AGENDA
ZONING BOARD OF APPEALS
October 3, 2019
7:00 P.M.
City Council Chambers

1. Call to Order and Roll Call

2. Citizens Comments- This is an opportunity for the public to address the ZBA on non-agenda related items. Comments made during this section of the agenda that require a response will be referred to the appropriate City staff member or official for follow-up at a later date.

3. Approval of Minutes – March 21, 2019

4. ZBA Cases / Public Hearing
   a. ZBA 02-19, Area Bulk Variance to allow the clearance area for a pylon sign in the “PB” Planned Business District to be reduced from 10’ in height to 5’ in height for the property addressed as 815 Lincoln Highway, Fairview Heights, Illinois. St. Clair Co. PIN 03270215027.

5. Old Business – None

6. New Business - None

7. Announcements – Director’s Report

8. Adjournment
CITY OF FAIRVIEW HEIGHTS

10025 Bunkum Road • Fairview Heights, Illinois 62208 • Phone: (618) 489-2000 • www.cofh.org

MINUTES
ZONING BOARD OF APPEALS
March 21, 2019

The Fairview Heights Zoning Board of Appeals meeting was held on Thursday, March 21, 2019 in Council Chambers at the Fairview Heights Municipal Complex, 10025 Bunkum Road, Fairview Heights, Illinois and called to order at approximately 7:00 p.m. by Chairman, Cheryl Bunfill.

1. **ROLL CALL** found the following members present: Cheryl Bunfill(Chairman), Chuck Peterson, RJ Abernathy, Janice Petroff, Cleater Wicks, and Terry Fowler. Also, present were Andrea Riganti, (Director of Land Use & Development), Kendra Tucker (Secretary), and Jim Gehrs (City Attorney).

2. **MINUTES** – Abernathy made a motion to approve the minutes of March 1, 2019. Petroff seconded.

   VOTE: Unanimous

3. **COMMUNICATIONS** – Bunfill announced there would be an appreciation dinner for the board members in April.

4. **PUBLIC HEARINGS**

   **ZBA01-19, Area Bulk Variance – Timothy and Jamie Gotto, 1050 St. Clair Road, Fairview Heights, IL. 62208 (03-29.0-310-005)**

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

   The applicant was present.
   Timothy Gotto of 1050 St. Clair Road, Fairview Heights, IL was sworn in.

   Gotto stated he wanted to make an amendment to the application requesting a 15 ft variance.

   Riganti clarified for the board what variance the applicant was requesting.

   Gotto explained the request to the board detailing the need for the variance.

   Riganti read the staff advisory to the board.
The board then examined the site plan and received clarification from Gotto on the proposed building plan.

Robert A Dee Jr of 824 Daniel Drive, Mascoutah, IL was sworn in.

Dee Jr stated that he is the builder and clarified to answer questions regarding elevation for the board.

Gotto stated that the home would be totally ADA accessible for the intended resident.

Peterson makes a motion for approval.

Based upon review of the request, Peterson moves to recommend approval of ZBA01-19, an Area Bulk Variance to allow the front yard setback required in the “C” Conservation District to be reduced for the property addressed as 1050 St. Clair Road, Fairview Heights, Illinois. St. Clair Co. PIN 03-29.0-310-005 from 50’ to 15’ for the following reason(s):

Area/Bulk Variance

1. The request will not be injurious or detrimental to the public health, safety and welfare.

2. The applicant is requesting a variance for the use of the property due to the topographical conditions of the lot.

3. The request would not alter the essential character of the area.

4. The request will not extend the nonconformity.

5. The front yard setbacks are restrictive and with minimum deviation will eliminate the hardship.

Abernathy seconded

VOTE: 5 YEAS; Peterson, Abernathy, Petroff, Fowler, Wicks and Bunfill
0 NAYS; 1 ABSENT; Prescott

ZONING BOARD RECOMMENDATIONS
Based upon the application materials and proposed plans, the Zoning Board of Appeals recommends Approval of the aforementioned Area Bulk Variance contained in ZBA01-19, for property located at 1050 St. Clair Road.
5. **UNFINISHED BUSINESS** – None

6. **NEW BUSINESS** – None

7. **ANNOUNCEMENTS** – None

8. **ADJOURNMENT** – Wicks moved and Abernathy seconded to adjourn. This meeting was adjourned at approximately 7:25 p.m.

