

VILLAGE PRESIDENT
Seth Speiser

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Mike Blaies
Ray Matchett, Jr.
Lisa Meehling
Denise Albers
Michael Heap
Bob Kaiser

VILLAGE TREASURER
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
Wesley Chester Keck Brown, P.C.

**IN ACCORDANCE WITH EXECUTIVE ORDER 2020-07, THE PUBLIC
CAN PARTICIPATE THROUGH THE ZOOM CLOUD MEETING
APPLICATION AND CLICKING ON THE FOLLOWING LINK:**

Join URL: <https://us02web.zoom.us/j/4478727673>

Meeting ID: 447 872 7673

We ask the public to mute their phone or mic until Public Participation
If you have any questions, please contact Matt Trout at mtrout@freeburg.com
Village Hall will be open to the public for this meeting

July 2, 2021

COMBINED PLANNING/ZONING BOARD AGENDA Tuesday, July 6, 2021 5:30 p.m.

I. Items to be Reviewed

PLAN COMMISSION:

- A. Old Business
 - 1. Approval of June 8, 2021 Minutes
- B. New Business

BOARD OF APPEALS

- A. Old Business
- B. New Business
 - 1. Adam and Angela Kimmle Annexation of 1215 S. State Street
 - 2. MCMH, LLC (Mark White) Area Bulk Variance Request #21-04
- C. General Concerns
- D. Public Participation
- E. Adjourn

VILLAGE PRESIDENT
Seth Speiser

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Mike Blaies
Ray Matchett, Jr.
Lisa Meehling
Denise Albers
Michael Heap
Bob Kaiser

VILLAGE TREASURER
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.

Combined Planning and Zoning Board
Tuesday, June 8, 2021 6:00 p.m.

The meeting of the Combined Planning and Zoning Board was called to order at 6:00 p.m. on Tuesday, June 8, 2021 in the Municipal Center by Chairperson Steve Woodward. Members present were Chairperson Steve Woodward, Dirk Downen (via Zoom), Terry Gamblin (absent), Rita Green, Gary Henning (via Zoom), Gary Mack, Lee Smith, Zoning Administrator Matt Trout and Office Manager Julie Polson. Guest present at Village Hall: Trustee Mike Heap. Guests present via Zoom: none.

PLAN COMMISSION:

A. Old Business:

1. Approval of April 13, 2021 Minutes: Gary Mack motioned to approve the April 13, 2021 minutes and Lee Smith seconded the motion. All voting yea, the motion carried. All voting yea, the motion carried.
2. B-1 Community Business District: Zoning Administrator Matt Trout summarized the previous discussion on the B-1 community business district and revised our code to reflect the changes we would like to make. He would like to finalize the draft tonight. When researching surrounding community codes, he found the term storefront building instead of mixed-use building. He felt the storefront description helps drive our point home on what we want to do in this district. Gary Mack felt the mixed-use term was a better way to show that separate uses in the building will be done. Matt read the definition on the attachment, and Rita felt the definition worked. Matt feels we need to make the regulations fit to our needs and what we want for now and the future. Rita asked if we are encouraging or requiring the buildings around the square to become a storefront or mixed use? For example, if there is a house now, if someone bought that would we require a storefront? Matt and Lee both said yes. She further said the issue may be bigger than just one building. At this point in our code, there is no residential use allowed in the B-1 district other than a loft. Rita felt the storefront should be the standard and residential on the ground floor should be a special use. Matt said all buildings there should be a special use for a mixed-use setting. That way, the owner will have to come here for a special use permit.

Matt asked if we want to have a minimum square footage requirement for both the residential and commercial areas? In the MR-1 and MR-2 districts, we have 800 square feet minimums. We don't want to be too restrictive if some of these residences would be turned into lofts. Since we have a maximum limit based on the percentage of the lot, Rita thought it would be based on the footprint of the building. Rita does not believe we have to set a minimum square footage if every project is going to be a special use. The committee agreed to delete 40-17-14(C). Lee said (E) and (F) could be a conflict of the building code. He feels we don't have to be more stringent than the building code. Matt will change the wording to reference all applicable building codes, statutes and ordinances.

The committee agreed to include both mixed use or storefront building in the definition.

For parking, Matt suggests including a requirement that residential parking must be off street and commercial parking be allowed on-street. He said any parking issues could be covered in the special use permit process. Matt thinks it is covered under the parking section on our code. Matt will make the changes and email out.

