

# SMITHTON ZONING BOARD

## ZONING BOARD HEARING MINUTES

May 4, 2023

7:00pm

Hy-Dac – 402 S Julia

The first hearing was called to order at 7:00pm by Chairman Rodriguez. The Hy-Dac hearing started at 7:15pm.

Zoning Board members present were: Tom Incrocci, Tom Schanherr, Leo Simburger, and Jim Hildreth. Julie York and Jesse Carlton were absent. Also present were Zoning Administrator and Engineer Scott Saeger, Chairman Lori Rodriguez, Deputy Zoning Administrator Michelle Schlarman and Attorney Carmen Durso.

Deputy Zoning Administrator Schlarman read the notice as published in the Freeburg Tribune.

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

The applicants and hearing attendees were sworn in by Deputy Administrator Schlarman.

Applicants Andrew Schilling and David Stellhorn are partners in Hy-Dac Rubber Mfg. They informed the Zoning Board that they are requesting a 25' side and front setback Variance for total setbacks of zero feet to install a privacy fence at 402 S Julia Street. They are also requesting a Special Use permit to allow storage inside of the fence. They stated that the business has been in the middle of town for years and is limited on space. Schilling stated that they do have supplies right up to the property line and over the property line. They agreed to put up a fence but if they don't get a setback, it would limit the needed storage area inside the fence.

Attorney Durso explained that there have been citations issued to the applicants for their business for violations of the Public Nuisance Ordinance due to the appearance of the property. A meeting was held with the partners and the Mayor to come up with options to alleviate the visual condition of the property. It was decided to pursue the option of fenced in storage.

Further questions and discussion revealed the following information: Scott Saeger received the National Fire Protection Association fire hydrant clearance requirements which require 3 feet of clearance around the circumference of a hydrant, and 5 feet in front of a hydrant. There is a hydrant on the property line at 402 S Julia, so the fence would need to be moved accordingly.

The fence will be solid and 6' in height, going all the way down to the ground. There will be an entrance on Franklin Street, with locks on the gates. There will not be any lighting in the fenced area. There is a water pipe in the right of way but not under the proposed fence area.

Saeger stated that Village ordinance requires a 30' triangular, clear zone from the corner of the property, with nothing higher than 2 feet. Saeger stated that in order to follow the ordinance starting 3' from the hydrant the fence would have to move 30' feet South and 30' East with the fence on a diagonal line between those two points, losing almost half of the lot capacity.

The intersection is a two way stop. Even if changed to a 4 way stop, there is concern about traffic visibility and kids running through the stop signs when riding bikes, as well as adult drivers. Stellhorn stated that not all of the rollers that are outside in the nuisance pile can be removed because Hy-Dac is holding them until they are paid for the service performed. Some of the material can be recycled. There are vehicles parked alongside the garage that will not be inside of the fence. Saeger stated that as close as he could measure, the property line is 5' south of the south wall of the garage. Saeger did find a pin that marks the corner of Hy-Dac's property. Stellhorn stated that the garage on the property is already being used for storage.

Neighboring property owners have the following concerns: safety for children and families at the intersection due to semi-trucks blocking visibility now, and the increased risk if a fence is installed; the nuisance items in public view; wild animals living on the property; weeds and foliage on the property; and making sure that the fence would be placed on the actual property line. One of the residents who is not in favor of the fence stated that she does value businesses in Smithton and would recommend continued dialog in search of a resolution to the issue but would like the residents to be involved.

Schilling stated that they are close to relocating the business out of town since the Village is not "business friendly". He asked for enough time to find another location in a different town and that they have been looking. Atty Durso replied that the Village does not want them to leave.

Options were discussed. When asked if the old alley between the Hy-Dac buildings could be used for storage, Stellhorn stated that it is Ameren right-of-way with overhead power lines. Schilling and Stellhorn were asked if they would consider relocating the fenced area to the other side of the garage and still get a 50' x 50' fenced area while eliminating the intersection visibility issue. Stellhorn stated that it would cause additional costs, and there is a right-of way going through there. Another option was given to them to move the fence line parallel to the garage on Franklin St and allow the 5' variance from the property line on Julia to 5' from the property line to the South, it would give approximately 55-60% of the original fenced area and avoid some of the visibility issues at the intersection. Stellhorn said he could do some measurements to see if that would work.

Attorney Durso recommended that the hearing be continued to a future date, after a meeting can be set up with the partners, the Mayor and Trustees, and Saeger. Saeger can speak to the

concerned residents if they have any further suggestions. The Zoning Board, applicants, and residents in attendance did not have any objections.

A motion was made by Tom Incrocci and seconded by Tom Schanherr to continue this hearing on Monday June 19<sup>th</sup>, 2023 at 7:00pm. All were in favor. Motion was granted.

A motion was made by Tom Incrocci and seconded by James Hildreth to adjourn the hearing. All were in favor. The hearing was adjourned at 8:26pm.