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Seth Speiser

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Ray Matchett, Jr.
Mike Blaies
Denise Albers
Dean Pruett
Mathew Trout
Lisa Meehling

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

VILLAGE TREASURER
Bryan A. Vogel

PUBLIC WORKS DIRECTOR
John Tolan

POLICE CHIEF
Michael J. Schutzenhofer

VILLAGE ATTORNEY
Weilmuenster & Keck, P.C.

January 4, 2018

NOTICE

MEETING OF THE COMBINED PLANNING AND ZONING BOARD

The Combined Planning and Zoning Board meeting has been scheduled for **Tuesday, January 9, 2018, at 6:00 p.m.**

I. Items to be Reviewed

PLAN COMMISSION:

- A. Old Business
 - 1. Approval of November 14, 2017 Minutes
 - 2. Review of Meadow Pines Preliminary Plat

B. New Business

BOARD OF APPEALS:

- A. Old Business:
- B. New Business:
 - 1. Freeburg Fire Protection District Area Bulk Variance Request
- C. General Concerns:
- D. Public Participation
- E. Adjourn

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Combined Planning and Zoning Board
Tuesday, November 14, 2017 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, November 14, 2017, in the Municipal Center by Chairperson Steve Woodward. Members present were Chairperson Steve Woodward, Kevin Groth, Rita Green, David Parrish, Gary Mack (absent), Mike Heap, Lee Smith, Village Administrator Tony Funderburg, Zoning Administrator Gary Henning (absent) and Office Manager Julie Polson (absent). Guests present: Gale Hake, Aaron Klemme and Mike Blaies.

PLAN COMMISSION:

A. Old Business:

1. Approval of October 10, 2017 and October 16, 2017 Minutes: *Lee Smith motioned to approve the October 16, 2017 minutes with correction and Mike Heap seconded the motion.* All voting yea, the motion carried.

David Parrish motioned to approve the October 10, 2017 minutes and Rita Green seconded the motion. All voting yea, the motion carried.

2. Meadow Pines Preliminary Plat Review: Chairperson Woodward advised everyone should have a copy of the Preliminary Plat Checklist, as well as the Declaration of Protective Covenants and Restrictions. He advised the board that the village doesn't have any jurisdiction or enforcement of the covenants, but they are required to be submitted. Rita had questions on the covenants concerning the dwelling specifications and construction materials, and Mr. Klemme advised the covenants are preliminary and will need to be revised. David asked if there were any updates on Bozeman Lane, and Village Administrator Tony Funderburg said no. He said he will continue to work with the landowner on that possible switch of land. Gale said the preliminary plat shows the lot design, number of lots, and general locations of the storm water retention.

Gale Hake discussed the variances requested stating the two cul-de-sac streets are longer in order to avoid another entrance that was not wanted. The second variance request dealt with the minimum frontage for some of the cul-de-sac lots. The village had no problem with the first two variances but did not agree with the variance for the street construction standard request. Gale commented our code for street construction standards are not in compliance with IDOT's standards. Tony stated we need more time to discuss this standard and make sure it's sufficient to meet our needs. Gale said it wasn't necessary to go into that at this point.

Steve brought up the cul-de-sac requirement of 120' in diameter on page 3 of the checklist, and Gale stated our code is incorrect and it should be 100' in diameter. Tony asked Gale where the storm water is designed to go. Gale stated it has not yet been designed and referred everyone to the second sheet. He stated it currently flows to two ditches and that flow can't legally be changed. Gale also stated this subdivision won't be as flat as the neighboring ones. Tony brought up his concerns over the drainage problems we've had in the adjoining homes. He would like to see storm drains where each home could tie into it and also said we don't want to see sump pumps discharging into the street. Mr. Klemme stated he would be happy to do whatever the village requires with respect to this.

