

**CITY OF MASCOUTAH  
PLANNING COMMISSION  
#3 WEST MAIN STREET  
MASCOUTAH, IL 62258-2030**

**FEBRUARY 24, 2021**

The minutes of the Regular Meeting of the Planning Commission of the City of Mascoutah.

**PUBLIC HEARING – 7:00 PM**

**PC 21-01- Chapter 34 Code Changes- Fences**

**TEXT AMENDMENT – SECTION 34-3-6 – FENCES, WALLS AND HEDGES:**

Assistant City Manager presented report. This text amendment will clarify definition of fence location and height for properties having two frontages. This was discussed last month, however only rear yards were addressed at that time.

**Proposed Text Amendment:**

Section 34-3-6 – Fences, walls and hedges.

- (a) *Easements and rights-of-ways.* Fences, walls and hedges shall not be constructed on or over any dedicated public drainage or public rights-of-way. Construction may be allowed in utility easements, however, owners are responsible to replace or remove, at their cost, fences, walls and hedges that might be removed or damaged during utility repairs/improvements by the city or other approved entities. The city will attempt to notify owners in advance about required removals but reserves the right to remove a fence, wall or hedge in an easement without advance notice, as emergency or other scheduling considerations warrant. Notice of this provision will be displayed on the city's fence permit application. Trees are prohibited in all easements and all public rights-of-way.
- (b) *Front yard.* Fences not exceeding 48 inches in height may be erected in the front yard of any lot.
- (c) *Side yard.* Fences not exceeding six feet in height may be erected in the side yard of any lot provided they do not extend beyond the front setback line. **In the case of a corner lot that results in double frontage whose side yard abuts a local street, a fence not exceeding six feet in height may be erected no closer than five (5) feet from the edge of side property line (further restrictions may be imposed by Homeowners' Association).**
- (d) *Rear yard.* Fences not exceeding six feet in height may be erected in the rear yard of any lot. **In the case of a double frontage lot whose rear yard abuts a local street, a fence not exceeding six feet in height may be erected no closer than five (5) feet from the edge of rear property line (further restrictions may be imposed by Homeowners' Association).**

(e) *Prohibited materials.* No barbed wire, electrical elements, or other hazardous materials shall be maintained as a fence or part of a fence or wall in a residential district.

(f) *Placement of fences.*

(1) Fences may be erected along lot lines.

(2) All structural or supporting members of any fence must be constructed to be within or toward the area to be enclosed. This provision will not preclude home owners to share a fence on the property line.

(3) **Corner visibility. In the case of a corner lot, fences taller than 30 inches may not be erected within the 30-foot triangle in order to maintain safe sight distance for vehicles approaching the intersection (see Sec. 34-3-8).**

Text amendments to the Unified Land Development Code require a public hearing before the Planning Commission. The legal notice was published. As of the date of this report, staff has received no questions or objections.

Commission member Thompson asked for clarification about the permitted materials that fences might be constructed from.

#### **PUBLIC HEARING ADJOURNED at 7:06 PM**

#### **CALL TO ORDER at 7:07 PM**

Chairman Ken Zacharski called the meeting to order.

#### **PRESENT**

Commission members Jack Klopmeier, Rich Thompson, Bruce Jung, Jim Connor, Karen Wobbe, and Chairman Ken Zacharski were present.

**ABSENT** – Glenn Shelley.

#### **ALSO PRESENT**

Assistant City Manager Kari Speir, City Clerk Melissa Schanz.  
Zoning Board of Appeals Members Don Taylor and Kimberly Kilgore.

#### **ESTABLISHMENT OF A QUORUM**

A quorum of Planning Commission members was present.

#### **GENERAL PUBLIC COMMENT – NONE**

#### **AMEND AGENDA – NONE**

#### **MINUTES FROM JANUARY 20, 2021**

Klopmeier moved, seconded by Wobbe, to approve the minutes from the January 20, 2021 Planning Commission Meeting as amended.

### **THE MOTION BY ROLL CALL**

Jack Klopmeier aye, Rich Thompson aye, Bruce Jung aye, Jim Connor aye, Karen Wobbe aye and Chairman Ken Zacharski aye.

6-ayes, 0-nays

### **PC 21-02- Chapter 34 Code Changes- Fences**

Discussion was held during the Public Hearing process. Please see Public Hearing section of these minutes for details. Wobbe asked if an existing fence that falls outside of this change would be grandfathered in as to not force the resident to remove it. Assistant City Manager confirmed that all existing fences would not be forced to be removed.

### **MOTION:**

Thompson moved, seconded by Conner, that the Planning Commission recommend approval to the City Council of the following text amendments to Chapter 34- Unified Land Development code of the Mascoutah City Code of Ordinances:

Section 34-3-6- Fences, walls and hedges (clarify definition of properties having two frontages).

### **THE MOTION BY ROLL CALL**

Jack Klopmeier aye, Rich Thompson aye, Bruce Jung aye, Jim Connor aye, Karen Wobbe aye and Chairman Ken Zacharski aye.

