EDWARDSVILLE ZONING BOARD OF APPEALS
Meeting Minutes
4/22/19
7:00 PM

Approved: [Signature] 6/24/2019

I. ROLL CALL:

Present
B. Hotz, Chairman
A. Robertson, Vice Chairman
C. McCaskill
J. Krebs
J. Zimmerman
E. Fultz, Staff
C. Porter, Staff
T. Kehrer, Staff
J. Hutton, 402 Circle, Edwardsville
T. May, 1109 Lake Ave., Edwardsville
P. May, 1109 Lake Ave., Edwardsville
A. Pauli, 1101 Lake Ave., Edwardsville

Absent
M. Pierceall

II. APPROVAL OF MINUTES

Minutes of the regular meeting for February 25, 2019 are hereby approved and passed.

III. ZONING CASES

A. Case 2019-07 – Variance

Applicant: Miller & Maack General Contractors on behalf of Tom & Penny May

Location: 1109 Lake Avenue
          PID 14-2-15-14-12-202-011

Variance Request: The requested 1.5-foot variance would allow the proposed addition to continue/maintain the same 6-foot setback to the side property line as the existing residence rather than the required 7.5-foot side yard setback.

Existing Zoning: R-1 Single Family Residential District
**AREA LAND USE AND ZONING:**
The subject property is zoned R-1 Single Family Residence District.

Surrounding properties:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning Classification</th>
<th>Current Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>R-1 Single Family Residence District</td>
<td>Single Family Residence</td>
</tr>
<tr>
<td>South</td>
<td>R-1 Single Family Residence District</td>
<td>Single Family Residence</td>
</tr>
<tr>
<td>East</td>
<td>R-1 Single Family Residence District</td>
<td>LeClaire Park</td>
</tr>
<tr>
<td>West</td>
<td>R-1 Single Family Residence District</td>
<td>Single Family Residence</td>
</tr>
</tbody>
</table>

**PLANNING CONSIDERATIONS:**
The Comprehensive Plan shows this property as being within the Neighborhood district. The existing zoning is in agreement with the Comprehensive Plan.

**APPLICABLE LIMITATIONS OF VARIATIONS:**
To permit any yard of less dimension than the minimum as stated by the applicable standard.

Joe Hutton of Miller & Maack was present to speak on behalf of the applicants.

Al Pauli of 1101 Lake Ave. is a neighbor that was present to speak on behalf of applicants. He feels the addition would be appropriate for the neighborhood.

**ZONING BOARD OF APPEALS STANDARDS FOR VARIANCE:**

1. The particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or loss of revenue, if the strict letter of the regulations were carried out.

   *This residence was initially constructed with a ± 6-foot side yard setback comparable to the surrounding residences.*

2. The condition upon which the requested variance is based would not be applicable, generally to other property within the same zoning classification.

   *This lot is slightly irregular measuring 50’ wide by 162’ deep on the north side and 156 deep on the south side. The lot contains ±7,950 square feet in area and platted in 1910.*
The smaller side yard setback is consistent with the development in the Leclaire neighborhood.

3. The alleged difficulty or hardship has not been created by any person presently having an interest in the property.

The residence was constructed consistent with the surrounding development from the period. Leclaire was not within the City of Edwardsville when initially developed and was annexed to the City of Edwardsville in 1934.

4. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

If the applicants are granted a variance to construct a small addition to their residence, it would continue and maintain the existing 6-foot side setback. The requested variance is to allow a residential addition that would fill the void and extend the recess at the northwesterly rear corner of the residence to the existing side setback and would have a 6-foot side setback. It is anticipated the requested 1.5-foot variance, would minimally affect the neighboring property at 1107 Lake Drive where the side setback is to be extended along the same plane at 6-foot from the side property line where the driveway access is provided to 1107 Lake Drive.

5. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The proposed variance would not. The requested 1.5-foot side yard variance would continue the same side plane of the residence and would not encroach into any other required setbacks.

6. The proposed variance complies with the spirit and intent of the restrictions imposed by this code.

The applicant has requested a minimal deviation that extends the side plane of the residence along the existing nonconforming setback.

7. There is no self-imposed hardship.

This may be considered a self-imposed hardship because the applicant was aware of the size and configuration of the lot and residence at the time the property was acquired. However, the applicants are trying to work within the confines of the existing side setback on this site.
STAFF DISCUSSION:
The applicant has requested the variance to reduce the required setback for side yard in order to construct an addition to the existing residence. The side yard for the existing residence is currently a 6-foot rather than the required 7.5-foot side yard setback. The proposed 164.83 square foot residential addition would extend the existing side plane of the house and not encroach any further than the existing residence.

STAFF RECOMMENDATION:
It is Planning staff’s opinion the variance request does not meet the Zoning Board of Appeals “Standards of Variance” as noted above in #7.

However, the Zoning Board of Appeals may determine the variance for a reduction of the side yard from 7.5-foot to 6-foot be granted as the requested variance is in character with the surrounding area and is of minimal impact.

Ann Robertson commented that it is important for the board to consider that historic homes remain livable. She feels the addition is in keeping with that aspect. She stated it’s important that the housing not become obsolete.

Motion to approve as presented (Zimmerman), seconded (Robertson).

VOICE ROLL CALL: 5 Ayes, 0 Nays, 0 Abstain.

IV. OLD BUSINESS: None

V. NEW BUSINESS: Bob Hotz asked when it would be an appropriate time for elections for changing positions on the Board. Emily Fultz stated it would be at the next meeting which would likely be June 24, 2019 since there will not be a May meeting.

VI. ADJOURNMENT: Motion to adjourn (McCaskill), seconded (Krebs).