Combined Planning and Zoning Board
Tuesday, November 14, 2017
Page 1 of 2

Steve asked about the variances requested and if a hearing would have to be held for that. Gale said the variances would be approved tonight with the preliminary plat. Mike Heap asked are we going to allow this subdivision if Bozeman doesn't work out. Kevin stated the developer has options if that doesn't work out. He also said he is not in favor of this subdivision if we can't connect to Bozeman Lane. Mr. Klemme agreed as well. Both Mike and Lee asked if the Bozeman connection doesn't happen, it is still a subdivision that meets the code requirements, and Steve said the requirement is to stub the street to the adjoining property lines.

Mr. Klemme asked if the board had made a decision on this plat if Bozeman doesn't work. Tony advised the Streets Committee meets tomorrow night and Legal/Ordinance at the end of the month and invited Mr. Klemme to attend either meeting. Tony stated he did take their request to the board after the last meeting, and they want to exhaust all possibilities before they consider a more deliberate action. He also said this is the best setup for this land, and Steve said this is a much better use of the property than the previous subdivision proposal from Meise. Mr. Klemme stated he was more than willing to meet with Mr. Braun, and also asked what are his options if Mr. Braun is not willing to swap the land. Tony stated whether or not Mr. Braun grants the swap, it does not impact the preliminary plat. Mr. Klemme is meeting the code requirements. Both Steve and Kevin stated approving this preliminary plat moves the project forward.

*Rita Green motioned to recommend to the Village Board to approve the Meadow Pines Preliminary Plat along with the first two variances requested and the third variance tabled until such time the Village has time to review the street standards and Kevin Groth seconded the motion. **ROLL CALL VOTE:** Rita Green – yea; Kevin Groth – yea; Mike Heap – nay; Gary Mack – absent; David Parrish – yea; Lee Smith – yea and Steve Woodward – yea. With 6 yea votes, 1 nay vote, 1 absent, the motion carries.*

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: *David Parrish motioned to adjourn the meeting at 7:31 p.m. and Lee Smith seconded the motion. All voting yea, the motion carried.*



Transcribed from tape by
Julie Polson
Office Manager

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NOTICE OF HEARING BEFORE THE COMBINED PLANNING AND ZONING BOARD

AREA BULK VARIANCE REQUEST 17-05

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, January 9, 2018, at 6:00 p.m.**, in the Freeburg Municipal Center, 14 Southgate Center, Freeburg, Illinois. Applicant is requesting an area bulk variance pursuant to Freeburg Zoning Ordinance 40-12-3(D), I-1 Lot and Structure Requirements, Minimum setback from any side lot line. Applicant is requesting a variance from the side lot line requirement of 25 feet to 5 feet to install an electrical generator in the I-1 Zoning District.

P.I.N. 14-19.0-435-014
410 W. High
Freeburg, IL 62243

As a result of the petition of the Freeburg Fire Protection District, 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 14th day of December, 2017.

Steve Woodward, Chairman
Combined Planning and Zoning Board

INFORMATION FOR APPLICANTS FOR AN AREA/BULK VARIANCE

40-10-18 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 40-10-30.

40-10-19 APPLICATION. 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 he might wish to offer, to the Zoning Board of Appeals. The application shall contain sufficient information to allow the Board to make an informed decision and shall include, at a minimum, the following: (NOTE: Filing fee required.) {Ill. Rev. State., Ch. 5; Sec. 127.2(A)}

- (A) Name and address of the applicant;
- (B) Location of the structure/use for which the variance is sought;
- (C) Brief description of adjacent lots, structures, and/or uses;
- (D) Brief description of the problems/circumstances engendering the variance request;
- (E) Brief, but specific statement, explanation of the desired variance;
- (F) Specific section(s) of this Chapter containing the regulations which, if strictly applied, would cause a serious problem; and
- (G) Any other pertinent information that the Administrator may require.

