portfolio lenders that do not sell with Fannie Mae or Freddie Mac who have given me the same response of being a "potential loss of investment". Mr. Quinn commented that he thought it was more of the non-conforming status.

Mr. Bowman asked Mr. Elliott if he is planning to reside at the property. Mr. Elliott stated that currently resides there and is planning to remain there after he purchases the property. He also stated that he has been there for four years and he currently has a lease option with the owner, however he has not been able to find funding within the four years.

Acting Chairman Isley asked Mr. Elliot if his inability find funding to purchase the property is reason he is seeking the variance. Mr. Elliott stated yes. Mr. Bowman asked if the current owner would consider a rent to won. Mr. Elliott stated that he has a five year agreement currently.

Mr. Burkemper asked Mr. Elliott why he should receive a variance to have a multifamily home in a single family area. Mr. Elliott stated that the house he is currently residing in, to the best of his knowledge, has always been a two family home. He added that he is planning to owner-occupy as opposed to an investment company purchasing the property and leasing it out. There is currently a tenant who is in the Navy that is currently residing on the second floor who has been there for about a year.

Mr. Burkemper asked Mr. Elliott if he has tried seeking a mortgage as a single family home. Mr. Elliott stated yes and that the mortgage company will provide a construction loan to revert from multi-family to single family, however the house is currently 3600 square feet, which is rather large for his small family. Mr. Elliott added that the rental income helps offsets the costs of property taxes.

Mr. Riley asked Mr. Elliott what his plans were for the basement unit. Mr. Elliott stated that he is already working on a plan with Director Ianson to remove it.

Marilyn Karas, 2333 Emmaus Ave stated that she lived here most of her life and noted how that many of the homes were converted into apartment and added that has high taxes. Mr. Burkemper stated that Zion does not have high taxes but a high tax rate.

Ms. Karas stated that this is a big beautiful home and that the average person cannot afford the taxes here by themselves, especially a young couple with a baby. She added that it makes more sense to have a nice clean beautiful place where two nice families live in my neighborhood that to see it empty or boarded up.

Mr. Bowman stated that he agreed with her to some extent. He stated what he disagreed with her on is people not doing their homework before purchasing a home.

After further discussion and reviewing the findings of facts, it was motioned by Mr. Burkemper and seconded by Mr. Riley to deny the Petitioner's application.

Vote: Jim Bowman, aye; Howard Burkemper, aye; Bruce Quinn, aye; Gerald Riley, aye; Ernest Isley, aye. Motion passes.

III. Public Participation

There was none.

IV. New Business

There was none.

V. Adjourn

It was motioned by Mr. Bowman and seconded by Mr. Quinn to adjourn the meeting at 7:42pm.

Vote: Jim Bowman, aye; Howard Burkemper, aye; Bruce Quinn, aye; Gerald Riley, aye; Ernest Isley, aye. Meeting adjourned.

Sonolito Bronson

Recording Secretary