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Bryan A. Vogel

VILLAGE OF FREEBURG

FREEBURG MUNICIPAL CENTER
14 SOUTHGATE CENTER, FREEBURG, IL 62243
PHONE: (618) 539-5545 • FAX: (618) 539-5590
Web Site: www.freeburg.com

VILLAGE ADMINISTRATOR
Tony Funderburg

PUBLIC WORKS DIRECTOR
John Tolan

POLICE CHIEF
Michael J. Schutzenhofer

ESDA COORDINATOR
Eugene Kramer

ZONING ADMINISTRATOR
Matt Trout

VILLAGE ATTORNEY
Weilmuenster Keck Brown, P.C.

October 8, 2020

COMBINED PLANNING/ZONING BOARD AGENDA **Tuesday, August 11, 2020** **6:00 p.m.**

I. Items to be Reviewed

PLAN COMMISSION:

- A. Old Business
 - 1. Approval of September 29, 2020 Minutes
 - 2. Zoning Code Review
- B. New Business

BOARD OF APPEALS

- A. Old Business
- B. New Business
 - 1. Lauren Beatty Special Use Permit Hearing – 113 E. Apple
- C. General Concerns
- D. Public Participation
- E. Adjourn

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Combined Planning and Zoning Board
Tuesday, September 29, 2020 at 6:00 p.m.

The meeting of the Combined Planning and Zoning Board was called to order at 6:01 p.m. on Tuesday, September 29, 2020 in the Municipal Center by Chairperson Steve Woodward via the Zoom application. Members present were Chairperson Steve Woodward, Dirk Downen (via Zoom), Rita Green, Kevin Groth (absent), Gary Henning (absent), Gary Mack, Lee Smith, Zoning Administrator Matt Trout, Village and Office Manager Julie Polson (via Zoom). Guest present: Trustee Mike Heap.

PLAN COMMISSION:

A. Old Business:

1. Approval of August 25, 2020 and September 15, 2020 Minutes: Gary Mack motioned to approve the August 25, 2020 minutes and Rita Green seconded the motion. All voting yea, the motion carried. Lee Smith motioned to approve the September 15, 2020 minutes and Gary Mack seconded the motion. All voting yea, the motion carried.
2. Review of Zoning Code: Zoning Administrator Matt Trout said we are starting to get close other than circling back on a few sections.

40-23-1, Amendments: Matt advised much of the content cannot be changed because of state statute.

40-23-3(B)(2), Public Hearing Notice: Rita questioned the public hearing notice where it states the notice will be sent to all parties whose property abuts the property for which the rezoning is requested. Matt stated the state law has changed and it should be within 250 feet from all property lines. He will verify the referenced statute.

40-23-4, Advisory Report; Findings of Fact: Steve questioned the advisory report and asked if we submit a findings of fact report. Matt stated he submits a memo on behalf of this board summarizing each hearing to the village board on whether they have to take any action or not. With the amendment, the village board has the final say.

40-23-6(B), When two-thirds majority vote is required: Rita questioned this, and Gary said this is done when the amendment is opposed by the surrounding property owners. The statute uses this language. This statute doesn't have anything to do with the notice listed under 40-23-3.

40-24-2, Initial Certificates of Zoning Compliance: When a building permit is submitted, Matt reviews what they are requesting, materials used, does it meet the setback requirements, etc. He then issues the permit and is sent to the county after the permit fees have been paid. It is not approved by the county until they have all the required information. Matt advised the county performs the inspections. Lee asked if there is any place in the code that defines what a building permit is. Matt said there is a building permit section which adopts the building code of St. Clair County. Matt said we don't do inside inspections, a fine line where we leave off and where we don't. Matt said the Fire Department handles the business inspections. Rita asked if there is a fee associated with the initial certificate of zoning compliance. Matt said there is a fee for a

building permit, and the Village of Freeburg charges a zoning fee which is discussed under 40-24-13. We collect that fee and also get half of what the county charges for the permit. They have a residential chart and a commercial chart, and it is based on the cost of construction. Matt said the county doesn't inspect decks because of the cost. Matt does not inspect foundations, the county does. Steve commented there are several inspections that are needed. The village had discussed at one time handling inspections but it has not been discussed recently. The application for zoning compliance is included in the building permit.

