

AGENDA

January 26, 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 – October 28, 2014
3. Communications
4. Public Hearings
ZBA01-16 Sign Variance – Abdalla Abraham, 10616 Lincoln Trail
5. Unfinished Business
6. New Business
7. Announcements
8. Adjournment

MINUTES
ZONING BOARD OF APPEALS
October 28, 2014

The Fairview Heights Zoning Board of Appeals meeting was held on Tuesday October 28, 2014 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, Chuck Peterson, Bob Prescott and RJ Abernathy. Also present were Timothy Tolliver, (Director of Land Use & Development), Kendra Tucker (Secretary), Jim Gehrs (City Attorney) and Holly McCullough (Keefe Reporting).
2. **MINUTES** – Prescott made a motion to approve the Minutes of August 26, 2014. Abernathy seconded.

VOTE: 4 YEAS 0 NAYS

3. **COMMUNICATIONS** – None
4. **PUBLIC HEARINGS**

ZBA02-14, Bulk Area Variance – Michael & Tanya Sawyer, 3927 Highland Road

Chairman Bunfill asked if all fees have been paid to which Tolliver confirmed fees were paid.

Chairman Bunfill asked if there was anyone to speak in favor of the application and the applicant stepped forward to be sworn in.

Tanya Sawyer of 3927 Highland Road, Fairview Heights, IL. 62208 was sworn in.

Ms. Sawyer then explained her application to the Board. She said that they had need of a shed since they did not have a garage. Ms. Sawyer told the board that the placement of the shed was chosen because it was the only place in the yard it could be placed. The yard is slanted and how it is laid out there were few options. Ms. Sawyer said they made every effort to make the shed look presentable. They had put down a concrete slab. She then explained that they had approached the city to find out if any permits were needed and was told that a permit would not be necessary.

Chairman Bunfill asked if there were any opponents present to speak against the application. There were none.

Chairman Bunfill asked the Board if they had any questions for the applicant. Chuck Peterson asked the applicant if she knew who she had spoken with at the city about the permit. The applicant did not remember who they spoke with. Tolliver then clarified that based on the information that would have been given to the city when the applicant contacted them that they would have been told that an accessory structure under 120

square feet does not require a permit. That may have been the end of the conversation and they didn't get into the details of it being a corner lot and that it would be joining the street.

Peterson made comment that he had visited the property and believes that this is another case where the lots and their layouts predate the existence of the city. He believes that this lot is similar to other cases the Board has looked at in the area.

There was 0 Proponent present to speak in favor of this application.
There were 0 Opponents present to speak in opposition to this application.

Based upon review of the Variance request, Peterson moved and Prescott seconded to grant a 49.5 foot variance from the requirements of Section 14-3-8.1C setback requirements for an accessory structure within a residential district allowing the building to remain within 10.5 feet of the front property line for property located at 3927 Highland Rd., within the City of Fairview Heights for the following reasons:

- This addition will not be injurious or detrimental to the public health, safety and welfare.
- The applicant is requesting a minimum variance for the use of the property due to the slope & topographical conditions of the lot.
- This variance would not alter the essential character of the area.
- This addition will not extend the nonconformity
- The front and side lots are restrictive and with minimum deviation will eliminate the hardship.

Prescott seconded.

VOTE: 4 YEAS; Bunfill, Peterson, Prescott, and Abernathy.
0 NAYS;

ZBA03-14, Bulk Area Variance – Hans Koehl, 5329 N. Illinois

Chairman Bunfill asked if all fees have been paid to which Tolliver confirmed fees were paid.

Chairman Bunfill asked if there was anyone to speak in favor of the application and the applicant stepped forward to be sworn in.

Hans Koehl of 333 Covered Bridge Lane, Belleville, IL. 62221 was sworn in.

Hans Koehl explained his client's application to the Board. He said that the lot is very small and the owner has bought half the lot behind the property so that the shop owner can expand his store for more indoor storage space.

RJ Abernathy asked the applicant about what kind of outdoor storage the shop currently has. The applicant said mainly fixtures. The Board then reviewed photos of the outdoor storage that the applicant had provided.

Chuck Peterson asked the applicant if the dumpster was only available through the neighbor property and is that the property the owner bought. The applicant explained that the dumpster was only acceptable through the VFW's property.