The next regularly scheduled meeting of the Fairview Heights Zoning Board of Appeals is Thursday, April 4, 2019, at 7:00 p.m. in Council Chambers at the Fairview Heights Municipal Complex, 10025 Bunkum Road, Fairview Heights, Illinois.

Respectfully,

Andrea Riganti, Director
Land Use & Development Department

AR/kt
APPLICATION NUMBER: ZBA-02-19

REQUEST: Area Bulk Variance to allow the clearance area for a pylon sign in the “PB” Planned Business District to be reduced from 10’ in height to 5’ in height for the property addressed as 815 Lincoln Highway, Fairview Heights, Illinois. St. Clair Co. PIN 03270215027.

APPLICANT NAME: Robert Mize, 2015 Fairview Place, O’Fallon, IL 62269

MEETING DATE: October 3, 2019

ZONING: PB- Planned Business

LAND USE: Strip Center – Commercial
1. **BACKGROUND**

The City of Fairview Heights Development Code divides the City into districts and establishes standards for lot width, yard setbacks, area, and more. The standards vary amongst zoning districts and are specific to the characteristics of each. In addition, the Development Code establishes standards for parking, lighting, signage, accessory uses and more.

The subject property located at 815 Lincoln Place is zoned PB – Planned Business. It is a strip center with multiple tenants. The applicant is requesting a variance to section 14-7-4.c (1) a. which states:

14-7-4 **BUSINESS DISTRICTS.** These sign regulations shall apply to all business zone districts, except as specifically exempted.

(A) **Content.** Signs allowed in this zone shall be identity signs only; however, they may include a changeable marquee provision.

(B) **Wall Signs.** Any business use may be permitted a wall sign for each side of a building fronting a public street and adjoining a business district parcel, except when the property on the opposite side of the public street is zoned a residential district. Wall signs shall not project more than **one (1) foot** from the building wall and copy shall run parallel (horizontal) with the wall. *(Ord. No. 1441-09; 05-19-09)*

1. **Size.** Maximum permitted wall sign area shall be **one (1) square foot** of sign area for each linear foot of building frontage on a street to a maximum of **three hundred (300) square feet** on individual street frontages.

(C) **Free-Standing Signs.** Free-standing signs shall be permitted in all business districts. Only **one (1) free-standing sign per lot** shall be permitted. Pylon and monument signs shall be considered as free-standing signs for purposes of this Section and for purposes of the application and interpretation of this **Article VII.**

1. **Pylon Signs.**

   (a) **Clearance.** An area **ten (10) feet** in height, except for structural members, shall be maintained clear of obstruction under any Pylon sign to increase pedestrian safety, and to create a clear field of vision to recognize the location of streets and commercial entrances and exits.
2. **DISCUSSION**

**Context**
The subject property is located in the mid-eastern portion of the City, north of Lincoln Hwy. and just west of Old Collinsville Road. It includes two single story strip centers with multiple tenants; one being 10,000 square feet and the other 7,000 square feet. There is one entrance to the center and parking areas.
Reason for the Request
The applicant is seeking to add two panels at the bottom of the existing sign. If permitted, the additional panels will provide 5’ clearance rather than 10’ clearance as required. The applicant suggests that no pedestrians travel under the sign, rather they use the adjacent sidewalk. The existing sign does not permit the owner to provide adequate signage for all tenants, due to the current size allocated to certain tenants. Therefore, the applicant is seeking to reduce the pylon sign clearance to accommodate two additional panels.

