

# **AGENDA**

**October 6, 2016**

## **FAIRVIEW HEIGHTS ZONING BOARD OF APPEALS**

**7:00 P.M., City Council Chambers**

1. Call to Order and Roll Call
2. Approval of Minutes – May 5, 2016
3. Communications
4. Public Hearings  
  
ZBA05-16 Bulk Area Variance – Thomas Birdsong, 238 Circle Drive  
(03-17.0-401-063)
5. Unfinished Business
6. New Business
7. Announcements
8. Adjournment

**MINUTES  
ZONING BOARD OF APPEALS  
May 5, 2016**

The Fairview Heights Zoning Board of Appeals meeting was held on Thursday, May 5, 2016 in Council Chambers at the Fairview Heights Municipal Complex, 10025 Bunkum Road, Fairview Heights, Illinois and called to order at approximately 7:02 p.m. by Chairman, Cheryl Bunfill.

1. **ROLL CALL** found the following members present: Cheryl Bunfill, Chuck Peterson, Bob Prescott, RJ Abernathy, Janice Petroff, and Cleater Wicks. Also present were Timothy Tolliver, (Director of Land Use & Development), Kendra Tucker (Secretary), Jim Gehrs (City Attorney) and Robin L. Stranimeier (Keefe Reporting).

2. **MINUTES** – Abernathy made a motion to approve the Minutes of April 7, 2016. Prescott seconded.

VOTE: Unanimous

3. **COMMUNICATIONS** – None

4. **PUBLIC HEARINGS**

**ZBA04-16, Bulk Area Variance – McCay Corporation, 10408 Lincoln Trail**

Tolliver read the staff advisory to the board.

Chairman Bunfill asked if there was anyone to speak in favor or against this application.

In Favor: 1

George Casey of 100 Monticello Place, Fairview Heights, IL was sworn in. Mr. Casey stated that he was in favor of this application.

In Opposition: 0

The applicant was present.  
James McCay of Staunton, Illinois was sworn in.

Mr. McCay stated that his business would be a good addition to the Fairview Heights community and that they would maintain the property.

Peterson then made a motion to combine all of the requested variances into one motion and Abernathy seconded. The board voted a unanimous approval.

Based upon review of the request, Peterson moved to approve an Area Bulk Variance within the City of Fairview Heights for the following reasons:

- A twenty-two (22) foot variance from the required 75 feet front lot line setback within a B-3 Business District as stipulated in Section 14-2-2(B) Minimum Business and Industrial Zone District Regulations.
- A five (5) foot variance from the required ten (10) foot landscape setback between vehicular use areas and right of way line as stipulated in Section 14-6-5(D) (1) Landscaping Requirements.
- A variance allowing a commercial curb cut on to residential street as stipulated by Section 14-6-5 (B) (4) Design Standards, Ingress and Egress.
- A fifteen (15) foot variance from the one hundred (100) foot setback requirement from the curb line of Lincoln Trail to access centerline as stipulated by Section 14-6-5 (B) (1) Design Standards, Ingress and Egress.

for property located at 10408 Lincoln Trail, for the following reason(s):

Area/Bulk Variance

1. The front & back lot is restrictive and with minimum deviation from the code will alleviate the hardship.
2. The applicant is requesting the minimum variance necessary for the reasonable use of the property due to the aforementioned circumstances of the land.
3. Strict application of the Code would deprive the applicant of reasonable use of the property (land).
4. This development will be in harmony with the general purposes and intent of the Code and will not be injurious or detrimental to the public health, safety and welfare.

Abernathy seconded

VOTE: 6 YEAS; Petroff, Peterson, Prescott, Wicks, Abernathy and Bunfill  
0 NAYS, 1 ABSENT; Bramstedt

5. **UNFINISHED BUSINESS** – None
6. **NEW BUSINESS** – None
7. **ANNOUNCEMENTS** – None
8. **ADJOURNMENT** – Peterson moved and Abernathy seconded to adjourn. This meeting was adjourned at approximately 7:15 p.m.