B. New Business: Matt has spoken to the owners of the building at 701 S. State (old Hardees), who hope to be open within a month. Middendorf and Reuss are working on an office space remodel and facelift of the old Towers buildings. They received a grant from IMEA for a LED lighting upgrade. Dori Marine is for sale, and Matt has advised both the realtor and son of the issues that need to be resolved. Lee confirmed the land owned by the Fire Department by the Market Place has been sold to Joe Koppeis. Our next meeting will be July 6th at 5:30 p.m.

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 6:51 p.m. and Lee Smith seconded the motion. All voting yea, the motion carried.*



Julie Polson
Office Manager

VILLAGE PRESIDENT
Seth Speiser

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Mike Blaies
Ray Matchett, Jr.
Lisa Meehling
Denise Albers
Michael Heap
Bob Kaiser

VILLAGE TREASURER
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
William Keck Brown, P.C.

**IN ACCORDANCE WITH EXECUTIVE ORDER 2020-07, THE PUBLIC
CAN PARTICIPATE THROUGH THE ZOOM CLOUD MEETING
APPLICATION AND CLICKING ON THE FOLLOWING LINK**

Meeting ID: 447 872 7673

<https://us02web.zoom.us/j/4478727673>

We ask the public to mute their phone or mic until Public Participation
If you have any questions, please contact Matt Trout at mtrout@freeburg.com
Village Hall will be open to the public for this meeting

NOTICE OF HEARING BEFORE THE COMBINED PLANNING AND ZONING BOARD

Public 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, July 6, 2021 at 5:30 p.m.**, in the Municipal Center, 14 Southgate Center, Freeburg, Illinois. This meeting is to review Adam and Angela Kimmle's proposed annexation into the Village of Freeburg with a request to rezone the following property from SR-1 (single-family residential) to A (agriculture), for the following:

1215 S. State Street
Freeburg, Illinois
P. I. N.: 14-29.0-301-004

Information is on file and available for examination in the office of the below named Board, Freeburg Municipal Center, 14 Southgate Center, Freeburg, Illinois.

All persons are invited to attend said hearing and be heard.

Steve Woodward, Chairman
Combined Planning and Zoning Board

Dated at Freeburg, Illinois, this 10th day of June, 2021.

PETITION FOR ANNEXATION (Kimmle)

To: The Mayor and Board of Trustees
of the Village of Freeburg
St. Clair County, Illinois

The Petitioners, Adam D. Kimmle and Angela K. Kimmle, respectively state under oath:

1. Petitioners are the sole legal and equitable owners of record of the following described land (hereinafter sometimes referred to as the "Tract"), to-wit:

Lot 1 of "B.E.K.S. Subdivision"; reference being had to the plat thereof recorded in the Recorder's Office of St. Clair County, Illinois in Book of Plats "89" on Page 12. Excepting that part as deeded in Book 2919 on Page 1969 to part of Lot No. 1 of B.E.K.S. Subdivision, a part of the Southwest Quarter of Section 29, Township 1 South, Range 7 West of the Third Principal Meridian, as recorded in the Recorder's Office of St. Clair County, Illinois in Book of Plats "89" on Page 12, more particularly described as follows:

Commencing at an iron rod found at the Southeast Corner of the Southwest Quarter of said Section 29; thence South 89 degrees 52 minutes 06 seconds West along the South line of the Southwest Quarter of said Section 29, a distance of 2,661.79 feet to a stone found at the Southwest corner of said Section 29; thence North 00 degrees 04 minutes 46 seconds East along the West line of the Southwest Quarter of said Section 29, a distance of 585.51 feet; thence South 89 degrees 55 minutes 14 seconds East, 51.94 feet to an iron pin found at the Southwest corner of Lot No. 1 of said B.E.K.S. Subdivision, said point being the point of beginning. From said point of beginning; thence North 00 degrees 38 minutes 29 seconds West along the West line of said Lot No. 1, a distance of 192.12 feet to the Northwest corner of said Lot No. 1; thence North 89 degrees 2 minutes 05 seconds East along the North line of said Lot No. 1, a distance of 23.20 feet; thence South 00 degrees 34 minutes 58 seconds East, 155.61 feet; thence South 89 degrees 25 minutes 02 seconds West, 5.00 feet; thence South 00 degrees 34 minutes 58 seconds East, 36.52 feet to the South line of said Lot No. 1; thence South 89 degrees 22 minutes 05 seconds West along the South line of said Lot No. 1, a distance of 18.00 feet to the point of beginning. Bearings are based on the Illinois State Plane Coordinate System West Zone as established by the Illinois Division of Highways Survey.

