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VILLAGE TREASURER
Bryan A. Vogel

VILLAGE OF FREEBURG

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Michael J. Schutzenhofer

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Eugene Kramer

ZONING ADMINISTRATOR
Matt Trout

VILLAGE ATTORNEY
Weilmuenster & Keck, P.C.

January 10, 2020

NOTICE

MEETING OF THE COMBINED PLANNING AND ZONING BOARD

The Combined Planning and Zoning Board meeting has been scheduled for
Tuesday, January 14, 2020 at 6:00 p.m.

I. Items to be Reviewed

PLAN COMMISSION:

- A. Old Business
 - 1. Approval of December 10, 2019 Minutes
 - 2. Zoning Code Review

B. New Business:

BOARD OF APPEALS:

- A. Old Business:
- B. New Business:
- C. General Concerns:
- D. Public Participation
- E. Adjourn

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Combined Planning and Zoning Board
Tuesday, December 10, 2019 at 6:00 p.m.

The meeting of the Combined Planning and Zoning Board was called to order at 6:00 p.m. on Tuesday, December 10, 2019 in the Municipal Center by Chairperson Steve Woodward. Members present were Chairperson Steve Woodward, Dirk Downen, Rita Green, Kevin Groth, Gary Henning, Gary Mack, Lee Smith, Village Attorney Fred Keck and Zoning Administrator Matt Trout. Guests present: Richard Perkins, Darla Hsiao, Mark White, Trustee Mike Blaies and Trustee Mike Heap.

PLAN COMMISSION:

A. Old Business:

1. Approval of August 13, 2019 Minutes: Gary Mack motioned to approve the August 13, 2019 minutes and Rita Green seconded the motion. All voting yea, the motion carried.
2. Edison Estates Preliminary Plat: Zoning Administrator Matt Trout advised Tim Pruett has provided two more drawings in addition to the ones previously emailed out. Out lots were added to lots 24, 23, 22 and 21 and 20 due to a floodplain. If any of those lot owners needed to refinance or sell with having a floodplain in them, they would have to get a flood certificate from an engineer each time they go to do that. There is no frontage or access easements on the out lots. The County is not in favor of this since it would make them landlocked properties. Mark White said the floodplain maps show a floodplain going right through Mr. Vollmer's pool. He is going to verify the lines.

Rita asked which direction the water ran, and Mark advised it runs top to bottom on the drawing. She questioned if the water from Meadowbrook would interact with this development. Matt said no, this property wouldn't have any effect on that property, but the lake from Meadowbrook could have an effect on this development. There is an outflow from the dam. Matt does not believe this development affects any of the natural waterway. With the next phase being the engineering phase, Tim will have to ensure the water does not move any faster than it already does.

Matt provided Rhutasel's preliminary plat checklist that includes a variance on page 5 due to lots 10, 11, 20 and 21 not having the required frontage. The street frontage requirement is 50 feet, and Greg Hahn of Rhutasel signed off on the preliminary plat checklist. Per the code, the minimum lot width at the established building lot line is 80 feet. Matt stated lots 3-16 are zoned SR-2 which has an established building lot line of 50 feet. The committee discussed the measurement at the street versus at the building line stating they would be different. Attorney Keck then stated our zoning code should have a definition of what the front door is. He said you need to have this in your code unless you want to have an accessory building in the front of their house. Steve said the front yard is what part of your house faces the main street, and Attorney Keck said most of them say your front yard is the yard that faces the main access road. Fred said the building and street lines need to be delineated, and that needs to be reflected on the plat.

Tim Pruett entered the meeting at 7: 03 p.m.

Dirk asked Tim if Lots 20 and 21 are 80 feet at the building line. Tim said they can label the building lot lines further back on 20 and 21 in order to avoid the need for a variance. The most current plat shows the sidewalks. With regard to the sidewalks, Matt said they were only added to Edison Street, unlike Meadow Pines where the whole subdivision has sidewalks. Matt commented Meadowbrook and Manors at Woods Edge do not have sidewalks and Estates at Woods Edge does. Both Rita and Kevin were surprised sidewalks aren't included since Mr. White was encouraging walking around the com

Gary Mack motioned to approve Edison Estates Preliminary Plat contingent upon Rhutasel and Associates making the changes to the building line on Lots 10, 11, 20 and 21 and Gary Henning seconded the motion. ROLL CALL VOTE: Gary Mack – yea; Gary Henning – yea; Less Smith – yea; Dirk Downen – yes; Rita Green – no; Kevin Groth – yes and Steve Woodward – yea. With six yea votes, the motion carried.