Abernathy asked Tim Tolliver if the applicant was requesting a 10ft. variance of the proposed rear back lot line. Tolliver said that was correct. That 20ft is the requirement and that the applicant would also need a variance of 3 spaces he currently has 17 parking spaces. The code states that he would require 20 spaces. The applicant is looking to convert the green space at the corner of N. Illinois and Kassing Avenue into additional parking. The Board then reviewed the sight plan.

Peterson asked the applicant how many customers are usually parked there at peak times. The applicant stated no more than 4 or 5.

Abernathy asked if this is a PB zone. Tolliver said it was zoned B-3.

Abernathy asked what the size of the lot is being changed to. Tolliver said it is currently 3375 sq. ft. with a building 45ft. by 75ft. with an addition of 37ft. 9in. by 75ft. containing to the rear approximately 2,830 sq. ft.

Peterson asked the applicant why the owner only bought half the lot. The applicant explained that the neighbor wanted half the lot so they split it. Abernathy asked if the owner has combined his lot with the addition. Tolliver said that it has been added on. Abernathy inquired if there will be a fence on the back property line and Prescott then clarified that a fence was already there.

Prescott stated that this addition would get rid of the unsightly outdoor storage area.

There was 0 Proponent present to speak in favor of this application.

There were 0 Opponents present to speak in opposition to this application.

Based upon review of the Variance request, Bunfill moved and Prescott seconded to grant a 10 foot variance from the requirements of Section 14-2-2 B rear setback requirements for a principal structure within a B-3 Business District allowing the building to be constructed within 10 feet of the rear property line, a three space variance from Section 14-6-12 Parking Spaces Required allowing 17 total spaces, and a variance from Section 14- 6-5 (D) 2 allowing a vehicular use area within the ten (10) foot landscape setback area adjoining a right-of way for property located at 5329 North Illinois Street, within the City of Fairview Heights for the following reasons:

- This addition will not be injurious or detrimental to the public health, safety and welfare.
- The applicant is requesting a minimum variance for the use of the property due to the narrowness of the lot.
- Strict application of the Code would deprive the applicant of reasonable use of the property(land)
- The back lot is restrictive and with minimum deviation will eliminate the hardship.

Prescott seconded.

VOTE: 4 YEAS; Bunfill, Peterson, Prescott, and Abernathy.
0 NAYS;

5. **UNFINISHED BUSINESS** – Chairman Bunfill inquired if there had been any progress in filling the vacant position within the Zoning Board of Appeals. Director Tolliver informed the board that the position has not been filled.
6. **NEW BUSINESS** – None
7. **ANNOUNCEMENTS** – None
8. **ADJOURNMENT** – Peterson moved and Abernathy seconded to adjourn. This meeting was adjourned at approximately 7:30 p.m.

The next regularly scheduled meeting of the Fairview Heights Zoning Board of Appeals is Tuesday, January 27, 2014, 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



CITY OF FAIRVIEW HEIGHTS

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

January 19, 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:

Petition No:	ZBA 01-16
Petitioner:	Abdalla Abraham
Request:	Sign Variance
Area Size:	Approximately 17,860 square feet
Location:	10616 Lincoln Trail
Hearing Date:	January 26, 2016
Report:	Staff Advisory (Exhibit 1)
Ward:	III

Respectfully,

Timothy J. Tolliver, Director
Land Use and Development

TO: Zoning Board of Appeals
FROM: Timothy J. Tolliver
DATE: March 8, 2012
RE: **ZBA 01-16 10616 Lincoln Trail Sign Variance**

REQUEST

The applicant, Abdalla Abraham owner of Fairview Lounge, is requesting permission to place an additional sign, 3' X 10' sign cabinet, on the front of building facing Lincoln Trail. The variance is in regards to this additional sign being in excess of allowable square feet allowed for total wall signage. The applicant has submitted a brief narrative, and electronic image of proposed signage with existing wall signage.

REGULATIONS & VARIANCE REQUESTED

The property at 10616 Lincoln Trail is zoned "PB" Planned Business District. The Development Code Chapter 14 Sign Regulations Article VII stipulates the regulations on Business District Signage for **14-7-4 (B) Wall Signs** as:

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.

(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.