Excepting coal, oil, gas and other minerals excepted or reserved in prior conveyances, if any.

Situated in the County of St. Clair and the State of Illinois.

Permanent parcel number: 14-29.0-301-004

Commonly known as: 1215 S. State Street, Freeburg, IL 62243

2. The tract is not situated within the limits of any municipality but is contiguous to the Village of Freeburg.
3. That Petitioners represent they are the sole electors residing on the tract.

4. It is the desire of the Petitioners and it would be in the best interest of the Village of Freeburg, Illinois, that said tract be annexed to the Village of Freeburg, Illinois, and made a part thereof, with the zoning classification of "A" (Agricultural District).

WHEREFORE PETITIONERS RESPECTFULLY REQUEST:

1. That the above-described tract be annexed to the Village of Freeburg by ordinance of the President and Board of Trustees of the Village of Freeburg pursuant to Section 7-1-8 of the Illinois Municipal Code of the State of Illinois as amended (65 ILCS 5/6-1-8).

2. That such other action be taken as is appropriate in the premises.

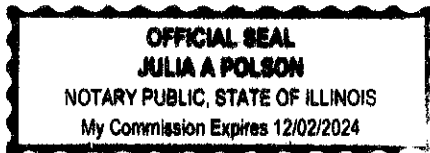
Dated this 10 day of June, 2021.



Adam D. Kimmle


Angela K. Kimmle

Subscribed and sworn to before me this, 10 day of June, 2021.