The next regularly scheduled meeting of the Fairview Heights Zoning Board of Appeals is Thursday, June 2, 2016, at 7:00 p.m. in Council Chambers at the Fairview Heights Municipal Complex, 10025 Bunkum Road, Fairview Heights, Illinois.

Respectfully,

Timothy Tolliver, Director  
Land Use & Development Department

TT/kt

DRAFT

I move to recommend (approval/denial) of ZBA--, an (Area/Bulk or Sign Variance (specify the variance) for property located at -----, for the following reason(s):

**AREA/BULK VARIANCE**

- Mandatory**
1. This (addition) will not be injurious or detrimental to the public health, safety and welfare.
  2. The applicant is requesting a minimum variance for the use of the property due to the (narrowness, slope, topographical conditions) of the lot.
  3. Strict application of the Code would deprive the applicant of reasonable use of the property (land).
  4. This (addition) would not alter the essential character of the area.
  5. The building existed prior to the adoption of the Code.
  6. This (addition) will not extend the nonconformity.
  7. The (front, back, or side lots) are restrictive and with minimum deviation will eliminate the hardship.

**SIGN VARIANCE**

- Mandatory**
1. The signs identify the service.
  2. The proposed variance is the minimum needed due to the (narrowness, slope, topographical conditions) of the lot.
  3. The building location prohibits setting the sign at or on (location).
  4. The sign will not be injurious or detrimental to the public health, safety and welfare.



## CITY OF FAIRVIEW HEIGHTS

10025 Bunkum Road ♦ Fairview Heights, Illinois 62208 ♦ Phone: (618) 489-2000 ♦ [www.cofh.org](http://www.cofh.org)

September 26, 2016

Fairview Heights Zoning Board of Appeals  
10025 Bunkum Road  
Fairview Heights, IL 62208

Dear Zoning Board Member:

The petition listed below is hereby transmitted for your consideration:

<b>Petition No:</b>	<b>ZBA 05-16</b>
<b>Petitioner:</b>	Thomas Birdsong
<b>Request:</b>	Area/Bulk Variance
<b>Area Size:</b>	Approximately 1.86 acres
<b>Location:</b>	238 Circle Drive
<b>Hearing Date:</b>	October 6, 2016
<b>Report:</b>	Staff Advisory (Exhibit 1)
<b>Ward:</b>	I

Respectfully,

Timothy J. Tolliver, Director  
Land Use and Development

TO: Zoning Board of Appeals  
FROM: Timothy J. Tolliver  
DATE: September 23, 2016  
RE: **ZBA 05-16, Area/Bulk Variance—238 Circle Drive Birdsong**

### **AREA LAND USE AND ZONING**

The subject property, 238 Circle Drive, is an approximate 1.86 Acre tract of ground containing a garage structure and a recently constructed home having been granted a variance for its placement in May, 2016. The parcel is located on the east side of Circle Drive. The subject property is zoned "R-1" Single Family Residential District as are the adjoining properties. The adjoining properties are developed with single family residences.

### **DEVELOPMENT PROPOSAL**

The Petitioner, Thomas Birdsong, is requesting a front set back variance in order to construct a new 24' X 30" garage to replace existing garage. The structure is proposed to be located 38' from the centerline of the Circle Drive. Circle Drive is a 50' wide right of way thus establishing the front property line 25' from centerline thus placing proposed structure 13' from the front property line.

Petitioner states that elevation drops off severely preventing placement of structure any further to the east.

### **VARIANCE REQUESTED**

A 47 foot variance from the required 60 feet front lot line setback for an accessory structure within a residential district as stipulated in Section 14-3-8.1 C.3.

