

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

JANUARY 27, 2021

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

CALL TO ORDER

Meeting was called to order at 7:02 p.m.

VIRTUALLY PRESENT

Board members Jim Kuehn, Bob Scott, Dean Smith, Kimberly Kilgore, Rich Fuess, Bob Skeen, and Chairman Don Taylor.

ABSENT

None.

ALSO PRESENT

City Manager Brad Myers and Assistant City Manager Kari Speir.

ESTABLISHMENT OF A QUORUM

A quorum of Zoning Board of Appeals members was present.

MINUTES

Minutes of the October 28, 2020 Zoning Board of Appeals were approved. All were in favor.

AMEND AGENDA

None.

BOARD BUSINESS

Public Hearing

ZBA 21.01- 411 East State Street, Pole Barn Variance

The applicant, Jack Klopmeier, is requesting a variance on the permitted building materials and allowance for an accessory structure at 411 East State Street in order to build a pole barn. The property is zoned Office. The lots directly east and west of this property have pole barns constructed on them, which were built prior to the current regulations in the City Code. All lots are owned by the applicant. All property owners within 250' were notified. Staff has received no questions or comments regarding the proposed variance.

The variances requested are for building materials and for an accessory structure. Materials for the pole barn will be corrugated steel sidewalls and a metal roof. Metal is a prohibited building material under City Code Section 34-11-6. Per City Code Section 34-3-5, no accessory structure shall be built prior to construction of a principal structure. This pole barn would be an accessory

structure and there is no principal structure on the property.

Kilgore asked what the use of the pole barn would be. Klopmeier stated it would be used to store vehicles. Kuehn asked if it was a for-profit business or will this be for personal use. Klopmeier stated it would be family and personal vehicles only.

Kilgore asked how the Zoning Board arrive at the listed variances since the proposed purpose does not match the Office Zoning area. Kilgore stated that the zoning ordinance specifically states that storage is not allowed. Taylor stated that means no paid storage centers can be in that area, where Klopmeier will be using it for personal, not for profit use. Kilgore said ordinance number 34-5-71 states office zoning forbids outside storage and states what kind of business may occupy the building. Taylor stated that this is not outside storage and it is not a business. City Manager reiterated that no outside storage may occupy the building, but section 9 stated that individual and family services may take place at the building. Kilgore disagrees and feels that an additional variance might be requested modify the existing zoning. Assistant City Manager stated that the applicant might need to request a conditional use permit from the Planning Commission, but Taylor stated the Zoning Board has accepted non-conforming use requests in the past. Smith stated that there are currently similar existing buildings in the location. Taylor confirmed the location of the proposed building with the applicant.

Smith had a concern regarding the materials of the proposed building. Klopmeier's building is going to be metal, which is a prohibited material. There are currently metal buildings in the area, however those are grandfathered in. He is concerned that this may set a precedent in the fact that more people are requesting metal buildings. If the Zoning Board keeps issuing variances for the metal buildings, why does the Code state they are disallowed? Assistant City Manager stated the Planning Commission is in the process of working to possibly allow metal carports in order to take that to the Council. Kilgore agrees with Smith that if the metal buildings are going to be allowed, the Council may need to adopt and change the code in order to alleviate residents having to pay for a variance in order to place a metal structure. Smith does not have an issue with the location of where Klopmeier will be placing his structure, however he feels there needs to be some action taken to update the Code.

Taylor asked if the Zoning Board could modify a variance request. Assistant City Manager stated the Board could add conditions to the variance. Taylor stated the building would fit in with the surrounding buildings and with the neighborhood. City Manager agreed that it does fit with surrounding buildings; however, the Code does state no metal siding. Kilgore asked if this could be referred back to the Planning Commission for Code change consideration. Assistant City Manager stated that the Planning Commission considered a Code change to allow metal carports, however they decided against it and it will not be moving forward. Kilgore asked why they disapproved the metal carports, which Assistant City Manager said the Planning Commission wants to continue to notify the neighbors by going to the Zoning Board.

Scott asked if the Zoning Board could grant the variance or will they will have to wait until the Planning Commission revises Code. Taylor stated they could approve, disapprove, or add conditions of approval. If the Zoning Board grants the variance, it will override City Code. Scott stated that if a person builds a house, the neighbors are not notified. Kilgore reiterated that

she does not have a problem with the building, but feels that there should be some change to the Code and feels that the Office Zoning designation should be for more office buildings and space, which is appearing in the neighborhood in question.

Smith moved, seconded by Scott, that the Zoning Board of Appeals approve a variance for the building materials to allow the use of metal building materials and allow an accessory structure to be built with no principle structure at 411 East State Street for the proposed pole barn.

Kuehn stated that the motion should also include the wording that the building is only allowed for use as a personal building and is not to be used as a business. This was added to the motion.

Motion passed. AYE's – 6 – Scott, Kuehn, Smith, Skeen, Fuess, Taylor. NAY's – 1 – Kilgore. Abstentions – None.

MISCELLANEOUS

None.

ADJOURNMENT

The Board adjourned at 7:43 p.m. ***Motion passed.*** Passed by unanimous yes voice vote.