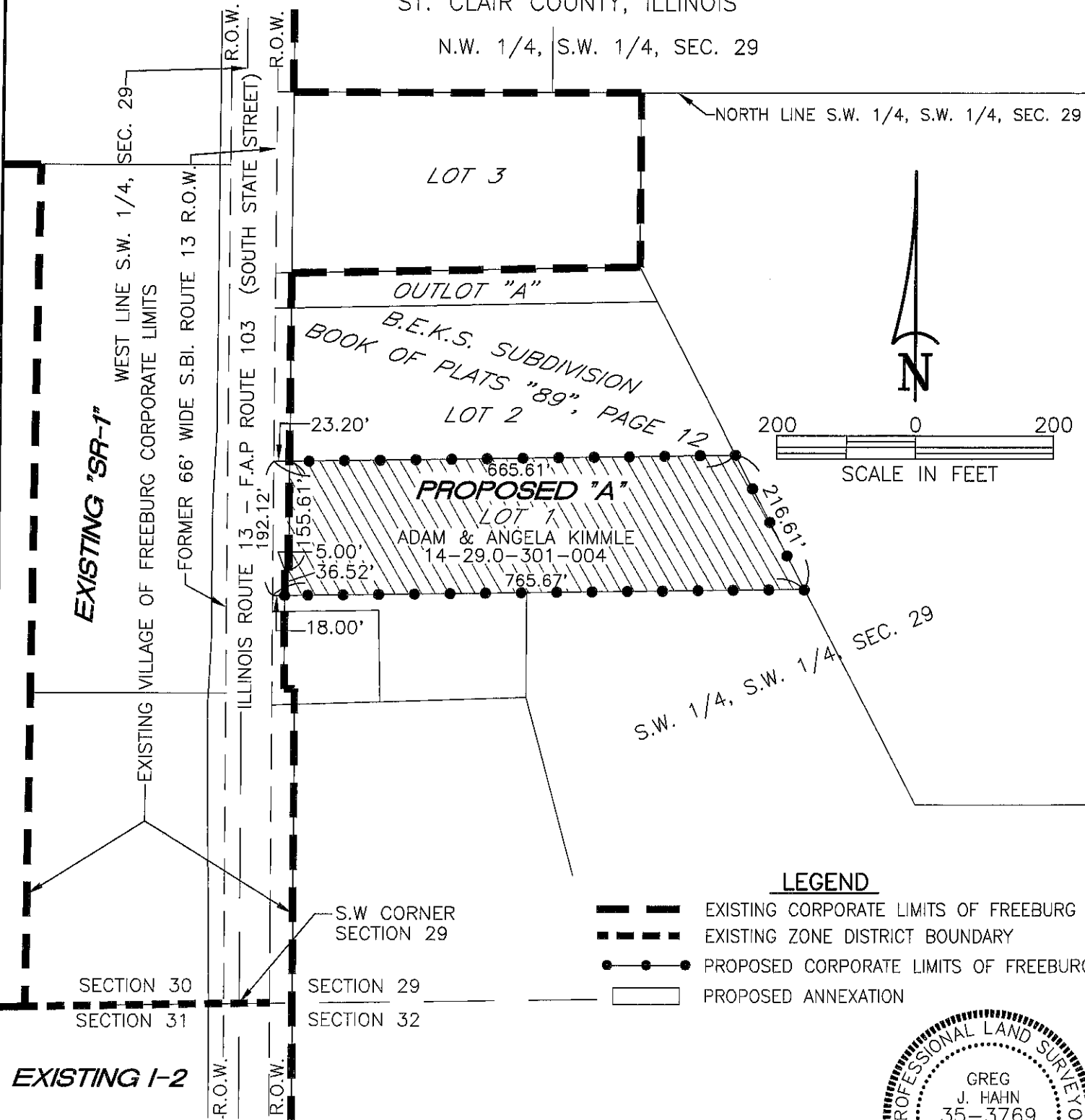



Notary Public

ANNEXATION PLAT ORDINANCE NO. _____ FREEBURG, ILLINOIS

PART OF THE S.W. 1/4 OF THE S.W. 1/4 SECTION 29
T. 1 S., R. 7 W. OF THE 3RD P.M.
ST. CLAIR COUNTY, ILLINOIS

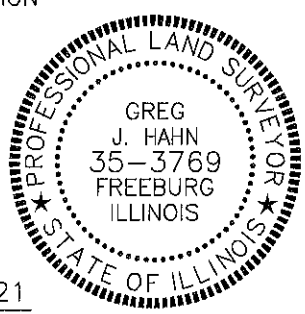
N.W. 1/4, S.W. 1/4, SEC. 29



VOLKERT
4 INDUSTRIAL DRIVE
FREEBURG, IL 62243
618.539.3178
IL DESIGN FIRM # 184.004027

I DO HEREBY CERTIFY THAT THIS ANNEXATION PLAT HAS BEEN PREPARED UNDER MY DIRECT SUPERVISION

Greg J. Hahn 6-16-2021
GREG J. HAHN, I.P.L.S. NO. 3769 DATE
LICENSE EXPIRATION DATE: 11/30/2020



Property Owners that abut
1215 S. State Street
Adam D. Kimmle and Angela K. Kimmle
14-29.0-301-004

	<u>Property Address:</u>	<u>PIN:</u>
Michael/Sheila Gallagher	1223 S. State St.	14-29.0-300-017 and 14-29.0-300-005
Bradley/Sheri Vahlkamp	1245 S. State St.	14-29.0-300-022
Barbara Bartlebort	1303 S. State St.	14-29.0-300-019
Eric/Jennifer Epperson	1111 S. State St.	14-29.0-300-023
Chad/Heather Stafko	1205 S. State St.	14-29.0-301-003
Gregory/Cynthia Ingold	1230 S. State St.	14-30.0-400-010
Robert/Virginia Weber	1248 S. State St.	14-30.0-400-007

VILLAGE PRESIDENT
Seth Speiser

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Mike Blaies
Ray Matchett, Jr.
Lisa Meehling
Denise Albers
Michael Heap
Bob Kaiser

VILLAGE TREASURER
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
Michael Guenster Keck Brown, P.C.

**IN ACCORDANCE WITH EXECUTIVE ORDER 2020-07, THE PUBLIC
CAN PARTICIPATE THROUGH THE ZOOM CLOUD MEETING
APPLICATION AND CLICKING ON THE FOLLOWING LINK:**

Meeting ID: 447 872 7673

<https://us02web.zoom.us/j/4478727673>

We ask the public to mute their phone or mic until Public Participation
If you have any questions, please contact Matt Trout at mtrout@freeburg.com
Village Hall will be open to the public for this meeting

NOTICE OF HEARING BEFORE THE COMBINED PLANNING AND ZONING BOARD AREA BULK VARIANCE REQUEST 21-04

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, July 6, 2021, at 5:45 p.m.**, in the Freeburg Municipal Center, 14 Southgate Center, Freeburg, Illinois. Applicant is requesting an area bulk variance pursuant to Freeburg Zoning Ordinance 40-6-3(D)(1), SR-2 Lot and Building Requirements, Minimum Setbacks, Front Lot Line from 25 feet to 15 feet.

