

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

NOVEMBER 30, 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 7:00 p.m.

PRESENT

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

ABSENT

Bob Scott

ALSO PRESENT

Assistant City Manager Kari Speir, Executive Assistant Tiffany Barrows, Ken and Susan Boatright and Brian Grapperhaus of Munie Leisure.

ESTABLISHMENT OF A QUORUM

A quorum of Zoning Board of Appeals members was present.

MINUTES

Minutes of the April 28, 2021 Zoning Board of Appeals were approved. All were in favor.

AMEND AGENDA

None.

BOARD BUSINESS

Public Hearing

ZBA 21.03- Tanzanite Ln, Setback Variance for Pool Installation

The applicants, Ken and Susan Boatright, are requesting a variance on the setback requirement at 861 Tanzanite Ln. in order to install a pool 4 feet from the existing, attached covered porch. The property is zoned RS-10, Single Family Residential.

The property is zoned RS-10. Based on the lot size/configuration, zoning designation for this lot is identified as RS-10, Single Family Residential. A swimming pool shall be located at least ten feet from the principal building. Proposed pool installation would encroach on the minimum distance between principal building by 6 feet. Minimum rear yard setback is 10 feet. Swimming pools may be located in a required rear yard provided they are no closer than ten feet to any rear property line, or five feet to any easement, whichever distance is greater.

There has been no variance request to date for pool installation. Per the city inspector, the distance requirement is in place for fire code needs. The 10-foot distance allows for adequate space between the two structures due to no fire wall.

Examples of what other towns follow were provided to the board.

Accessory building verbiage was questioned by board. The verbiage was corrected by Assistant City Manager Kari Speir and Executive Assistant Tiffany Barrows that it should be labeled swimming pool not accessory building.

In the staff report, it was noted that there has never been a variance request for a swimming pool. Board members, Rich Fuess and Don Taylor, questioned where the difference is consisted. Assistant City Manager Speir confirmed it should be from the principle structure and the water.

Per city inspectors, Jerry Green and Scott Meinhardt, 10-foot distance allows for adequate space between the two structures due fire safety. Although the covered porch does not have walls it is considered part of the principle building because it has a connected roof.

Board member Kimberly Kilgore stated that the fire department should have been contacted for consideration. Assistant City Manager Speir explained that the city defers to the inspectors for building and fire code.

Assistant City Manager Speir explained that the city suggested that the applicants ask for a variance to install the pool closer than 10ft set back from property line. Many other cities allow pools closer to property lines than 10 feet. Munie Leisure did not include that request on the application.

Brian Grapperhaus of Munie Leisure stated that the fire protection is for two story properties. The distance allows for fire ladder and rescue personnel to get to property. He also stated that many other cities will waive that 10 ft distance for ranch style homes. Executive assistant Tiffany Barrows responded that she was unable to find that documentation, when putting together reference materials for the board, stating that allotments are made for ranch-style homes. Assistant City Manager Speir stated that the inspectors recommended that the applicants maintain the 10-foot distance between the two structures.

The Zoning board members mentioned the concern that if they allow for this variance that it may set the standard and that the rules should be followed.

Board members asked why they are not considering moving the pool further away. Brian Grapperhaus of Munie Leisure responded that if they move the pool further away it would then encroach on the rear property line. According to Brian Grapperhaus, if they considered the set backs and the distance from the principle structure, the pool would only be 8 feet wide.

Assistant City Manager Speir reminded the board that the staff recommendation would be to do a

variance for the rear line not the distance between from the home.

Zoning board members asked the property owners if they could live with moving the pool closer to the rear property line rather than being too close to the house.

Board member Kilgore requested clarification on accessory building definition. Assistant City Manager Speir stated that pool is considered an accessory structure to a building. All accessory structures must be 10 feet from principle structure. The code is listed under 34-3-5. Speir read the code definition to the board of appeals. Kilgore stated that the code does not cover this specifically. She states that the terminology of accessory building cannot legally be interchanged with the word accessory structure. Assistant City Manager Speir stated that she would need to get clarification from the city attorney since the code does use the words structure and building interchangeably. Executive Assistant Tiffany Barrows pointed out that other cities use the same words interchangeable as well.

Zoning board members stated that property owners could move the pool closer to the rear property line by 2 ft. Brian Grapperhaus of Munie Leisure stated they could move it but concrete would go over the easement. A zoning board member motioned that they grant them a variance no closer than 6 feet, to split the difference moves to 2 feet away from the house but yet does not encroach as much on the rear easement. Due to the slope in the back of the property, the owners would rather keep the installation plan as presented without any changes. According to the plans, the placement is at the best spot, considering drainage and site consideration. Assistant City Manager Speir pointed out to the board that a variance is for a hardship consideration and that a pool is not essential to living.

Board member Kilgore referenced in another city, that a variance was allowed with approval from the fire department. Since the explanation from Munie Leisure, for this code was the fire code/10 ft egress for a two-story home. Kilgore does not believe that there is a safety concern for this project or circumstance. She also requested that the fire department, an expert, present at the meeting next time. Assistant City Manager Speir stated that the city considers the inspectors experts on the code.

Smith moved, seconded by Fuess, that the Zoning Board of Appeals approve a variance, as presented, to allow a pool installation in a single-family residential zoning district within the Crowne Pointe Phase 2 subdivision at 861 Tanzanite Ln.

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

MISCELLANEOUS

None.

ADJOURNMENT

The Board adjourned at 7:42 p.m. ***Motion passed.*** Passed by unanimous yes voice vote.