### **AREA-BULK VARIANCE CRITERIA**

In accordance with 14-10-13 Zoning Board of Appeals: Powers, Duties, Procedures, no area-bulk variance in the application of any provisions of this Code shall be recommended by the Board, unless it finds:

- (a) That special circumstances or conditions fully described in findings of fact apply to the land or buildings for which the area-bulk variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to the land or buildings in the neighborhood, and that said circumstances or conditions are such that

strict application of the provisions of this Code would deprive the applicant of a reasonable use of such land or building;

(b) that, for reasons fully set forth in the findings, the recommending of the area-bulk variance is necessary for the reasonable use of land or buildings, and that the variance as recommended by the Board is the minimum variance that will accomplish this purpose;

(c) that the recommending of this variance will be in harmony with the general purpose and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of adjoining buildings and those in the vicinity, the Board, in making its recommendations shall take into account whether the conditions of the subject premises are peculiar to the lot or tract described in the petition. Should it be determined that the conditions are part of the general condition of the neighborhood, then it shall be so noted and the Board may recommend appropriate corrections to Code.

Exhibits:

- 1 -- Staff Advisory
- 2 -- Application
- 3 -- Site Plan
- 4 -- Aerial Image
- 5 -- Photographs
- 6 -- Garage Image
- 7 -- Public notice
- 8 -- Surrounding Property owners

# APPLICATION FOR AREA-BULK VARIANCE



Land Use and Development Department  
 Fairview Heights City Hall  
 10025 Bunkum Road  
 Fairview Heights, IL 62208  
 Phone (618) 489-2060

(Do not write in this space – for office use only)

Case Number Assigned:	Date Proof of Public Notice Sign Provided:
Date Application Received:	Zoning District of Property:
Date Set for Hearing:	Recommendation of ZBA:
Name of Newspaper and Publication Date:	Date of City Council 2nd reading:
Publication Fee Paid:	Action by City Council:

All information must be completed and submitted herewith. Applicants are encouraged to visit the Land Use and Development Department for any assistance needed in completing this form.

1. Name of property owner(s): Thomas Birdsong  
 Mailing address: 238 Circle DR Fairview Heights IL 62208  
 Phone: 618-401-4850 - 618-213-8284 Home 618-980-0195 cell  
 E-Mail: \_\_\_\_\_
  
2. Name of applicant (if other than owner): Veronica Bowlby  
 Relationship to owner (contractor, family member, lessee, etc.): Fiancee  
 Mailing address: 238 Circle DR Fairview Heights IL 62208  
 Phone: 618-980-0195 cell 618-213-8284 Home 618-401-4850 Thomas cell  
 E-Mail: \_\_\_\_\_

3. Address of property: 238 Circle DR Fair Heights IL 62208  
Parcel (Tax) ID number: 03-17-0 401-063  
Present use of property: Residential ~~at home has been~~  
Zoning district: R 1

4. Variance requested: For Front Set Back From 60' to 38'  
To Locate New Garage

5. Hardship: What unique physical characteristics of the subject property are cause for allowing reasonable relief from Development Code regulations?

- |                                      |  |                                       |
|--------------------------------------|--|---------------------------------------|
| <input type="checkbox"/> Too narrow  | <input checked="" 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: _____ |

Please describe:

Rear of site behind Elevation drops to quickly to ~~but~~  
Build on

6. 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? 8

7. Was the hardship created by the action of anyone having property interest in the land after the Development Code was adopted?  Yes  No

If "yes", please describe: \_\_\_\_\_

8. Was the hardship created by any other man-made change; such as the relocation of a road? ( ) Yes (✓) No

If "yes", please describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Do the existing structures comply with all area and bulk regulations for the zone district in which it is located? ( ) Yes (✓) No (if "no", specify each non-conforming use):

Existing Shed and House are set back from  
Center Line of Road

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

38' See Site Plan

11. 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.