40-24-3, Application: Matt said he makes sure the application shows all lot lines and distances. Matt revised that section to include appropriate drawings to scale.

40-24-6, Final Certificates of Zoning Compliance: Matt said we issue a final occupancy permit once we receive notice from the county that they have completed their final inspections. Rita asked if we need to change the title on this. For a new house, the zoning compliance certificate is an occupancy permit. For a lot, it's the final plat which is done after construction, all the roads and infrastructure is in and their inspections have passed. In that situation it's not a certificate. On an existing home, the occupancy permit is discussed in the other portion of the village code. Rita thinks we need to address that as a final certificate of zoning compliance or occupancy permit. Lee stated an occupancy permit certificate means you are in compliance with the building code, and the certificate of zoning compliance means you are in compliance with the zoning code. This final certificate is completed done after the county has submitted the final inspections. Rita thinks that is too late as far as zoning compliance. She thinks they should be checked on before they are completed in order for the buildings to comply. Matt monitors the situations that look like they can be close on something, and he can issue a stop order if the house isn't being built to the specifications in the building permit application. Gary Mack said it is Matt's job to stop what you are doing and make corrective measures and stay on top of it. Steve asked about the occupancy permit inspection, and Matt advised we only inspect the exterior of the building. Rita thinks it needs to say occupancy permit, otherwise you don't know what you are asking for. Dirk suggested adding a table to include what requires what to include with this. Something that explains what request requires what permit. Rita asked if it could say final certificate of zoning compliance or occupancy permit. Matt believes the certificate we give out should say compliance instead of occupancy permit. Then under fees, take out occupancy and leave it as zoning fees.

40-24-13, Fees: For example, the zoning fee for a single-family home, is \$25 or \$.04 per square foot (based on total square footage) whichever is greater. The zoning fee comes directly to the village and is only charged one time. The county's fee is based on the construction cost in the permit application. Matt said when you put it all together ours are higher and that is because they include the county inspections. He thinks the fees are fine due to us receiving the zoning fee except to possibly increasing the minimum on the accessory building. Dirk asked how much revenue the permits generate annually. Dirk brought up the commercial business and said the county portion of the fees are the substantial ones. Matt said the village only gets about 6% from the real estate property taxes. Julie said we average about \$15,000 - \$20,000 in revenue on permits.

(B): Tony increased the hearing fees to \$150 and Matt said other communities are significantly higher. Matt said every meeting around costs a minimum of \$450 - \$500 including postage, advertisement and salary. The committee agreed to raise the hearing fee to \$300.

Matt said he will be revisiting the supplemental regulations, add in a minimum to the square footage of homes, accessory use- we talked about metal on the exterior buildings, but doesn't talk about that for the primary structure; bed & breakfast section, cleaning up the signs and will send out for review for everyone's thoughts. If the hearing doesn't last very long, he would like to spend a little bit of time on supplemental regulations and then schedule a clean up night. The hearing is only a change in ownership with nothing else from the previous special use permit changing.

40-25-1, Penalty: Rita asked how penalty fees are decided. Matt said we start at the minimum, and when the case goes to court, the judge declares the fee. Once a citation issued, a penalty is assessed each day there is a violation.

