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# VILLAGE OF FREEBURG

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ZONING ADMINISTRATOR  
Matt Trout

VILLAGE ATTORNEY  
Weilmuenster Keck Brown, P.C.

Combined Planning and Zoning Board  
Tuesday, August 25, 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, August 25, 2020 in the Municipal Center by Chairperson Steve Woodward. Members present were Chairperson Steve Woodward, Dirk Downen, Rita Green, Kevin, Groth (absent), Gary Henning (absent), Gary Mack, Lee Smith, Zoning Administrator Matt Trout, Village and Office Manager Julie Polson. Guests present: Trustee Mike Heap and Janet Baechle.

## PLAN COMMISSION:

### A. Old Business:

1. Approval of August 11, 2020 Minutes: *Lee Smith motioned to approve the August 11, 2020 minutes and Gary Mack seconded the motion.* All voting yea, the motion carried. All voting yea, the motion carried.

2. Review of Zoning Code: Zoning Administrator Matt Trout advised the board he is unsure of the hearing on the 15<sup>th</sup>. The seller's realtor contacted him saying they were going to pull the contract off the table because the buyer isn't completing the items needed. Matt commented the buyer is probably waiting for the outcome of the hearing. If we don't have a hearing, we will review the sign section of the code. Matt would like to have the zoning code revision done by the end of the year. Once the revisions have been completed, he will provide color copies to this board and the Village board. There will be a two-week review period, and then a public hearing will be scheduled. Once this board has their final review, it will go to the Village board for a final vote.

**Nonconformities, 40-18-3:** Matt said we cannot force someone to combine lots unless a situation comes up where it would need to be combined. For example, placing an accessory structure on one of the lots. This section states we are already going to treat it as an undivided parcel.

**Discontinuance of Use, 40-18-5(E):** Matt stated a perfect example of this was Wolf's Den when that bar sat vacant for more than 12 months. That property reverted back to single family residence zoning.

**Combined Planning and Zoning Board, 40-19-1:** This is a pretty new addition to the code.

**Meetings, 40-19-4:** Changed the sentence, "Four (4) members of the Board shall constitute a quorum, and the affirmative vote of at least four (4) members shall be necessary to authorize any Board action," to now read, "Four (4) members of the Board shall constitute a quorum, and the affirmative vote of the majority of those present shall be necessary to authorize any Board action except Special Use Permit and Variance Hearings", see 40-19-11(A). Preliminary plats and final plats can be handled by a majority vote since it is a recommendation. For final actions such as special uses and variances, it has to be four affirmative votes.

**Appeals, Filing, 40-20-2:** Every appeal has to be sent to the Soil and Conservation District. This only applies appeals.

**Public Hearing, Notice (1):** Changed to read whose property is within 250 feet, rather than abut.

Decision by Combined Planning and Zoning Board, 40-20-5: The decision of the board must be made within a reasonable amount of time after the hearing.

**Variances**, Application, 40-21-2: We added in the requirements to have a scaled drawing of the whole lot including the existing and proposed buildings. Dirk felt the pin locate in a lot of cases is arbitrary and has little to do with what variance request is about. Steve said they would be needed for setbacks or the placement of buildings. Steve feels if you want a variance, provide a drawing the request to scale so the board knows exactly where and what you want. The board feels all of the extra requirement stay.

Standards for Variances, 40-21-4: The state statute requires three which are 2, 4 and 6 in our current list of standards. Steve asked what variance would meet state statute number 1 which states, "the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone." Matt felt a small lot would meet this requirement. Dirk felt there is only a return on the property if you are selling the home or running a business. Trustee Mike Heap said if you make an improvement to your property, isn't that a return? Gary Mack doesn't want to grant a variance just because they want it. All six standards for variance were agreed to. We will revise our application to include the standards for variance. They will need to be checked off before the application can be submitted

**Special Uses**, Factors Considered by the Board, 40-22-4: Matt said IML book has specific criteria, not granted unless they meet the following: 1. Is necessary for the public convenience at that location; 2. Is so designed, located, and proposed to be operated that the public health, safety and welfare will be protected, 3. Will not cause the substantial injury to the value of other property in the neighborhood in which it is to be located; and 4. Such special use shall conform to the applicable regulations of the district in which it is to be located. Steve asked if special uses were reported to the county so they could see that the property has been improved, and Matt said they are not.

Decision, Findings of Fact, 40-22-5: Steve stated we need to do a better job and include this in the motion. All 6 standards have to be met.

All drawing needs to be included in the application. We'll review the application to meet the specifications in the code.

We stopped at Amendments. If we have hearing, we will try to get to a couple of the smaller sections. If not, we will start with signs. Rita asked everyone to drive around and look at the signs during the day and night.

**B. New Business:** None.

**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 7:58 p.m. and Dirk Downen seconded the motion. All voting yea, the motion carried.



Julie Polson  
Office Manager