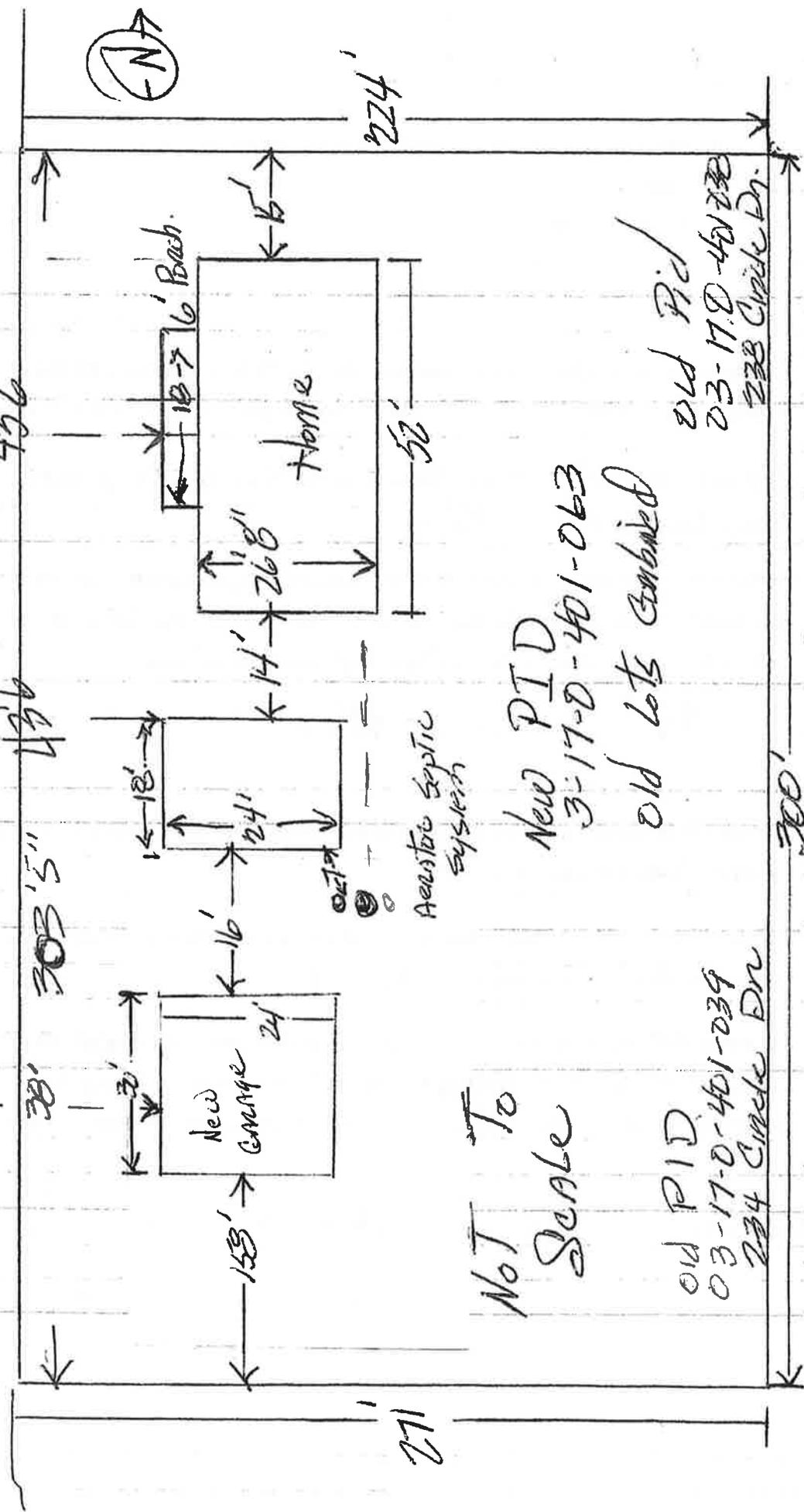
I consent that the entry in or upon the premises described in this application by any authorized official of Fairview Heights, Illinois for the purpose of inspecting or of posting, maintaining, and removing such notices as may be required by law.

Signature of Owner: Thomas Birdsong Date: 9/6/16

Signature of Applicant: Thomas Birdsong Date: 9/6/16

Center Line of Road

228 Circle Drive



NOT To Scale

Old PID.  
03-17-0-401-039  
234 Circle Dr

New PID  
3-17-0-401-063  
Old Lots Embanked

Old PID  
03-17-0-401-038  
238 Circle Dr.