B. New Business:

BOARD OF APPEALS:

A. Old Business: None.

B. New Business: None.

C. General Concerns: None.

D. Public Participation: None.

E. Adjourn: *Lee Smith motioned to adjourn the meeting at 7:27 p.m. and Gary Mack seconded the motion. All voting yea, the motion carried.*



Julie Polson
Office Manager

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**NOTICE OF HEARING BEFORE THE
COMBINED PLANNING AND ZONING BOARD
SPECIAL USE PERMIT
20-06**

TO WHOM IT MAY CONCERN:

Notice is hereby given to all persons in the Village of Freeburg, St. Clair County, Illinois, that a public hearing will be held on **Tuesday, October 13, 2020, at 6:00 p.m.**, in the Freeburg Municipal Center, 14 Southgate Center, Freeburg, Illinois. Applicant is requesting a special use permit pursuant to Freeburg Zoning Ordinance 40-5-5, Single Family Special Uses, (G)(1)(2). Applicant is requesting a special use permit to allow a two-family dwelling in the SR-1 Zoning District.

113 E. Apple Street
Freeburg, IL 62243

As a result of the petition of Lauren Beatty, which petition is on file and available for examination in the office of the below named Board, Freeburg Municipal Center, 14 Southgate Center, Freeburg, Illinois.

Dated at Freeburg, Illinois, this 24th day of September, 2020.

Steve Woodward, Chairman
Combined Planning and Zoning Board

APPLICATION FOR SPECIAL USE PERMIT

Zoning Board of Appeals
Municipal Center
14 Southgate Center
Freeburg, Illinois 62243

Special Use Permit No. 20-06
Date: 09/04/2020

(DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY)

Date set for hearing: 10/13/20 Perm. Parcel No. 14-29.0-100-015
Date hearing held: _____ Fee Paid to Village Clerk: _____
Notice published on: 9/24/20 \$ 125.00 DATE: 9/9/20
Newspaper: Freeburg Tribune

Action by Zoning Board of Appeals: Comments: (indicate other actions, such as
 Denied continuances):
 Approved _____
 Approved with modifications by Board _____

Instructions to Applicants: Forms are to be typed when possible. All information required by this application must be completed and submitted herewith. Applicants are encouraged to visit the office of the Zoning Administrator for any assistance needed in completing this form.

Notice to Applicant: Applicants are also instructed to read the "Information for Applicants of a Special Use Permit" on the front page. An application for "Building and Zoning Occupancy Permit" must accompany this application.

1. Name of Owner or Owners, and other interested parties or stockholders: (attach additional sheets, if necessary)

Current owners: Leon & Jenny Furtak

Address: _____ Phone: _____
(zip code)

2. Applicant's name: Lauren S. Beatty

Address: 622 S Lincoln Ave. O'Fallon, IL 62269 Phone: 618-977-0387
(zip code)

3. Property interest of applicant: 113 E APPLE ST. FREEBURG, IL 62243

4. With respect to any portion of these premises, a previous appeal or petition for a variance was made:

() No () Yes (If "yes", list all previous appeals, and/or petitions, giving dates):

5. Address of property: 113 E APPLE ST. FREEBURG, IL 62243

6. Present use of property: 2 RESIDENCE UNITS

7. Present zoning district of property: _____

8. Check one of the following where applicable:
- Public service building, specify type: _____
 - Public utility building or structure, specify type: _____
 - Planned multiple-family residential development _____
 - Planned mobile home park development _____
 - Planned business center development _____
 - Other planned development; specify _____

Use variance; specify type of use proposed: 2 dwelling units

9. All applications for special use permit shall file a site plan in accordance with Division IV, 40-10-25, of the Zoning Ordinance. The following additional information shall be provided:

- a) Number of proposed dwelling units, if any _____
Number of proposed structures _____
- b) Number of existing dwelling units, if any 2
Number of existing structures _____
- c) Number of proposed dwelling units per structure, if any _____
- d) Number of existing dwelling units per structure, if any _____
- e) Acreage proposed to be devoted to each type use _____
- f) Existing acreage devoted to each type use _____
- g) Number of proposed off-street parking spaces _____. Provide other describe proposed development. (Attachments may be used.)
- h) Number of existing off-street parking spaces 6. Provide other such pertinent information as may be reasonably required to fully describe proposed development. (Attachments may be used.)

