

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

JUNE 27, 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 7:01 p.m.

PRESENT

Board members Chairman Don Taylor, Harry Friederich, Bob Scott, Alison Gauch, Jim Kuehn

ABSENT

Charles Jefferson and Dean Smith

ALSO PRESENT

Mayor Gerald Daugherty, City Manager Cody Hawkins, Assistant City Manager Mike Bolt, Executive Assistant Julia Biggs

ESTABLISHMENT OF A QUORUM

A quorum of Zoning Board of Appeals members was present.

MINUTES

Minutes of the March 28, 2018 Zoning Board of Appeals were approved. All were in favor.

AMEND AGENDA

None.

BOARD BUSINESS

Public Hearing

ZBA 18.03 – 621 W. Church Garage Variance

Mr. Terry Owens wishes to build a new garage. Building permit has been submitted, however some items do not conform to Code. Proposed garage will be 15 feet from the back wall of the house, which is within Fire Code, on a 27 foot (east and west) by 30 foot (north and south), 8-inch slab.

Mr. Owens is requesting a 12-foot rear setback, where Code requires 20 feet.

Gauch questioned the height of the garage. Homeowner states the height of the home is approximately 21 feet tall. Original garage plans called for a 22-foot-tall garage, but this has been lowered to 20 to remain level with the house.

Gauch questioned how many variances are being requested. Mike Bolt clarified that there are three variances being requested: lot coverage (Code is 35%, variance request is 41%), rear

setback (Code is 20 feet from alley, variance request is for 12 feet), and building height (Code is 15 feet tall, variance request is for 20 feet).

Taylor specified that this garage will need a concrete apron.

Scott moved, seconded by Gauch, that the Zoning Board of Appeals approve three variances on the condition the height of the garage is not taller than the house.

Motion passed. AYE's – 5 – Gauch, Friederich, Taylor, Scott, Kuehn. NAY's – none.
Abstentions – none.

ZBA 18.04 – 313 E. Phillips Garage Variance

City Staff became aware that a garage was recently built in town without the proper permitting and upon further research, City Staff determined there are several building code violations in relation to this recently constructed garage.

Taylor asked the owner, Steven Filla, if there is a footing under the slab, since there is a wall built on this it requires a 30 inch footing on all four sides, to which the owner stated there is not one, as this is not a garage but a carport. There is no drawing of the structure either.

Mr. Filla had contractors come to Mascoutah to build/assemble this garage with no building permits from the City. Mr. Filla stated he was unaware that they would need approval to build this structure in town. Scott stated this is not specific to Mascoutah, but everywhere, as building permits are universally required, and the responsibility to obtain such permits lies with the property owner.

Gauch questioned the space between the house and this garage. Code states there has to be 10 feet between the home and detached garage, but there is only 2 feet. Hawkins, after speaking to the inspector, stated that in order to alleviate any potential liabilities to the homeowner and for safety purposes, that a firewall be placed in the garage on the south wall, floor to ceiling.

Scott stated that with this structure having walls, it has to have a footing under it, which it currently does not. Gauch stated the Board could entertain a variance for the distance between the home and the garage, but could not give a variance for a point that is against Building Code. She questioned if they granted any sort of variance in regards to this garage, would that mean that the owners would not have to follow any sort of Building Code. Hawkins stated that if this garage were inspected, it would not pass inspection without footings. Even with any sort of variance for distance between the home and garage, it would be a non-conforming structure, and the City cannot pass a variance against Building Code.

Currently garage is being used for storage with no plans for plumbing. Scott recommended to the owner to not do anything to this garage as of yet until the inspections are complete. Inspectors will want the walls bare in order to fully inspect, and therefore advised to hold on insulation, electric, and additional improvements.

Kuehn pointed out that usually the permit is applied for first, then plans are reviewed and inspected, and then variances are applied for prior to the structure's construction. Generally, the only retroactive variance granted is a setback variance only.

Taylor reminded the Filla that any building like this will have to have a foundation under a bearing wall to stabilize the building.

Gauch proposed that the variances will be approved only if the building inspector approves and has to satisfy the requirements of the building inspector.

Taylor clarified the variances being requested are: Rear setback (Code specifies 25 feet, request is for 11 feet), Height (Code specifies 15 feet, request is for 16 feet), Building Material (Code states similar to house, variance request is for metal), and space between the house and the garage (Code says 10 feet, request is for 2 feet).

Kuehn stated that this also carries the condition that this will be a “one time deal only”, because to allow this further would be setting a precedent.

Scott moves, seconded by Kuehn that the Zoning Board of Appeals approve requested variances with the condition that the building passes all building inspections and meets all building Codes.

Motion passed. AYE’s – 4 – Gauch, Friederich, Scott, Kuehn. NAY’s – 1- Taylor. Abstentions – none.

Mike Bolt recommended that the property owner come see Jesse Carlton to get the process started as soon as possible to get the process started. There is no specific timeline, but historically a person has six months to get a variance activated, but since the structure is already built, it has changed the timeline.

MISCELLANEOUS

Jim Kuehn asked about Kenny Neuner’s driveway, and due to construction going on in his front yard at this time, this has not been addressed, but he will eventually be required to blacktop or asphalt his driveway.

Jim Kuehn asked about New Energy Fitness and their proposed expansion. Mike Bolt advised him that the engineer’s plans and recommendations have been returned and they were not favorable for a building permit.

Don Taylor asked about the Speedway construction. Cody Hawkins informed the board about the possible IDOT road and ramp improvements that will be needed in the area before construction may be started.

ADJOURNMENT

The Board adjourned at 7:44 p.m. ***Motion passed.*** Passed by unanimous yes voice vote.