Tom Brad'son Owner.

City of Fairview Heights

9/6/15

I recently removed the old home that was located at 238 Circle Drive and replaced it with a new home. I was granted a variance to locate the home and porch 43'6" from the center line of the road.

I now wish to build a new 24'x30' garage for my personal use. As the road does not run straight with the property lines the distance from the center line of the road to the front of the garage is 38'.

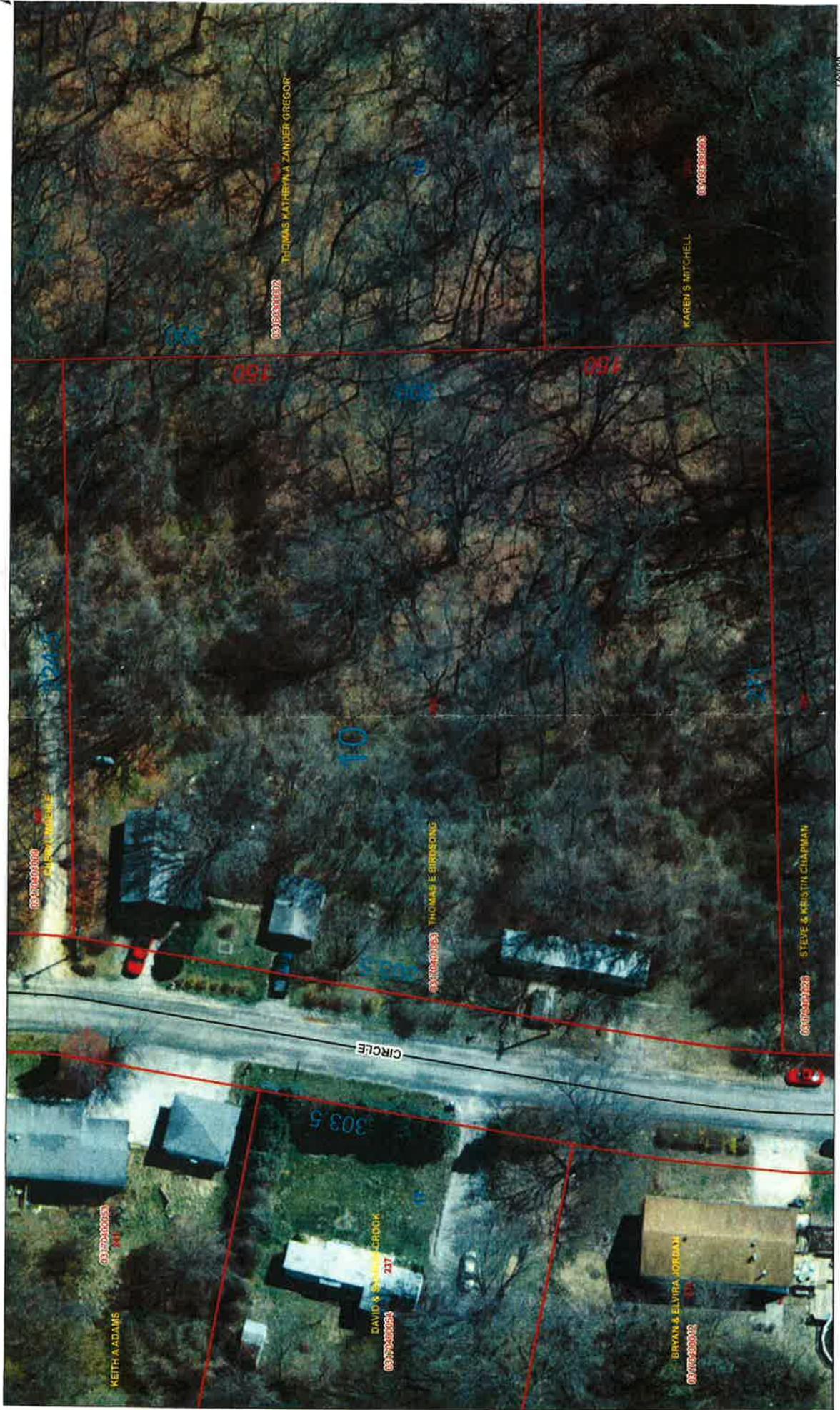
This will allow the garage and front porch of the home to line up.