P.I.N.14-20.0-110-013; 421 Firestone
P.I.N. 14-20.0-110-008; 428 Firestone
P.I.N.14-20.0-110-012; 429 Firestone
P.I.N. 14-20.0-110-009; 432 Firestone
Freeburg, IL 62243

As a result of the petition of the MCMH, LLC, 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.

All persons are invited to attend said hearing and be heard.

Steve Woodward, Chairman
Combined Planning and Zoning Board

Dated at Freeburg, Illinois, this 17th day of June, 2021.

VILLAGE OF FREEBURG
PETITION FOR AREA/BULK VARIANCE

Combined Planning and Zoning Board
Freeburg Municipal Center
14 Southgate Center
Freeburg, IL 62243

Variance Request No. 21-04
Date: 6/2/21

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

Date set for hearing: July 6, 2021
Date hearing held: _____
Notice published on: June 17, 2021
Newspaper: Freeburg Tribune

Permanent Parcel No. _____
Fee Paid to Village of Freeburg
\$ 350.00 Date: _____

Action by Combined Planning and Zoning Board:
() Denied
() Approved
() Approved with modifications
Date: _____

Comments: (Indicate other actions, such as
continuances): _____

Instructions to Applicants: All information required by this application must be completed and submitted herewith. If the application, supporting documents, and fees are not complete, the petition will not be submitted for above mentioned hearing. Applicants are encouraged to visit the office of the Zoning Administrator for any assistance needed in filling out this form.

=====

1. Address of Subject Property: _____ Parcel No. _____

2. Applicant information:

Name: MCMA LLC
LOTS 13, 12, 11, 10
Address: _____

Phone: 618-779-4803 Email: MARKWATERS@PHILIPPEPLANNING.COM

Applicant's interest in property: OWNER/BUILDER

3. Owner information (if different from above)

Name: _____
Address: _____
Phone: _____ Email: _____

4. Describe the nature of the proposed project that is the subject of the petition:
THESE LOTS BEING ON CUL-DE-SAC MAKES IT HARD TO FIT THE PROPOSED VILLAGE ON LOT. WITTYGANG TO A SMALLER SET BACK VILLAGE FIT BETTER

**VILLAGE OF FREEBURG
PETITION FOR AREA/BULK VARIANCE**

General Information

1. The Combined Planning and Zoning Board members are an appointed group of citizens whom reside in the Village of Freeburg.
2. The Board members may make site visits prior to the meeting date.
3. Your street address should be visible on the front of the home.
4. The Board hearings are generally held on the second Tuesday of the month at 6:00 p.m., and at such other times as the Board may determine necessary.
5. All information must be submitted with the application prior to the hearing date being set.
6. All property owners within 250 feet of your property will be notified of your request and it will be advertised in a newspaper with general circulation within the Village of Freeburg.

Variance requests are reviewed and determined at the scheduled hearing date. Applicants are required to present their cases and answer questions from Board members. The Board reserves the right to table applications pending submittal of additional information.

The following documents must be submitted with the completed application:

- Three (3) copies and an electronic copy of a site plan (Sealed Illinois Minimum Standards Boundary Survey Preferred) containing the following:
 1. Name and address of property owner, address of project
 2. Identification of adjacent streets
 3. A North arrow and identification of drawing scale such as 1" = 20' (must be to scale)
 4. Property lines, dimensions and area
 5. Location, size and shape of any structures presently on the site
 6. Location, size and shape of any proposed structures
 7. Dimensions showing front, side and rear yard setbacks
 8. Dimensions showing distance of structures and proposed structures from property lines
 9. Location of parking areas and/or driveways

- Three (3) copies and an electronic copy of photographs that show the property requesting the variance

- Three (3) copies and an electronic copy of the elevation plan for side and rear variances

- Three (3) copies and an electronic copy of additional drawings that clearly present the facts relating to this request

- Three (3) copies and an electronic copy of a hardship letter containing the following:
 1. A description of the intended addition or improvement including location and distance from property lines.
 2. Written description of the practical difficulties or unnecessary hardships that will occur if the strict letter of the Zoning Code is applied.

