

ZONING BOARD MEETING

September 9, 2020

7:30 PM

201 N Smith St

VARIANCE REQUEST

MINUTES

This hearing was called to order at 7:30pm by Chairman Lori Rodriguez.

Zoning Board members present were: Tom Incrocci, Mark Parker, Dale Becherer, Tom Schanherr, Leo Simburger, Julie York. Also present were Chairman Lori Rodriguez, Zoning Administrator and Engineer Scott Saeger, Deputy Zoning Administrator Beth Buehlhorn and Attorney Carmen Durso.

Deputy Zoning Administrator Buehlhorn read the Public Notice that was published in the Freeburg Tribune on August 20, 2020.

Chairman Rodriguez read the letter sent to surrounding residents and the list of those residents.

Applicant, Dannie Valentine and guests, was sworn in to speak.

Valentine explained that he was asking for a side and rear setback for a utility shed. The shed is on wheels, it had been in storage. The shed has never touched the ground.

Durso asked if it was on skids or wheels. Valentine said it is currently on wheels.

Durso asked his intention of the undercarriage of the shed. Valentine said he will sell the under carriage. Durso asked how long it would take to move it. Valentine said it would just have to be moved away.

Durso asked if there was an easement on that side. Saeger stated that Valentine does have utility poles at the location. Saeger reached out to Ameren, they have not gotten back to him yet. Village of Smithton does not have a dedicated easement on that side. Village of Smithton does not have rights, Ameren has rights due to having a utility pole located on it.

Becherer asked if Valentine intended to take the shed off the trailer if given the variance. Valentine said yes. Becherer asked what his intention was for the shed. Valentine said the main purpose is for storage, atv, utv, tires, and wheels. Becherer stated that Valentine has a nice big garage. Was wondering if there was a specific purpose for the shed. Valentine said a lot of the stuff currently is stored under the car port, he is planning on moving all those items into the shed. Becherer asked if the shed was on his property and what he intended on doing if he was not approved for the variance. Valentine said yes, it is on wheels. He would sell it; it has been for sale.

Incrocci asked how Valentine was going to go about moving it if required, how would he get it out of there and on something movable. Valentine said he can drag it out to the area of his garage. He has a tractor that can be used. Incrocci asked if there was another plan for somewhere else to put the shed on his lot. Valentine said he lives in the old part of town. His lot is 50 by 150. He has restraints on the lot, cannot fit the guidelines.

Incrocci said the biggest thing is Valentine would have to be able to move it in the 24-hour notice. Valentine said he has lived here since 1983. The power company goes back there somewhat routinely due to having the roller plant there, they walk in and never have really had an issue.

Durso asked if he will have any utilities in the shed. Valentine said no. Durso asked if there was another location to move the shed without asking for a variance. Valentine said no.

Parker had a question about what the rear is considered on the lot. He was questioning the variance that was asked for. Parker asked if the variance was backwards.

Saeger said yes, it was backwards. Front of the house is Smith St.

Parker asked if that would change anything on the variance. Saeger said no because the side and rear setbacks are 12 ft due to the B1 Zoning.

Parker asked Saeger if there were any issues of the shed being 3 ft from Valentines other building. Saeger said there is nothing in the ordinance that tells him how far one accessory structure needs to be from another accessory structure, so if it is silent then that tells me that there are no restrictions. Durso agreed with Saeger.

Parker asked if he was going to rock up to the shed. Valentine said no.

Durso asked Saeger his stand point due to the size of the lot and if Valentine has no other location where he can put the shed and not have to ask for a variance. Saeger said the only spot he was not completely familiar with was the distance from the house and existing garage, he didn't know the dimensions there. Valentine said he thinks 24 or 25 feet.

Saeger said he could put it between the house & garage without a variance.

Rodriguez said then there would be no back yard.

York asked if he was taking it off the ramps and trailer. Valentine said yes, he would be moving all of that.

Durso asked if it would still be able to be movable after that. Valentine said these sheds were designed in order to be moved around, he can still move it out if needed.

Rodriguez opened it up for the people in the audience to talk.

William Weber said he has lived in the neighborhood his entire life. He believes the building is in complete character, in line with the rest of the buildings there and in the nature of the neighborhood. He urged the board to vote in favor of the variance.

Joel Boeving said he lives just North of Valentine. Boeving agreed that the shed would not hurt the neighborhood and it will be in a logical place behind Valentine's garage. If you try to stick it between the

garage and house it will be an eyesore. He has no problem with it, the shed he wants to put in matches up with shed he has on his own property.

Incrocci asked if the variance request that is stated in this letter needs to be reversed.

The board discusses the correct way the variance needs to be asked for.

Parker made a motion to approve the 9-ft variance on the rear set back and 6.5-ft variance on side set back knowing that the building will be portable and be able to be moved in the 24-hour time frame by the ordinance.

A motion was made by Mark Parker and seconded by Tom Incrocci to approve the request for a 9-ft variance on the rear set back and 6.5-ft variance on the side set back knowing that the building will be portable and be able to be moved in the 24-hour time frame by the ordinance. Roll call was taken. Mark Parker, aye; Tom Incrocci, aya; Dale Becherer, aye; Tom Schanherr, aye; Leo Simburger, aya; Julie York, aya. Motion approved.

Meeting adjourned at 8:13pm.