

ZONING BOARD MEETING  
SMITHTON VILLAGE HALL  
May 12, 2021  
7:30 PM  
BALLARD – 113 S ST JOHNS DR  
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. Two members were absent. Also present were Chairman Lori Rodriguez, Zoning Administrator and Engineer Scott Saeger, Deputy Zoning Administrator Courtney Munie and Attorney Carmen Durso.

Deputy Zoning Administrator Munie read the Public Notice that was published in the Freeburg Tribune on April 22, 2021.

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

Applicant, Mr. Ballard was sworn in to speak.

Saeger addressed the zoning board to give some background information about the property before Mr. Ballard spoke. Saeger explained that the Village has an ordinance in place that allows fences to be built closer than 5 ft to the property line or on the property line if the adjacent property owners sign a form. The form is included in the packets to the zoning board, Mr. Ballard did get signatures from the property owners that were available. The property in question is 115 S St. Johns Dr., Martha Happel is deceased, and the state is in control of her property so there was not an entity or person available to sign the agreement to give permission for the fence to be installed closer than 5 ft. to 115 S St. Johns Dr. This zoning hearing is being held tonight because the regular procedure could not be followed. Saeger explained to Mr. Ballard that the process would be to apply for a variance to waive that 5 ft requirement since the property owner is not able to sign.

Durso asked if the State of Illinois owns the property.

Saeger said yes, Ms. Happel was in the nursing home for a while and the state took her assets.

Ballard said he would like to add that he believes the Village of Smithton has a lien against it for upkeep of mowing the yard. The property has been vacant for a while, Ballard has talked to Saeger many times because the property is dilapidated. It has broken windows, rodents, and high grass. Ballard said he has been mowing the grass for a year.

Durso asked if it was a mobile home.

Ballard said yes, it is located next to him. He said the Village has not been out to mow it. He has been mowing it just to keep it down, the property is just a mess. He just wants to put a fence to shelter his house from looking at the 115 S St. Johns Dr property. The fence will also help to keep the ground hogs and racoons from coming over, the property is a major eye sore. Ballard explained that he tried to go through all the channels to get a signature and just was not able to do so.

Durso asked Saeger if 115 S St. Johns Dr property had been brought to the attention of the full board.

Saeger said he was aware that public works had done some mowing and there is a work order to regrade the back yard due to some water standing back there.

Durso asked if there was debris and garbage on the property.

Incrocci stated there currently is a car there.

Durso asked if it was an abandoned or dilapidated car.

Saeger said yes.

Ballard said he called the nursing home to try and get information on Ms. Happel. They informed him that she was no longer living.

Durso stated that if they had a lien on the property because she was at the nursing home then they could foreclose on the property and take ownership of the property.

Ballard said yes. However, during covid shut down he could not go over there and there was really no one around to talk to.

Becherer asked the height and what type of fence Ballard was going to put up.

Ballard said he was going to put up a 6 ft plastic privacy fence from where Ms. Happel's fence starts and then run it the length of the property line.

Becherer also asked where he was going to install a vapor barrier and weed fabric.

Ballard will put the vapor barrier underneath her chain link fence. After the vapor barrier goes down, he will install his fence and put compost down to keep the weeds down.

Becherer asked if Ballard was installing the fence.

Ballard said yes.

Becherer asked if the fence was going to be off the ground at all.

Ballard said yes.

Becherer asked if Ballard was the owner of the property. Becherer mentioned on the parcel it showed a Waterloo address.

Ballard said he moved from Waterloo.

Becherer assumed it had not been updated yet. He wanted to make sure he was the owner and not the renter, he was just confirming that they were talking to the right person.

Incrocci asked Durso that assuming the State of Illinois is the owner of the property can they come back and try to negate what the zoning board does.

Durso said no, not in his opinion.

Parker asked what the exact feet variance request was from the property line.

Saeger said a 5 ft variance to move the fence to zero so it will be on the property line.

Parker asked if it would be 8 to 12 ft from the other fence, Parker did not know how close the fence was to the property line.

Ballard said her fence is exactly on the property line.

Saeger asked Ballard if he was going to remove her fence.

Ballard said no. By the time he is done he will probably be about a foot away. Her posts are not lined up, so he is planning on coming off her fence.

Schanherr wanted to know if it would retain any water since Ballard will have the fence lifted a little bit and not on the ground.

Ballard said no.

Schanherr asked Ballard if it would be to his advantage to buy the piece of property since it was so dilapidated.

Ballard said yes, but there is no sign in the yard indicating who to contact. Ballard said between having to have the mobile home removed and cut the trees down you would be looking roughly at \$10,000 just to clean the property up, that is not including the price for the lot.

Schanherr asked Ballard if he tried to approach them about the lot.

Ballard said one time he had heard they were trying to sell the property. He tried to contact the nursing home and the nursing home said that was out of their hands, Ballard thinks there might be a lien for back taxes.

Durso told Ballard that he should be careful going onto her property and doing any type of work. Durso said if the weeds get high enough and violate an ordinance then the Village could go on the property and cut the grass and weeds and put a lien on the property. Then over time they could foreclose on the property if the state twiddles their thumbs and does nothing.

Incrocci asked if the tree leaning in the back was threatening his garage in any way.

Ballard said its constantly rubbing on his garage.

Incrocci asked if it was on the roof.

Ballard said yes.

Incrocci stated that he hopes the Village could do something for Ballard.

Durso said to bring it up to the trustee board. He said it has never been mentioned to him, he just forced another property owner to remove a dilapidated mobile home. That was an individual that he was dealing with, he knew where he was, and he could site him.

Ballard said he has never called the Village or the police station because previously he had a neighbor that would call on the yard and derelict vehicle. He also did not call because he knew the property was in limbo and she was in the nursing home.

Rodriguez asked for a motion.

A motion was made by Tom Incrocci and seconded by Tom Schanherr to approve the fence installation less than 5 ft from the property line at 113 S St. Johns Dr. Roll call was taken. Tom Incrocci, aye; Tom Schanherr, aye; Mark Parker, aye; Dale Becherer, aye. Two members were absent. Motion approved.

Meeting adjourned at 8:15 pm.