

CITY OF OLNEY
BOARD OF APPEALS
AUGUST 4, 2014

AGENDA #1 "CALL TO ORDER" The August 4, 2014, 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, Kurt Ginder, Belinda Henton, Tony Zuber and Pat Everette. Scott Jones and Greg Eyer were absent. Also present were City Manager Larry Taylor, Code Enforcement Officer Mike Mitchell and Billing Clerk Lori Zimmerle.

AGENDA #3 "APPROVE MINUTES OF THE BOARD OF APPEALS MEETING ON NOVEMBER 4, 2013" Mr. Everette moved to approve the minutes from the November 4, 2013 meeting as presented, seconded by Mr. Ginder. Mr. Ginder, Mrs. Henton, Mr. Zuber 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 item being discussed to stand and be sworn in. Billing Clerk Zimmerle asked them 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." Shawn Taylor was sworn in. Also sworn in during the discussion were Dr. David L. Eckiss and Nellie Skelton.

AGENDA #5 "VARIANCE: 401 N. EAST ST." Shawn W. Taylor submitted a Request for Variation for the property located at 401 N. East St. He is requesting a variance in the front yard setback requirements to allow no front yard setback rather than the 25-foot front yard setback. The granting of the requested variance will allow the petitioner to use the existing foundation for a new building.

Mr. Everette questioned what condition the foundation was in that is there and if it is usable. Mr. Taylor stated that it was in very good condition and that he had dug down on the exterior and it is approximately 36" deep and at least 6" of the footing that can be seen. There is a tree that has caused a hump in the slab that they will cut out and repair. At that time they will check the interior part of the slab. If it is not good, they will dig around the exterior and place a new good foundation. They will also do some boring and a strength test to check the pad. Mr. Taylor has discussed the issue with an architect and an engineer. Mr. Everette asked Mr. Mitchell if he was comfortable with what they were doing. Mr. Mitchell replied that they had already discussed it and as long as the engineer was in agreement, it would support the structure and they would sign off on the plan.

Mr. Zuber was concerned about the traffic from that area due to the high school being so close. Not much traffic comes from the west, but from the high school and the flow of traffic on N. East St., there is a considerable amount. He also asked if there had been past issues with the view

being obstructed when going east on Laurel toward N. East St. Nothing that they could remember.

Dr. Eckiss wanted to know what keeps him from not setting the building back further off the corner. Mr. Taylor responded that he wanted to use the existing foundation. He wanted to know about the size of the structure and he was given a drawing of the proposed building. He also wanted to know if they were going to have parking on N. East St., and Mr. Taylor responded that it would be on the Laurel St. side. He also questioned the type of sign that would be at the site. Mr. Taylor said any sign would be attached to the building, probably metal. Dr. Eckiss wanted to know how many offices would be there. Mr. Taylor answered that there would be approximately 7 rooms for 2 businesses. He also questioned if there would be additional traffic in that area due to the businesses. Mr. Taylor did not believe so.

Mr. Everette asked if there would be any water issues, as in water run-off. Mr. Mitchell responded that they would have to have a water detention plan in place for the approval of the permit. Mr. Taylor had spoken to the engineer and they did not see any problems in that area.

The proposed building is 2200 square feet.

Mr. Everette asked if later on, there would be another building possibly in the back part of the property. Mr. Taylor responded that if all goes well, it is possible.

Mrs. Henton stated that the Trading Post did not have a setback because it was built before there was zoning. Since we do have building codes, why should we not require new buildings to meet setbacks? The goal of the zoning code, Mrs. Henton thinks, is to get everything in compliance. Mr. Taylor stated that the only reason is to use the foundation that is already there. Mrs. Henton asked how big of a deal it would be not to use the existing foundation. Mr. Taylor responded that it would be half of the project cost.

Mr. Everette asked if there would be a chance to move the foundation back to the west and could he pin the foundation and then go back west. Then he could use part of the existing foundation and pour a partly new foundation. Dr. Eckiss questioned the amount of the rezoning, which is \$200, verses the cost of the new foundation, that Mr. Taylor said would be about \$10,000.

Mr. Taylor has talked to all the adjacent neighbors and there were no objections.

Mrs. Skelton was concerned about the location that she was told that there would be more traffic with school and the older people coming to the office.

Mr. Zuber asked Mr. Larry Taylor about the variance, in which it stays with the property, regardless if Mr. Shawn Taylor builds it or not. The change in the setback stays regardless of the use, whether it becomes an office building or a duplex.

The hardship is more about the money that can be saved by using the existing foundation.

Mrs. Skelton also spoke about a concern of a different property that was rumored to change a building to apartments. She is worried that the alley would be an issue as it is the only entrance and exit to her home. Mr. Zuber stated that they would have to come to the Plan Commission at that time to request a different type of rezoning.

Mr. Zuber stated that he did not see this as that much of a hardship if you had to set back and build where there is no foundation, you will either have to charge more rent or buy the piece of property for less money. Mrs. Henton agreed.

Mrs. Henton made the motion to deny the variance due to the lack of hardship, seconded by Mr. Everette. Mr. Ginder, Mrs. Henton, Tony Zuber and Pat Everette voted yes. The motion passed. The variance was denied.

AGENDA #6 "ADJOURN" Mrs. Henton moved to adjourn, seconded by Mr. Everette. Mr. Ginder, Mrs. Henton, Tony Zuber and Pat Everette voted yes. The motion passed. There were no opposing votes. The motion carried.

The meeting of the Board of Appeals adjourned at 7:21 p.m.

Lori Zimmerle
Billing Clerk