10. A special use permit is requested in conformity with the powers vested in the Board of Appeals by the Village Board to permit the development on the property described above, and in conformity with the plans, statements, and other documents submitted with this application.

I certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true and accurate.

I consent to the entry in or upon the premises described in this application by any authorized official of the Village for the purpose of inspecting or of posting, maintaining, and removing such notices as may be required by law.

Date: 09/04/2020

Applicant: J. Beatty

Date: _____

Owner(s): _____

8. Check one of the following where applicable:

- Public service building, specify type: _____
- Public utility building or structure, specify type: _____
- Planned multiple-family residential development _____
- Planned mobile home park development _____
- Planned business center development _____
- Other planned development; specify _____

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Date: 09/04/2020

Applicant: [Signature]

Date: _____

Owner(s): Leon J Furtak

Jenny L Furtak

dotloop verified
09/07/20 6:57 AM CDT
LND0-XYDC-EGFY-4BDL

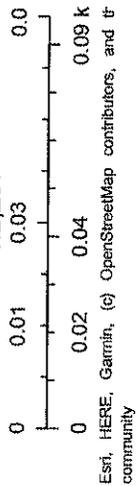
dotloop verified
09/07/20 7:07 AM CDT
XY6L-T3KW-C69M-SG9X

113 E. Apple Special Use Permit



8/20/2020, 7:16:49 AM

1:2,257



Property Owners within 250 feet of 113 E. Apple St.
Applicant: Lauren Beatty
14-29.0-100-015

Joy Robinson	101 E. Apple	14-29.0-100-004
Christopher/Cheryl Sinn	104 E. Apple	14-29.0-104-029
John/Elizabeth Mecklenburg	105 E. Apple	14-29.0-100-006
William Hughes	106 E. Apple	14-29.0-104-009
Stanley Demick	108 E. Apple	14-29.0-104-010
David Rickenburg	109 E. Apple	14-29.0-100-007
Janet Hutson/Joyce Muskopf	112 E. Apple	14-29.0-104-012
And		14-29.0-104-011
Kyle/Allison Lauer	114 E. Apple	14-29.0-104-014
And		14-29.0-104-013
PNC Bank	202 E. Apple	14-29.0-105-001
Alex/Macella Miller	204 E. Apple	14-29.0-105-002
Michael Schwarz	10 E. Washington	14-20.0-326-014
Hunter Properties	11 E. Washington	14-20.0-322-016
John Herzing	100 E. Washington	14-20.0-327-008
David Loy	111 E. Washington	14-20.0-323-012
Andrew Helfrich	109 S. Edison	14-20.0-323-006
Justin Wakefield	111 S. Edison	14-20.0-323-007
Diana LaPlantz	201 S. Cherry	14-20.0-328-009
Amy McDonald	204 S. Cherry	14-20.0-327-009
St. Clair County	S. Cherry	14-20.0-327-004
Andrew/Glen Polacek	208 S. Cherry	14-29.0-101-003
Stan/Kay Koerber	211 S. Cherry	14-29.0-102-007
And	205 S. Cherry	14-20.0-328-011
ELK Rentals	310 S. Cherry	14-29.0-104-023
Nikki Nickens	101 E. Emily	14-29.0-104-027
Hunter Properties	105 E. Emily	14-29.0-104-017
SNC Real Estate	107 E. Emily	14-29.0-104-018
David Behrmann	109 E. Emily	14-29.0-104-028
And		14-29.0-104-019
Vogel Enterprises	111 S. State	14-20.0-322-012
Richard/Linda Sanders	203 S. State	14-20.0-326-001
		14-20.0-326-002
And		14-20.0-326-006
John/Lulu Brown	205 S. State	14-20.0-326-013
And		14-20.0-326-012
Leroy/Judith Hamann	211 S. State	14-29.0-100-003
Gene Crowe	303 S. State	14-29.0-104-026