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. Application and Supporting Documents
2. Public notice
3. Draft Findings of Fact
# APPLICATION FOR SIGN VARIANCE

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

---

<table>
<thead>
<tr>
<th>Case Number Assigned:</th>
<th>Date Proof of Public Notice Sign Provided:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date Application Received:</th>
<th>Zoning District of Property:</th>
</tr>
</thead>
<tbody>
<tr>
<td>8/30/19</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date Set for Hearing:</th>
<th>Recommendation of ZBA:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name of Newspaper and Publication Date:</th>
<th>Date of City Council 2rd reading:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Publication Fee Paid:</th>
<th>Action by City Council:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

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):** 815 LINCOLN PLACE CENTRE LLC
   
   Mailing address: 2015 FAIRFIELD PLACE O'FALLON IL 62269
   
   Phone: 618-632-1589
   
   E-Mail: CONCORD@ACCESS.US.NET

2. **Name of applicant (if other than owner):** ROBERT MIZE
   
   Relationship to owner (contractor, family member, lessee, etc.): MANAGING PARTNER
   
   Mailing address: SAME
   
   Phone: 618-616-3498
   
   E-Mail: ROBBIE.MIZE4@GMAIL.COM
3. Address of property: 815-823 LINCOLN HIGHWAY FAIRVIEW HEIGHT
Parcel (Tax) ID number: 03-270-215-027
Present use of property: STRIP CENTER
Zoning district: PLANNED BUSINESS

4. Variance requested (be specific): ADD 2 PANELS AT BOTTOM OF THE SIGN FOR RESTAURANT AND ADDRESS OF BUILDINGS. THE BOTTOM OF THE PROPOSED PANELS WOULD BE 5' ABOVE THE LANDSCAPING. THERE IS NO PEDESTRIAN TRAFFIC AND THERE IS AN ADJACENT SIDEWALK. THERE WOULD BE NO EFFECT ON A DRIVERS FIELD OF VISION TO RECOGNIZE STREETS AND ENTRANCES

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

☐ Too narrow  ☐ Topography  ☐ Soil
☐ Too small  ☐ Drainage  ☐ Sub-surface
☐ Too shallow  ☐ Shape  ☐ Other: __________

Please describe:

THE PROPERTY CONSISTS OF ONE 12,500 SQ FT BUILDING AND ONE 7,000 SQ FT BUILDING. THE ORIGINAL PROPERTIES WERE 5 CONDEMNED TRAILERS AND SMALL HOUSES WITH 5 ENTRANCES ONTO LINCOLN HIGHWAY AS REQUESTED BY THE CITY AT THE TIME THIS WAS REDUCED TO ONE ENTRANCE AND ONE PARCEL RESULTING IN ONE SIGN FOR POTENTIALLY

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? ____________________________

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: __________________________________________________________

SEVENTEEN TENANTS. THE CURRENT SIGN IS 22 FT TO THE TOP. THE EXISTING SIGNAGE AT THE UPPER PORTION OF THE SIGN ALREADY REQUIRES DRIVERS TO DIVERT THEIR LINE OF SIGHT UPWARD FROM THE ROADWAY TO READ IT. A TALLER SIGN WOULD AGGRAVATE THE SITUATION FURTHER.
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. A sign 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: Robert K. Mage Date: 8/26/2019

Signature of Applicant: Robert K. Mage Date: 8/26/2019
PUBLIC NOTICE

Notice is hereby given that a public hearing will be held before the Fairview Heights Zoning Board of Appeals on Thursday, October 3, 2019 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 an Area Bulk Variance to allow the clearance area for a pylon sign in the “PB” Planned Business District to be reduced from 10’ in height to 5’ in height for the property addressed as 815 Lincoln Highway, Fairview Heights, Illinois. St. Clair Co. PIN 03270215027.

Request was made by Robert Mize, 2015 Fairfield Place, O’Fallon, IL 62269.

All persons desiring to comment on this proposal may appear at said hearing and be heard thereon.

Dated September 13, 2019

FAIRVIEW HEIGHTS ZONING BOARD OF APPEALS

BY: Cheryl Bunfill

ZBA02-19
Board member _________________ moves to recommend (approval/denial) of ZBA02-19, an Area Bulk Variance to allow the clearance area for a pylon sign in the “PB” Planned Business District to be reduced from 10’ in height to 5’ in height for the property addressed as 815 Lincoln Highway, Fairview Heights, Illinois. St. Clair Co. PIN 03270215027 for the following reason(s):

**Area/Bulk Variance**

1. The request will not be injurious or detrimental to the public health, safety and welfare.

2. The applicant is requesting a 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. The request would not alter the essential character of the area.

5. The request will not extend the nonconformity.