After the new garage is complete I will tear down the old 18'x24' shed.

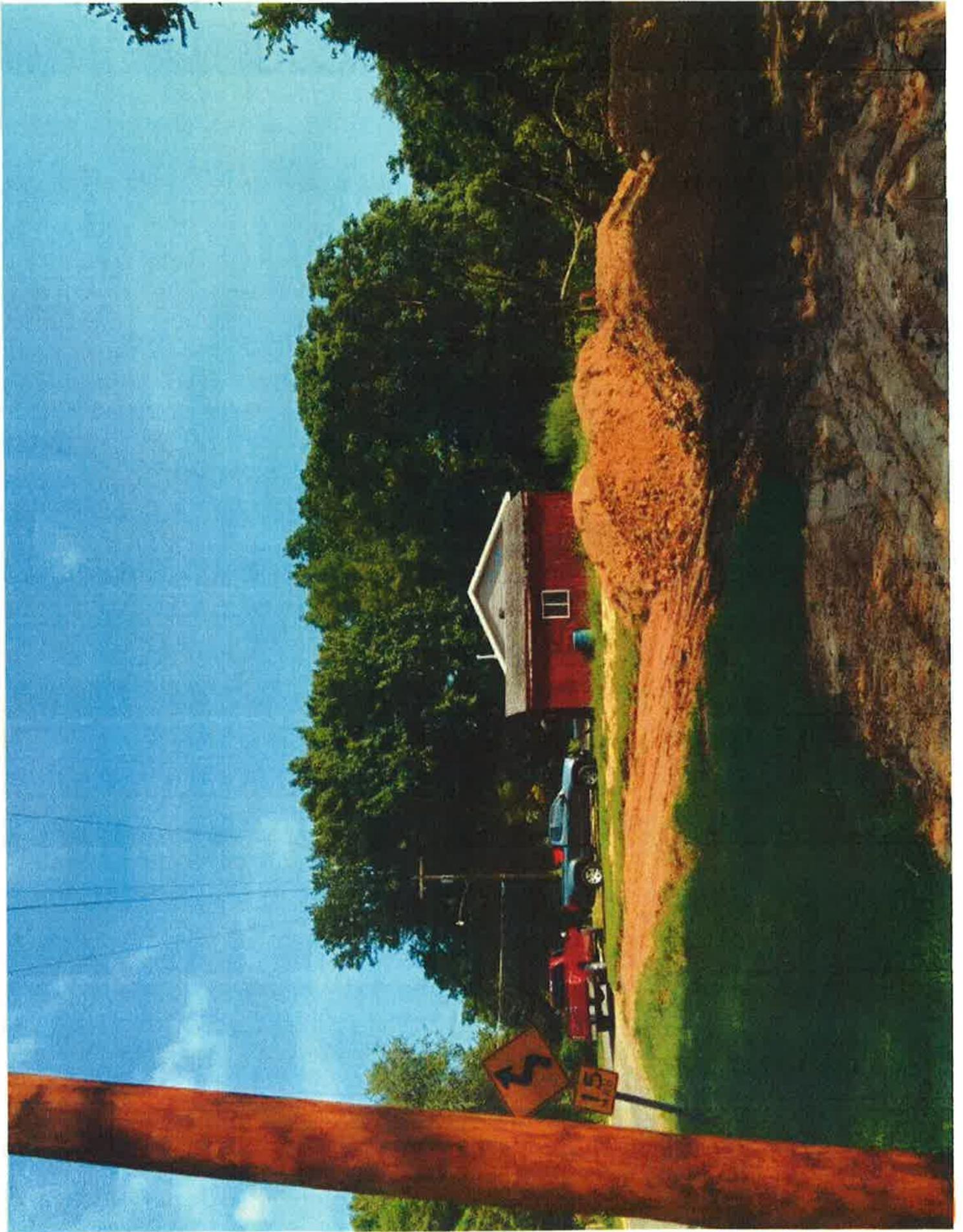
Thank you for the your consideration.

