

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

**DECEMBER 15, 2022**

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

**ABSENT**

None

**ALSO PRESENT**

Assistant City Manager Kari Speir, Deputy Clerk Tiffany Barrows, Jacque Knight of CMT, property owners Steven and Sarah Wilhelm, and project contractor Charles Cepas of Envisioning Green.

**ESTABLISHMENT OF A QUORUM**

A quorum of Zoning Board of Appeals members was present.

**MINUTES**

Minutes of the August 31, 2022 Zoning Board of Appeals were approved as corrected. All were in favor.

**AMEND AGENDA**

None.

**BOARD BUSINESS**

**Public Hearing**

**ZBA 22-04, 1129 Quail Point, Accessory Structure Variances**

The property owners, Steven and Sarah Wilhelm, are requesting variance for yard encroachment, fence height, location, structure height, and lot coverage for an accessory structure, located at 1129 Quail Point.

The property is zoned RS-10, Single Family Residential. Minimum distance of accessory structure to principal structure is 10 feet. Proposed accessory structure placement would have a distance of seven feet, eight inches (7' 8") from the rear wall of the attached garage and eight feet, eight inches (8' 8") from the rear (west facing) façade of the home.

Accessory buildings are not to exceed 15 feet in height in any residential district. The proposed accessory structure will be 9 inches over the maximum height allotment.

The maximum building coverage for an RS-10 zoned lot is 25%. The proposed accessory structure plans present 27% building coverage.

In addition, there is a minimum 5-foot setback from an easement to allow the proposed hot tub to be located 1 ½ feet from the rear yard easement.

Assistant City Manager reported the lot information as well as the request of four variances reviews to accommodate the proposed accessory structure.

Assistant City Manager also updated the Zoning Board of Appeals that the following variance has been withdrawn by the applicant, per the revised drawings dated 12/9/22, regarding the accessory structure's rear yard setback. The applicant originally applied for a setback variance of the accessory structure from the rear property line. Per Section 34-3-2, accessory buildings must be placed at the greater of either 5 feet or the clear of any easements. The subject tract has a 7.5 foot easement in the rear yard along the west property line to accommodate overhead electric lines and subsurface utilities. On 12/9/22, the applicant amended the plans to stay clear of the 7.5 foot easement.

Assistant City Manager also reviewed the Area Land Use and Zoning report, the Zoning Board of Appeals Standards for Variances.

Assistant City Manager also stated the city staff recommendations for variance #1 (Accessory Building Setback to Home) and #3 (Building Coverage) that they do not rise to the level of being a "hardship" and do not meet the Zoning Board's variance review requirements in Section 34-14-16. Therefore, staff's recommendation is for disapproval of these two variances.

Assistant City Manager continued, if the applicant amends the site plan in a manner that eliminates the need for Variance 1 and 3 or if the Zoning Board of Appeals determines that these variances are appropriate, staff would have no objection to Variance 2 (Accessory Building Height) with the contingency that the applicant first provide an architectural rendering of the proposed Accessory Building to justify that the additional building height is needed to be consistent with the home on the property.

Chairman Taylor asked project contractor Charles Cepas of Envisioning Green to provide a summarization of the dimensions and distances to principal building.

Kuehn asked for fence height, since it was not included. Assistant City Manager explained that the barrier is actually a privacy wall that connects to the fence that ties into proposed fireplace brickwork. Charles Cepas elaborated that the privacy wall would be attached to fireplace and then will have fencing.

Chairman Taylor discussed the height of the structure. Kuehn also asked if it is taller than the principal building. Smith and Kuehn also asked if plans could be modified to satisfy the code

regarding set back, minimize square footage.

Charles Cepas stated that he could possibly take 5ft each direction 14x16 to 10x10 on the gable extension.

Taylor stated that the 10ft requirement is meant for structures and that this structure is not an enclosed structure.

Taylor asked Steven Wilhelm if the garage has a fire wall. Rich Fuess stated that a fire wall is typically not required for exposed garage walls. They are typically required for walls attached to living space.

Taylor asked if it was possible to reduce the height. Charles Cepas stated the reduction would warrant a more custom build. Taylor discussed different modifications that were possible.

Scott suggested they consider attaching to the principal building. Wilhelm and Cepas responded that it could be done and would consider it as an option. Barrows responded that if the structure is attached it would then be considered as part of the principal building which would then result in code requiring a minimum 25 foot setback to rear property line.

Smith suggested the structure be reduced in size to appeal to the code.

Kilgore asked for the plan for disbursement of stormwater. Cepas stated that the stormwater disbursement would be gutter, downspout, and underground pvc pipe drainage to existing drainage in rear and side to the storm sewer drainage.

Kuehn asked about setback requirements regarding roof line to roof line or post to wall. Cepas responded that the difference in interpretation would make a big difference in the project. He stated there would be approximately 13 foot difference. Smith stated that would alleviate the north issue.

Jacque Knight of CMT specified that the zoning code requires at least 10 foot difference between foundations.

Kuehn then stated that specification will give this project 3 foot 3 inches to go to the south of the building and there will be no reason to reduce the size.

Cepas stated they could just pick the project up and move it to allow the 10 foot difference. The only need for variance would be accessory building between the porch and the home which would be 8 foot.

Kuehn stated with the modification, for the lot coverage consideration, the math would result as 25.5%.

Kilgore asked about the staff report change and the reasoning for the change. CMT drafted the staff report due to the complexity of the project. Kilgore stated that the report sort of challenges

the Board of Review ability to review this variance. She also stated that the applicants should be provided the staff report.

Jacque Knight responded that the language was to present that a variance is used/granted for a hardship consideration and is a hardship. She continues that a variance is a legal review of the code and used sparingly.

Fuess stated that the Board of Appeals should consider each of the variance bullet points at every hearing and the points should be on every report going forward. The board can then review with applicants' adjustments to projects.

Kilgore pointed out on the report, within the Staff Discussion section, "the project is unusual, too intense for the existing lot size, or inappropriate in scale or land use for the surrounding area or neighborhood."

Smith discussed customization of the roof pitch would drive up the cost which he considers to be a hardship.

Cepas repeated moving the structure and reducing the size inward 10 foot off the front of the structure.

Kuehn confirmed the square footage would change from 14x16 to 14x14, 4,276 sf lot coverage percentage would then change to approximately 26%.

Smith and Kilgore stated they do not believe that the pergola should not be a consideration in regards to lot size. The majority agreed and the percentage would change to 25.5%.

Cepas reviewed the changes as moving location, cut in 2 foot on the east, moving 2 feet from the south.

Barrows reminded the Board of Appeals regarding the hot tub placement. Cepas confirmed that the hot tub will be over 9 feet from rear property line.

Scott moved, seconded by Kuehn, that the Zoning Board of Appeals approve the following variances to allow accessory building to be located 7'8" from the rear wall of the attached garage and 8'8" from the rear (west facing) façade of the home, to allow accessory building to be 15'9" in height, to allow building coverage to be 25.5%, and to allow a minimum 5 foot setback from an easement to allow the hot tub to be located 1½ feet from the rear yard easement.

***Motion passed.*** AYE's – 7 – Scott, Kuehn, Smith, Skeen, Kilgore, Fuess, and Taylor. NAY's – none.

Absent – None.

## **MISCELLANEOUS**

None.

## **ADJOURNMENT**

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