5. With respect to any portion of this property, has a previous appeal or petition for variance been made:

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

6. Zoning District: SR-2 Lot Size: see floor

7. Current use of property: SR-2

8. Does the present use of the property conform to all use regulations for the zone district in which it is located? Yes No If "No", specify each non-conforming use:

9. Do the existing structures comply with all area and bulk regulations for the zone district in which the property is located?

Yes No If "No," specify each non-conforming condition.

10. Which existing physical characteristics prevent reasonable use for any of the uses permitted in that zoning district?

- | | | |
|---------------------------------------|---|--|
| <input type="checkbox"/> Narrow lot | <input type="checkbox"/> Unique topography | <input type="checkbox"/> Soil |
| <input type="checkbox"/> Shallow lot | <input type="checkbox"/> Sub-surface conditions | <input checked="" type="checkbox"/> Drainage |
| <input type="checkbox"/> Small lot | <input checked="" type="checkbox"/> Lot shape | |
| <input type="checkbox"/> Other: _____ | | |

11. Is the proposed variance the minimum deviation from such requirements that will alleviate the difficulties/hardship and allow a reasonable return on the property? (Provide supporting documents as needed).

Yes No Please explain below.

12. Will the strict application of the district requirements result in great practical difficulties or hardship to the applicant?

Yes No Please explain below.

13. Is the plight of the applicant due to peculiar circumstances not of their own making?

Yes No Please explain below.

Due to violation of laws and also bringing in more dirt and changing what the original drawings

14. Are the conditions of hardship for which you request a variance peculiar only to the property described by this petition?

Yes No If "No", how many other properties are similarly affected?

15. If granted, will the variance alter the essential character of the area where the premises in question are located, or materially frustrate implementation of the Village's comprehensive plan?

Yes No If "Yes," how?

16. An area/bulk variance is requested for the property described above in conformity with the documents submitted herewith. **Initial, Date, and Sign below.**

USA I certify that all of the above statements and the statements contained in any papers or supporting documents submitted with this petition are true and correct to the best of my knowledge.

USA I consent to the entry upon the subject property of this application by any authorized official of the Village for the purpose of a pre-hearing site inspection, or the posting, maintaining, and removing such notices as may be required by law.

Date: 6-2-21


Signature of Applicant

Date: _____

Signature of Owner

INFORMATION FOR APPLICANTS FOR AN AREA/BULK VARIANCE

40-21-1 VARIANCES. A variance is a relaxation of the requirements of this Chapter that are applicable to a particular lot, structure, or use. A so-called "use variance" (which would allow a use that is neither permitted nor special in the district in question) is not a variance, it is an amendment, and may be granted only as provided for in **Section 40-23-1. (65 ILCS 5/11-13-5)**

40-21-2 APPLICATION.

(A) Every application for a variance shall be filed with the Administrator on a prescribed form. Every variance application shall also be filed with the Soil and Water Conservation District as per state law. The Administrator shall promptly transmit said application, together with any device they might wish to offer, to the Combined Planning and Zoning Board.

(B) The application shall contain sufficient information to allow the Combined Planning and Zoning Board to make an informed decision and shall include, at a minimum, the following:

- (1) Name and address of the applicant;
- (2) Location of the structure/use for which the variance is sought;
- (3) Brief description of adjacent lots, structures, and/or uses;
- (4) Brief description of the problems/circumstances engendering the variance request;
- (5) Brief, but specific, statement, explanation of the desired variance;
- (6) Specific section(s) of this Chapter containing the regulations which, if strictly applied, would cause a serious problem;
- (7) To scale drawing of said variance propose property;
- (8) Surveyed plat with located property corners;
- (9) Variance request staked out prior to placing structure on said property; and
- (10) Any other pertinent information that the Zoning Administrator may require.

(70 ILCS 405/2202a)

40-21-3 PUBLIC HEARING; NOTICE.

(A) The Combined Planning and Zoning Board shall hold a public hearing on each variance request not later than **sixty (60) days** after the variance application is submitted to them. At the hearing any interested party may appear and testify either in person or by duly authorized agent or attorney.

(B) Notice indicating the time, date, and place of the hearing, and the nature of the proposed variance shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

- (1) By certified mail to the applicant and by first class mail to all parties whose property abuts the property affected by the proposed variance; and
- (2) By publication in a newspaper of general circulation within the Village.

(65 ILCS 5/11-13-6)

40-21-4 STANDARDS FOR VARIANCES.