40-10-21 STANDARDS FOR VARIANCES. The Zoning Board of Appeals shall not grant any variance unless, based upon the evidence presented to them, they determine that:

- (A) The proposed variance is consistent with the general purposes of this Chapter (See Sections 40-1-2d);
- (B) 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;
- (C) The proposed variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship, and allow a reasonable return on the property;
- (D) The plight of the applicant is due to peculiar circumstances not of his own making;
- (E) 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
- (F) 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 municipality's comprehensive plan.

The Board may impose such conditions and restrictions upon the location, construction, design, and use of the property benefited by a variation as may be necessary or appropriate to comply with the foregoing standards and to protect adjacent property and property values.

40-10-22 TERMS OF RELIEF, FINDINGS OF FACT. The Zoning Board of Appeals shall decide on every variance request within a reasonable time after the public hearing. In accordance with State Law (Illinois Revised Statutes, Chapter 24, Section 11-13-11). The Zoning Board of Appeals 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 Board's reasons for the granting or denying the requested variance.

PETITION FOR AREA/BULK VARIANCE

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

Variance Request No. 17-05

Date: 11/22/17

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

Date set for hearing: 1/9/18
Date hearing held: _____
Notice published on: 12/14/17
Newspaper: Freeburg Tribune

Perm. Parcel No. 14-19.0-435-014
Fee Paid to Village Clerk: _____
\$ _____ DATE: _____

Action by Zoning Board of Appeals:
 Denied
 Approved
 Approved with modifications by Board

Comments: (indicate other actions, such as continuances):

Instructions to Applicants: 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 filling out this form.

Notice to Applicant: Attach to this form a Building Permit and Temporary Certificate of Zoning Compliance application.

1. Name of Owner(s): Freeburg Fire Protection District
Address: 410 West High Street Freeburg IL 62243 Phone: 539-3288
(Zip Code)
2. Applicant's name: Theodore Mueller
Address: 410 West High Street Freeburg IL 62243 Phone: 539-3288
3. Property interest of applicant: Install Electrical Generator
4. With respect to any portion of these premises, a previous appeal or petition for variance was made:
 No Yes (If "yes", list all previous appeals, and/or petitions, giving dates):

5. Address of property: 410 West High Street Freeburg IL 62243
6. Present use of property: Firehouse
7. Present zoning of property: _____
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 it is located? (X) Yes () No
If "No", specify each non-conforming condition.

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

- | | | |
|--|-------------------------------------|---------------------------------------|
| <input checked="" type="checkbox"/> Too narrow | <input type="checkbox"/> Topography | <input type="checkbox"/> Soil |
| <input type="checkbox"/> Too small | <input type="checkbox"/> Drainage | <input type="checkbox"/> Sub-surface |
| <input type="checkbox"/> Too shallow | <input type="checkbox"/> Shape | <input type="checkbox"/> Other: _____ |

11. What is the "minimum" modification (variance) from the area-bulk regulations that will permit you to make use of your land? (Specify, using maps, site plans with dimensions, and written explanation. Attach additional sheets, if necessary.)

We would like to place a 100 kw generator near the property line. This generator must also be 3 feet off the building, due to Office of the State Fire Marshal codes. We also must stay 18" from the Ameren gas line. We will be placing concrete barriers on the ground to protect the generator.

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

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

13. An area/bulk variance is requested for the property described above in conformity with the documents submitted herewith.