Matt brought up the topic of minimum square footage of a principal structure and asked the board if they have any interest in maintaining a minimum square footage in each district. He provided Troy's code and our districts compared to theirs. We have a minimum square footage of a lot but not a principal structure square footage. Attorney Keck said Troy is facing this where tiny homes are being put in the smaller lots. They now have minimum square footage in each zoning district. Steve thinks it is a good idea and further said we need to decide what we want to do about container or tiny homes. Attorney Keck advised Troy decided to limit it to the mobile home district. Dirk feels if we are going to look into it, we regulate tiny homes and container homes and not the square footage requirement. Steve felt these issues should be discussed at our next meeting.

B. New Business: None.

BOARD OF APPEALS:

A. Old Business: None.

B. New Business:

1. Richard Perkins Area Bulk Variance Request: Chairperson Woodward read the notice, and Gary Mack swore in those individuals wishing to speak. Mr. Perkins provided copies of his lot lines and proposed placement for his shed. His property is zoned agriculture, and he is requesting a variance to place his accessory building on the front of his property. There is a septic drain field on the right side behind the home and the grade shift on both sides of the building make it almost impossible to place it in the back. He said there are 4.5 - 5 acres in the front that becomes undevelopable if he is not allowed a variance. The building will be used to house farming equipment and a flatbed trailer. Gary Henning advised he looked at the property and said no-one would even see it and is in favor of granting it. Mr. Perkins said his neighbor, Mr. Porter, doesn't have a problem with it. Attorney Keck spoke to Mike Reagan who said it won't devalue his property and is in support of it. Lee Smith asked for staff recommendation, and Matt said his job is to go by our zoning code and said he is not in favor of it. Rita Green said our code does not discuss the issue of a building in front of a house. Attorney Keck confirmed Mr. Perkins is going through the proper process. He further said it's an accessory structure, and read the

restrictions on accessory use setbacks where it states no accessory use in any zoning district shall be located in part of any front yard. The minimum setback for a principal building from the front lot line is 50 feet for an agriculture district. Rita said he's well back from the 50' property line. Rita asked if we have a definition of a front yard, and Steve read the definition for frontage which is the lineal extent of the front (street side) of a lot or establishment. Rita said it is her position that his front yard is the 50 feet from the property line to the building line, and she believes he does not need the variance. She wants the code to be clear so that people don't have to come in. We do not have a definition of the front of the house.

Steve also asked about the other sheds on the property and if they are on foundations, and Mr. Perkins said they are on skids. Gary Mack said it could be built in back but it's a financial decision to locate it in the front.

Lee Smith motioned to approve the variance request and Gary Henning seconded the motion.

Steve Woodward said this is a variance request, and stated you have to give a reason why you are voting for the variance under the Standards for Variance and the board will not grant one without doing so. Fred reminded the board that this decision is final.

ROLL CALL VOTE: Dirk Downen – yea; Rita Green – yea; Kevin Groth – yea; Gary Henning – yea; Gary Mack – nay, stating there were no Standards for Variance met and also that the shed could be built in the back yard even if it didn't fit Mr. Perkins' want the additional costs; and Steve Woodward – nay, for the same reasons Gary Mack voiced, as well as stating the sheds could be moved to make room for the additional structure. With 5 yea votes, the motion passed.

Gary Mack motioned to adjourn the hearing at 6:25 p.m. and Rita Green seconded the motion. All voting yea, the motion carried.

C. General Concerns: None.

D. Public Participation: None.

E. Adjourn: Gary Mack motioned to adjourn the meeting at 7:41 p.m. and Lee Smith seconded the motion. All voting yea, the motion carried.



Julie Polson
Office Manager