Thomas Barlow

# St Clair County Mapping & Platting





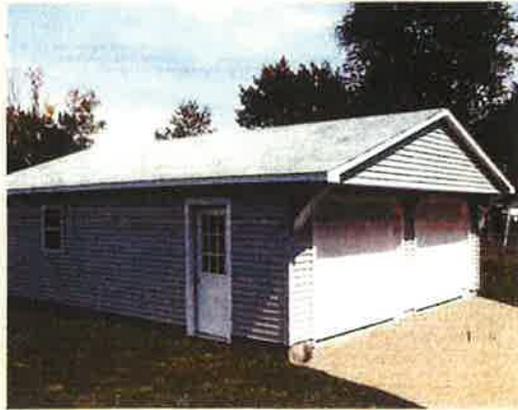


PARCEL_NUMBE	SITEADR1	SITEADR2	OWNER	ADDRESS	CITYST	ZIPCODE
03160300002	1014 E OFALLON DR	CASEYVILLE, IL 62232	THOMAS KATHRYN A ZANDER GREGOR	1014 E OFALLON DR	CASEYVILLE, IL	622321943
03160300003	1030 E OFALLON DR	CASEYVILLE, IL 62232	KAREN S MITCHELL	1030 E OFALLON DR	CASEYVILLE, IL	622321943
03160300010	1006 E OFALLON DR	CASEYVILLE, IL 62232	JACKLYN MITCHELL	1006 E OFALLON DR	CASEYVILLE, IL	622321943
03160300011	1010 E OFALLON DR	CASEYVILLE, IL 62232	HARRY L JR & JENNIFER M FRASER	1010 E OFALLON DR	CASEYVILLE, IL	622321943
03170400012	233 CIRCLE DR	FAIRVIEW HEIGHTS, IL 6220	BRYAN & ELVIRA JORDAN	233 CIRCLE DR	FAIRVIEW HTS, IL	622083307
03170400013	229 CIRCLE DR	FAIRVIEW HEIGHTS, IL 6220	TNJ LAND TR 600 (BORAWSKI FRAN	229 CIRCLE DR	FAIRVIEW HTS, IL	622083307
03170400030	225 CIRCLE DR	FAIRVIEW HEIGHTS, IL 6220	JOHN H MERAVY	225 CIRCLE DR	FAIRVIEW HEIGHTS, IL	622083307
03170400053	241 CIRCLE DR	FAIRVIEW HEIGHTS, IL 6220	KEITH A ADAMS	241 CIRCLE DR	FAIRVIEW HEIGHTS, IL	622083307
03170400054	237 CIRCLE DR	FAIRVIEW HEIGHTS, IL 6220	DAVID & SHARON CROOK	241 CIRCLE DR	FAIRVIEW HEIGHTS, IL	622083307
03170401007	246 CIRCLE DR	FAIRVIEW HEIGHTS, IL 6220	WM & KOENIG ELIZABETH WANGLER	529 DUTCH HOLLOW RD	BELLEVILLE, IL	622234841
03170401008	250 CIRCLE DR	FAIRVIEW HEIGHTS, IL 6220	JAMES E & UN HUI LINDLEY	246 CIRCLE DR	FAIRVIEW HTS, IL	622083302
03170401009	242 CIRCLE DR	FAIRVIEW HEIGHTS, IL 6220	CHERYL MOEHLE	250 CIRCLE DR	FAIRVIEW HTS, IL	622083302
03170401028	226 CIRCLE DR	FAIRVIEW HEIGHTS, IL 6220	STEVE & KRISTIN CHAPMAN	242 CIRCLE DR	FAIRVIEW HEIGHTS, IL	622083302
03170401029	222 CIRCLE DR	FAIRVIEW HEIGHTS, IL 6220	TIMOTHY J FORESTER	226 CIRCLE DR	FAIRVIEW HEIGHTS, IL	622083302
03170401043	254 CIRCLE DR	FAIRVIEW HEIGHTS, IL 6220	ELIZABETH ORTIZ	222 CIRCLE DR	FAIRVIEW HTS, IL	622083302
03170401063	238 CIRCLE DR	FAIRVIEW HEIGHTS, IL 6220	THOMAS E BIRDSONG	254 CIRCLE DR	FAIRVIEW HEIGHTS, IL	622083302
				13 DUPLEX CT	COLLINSVILLE, IL	62234