6-ayes, 0-nays

### **MISCELLANEOUS – Allowance of metal materials (carports, buildings, etc.)**

Zoning Board of Appeals member Kimberly Kilgore stated the Zoning Board is seeking clarification regarding the issue of metal structures. She stated that several members are hesitant to make the determination of allowing metal structures. She feels that if the City is going to continue to allow them, then the City should not be charging the residents the additional variance fee for the request to the Zoning Board. She stated that a decision should be made deciding definitively that the metal structures will be allowed or not, and if they are not allowed, give the reasoning of why metal structures are not allowed. She feels that there is a disconnect between the Zoning Board of Appeals and the Planning Commission, and stated some correspondence between the two will be helpful.

Assistant City Manager stated that metal structures are typically not allowed in residential areas, with the exception of some in mobile home districts. Currently, accessory structures that face the street shall be constructed of similar or consistent building materials to the primary structure. There have been a few carports that have been constructed in the rear of homes, due to the fact they cannot be seen from the street. If an applicant would request permission to place a metal carport in the rear of their home, it would be allowed due to the fact it cannot be seen from the street. Recently, one has been allowed on the side of the home as it was even with the principal structure. The applicant was granted a variance from the Zoning Board.

Zacharski asked if the Zoning Board makes a recommendation to City Council regarding the approval of the metal structures, but Assistant City Manager stated that the Zoning Board has the final decision. He asked if Homeowners' Associations could overrule the City's decision, however Assistant City Manager stated if the Homeowners' Association is involved, the City would not be. Thompson confirmed that if the Association rules were more prohibitive than the City's rules, the Association's rules would prevail. Assistant City Manager stated that for

commercial buildings, metal is not allowed on commercial and institutional buildings, however it is allowed on industrial and major recreational buildings.

Zoning Board Chairman Taylor discussed the recent denial and subsequent removal of a metal carport due to the fact the structure was in the front of the home and was sitting in a setback line. He discussed a past request for a metal building with a brick front that was denied. He agreed that metal structures should not be placed in residential neighbors of all brick homes, however he feels that there are some places where a metal building would fit in. Wobbe asked if the discussion at the January meeting was specific to carports, which Assistant City Manager confirmed that the discussion was focused on metal carports in residential areas.

Connor stated that, at this time, if a resident would request a carport, they would have to seek a variance for it and that would allow their neighbors to be notified of the request, which they would be able to speak for/against it at the Zoning Board meeting. If the ordinance changes, all the resident that is wanting a carport will have to do is obtain a building permit, which will not allow the neighbors to be notified. Connor also asked if there would be height limits on the carports, which Assistant City Manager confirmed. He feels that the metal carports would have an effect on property values. He stated that the process needs to allow for neighbor input, and if no neighbors object, then the structure is allowed. Thompson agreed that if it is in the Code, the neighbors have no say.

Wobbe asked how many requests are being discussed. Speir stated that there been approximately a few in the last few months. Conner asked if this could be made a conditional use, therefore giving the neighbors notification. Speir stated that a conditional use would still require Planning Commission meeting, and a conditional use permit would require City Council approval. Thompson pointed out that with a conditional use permit would have to be redone every time that property changes ownership.

Kilgore stated that she feels that this discussion was necessary so that both groups could be essentially on the same page. She stated that it is not responsible of the City to charge \$200 for a request to go in front of the Zoning Board, only to be told no.

Commission member Jung discussed the need for neighbor input. If one neighbor would be the reason for a denial, what would occur when that neighbor moves away? Would the person wanting the carport have to come back again and resubmit the request? Thompson stated that he feels that a City body should have some decision-making authority to oversee both sides of the argument. Jung also stated that the argument that a metal carport in a neighborhood would lower property values is not a true statement, due to the current housing market and values in Mascoutah. Thompson said he felt the idea of lower property values was perception. Taylor stated that he felt that residents would not be inclined to place a metal carport in an all brick neighborhood, but feels there are many residents in the south end of town that would prefer one over building a garage for financial reasons.

Assistant City Manager summarized the discussion by stating the Planning Commission is not wanting to change the Code to provide a hard yes/no, however is not opposed to allowing metal carports as long as they still have to go through a process to allow neighbor notification. Many members are not opposed to the carports; however still feel that they need to be approved. Jung stated that a carport on the side and flush with the home or in the rear of the home would be acceptable. Taylor feels that by saying “no metal”, it takes away the opportunity for a carport or

metal building, which some are nice and improvements within the City. Wobbe asked if they could change the Code to allow for metal buildings and still have the metal carports go through the Zoning Board. Assistant City Manager clarified that Wobbe was discussing commercial. Thompson said that he was under the impression that metal building had to have a partial brick front. Assistant City Manager stated that the City could require this during the site plan/architectural review process with the specifications. Zacharski stated that before any decisions could be made, more discussion must take place. He asked that if there was a way to have the information from each board sent to each other, therefore providing each commission more information to be better informed for decision making purposes. Many board/commission members felt this was a good idea moving forward.

## **ADJOURNMENT**

Thompson moved, seconded by Jung, to adjourn at 7:49 p.m. All were in favor.

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Julia Biggs, Executive Assistant