

CITY OF OLNEY
BOARD OF APPEALS
APRIL 4, 2016

AGENDA #1 “CALL TO ORDER” The April 4, 2016, meeting of the Board of Appeals was called to order at 7:00 p.m. in the Council Chambers of the Olney City Hall, 300 S. Whittle Avenue, Olney, Illinois, with Chairman Tony Zuber presiding.

AGENDA #2 “ROLL CALL” The following Board of Appeals members were present: Kurt Ginder, Belinda Henton, Tony Zuber, David Abell, and Pat Everette. Scott Jones was absent. Also present were City Attorney Bart Zuber, Code Enforcement Officer Mike Mitchell, and City Clerk Kelsie Sterchi.

AGENDA #3 “APPROVE MINUTES OF THE BOARD OF APPEALS MEETING ON OCTOBER 5, 2015” Mrs. Henton moved to approve the minutes of the Board of Appeals meeting on October 5, 2015, seconded by Mr. Abell. Mr. Ginder, Mrs. Henton, Mr. Zuber, Mr. Abell, and Mr. Everette voted yes. There were no opposing votes. The motion carried.

AGENDA #4 “SWEARING IN” Mr. Zuber asked that anyone wishing to testify on behalf of the items being discussed to stand and be sworn in. City Clerk Sterchi asked the individuals to stand and raise their right hand and “swear to tell the truth, the whole truth and nothing but the truth so help me God.” Gerald Jones, Bill Caulfield, and Anita Caulfield were sworn in.

AGENDA #5 “VARIANCE: 616 W. BUTLER STREET” Gerald K. Jones submitted a Request for Variance for the property located at 616 W. Butler Street. Mr. Jones was requesting a variance regarding private garages as accessory buildings. If the variance is approved, it will allow the petitioner to build an unattached garage to adjoining residences.

Mrs. Henton asked Mr. Jones why he did not want to combine all four lots to create one parcel. If he did so, he would be in compliance with the variance requirements. Mr. Jones replied that in future, if the properties went for sale, a potential buyer may or may not want to purchase multiple lots. He felt the variance would be a convenience instead of combining the lots to one parcel. Mrs. Henton pointed out that variance requests should be granted based on evidence of a hardship and not for convenience.

Mr. Jones went on to explain that, in his opinion, this portion of W. Butler Street would eventually become a commercial area, and nearby homes will be demolished or fall into disrepair. He felt that the addition of the garages would be decent for the neighborhood, and would not look out of place.

Mr. Zuber asked if the intention of the garages would be for use by the renters adjoining the lots. Mr. Jones replied that he would like to use the garages to store some of his equipment. He added that if the area was zoned commercial in the future, the garages could easily be transferred into retail stores or offices. The setbacks from W. Butler Street would also allow for the addition of parking.

From the audience, Mrs. Caulfield expressed her concern of lowering property values in the area if the garages were placed. She also wondered if anyone would only want to buy a garage on a

lot. Mrs. Henton felt that there was a market for that kind of sale, but her concern would be more so with the intent of the person buying the garage if they are not also living in the residence by the garage. She clarified that such concerns were why the zoning ordinance was created.

Mrs. Caulfield also asked if Mr. Jones would be able to rent the garages. Code Enforcement Officer Mike Mitchell noted that since the lots were not commercially zoned, Mr. Jones could not rent the garages for any other use than personal use for the adjoining renters.

Mrs. Henton asked if the garages would have water. Mr. Jones indicated that they would not initially have water, but he would stub out water and sewer in case it was needed in the future.

Mrs. Henton was concerned that there would be no documentation available to show if Mr. Jones was or was not renting out the garages as storage units or for some other purpose.

Mr. Caulfield asked if property owners building a structure for storage on a single lot would comply with residential zoning. Mr. Zuber clarified that Mr. Jones could only be considered for the building of a garage on the proposed lots because he owned the adjoining lots.

Mrs. Henton again pointed out that if all of the lots were combined to create one property identification number, there would be no issue. She recommended that Mr. Jones go that route. City Attorney Zuber added that if the lots were combined in that manner, it would not be difficult to separate them, if needed. It seemed that all Mr. Jones would need to do would be to visit the Supervisor of Assessments Office to make the request.

Mrs. Henton moved to deny the variance requests for 616 and 626 W. Butler Street. The motion died due to the lack of a second.

Mr. Jones decided to retract his variance requests for 616 and 626 W. Butler Street.

AGENDA #6 "VARIANCE: 626 W. BUTLER STREET" Mr. Jones retracted this variance request under Agenda #5.

AGENDA #7 "PUBLIC COMMENTS/PRESENTATIONS" No other members of the public wished to speak.

AGENDA #8 "ADJOURN" Mr. Ginder moved to adjourn, seconded by Mr. Everette. Mr. Ginder, Mrs. Henton, Mr. Zuber, Mr. Abell, and Mr. Everette voted yes. There were no opposing votes. The motion carried.

The meeting of the Board of Appeals adjourned at 7:18 p.m.

Kelsie J. Sterchi
City Clerk