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: 11/22/17

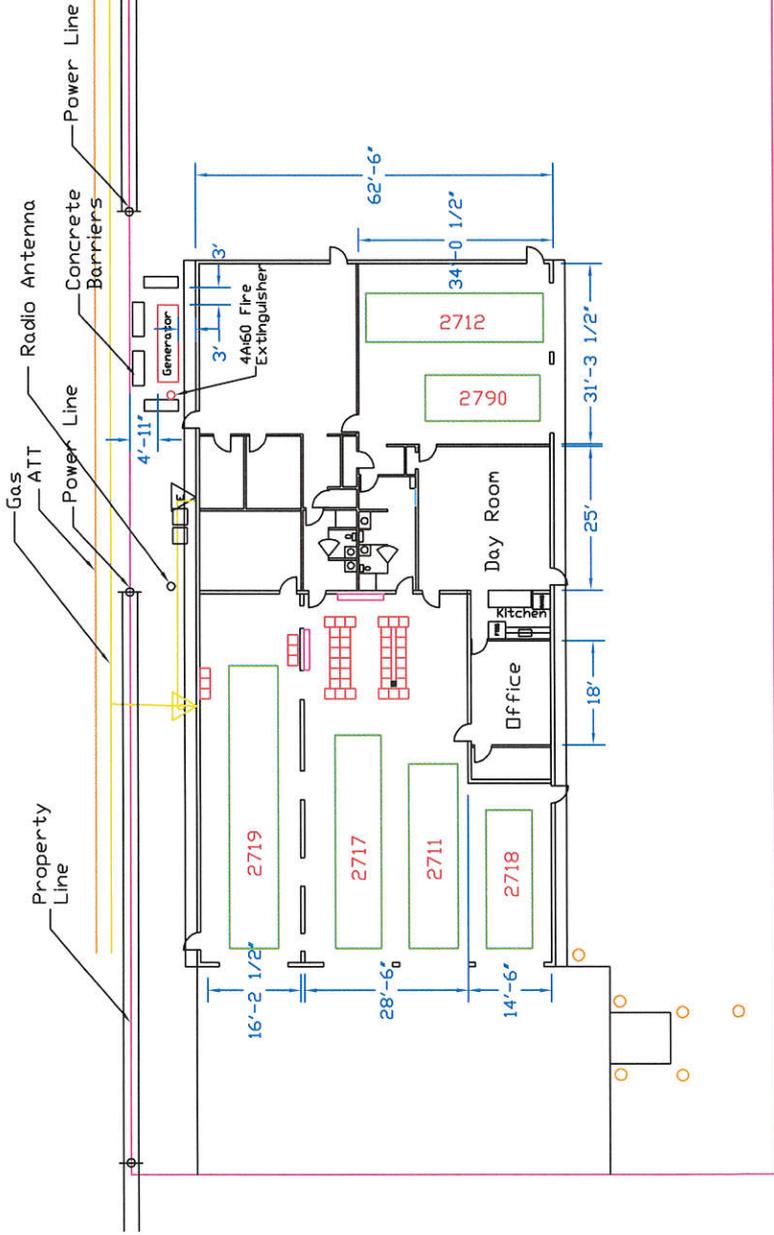
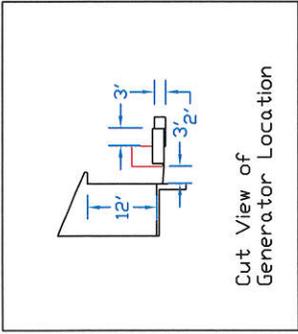
Signature of Applicant:



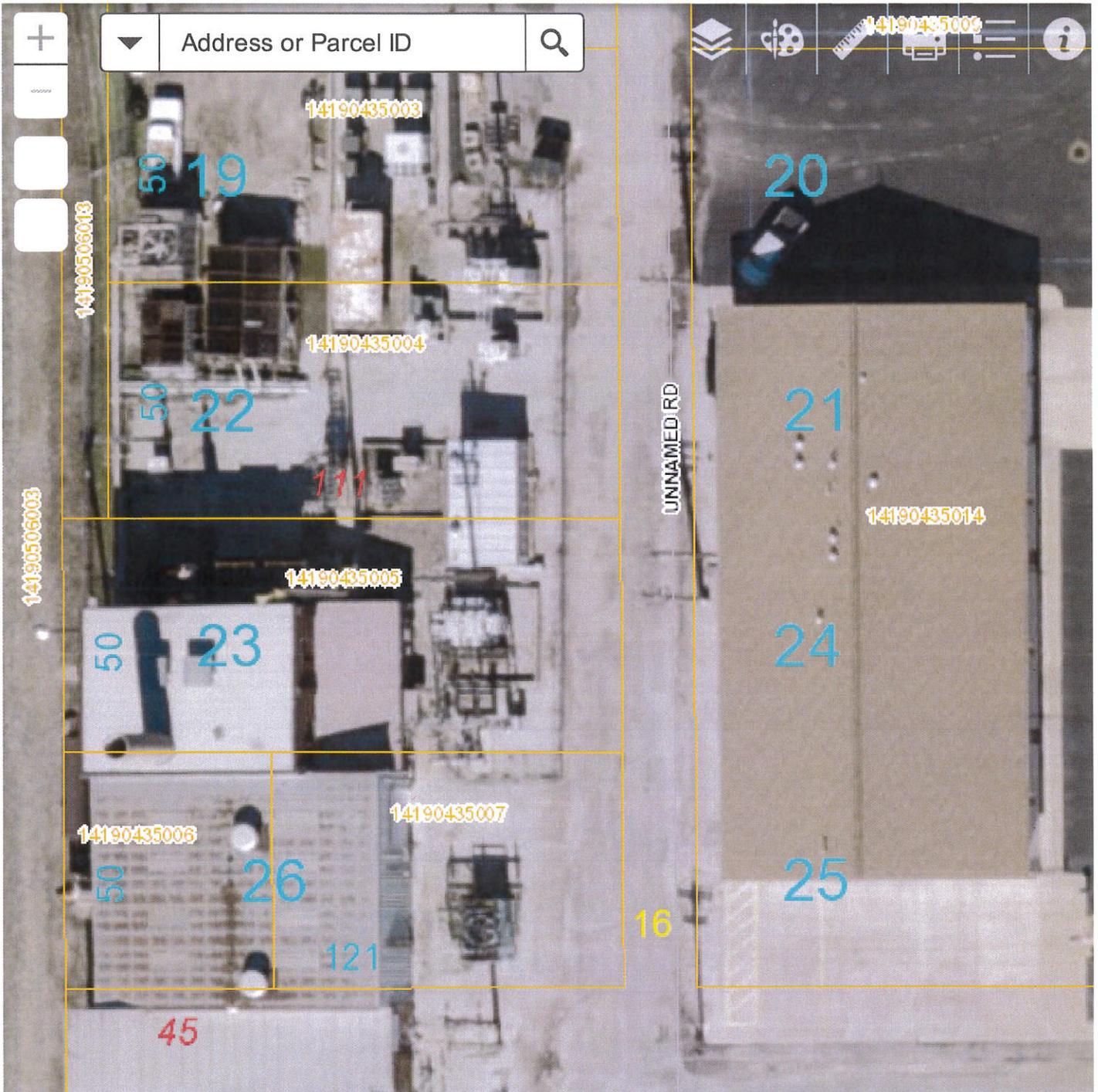
Date: 11/22/17

Signature of Owner:





Freeburg Fire
Generator Location



40ft

-89.914 38.426 Degrees



Property Owners that abut 410 W. High Street
Applicant: Freeburg Fire Protection District
14-19.0-435-014

Amanda Dressler and		
Andrew Diefenbach	12 S. Richland	14-19.0-436-016
Tracy Andres	10 S. Richland	14-19.0-436-010
Southgate Investments	8 S. Richland	14-19.0-436-019
	6 S. Richland	14-19.0-436-018
Village of Freeburg	412 W. High	14-19.0-435-003
		14-19.0-435-004
		14-19.0-435-005
		14-19.0-435-007
Michael Siemens	410 W. Washington	14-19.0-447-016
Steven & Anne Procter	407 W. High	14-19.0-447-003
Samuel & Pearl Koesterer	102 S. Richland	14-19.0-447-005