Applicant currently has 60 square feet of wall signage on the front wall (60 linear feet) facing Lincoln Trail and is seeking a **variance of 30 square feet** to place 3' x 10' sign cabinet on the front wall.

HARDSHIP

Applicant is seeking higher visibility.

AREA LAND USE AND ZONING

The subject property, 10616 Lincoln Trail, located on the southwest corner of Lincoln Trail and Ruby Lane is developed with a 3 pump island service station and a restaurant bar & grill. The property is zoned Planned Business District and contains 17,694 square feet of area. The adjoining properties to the south are zoned "B-3" Community Business District and developed with single family residences. The property to the west is zoned Planned Business District and developed with an auto repair facility. The properties north, across Lincoln Trail, are developed with a parking lot and an oil change facility. The property to the northeast across the intersection of Ruby Lane and Lincoln Trail is

developed with a retail furniture store. The property to the east across South Ruby Lane and fronting Lincoln Trail is developed with an office building.

OVERVIEW OF GROUNDS FOR GRANTING VARIANCE

Section 14-10-13 of the Development Code details the powers, duties, and procedures for the Zoning Board of Appeals. There is no language specific to sign variances. This section of the Code does specify that no area-bulk variance in the application of any provisions of this Code shall be recommended by the Board, unless it finds, of which (c) provides general direction in regards to variance appeals:

(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 -- Electronic Image Front Wall
- 5 -- Public notice
- 6 -- Surrounding Property Owners

APPLICATION FOR SIGN 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): Abdalla Abraham
Mailing address: 10616 Lincoln Trail Fairview Heights, IL
Phone: 618-394-8904
E-Mail: ~~ragga@~~ ragga2003@yahoo.com
2. Name of applicant (if other than owner): _____
Relationship to owner (contractor, family member, lessee, etc.): _____
Mailing address: _____
Phone: _____
E-Mail: _____

3. Address of property: 70616 Lincoln Trail Fairview Heights, IL
Parcel (Tax) ID number: 364498335
Present use of property: _____
Zoning district: _____

4. Variance requested (be specific): Removing sign from Ruby Lane to the front of the building on Lincoln Trail; reason being there is no visibility on Ruby Lane. Would like ~~the~~ the sign to be displayed on Lincoln Trail so it will offer more visibility to identify our Peruvian Cuzco. size of the sign is 3x10

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

- | | | |
|--------------------------------------|-------------------------------------|---------------------------------------|
| <input 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: _____ |

Please describe:

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: _____

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:  _____ Date: 12/1/15

Signature of Applicant: _____ Date: _____

**FAIRVIEW
LOUNGE**

Bar and Grill

Authentic  **VIDEO SLOTS**
3 WHEEL PICK





CITY OF FAIRVIEW HEIGHTS

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

January 6, 2016

RE: ZBA01-16, Sign Variance- 10616 Lincoln Trail

DEAR SURROUNDING PROPERTY OWNERS:

Enclosed please find a copy of "Notice of Public Hearing" which appeared in the Thursday, January 7, 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 Tuesday, January 26, 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
ZBA01-16



CITY OF FAIRVIEW HEIGHTS

10025 Bunkum Road ♦ Fairview Heights, Illinois 62208 ♦ Phone: (618) 489-2000 ♦ 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 Tuesday, January 26, 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 a Sign Variance request to allow for installation of wall sign in excess of code allowance located at 10616 Lincoln Trail, St. Clair County Identification Number 03-28.0-302-012, Fairview Heights, IL.

Request was made by Abdalla Abraham, 10616 Lincoln Trail, Fairview Heights, Illinois.