# T YOUR NEEDS



Our attention to detail is apparent on this 24' x 24' building.



This 24' wide garage with a 2' protrusion gable has plenty of room for two cars, and your stuff.

*Siding = Shingles to make Home 30*  
Is room a problem? Here's a 24' x ~~30'~~  
with enough room for your cars,  
and your toys.



*Our Standard Garage Includes:*  
*2" x 6" rafters and cross ties*  
*16" O.C. studding*  
*Overhang on both eaves and gables*  
*Two steel overhead doors*  
*Walk-in steel service door*  
*Concrete floor with raised curb*  
*Vinyl window*  
*7/16" OSB roof sheathing*  
*Double top plate, 2" x 6" Ridge pole*



## CITY OF FAIRVIEW HEIGHTS

10025 Bunkum Road ♦ Fairview Heights, Illinois 62208 ♦ Phone: (618) 489-2000 ♦ [www.cofh.org](http://www.cofh.org)

September 14, 2016

**RE: ZBA05-16, Area Bulk Variance- 238 Circle Drive, Fairview Heights  
(PIN 03-17.0-401-063)**

DEAR SURROUNDING PROPERTY OWNERS/RESIDENTS:

Enclosed please find a copy of "Notice of Public Hearing" which appeared in the Thursday, September 15, 2016 issue of the Fairview Heights Tribune.

Please advise that this notice concerns property in the vicinity of the property owned or occupied by you.

We cannot contact everyone by mail, so feel free to share this information with your neighbors. You are welcome to attend the public hearing and voice your opinions regarding the case.

The public hearing will be held before the Fairview Heights Zoning Board of Appeals in the Fairview Heights Municipal Complex, 10025 Bunkum Road, Fairview Heights, Illinois, on Thursday, October 6, 2016 beginning at approximately 7:00 p.m., in the City Council Chambers.

If you have any questions, please feel free to contact this office at 489-2063 or 489-2060.

Sincerely,

Kendra Tucker  
Recording Secretary  
Enclosure  
ZBA05-16



# CITY OF FAIRVIEW HEIGHTS

10025 Bunkum Road ♦ Fairview Heights, Illinois 62208 ♦ Phone: (618) 489-2000 ♦ [www.cofh.org](http://www.cofh.org)

## PUBLIC NOTICE

Notice is hereby given that a public hearing will be held before the Fairview Heights Zoning Board of Appeals on Thursday, October 6, 2016 at 7:00 p.m. in the Fairview Heights Municipal Complex, 10025 Bunkum Road, Fairview Heights, Illinois at which time and place the Zoning Board of Appeals will consider Area Bulk Variance to the minimum setback requirement from the front lot line for an accessory structure for property located at 238 Circle Dr., Fairview Heights, Illinois. St. Clair Co. Property Identification Number 03-17.0-401-063.

Request was made by Veronica Bowlby, 238 Circle Dr., Fairview Heights, IL 62208

All persons desiring to appear and be heard for or against said proposal may appear at said hearing and be heard thereon.

Dated this September 12, 2016

**FAIRVIEW HEIGHTS ZONING BOARD OF APPEALS**

BY: Cheryl Bunfill

ZBA05-16

