

**CITY OF MASCOUTAH
ZONING BOARD OF APPEALS
#3 WEST MAIN STREET
MASCOUTAH, IL 62258-2030**

SEPTEMBER 26, 2018

The minutes of the regular meeting of the Zoning Board of Appeals of the City of Mascoutah.

CALL TO ORDER

Meeting was called to order at 7:00 p.m.

PRESENT

Board members Chairman Don Taylor, Bob Scott, Kimberly Kilgore, and Dean Smith

ABSENT

Harry Friederich and Jim Kuehn

ALSO PRESENT

Assistant City Manager Mike Bolt, Executive Assistant Julia Biggs, Joseph Silva, Jason Phillips, Theresa Brisk, Al and Ruth Ann Forsythe

ESTABLISHMENT OF A QUORUM

A quorum of Zoning Board of Appeals members was present.

MINUTES

Minutes of the June 27, 2018 Zoning Board of Appeals were approved. All were in favor.

AMEND AGENDA

None.

BOARD BUSINESS

Public Hearing

ZBA 18.05 – 1231 Eisenhower Garage Variance

Mr. Joseph Silva, property owner of 1231 Eisenhower, wishes to build an extension/addition to his existing garage. He has turned in his building permit, but some items do not conform to Code.

Mr. Silva is requesting a 6 feet rear setback, where 25 feet is allowable under Code. He is also requesting a 4 feet side setback, when 10 feet is allowable under Code. His existing garage is currently situated at 4 feet off of the side.

The current back wall of the garage will stay. This is only a garage extension, and the current shed in the back yard will be removed. Originally, Mr. Silva wanted to extend and build on the remaining 15 feet north all the way to the property line, however this is not possible as City Staff informed him that the City has a sewer line that runs on his property line in an east to west

direction. His request was then lowered to a 6 feet rear setback (6 feet off of the sewer line), with the understanding that if the City needed to do any work, he could possibly sustain damage to his new addition. Mr. Silva agreed with this change, making the addition 9x24 instead of 15x24.

Taylor stated that there would only be problems if the garage were to be built on top of the existing sewer line. Kilgore asked if this will encroach on the easement, but Taylor stated this extension will be short of the easement by one foot, which will only be an issue if the sewer is not actually located in the easement as previously thought.

Scott moved, seconded by Smith, that the Zoning Board of Appeals approve the requested 9 feet variance as long as the garage did not encroach on the City sewer line.

Motion passed. AYE's – 4 – Taylor, Scott, Kilgore, Smith. NAY's – none. Abstentions – none.

ZBA 18.06 – 302 S. Lebanon Garage Variance

Jessica Brisk, property owner at 302 S. Lebanon, would like to demolish her existing small garage and build a larger one. City Staff noticed that some items do not conform to Code, which is the reason for a Zoning Board meeting.

Currently, Ms. Brisk has a 24x22 foot garage and wishes to build a 30x30 foot, metal garage, which due to it not being the same material as the house, a variance would be needed for the material. She is requesting a 20 feet front setback, where Code states 25 feet, and requesting a 5 feet side setback, when Code states 10 feet.

Ms. Brisk was represented at the meeting by her boyfriend, Jason Phillips, and her mother, Theresa Brisk, as she is currently out of state for work. Mrs. Brisk has stated that if she is unable to build a new garage to fit her vehicles, she will entertain the thought of moving out of Mascoutah. Kilgore asked why not just sell or trade the trucks that are too large as opposed to selling the house, which Mrs. Brisk told her that even her daughter's smaller cars will not fit in her current garage and allow for a workspace.

Mike Bolt asked about the fire code in regards to the building, which the new garage will still be within fire code limits since the current and new garage will still be 10 feet away from the house as it is now. Don Taylor wanted to confirm that the new garage will be built with a concrete floor, which it will be.

Kilgore asked why other homes in Mascoutah have metal structures, but it isn't allowed for others, because if it is allowed for some, it should be allowed for all and uniform across the board. Bolt explained that the Code was changed about 10 years ago and those buildings were placed prior to the Code change, which may eventually revert back to the previous rules and regulations.

Al and Ruth Forsythe, as neighbors, received the Public Notice regarding the Zoning Board meeting and attended. They had no complaints regarding the construction of the new garage. No other comments or concerns were received.

Ms. Brisk has owned two parcels, but recently had them consolidated into one with the intention of building on and improving her property. Scott asked if the back of the garage was as far back as it could go, but if she was to move the garage back further, she could possibly run into the tree

that is existing there. Scott's concern was that the large truck in the driveway would not fit and would end up blocking the sidewalk since there isn't enough length, which Kilgore agreed with this concern. Phillips and Brisk both stated that with the new garage, both vehicles would be able to fit inside, and there would be no issue with blocking the sidewalk whatsoever, and Phillips stated he would make sure never to block the sidewalk.

Smith moves, seconded by Scott, that the Zoning Board of Appeals approves ZBA 18.06 as stated.

Motion passed. AYE's – 4 – Scott, Taylor, Kilgore, Smith. NAY's – none. Abstentions – none.

MISCELLANEOUS

Bolt addressed Mr. Filla's garage and updated the Board. The garage was failed by the City building inspector and today was coincidentally his three-month deadline. Bolt explained that Mr. Filla has been working on correcting this garage and entertained granting him an extension to make all of the corrections to this garage.

Taylor explained the backstory of this garage to Kilgore that there is no foundation, no permits in place, and it is too close to the house. Kilgore wanted to know why would the City give him an extension while this building is illegal and a health risk. Bolt explained that City Staff has made the decision to work with the owner because he is making some progress towards rectifying the situations. Kilgore said that this becomes a problem when the property is sold in the future as the current problems will transfer with the property, however Bolt has discussed with Mascoutah's City Attorney that the City will not be responsible for any problems in the future.

Kilgore pointed out that the City is not able to grant a variance on an illegal building, and Taylor stated that because they could not grant a variance at the time, they entertained a retroactive building permit in order to work with the property owner. Kilgore felt that Mr. Filla should be in more contact with the City to keep them posted and informed about where he is in the process of bringing this building up to Code.

Smith feels that since there has not been any progress in 3 months, he didn't feel there would be much done in 30 days, so Bolt stated he would send the Police over and have it turned over to Al Paulson, City Attorney. Taylor stated that the City would be the one responsible for initiating any legal action regarding this building. Bolt said he would send one final letter giving Mr. Filla until the week before Halloween, in order to prove some progress was made on this building, before initiating legal action.

Bolt then informed the Board about another possible case regarding a large shed that was put in without permits that may be presented in the near future, as well as a house on Perrin Road that may need to be discussed due to a new metal shed and rock driveway.

ADJOURNMENT

The Board adjourned at 8:02 p.m. ***Motion passed.*** Passed by unanimous yes voice vote.