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

Dated this 4th day of January, 2016

FAIRVIEW HEIGHTS ZONING BOARD OF APPEALS

By: Cheryl Bunfill, Chairman

ZBA 01-16

PARCEL	OWNER	ADDRESS	ADDRESS2	CITY/ST	ZIPCODE
3280302044	WILLIAM E & DEBORAH L KAISER	20 S RUBY LN		FAIRVIEW HTS, IL	622082610
3280302015	CHARLES C ADAMS	9 BLUFF CT		FAIRVIEW HTS, IL	622082630
3280302023	BERNELL L & MARIAN L PETERS	18 S RUBY LN		FAIRVIEW HTS, IL	622082610
3280400003	DENNIS & MARY STRACKELJAHN	1220 CORONATION DR		SAINT LOUIS, MO	631254653
3280400004	LEIGHA & MEROD KYLE ECKROTH	15 S RUBY LN		FAIRVIEW HTS, IL	622082609
3280400005	WILLIAM FITZGEARL	17 S RUBY LN		FAIRVIEW HEIGHTS, IL	622082609
3280400006	JAMES E & MINNIE M RENCHER	19 S RUBY LN		FAIRVIEW HEIGHTS, IL	622082609
3280400016	ANTHONY R WOOD	8 ALICE LN		FAIRVIEW HEIGHTS, IL	622082622
3280400017	JOSEPH Z GALOONIS	10 ALICE DR		FAIRVIEW HGTS, IL	62208
3280201004	JLP FAIRVIEW HGTS LLC	PO BOX 24550		COLUMBUS, OH	432240550
3280302009	STEVEN & JENIFER A GIGER	101 MARILYN AVE		SWANSEA, IL	622264250
3280302012	IBRAHEM ABDALLA ABRAHAM ABDALL	1001 SADDLEWOOD DR		MARYVILLE, IL	620626678
3280302013	ABDALLA ABRAHAM	1001 SADDLEWOOD DR		MARYVILLE, IL	62062
3280302014	PHYLLIS & KECK BARB ISENHART	14 S RUBY LN		FAIRVIEW HTS, IL	622082610
3280111043	ATTN: JOSEPH SALERNO FOREST PA	2242 WHITNEY POINTE DR		CHESTERFIELD, MO	63005
3280111044	ATTN: JOSEPH SALERNO FOREST PA	2242 WHITNEY POINTE DR		CHESTERFIELD, MO	63005
3280111049	ASHLAND INC	3499 BLAZER PKWY		LEXINGTON, KY	405091850
3280111050	FAYETTE FUNDING LIMITED PARTNE	C/O AX DEPT	PO BOX 14000	LEXINGTON, KY	405124000
3280111051	ATTN: JOSEPH SALERNO FOREST PA	2242 WHITNEY POINTE DR		CHESTERFIELD, MO	63005
3280111052	ASHLAND INC	3499 BLAZER PKWY		LEXINGTON, KY	405091850
3280302048	LARRY HOWENSTEIN	10606 LINCOLN TRL		FAIRVIEW HEIGHTS, IL	622081900
3280302049	REAL ESTATE ADVANTAGE LLC	P O BOX 101		MARISSA, IL	622571503
3280302041	STEVEN M & JENIFER A GIGER	101 MARILYN AVE		SWANSEA, IL	62226
3280400001	MBJP ENTERPRISES LLC	905 CHEVALIER DR		O FALLON, IL	62269
3280400002	MBJP ENTERPRISES LLC	905 CHEVALIER DR		O FALLON, IL	62269
3280400026	DAAD LAND HOLDINGS LLC	2307 OLD COLLINSVILLE RD		BELLEVILLE, IL	62221
	LINDA BAKER	7411 LAURA LN		EDWARDSVILLE, IL	620254659
	Fairview Caseyville Twp Fire Protection	c/o Chief Bryan Doyle	214 Ashland Avenue	Fairview Heights, IL	62208
	Grant District #110	c/o Superintendent Matt Stines	10110 Old Lincoln Trail	Fairview Heights, IL	62208
	Belleville Twp High School District #201	c/o Superintendent Dr. Jeff Dosier	920 N. Illinois Street	BELLEVILLE, IL	62220
	Resident	9 S. Ruby Lane		Fairview Heights, IL	62208
	Resident	2 Market Place		Fairview Heights, IL	62208
	Resident	10610 Lincoln Trail		Fairview Heights, IL	62208

Resident	10 S. Ruby Lane		Fairview Heights, IL	62208
Resident	10603 Lincoln Trail		Fairview Heights, IL	62208
Resident	10611 Lincoln Trail		Fairview Heights, IL	62208
Resident	10608 Lincoln Trail		Fairview Heights, IL	62208
Resident	10614 Lincoln Trail		Fairview Heights, IL	62208
Resident	10700 Lincoln Trail		Fairview Heights, IL	62208
Resident	10710 Lincoln Trail		Fairview Heights, IL	62208
Resident	10616 Lincoln Trail		Fairview Heights, IL	62208