

EDWARDSVILLE ZONING BOARD OF APPEALS

Meeting Minutes

09/25/2023

7:00 PM

Approved: Robert D. Hotz 11/27/2023

I. ROLL CALL:

Present

B. Hotz, Chairman
A. Robertson
D. Gerber
T. Butts
D. Seay
B. Buncher, Staff
E. Sutter, Staff
D. Brandt
J. Gugger

Absent

II. PUBLIC COMMENT:

None.

III. APPROVAL OF MINUTES

Motion made by David Gerber and seconded by Denver Seay to approve the minutes of the regular meeting for August 28, 2023.

V. OLD BUSINESS:

A. Case 2023-28 – Variance

David and Kellie Kilby have petitioned the City of Edwardsville for a Variance to allow for a detached garage within the required 5' setback at 824 St. Louis Street. The property is more specifically identified as PID 14-2-15-10-16-402-003 and is zoned "R-1" Single-Family Residential.

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.

The garage is already existing and was approved and built in 1999. According to a survey provided to City staff, it appears that the garage was constructed closer than the required five (5) feet to the property line at that time. There is no physical surrounding or condition that would require the garage to be built in a manner non-compliant with the setbacks. The original garage was damaged in a fire in 2022 and the homeowner is proposing to rebuild onto the original structure.

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

The requested variance could be applicable to other properties within the same zoning classification.

Denver Seay stated that the garage was like for like, but questioned if it was not to code when originally approved. Ann Robertson stated that no one is sure if it was constructed correctly. Bob Hotz mentioned the fire that would have destroyed the original permit application. He stated they original garage should have gotten a variance. Denver Seay asked what would happen if there was never a fire at the garage. David Gerber stated that it is still non-conforming and it would be a civil matter between property owners. Tom Butts stated that the board would not be discussing the variance if the fire did not happen. Ann Robertson stated that the board can recommend that the setback be changed and that setbacks are there for safety. She also stated that changing the setback would not really make a difference in this case.

STAFF DISCUSSION & RECCOMENDATION:

Based on the analysis above, staff recommends denial of the requested variance.

MOTION: Mr. Butts made a motion to deny the variance as recommended by staff and seconded by Mr. Gerber.

VOICE ROLL CALL: 5 Ayes, 0 Nay, 0 Abstain

VI. NEW BUSINESS:

VII. ADJOURNMENT: Motion to adjourn by Miss Robertson, seconded by Mr. Seay.