

CITY OF OLNEY
BOARD OF APPEALS
NOVEMBER 6, 2017

AGENDA #1 “CALL TO ORDER” The November 6, 2017, 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 Tony Zuber presiding.

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

AGENDA #3 “APPROVE MINUTES OF THE BOARD OF APPEALS MEETING ON OCTOBER 2, 2017” Mr. Zuber commented that the listed end time on the draft minutes of 7:01 p.m. seemed too soon. Mr. Abell moved to approve the minutes of the Board of Appeals meeting on October 2, 2017, changing the listed end time to 7:10 p.m., seconded by Mr. Zuber. Mr. Jones, Mrs. Henton, Mr. Zuber, Mrs. Roberts, 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 individual to stand, raise his right hand, and “swear to tell the truth, the whole truth and nothing but the truth so help me God.” Bradley E. Cooley, Sr., was sworn in.

AGENDA #5 “VARIANCE: 129 E. PINE STREET” Bradley E. Cooley, Sr., submitted a Request for Variance for the property located at 129 E. Pine Street. Mr. Cooley was requesting variances in the front yard setback to allow a 3-foot setback rather than the 25-foot front yard setback, and in the side yard setback to allow a 6-inch setback rather than the 3-foot side yard setback required in Title 17 (Zoning) of the City of Olney Municipal Code. If the variances are approved, it will allow the petitioner to place a carport on the property.

Mr. Zuber asked where the carport would be located at 129 E. Pine Street. Mr. Cooley showed the Board some photos he had taken on his phone, and described that he hoped to place a metal carport on the side of his driveway to the edge of his property, before the sidewalk. The carport would be 36-foot by 9-foot, and would be anchored into the ground. Mr. Mitchell added that even though the carport would be anchored down, it would still be considered a portable structure.

Mrs. Henton asked for the average setbacks for the other houses along E. Pine Street. Mr. Mitchell replied that he was unsure about the side yards, but the front yards seemed to be about 7-feet from the sidewalk.

Mrs. Roberts asked if the white fence was Mr. Cooley’s. Mr. Cooley confirmed that the fencing on the west was his, and the fencing on the east was his neighbor’s. Mrs. Roberts then asked if Mr. Cooley had received a variance for the fence. Mr. Mitchell told Mrs. Roberts that no

variance was needed in that case because fences were permitted to extend to property lines. Mr. Cooley added that the fence was installed as protection for his grandchildren.

Mrs. Roberts had noted that cars were parked on the boulevard in front of Mr. Cooley's property, in addition to cars parked in his driveway. Mrs. Roberts also recalled what looked to be a garage towards the back of the property. She wondered if the garage could be used instead of a carport. Mr. Cooley indicated that the garage was a one car garage that was very old with accordion style doors. It was not suitable to house vehicles in a functional manner.

Mrs. Roberts asked if there were any issues with parking on the boulevard in front of Mr. Cooley's property. Mr. Mitchell replied that parking was allowed in that area.

Mr. Everette asked if any of the neighbors had issue with the request. The City Clerk noted that Shirley Blackburn has submitted a written objection to the request. Mr. Cooley added that he has spoken to the neighbor towards the east who had no problem with the request. Mr. Cooley owned the vacant lot to the west.

Mrs. Henton felt that the 3-foot front yard setback request seemed very close to the road. She felt that a 7-foot setback would be more in line with the house. Mr. Cooley felt that a 7-foot setback would not work because he had two vans that would need to be covered.

Mr. Abell noted that Mr. Cooley's request for variation application indicated that the other neighboring properties also had setbacks less than required. He was curious what that meant. Mr. Mitchell repeated that he was unsure of the current setbacks for the side yards, but the front yard setbacks were about 7 to 10 feet back. Mr. Mitchell did confirm that the placement of the homes in that area were closer to property lines than what was now required by the zoning ordinances.

Mr. Everette asked if the carport would be open on all sides. Mr. Cooley confirmed.

Mrs. Henton asked Mr. Cooley if he knew for certain where his property lines were located. Mr. Cooley felt that where he believed his property lines to be were fairly accurate. Mr. Zuber clarified that if in the future the carport was found to be on another property, it would simply need to be moved.

Mrs. Roberts asked if the one car garage on the south side of the property could be removed and the setback of the proposed carport then moved back farther. Mr. Cooley indicated that because his home was older, there was not much room available inside for storage. The garage on the south side of the property was used for storage purposes.

Mr. Jones moved to approve the variance request for 3-foot front yard setback rather than the 25-foot front yard setback, and the 6-inch side yard setback rather than the 3-foot side yard setback at 129 E. Pine Street for the purpose of placing a carport on the property, seconded by Mr. Everette. Mr. Jones, Mrs. Henton, Mr. Zuber, Mr. Abell, and Mr. Everette voted yes. Mrs. Roberts voted no. The motion carried.

AGENDA #6 “PUBLIC COMMENTS/PRESENTATIONS” Joan Taylor told the Board that she noticed hawks in Olney, and she was concerned with them attacking the white squirrels. She wondered what could be done with the hawks. Mrs. Henton replied that hawks were a protected species by the Department of Natural Resources, so unfortunately, nothing could be done. Ms. Taylor asked what could be done instead. Mrs. Henton wished she knew the answer, but noted that for starters, the wild cat population needed to be reduced.

AGENDA #7 “ADJOURN” Mr. Jones moved to adjourn, seconded by Mr. Abell. Mr. Jones, Mrs. Henton, Mr. Zuber, Mrs. Roberts, Mr. Abell, and Mr. Everette voted yes. There were no opposing votes. The motion carried.

The meeting of the Board of Appeals adjourned at 7:16 p.m.

Kelsie J. Sterchi
City Clerk