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# VILLAGE OF FREEBURG

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ZONING ADMINISTRATOR  
Matt Trout

VILLAGE ATTORNEY  
Weilmuenster & Keck, P.C.

Combined Planning and Zoning Board  
Tuesday, January 14, 2020 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, January 14, 2020 in the Municipal Center by Chairperson Steve Woodward. Members present were Chairperson Steve Woodward, Dirk Downen, Rita Green (absent), Kevin Groth (absent), Gary Henning, Gary Mack, Lee Smith (absent), Zoning Administrator Matt Trout, Village and Office Manager Julie Polson. Guests present: Trustees Mike Heap and Mike Blaies.

## PLAN COMMISSION:

### A. Old Business:

1. Approval of December 10, 2019 Minutes: Gary Mack motioned to approve the December 10, 2019 minutes and Gary Henning seconded the motion. All voting yea, the motion carried.
2. Zoning Code Review: Zoning Administrator Matt Trout stated we are here because of requests to review the following areas of the zoning code: 40-1-2 purpose; 40-21-4 standards for variance; 40-1-9 definitions as it pertains to front/side/back yards; 40-22-1 special uses; and 40-2-16 accessory use restrictions. Matt also provided the principal and accessory use chart and definitions and would like that reviewed prior to our next meeting. Matt said he has had some comments about the number of variances that we have granted, and further said it is this board's job to protect the zoning of Freeburg. If we feel variances are necessary, they are necessary.

Steve felt the standards for variance is the biggest issue. When you read our code, it states we shall not grant any variance unless the standards are met. He doesn't want to keep giving them out. He thinks people are just coming to us because they want to do it, regardless of whether the standards are not met. Matt confirmed when he tells someone no, they apply for a variance because they think it will pass. Gary Mack agreed and further stated he doesn't know if you have to prove all 6, but there should be a more strict application. Matt said the zoning board is in place to look to Freeburg's future. Matt confirmed he has received emails about the recent decisions. Dirk feels he doesn't necessarily want the public to dictate their rules but maybe we should provide them with more information. Dirk commented our decisions need to be consistent, and this group needs to be on the same page. Matt stated that is why we are here especially since a variance is forever. Gary Mack's opinion is the applicant should bring a compelling case with the evidence to change his mind to grant the variance.

Steve said Waterloo and Mascoutah are very strict with what they allow, and their communities are growing. The committee discussed another zoning district being added in between single family residential and agricultural, possibly an estate designation for the larger lots. With respect to the standards for variance, Matt said most of the other communities have the same wording we do. Steve was in agreement with Gary Mack's comment that the applicant really has to prove the need for the variance request. Steve

said we also need to comply with 40-21-5 and each board member is supposed to state why they voted. Dirk feels they could use additional time to reach a decision, and Matt stated you can have additional time by closing the hearing. That gives you time to discuss the proposal without any public being able to make comments. If you don't make a decision, you have the option to continue the hearing through a motion. Matt brought up the empty lot on Walnut and want an 18-foot rear setback instead of 25 feet. He brought up the home next door that obtained a 15-foot rear setback but ended up being 4. Matt asked if the committee would consider allowing the 18-foot rear setback. The applicants would be moving a current modular home on the outskirts of Freeburg that would be moved to this location. There aren't many choices on what structure you can place on the property. Dirk again stated he would like to see the evaluation criteria tightened up so this group is unified. Steve believes the bar is set high for the applicant to prove his/her case.

**B. New Business:**

**BOARD OF APPEALS:**

**A. Old Business:** None.

**B. New Business:** None.

**C. General Concerns:** None.

**D. Public Participation:** None.

**E. Adjourn:** *Gary Mack motioned to adjourn the meeting at 7:36 p.m. and Dirk Downen seconded the motion. All voting yea, the motion carried.*



Julie Polson  
Office Manager