

SMITHTON ZONING BOARD HEARING
June 14, 2021
7:30PM
McALEENAN – 14 N MAIN STREET
VARIANCE REQUEST
MINUTES

The 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, and Julie York. Also present were Chairman Lori Rodriguez, Zoning Administrator and Engineer Scott Saeger, Deputy Zoning Administrator Courtney Munie, and Attorney Carmen Durso.

Chairman Rodriguez asked for a motion to approve the meeting minutes from May 5, 2021 – Hunters Point and Bruns 320 S High Street, and May 12, 2021 – Manley 4635 Knab Rd and Ballard 113 S St. Johns Dr. A motion was made by Dale Becherer and seconded by Tom Schanherr to approve the minutes. All were in favor with Simburger and York abstaining as they were not present at the hearings.

Deputy Zoning Administrator Courtney Munie read the Notice as published in the Freeburg Tribune.

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

Applicant Kevin McAleenan was sworn in by Deputy Administrator Courtney Munie.

McAleenan explained to the Board that he is requesting a variance for a proposed shed behind his existing building on 14 N Main Street. He does get a business license for that building even though he only uses it to repair various machines of his and his friends. He wants to add a storage shed and place it 6 feet from his building and still be 12 feet from his property line. On his original plans that he submitted, he thought that he only had a ten-foot set back requirement from the side of his property. He stated that he could now shift the placement of the building.

Mark Parker asked what McAleenan plans to store in the shed. McAleenan stated that he would put a push mower, snow blower, 4-wheeler, and many boxes of his collection of license plates. He stated that he would not store anything hazardous. Parker asked him if he plans on running power to the building. McAleenan replied no. He will only have one door on the side of the

building, no windows. He may have air vents at the top. Parker asked if he was going to put in a concrete pad. McAleenan stated no. He said there would be metal flooring on the bottom with one-foot square concrete pads on the corners of the building.

Tom Schanherr asked Zoning Administrator Saeger what the side measurements of the property are. Saeger stated that there is a twelve-foot minimum set back on all sides of the building. McAleenan stated that he will shift the building placement from what is drawn on the plans, possibly allowing 13 feet on each side of the building. Schanherr asked if there would be a hardship to McAleenan if the variance was not granted. McAleenan replied that he would lose his investment on the shed since he had already ordered it thinking that he only had 12 feet from the property line.

Julie York asked if there will be a drive access to the shed. McAleenan answered no.

Attorney Durso asked if there was a hardship in respect to the property that justifies the Village granting a variance. McAleenan replied that he is trying to maximize the use of his property since it is a thirty by fifty feet open area. Durso asked if there was variance granted when the original building was built. *McAleenan replied that there was a 25-foot variance from the building to the property line granted. Durso asked if this variance request was basically for McAleenan's convenience. McAleenan replied yes.

*Editor's note – On 9-15-14 the following set back variances were granted.

- 1) A one-foot variance in distance from the rear lot line.
- 2) A seven-foot variance in distance from the proposed structure to the south property line-old firehouse.
- 3) A five-foot variance in summation of distance combined on both sides of the proposed structure.

Tom Incrocci asked if this is classified as a portable or permanent shed. McAleenan replied it is a portable shed since it will not be mounted to the ground or on a concrete pad. Incrocci asked how it would be taken out of the property. McAleenan replied that it would have to go out through the property of the old firehouse owner if part of the fence was taken down, or the shed could be disassembled. He stated that he is on good terms with the owner. Incrocci asked which side the door will be on. McAleenan replied that it will be on the South side of the shed. Incrocci asked if there will be any lighting or downspouts. McAleenan replied no electric or downspouts will be added. Saeger replied that he doesn't foresee any problems with disbursement of rainwater. Incrocci asked if McAleenan had considered just adding on to the existing building. McAleenan stated that the costs would be too high. Incrocci asked him if the trailers on the side of the building would be staying there. McAleenan replied that there is only one trailer, and he has not had any complaints about it. Incrocci asked him about what kind of work he does. McAleenan replied that he repairs small engines and such for friends but does not charge them.

Dale Becherer asked Saeger if the shed comes close to hitting the maximum coverage for the lot. Saeger replied that he doesn't think so. The maximum lot coverage is 75%. And the front of the lot is a big area.

Leo Simburger asked what kind of door will be on the shed. McAleenan replied that there will be a barn door. He thinks it is 5 feet wide.

Lori Rodriguez asked if the building will come assembled. McAleenan replied that they will assemble it on site.

Tom Incrocci asked if the daycare next door had any concerns about the shed or the workers who will be assembling it since there had been concerns about it when the existing building was built. Courtney Munie replied that the daycare was notified of the details of the hearing. McAleenan stated that the building will be installed in one day. McAleenan will have to apply the second coat of paint.

Durso stated again that the law provides that the variance can be granted only when the situation shows a hardship not caused by the property owner, and not an inconvenience. The Board can decide if there is a hardship. Durso asked Saeger if the lot is smaller than normal. Saeger stated that it is a narrow lot. Durso commented to McAleenan that if he had placed the first building closer to the street then this variance may not be needed. McAleenan stated that he wanted to save the pecan trees that are in the front of the original building.

A motion was made by Tom Incrocci and seconded by Dale Becherer to grant the variance of six feet from the existing building to the location of the proposed shed at 14 N. Main Street. Roll call was taken: Tom Incrocci, yes; Dale Becherer, yes; Mark Parker, yes; Tom Schanherr, no; Leo Simburger, yes; Julie York, yes. Motion was granted.

A motion was made by Tom Incrocci and seconded by Mark Parker to adjourn. The board approved the motion. Meeting was adjourned at 7:58pm.