(A) The Combined Planning and Zoning Board shall not grant any variance unless, based upon the evidence presented to them, they determine that:

- (1) The proposed variance is consistent with the general purposes of this Chapter (**See Section 40-1-2**);
- (2) Strict application of the district requirements would result in great practical difficulties or hardship to the applicant and prevent a reasonable return on the property;
- (3) The proposed variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship and allow a reasonable return on the property;
- (4) The plight of the applicant is due to peculiar circumstances not of their own making;
- (5) The peculiar circumstances engendering the variance request are not applicable to another property within the district, and therefore, that a variance would be a more appropriate remedy than an amendment (rezoning); and
- (6) The variance, if granted, will not alter the essential character of the area where the premises in question are located, nor materially frustrate implementation of this Village's comprehensive plan.

(B) The Combined Planning and Zoning Board may impose such conditions and restrictions upon the location, construction, design, and use of the property benefitted by a variation as may be necessary or appropriate to comply with the foregoing standards and to protect adjacent property and property values. (**65 ILCS 5/11-13-5**)

40-21-5 TERMS OF RELIEF; FINDINGS OF FACT. The Combined Planning and Zoning Board shall decide on every variance request within a reasonable time after the public hearing. In accordance with state law (**65 ILCS 5/11-13-11**), the Combined Planning and Zoning Board shall specify the terms of relief recommended, if any, in one statement and their findings of fact in another statement. The findings of fact shall clearly indicate the Combined Planning and Zoning Board's reasons for the granting or denying the requested variance.

40-24-13 FEES. The Board of Trustees establishes the following schedule of fees for the various permits and procedures listed in this Chapter. The fees are intended to defray the administrative costs connected with the processing/conducting of such permits or procedures; the fees do not constitute a tax or other revenue-raising device. All such fees shall be paid in advance by the applicant to the Village Clerk as follows:

(B) **Combined Planning and Zoning Board Fees:**

Interpretation of Code	\$350, plus mailing and publication costs.
Special-Use Permit	\$350, plus mailing and publication costs.
Variance Permit	\$350, plus mailing and publication costs.
Amendments	\$350, plus mailing and publication costs.

Property Owners within 250 feet of
421, 428, 429 and 432 Firestone Street

Applicant: MCMH, LLC

421 Firestone: 14-20.0-110-013

428 Firestone: 14-20.0-110-008

429 Firestone: 14-20.0-110-012

432 Firestone: 14-20.0-110-009

Merril/Marilyn Queen	103 Tall Maple Ct.	14-20.0-104-011
Charles/Catherine Harris	109 Tall Maple Ct.	14-20.0-102-040
Billy/Cynthia Gilliam	113 Tall Maple Ct.	14-20.0-102-041
Greg/Renee Foster	117 Tall Maple Ct.	14-20.0-102-042
Marsha Diecker	121 Tall Maple Ct.	14-20.0-102-043
Brian/Deborah Bryant	125 Tall Maple Ct.	14-20.0-102-044
Tamara Thouvenot	129 Tall Maple Ct.	14-20.0-102-045
Jason/Lisette Becker	133 Tall Maple Ct.	14-20.0-102-046
Robert/Jan Kolb	137 Tall Maple Ct.	14-20.0-102-047
Jiang Lin	513 Creek Ridge Ct.	14-20.0-102-056
Jay/Marcie Johns	116 Tall Maple Ct.	14-20.0-102-064
Dane/Shannon Brueggeman	120 Tall Maple Ct.	14-20.0-102-071
Phillip/Shannon Petty	144 Tall Maple Ct.	14-20.0-102-067
MCMH, LLC	400 Firestone St.	14-20.0-110-001
MCMH, LLC	404 Firestone St.	14-20.0-110-002
MCMH, LLC	408 Firestone St.	14-20.0-110-003
MCMH, LLC	412 Firestone St.	14-20.0-110-004
MCMH, LLC	416 Firestone St.	14-20.0-110-005
MCMH, LLC	420 Firestone St.	14-20.0-110-006
MCMH, LLC	424 Firestone St.	14-20.0-110-007
MCMH, LLC	436 Firestone St.	14-20.0-110-010
MCMH, LLC	405 Firestone St.	14-20.0-110-016
MCMH, LLC	411 Firestone St.	14-20.0-110-015
MCMH, LLC	417 Firestone St.	14-20.0-110-014
MCMH, LLC	435 Firestone St.	14-20.0-110-011