

**VILLAGE OF MILLSTADT
ZONING BOARD MEETING
JUNE 25, 2019
7:30 P.M.**

The meeting was called to order by Chairman Mike Wegescheide, with the following board members answering to roll call: Mike Wegescheide, Ron Krick, Wayne Muskopf, Mark Germann, Charlie Butzinger and Michael Mueth. Board member Dave Graf was absent. Steve Muskopf, the Zoning Administrator, was present.

A motion was made by Ron Krick and seconded by Wayne Muskopf to approve the May 28th minutes. The motion carried unanimously.

Mike Wegescheide announced that there were three hearings on the agenda.

Hearing V-170 for a front setback variance for an accessory building at 316 West Madison Street

Hearing V-169 for a finish materials variance and height variance for an accessory building at 525 South Illinois Street

Hearing V-171 for a commercial design variance at 308 East Washington Street

Crissy Pipik swore in all citizens wishing to speak.

THEIS HEARING: Mike Wegescheide stated they are looking at the property at 316 West Madison Street owned by Ben and Renee Theis and it is in a R1 district. David Theis stated they are asking for a three-foot variance to increase the yardage of a shed. Mike Wegescheide clarified it is for a 24-foot by 24-foot garage. Steve Muskopf stated it will be a big improvement because an old metal building will be coming down. It will be one story instead of two. Steve stated he has no issue with it and believes it is a fair request. Ron Krick asked if the new garage will match the house. Mr. Theis answered yes, it will have the same kind of siding and roof material as the house. Mark Germann made a motion to recommend approval of the three-foot front setback variance. Charlie Butzinger seconded the motion. The motion carried unanimously. Mike Wegescheide stated the final decision would be made at the Village Board meeting on Monday, July 8th at 7pm.

JENKINS HEARING: Mike Wegescheide stated they are looking at the property at 525 South Illinois Street owned by Marty Jenkins and it is in an R2 district. Mr. Jenkins stated he would like to build a 24-foot by 48-foot pole barn garage. The height would be 16-foot

to 18-foot depending on if he can use a 12-foot or 14-foot wall. Mike Wegescheide asked why he needed the walls that height. Mr. Jenkins answered it was to get a boat in. Steve Muskopf stated that the ordinance requires that accessory buildings be built with materials similar to the primary structure; the height variance is debatable. Mike Wegescheide asked if it would be suitable for Steve if they left the height requirement as a range, 16 feet to 18 feet. Steve answered he would like for there to be an amount, not a range. Ron Krick asked if the garage could match the house. Mr. Jenkins answered that would cost him more money and there would be no point in building a pole barn if siding had to be put on it. Mr. Jenkins stated he has seen at least 12 metal garages in the Village. Mike Wegescheide answered it depended on when they were built and they haven't come to the Zoning Board asking for variances. Resident Jon Riley stated that he would not have any issue with driving by a pole barn in that location because it is on the main strip and is across the street from a business district. Mr. Riley thinks it would look better than putting a carport there. Steve replied that the problem is that this property is in a residential district. Steve asked if it would bother him if it was next to him or somewhere else that is an R2 district. The problem is that if this one is accepted, then how can it be denied in another R2 district. Mr. Riley stated he understands that issue but this property is next to a business district. Mark Germann stated that they are trying to set a standard of getting away from metal pole barns in a residential area and they should stick to that. He wouldn't want a metal pole barn next to his house. Mark stated if the front of the building was similar to the primary building, he would consider it. Steve added that another problem is that the proposed building is at the front setback line; it is right out front and not tucked in behind the house. Steve asked Mr. Jenkins if he had priced it with siding. Mr. Jenkins answered no. Steve stated that it's not the Zoning Board's privy to judge economics. The ordinance is very clear on what is wanted. Neither the city nor the county is excited about metal buildings. Mr. Jenkins asked if the front of the building had siding if it would pass. Mike Wegescheide answered it would be considered; the problem is they don't want to start something that will cause the Board problems later on. Michael Mueth made a motion to recommend approval of a 16-foot height variance but to recommend denying the use of corrugated metal. Charlie Butzinger seconded the motion. The motion carried with Ron Krick, Wayne Muskopf, Mike Wegescheide, Charlie Butzinger and Michael Mueth voting for and Mark German voting against. Mike Wegescheide stated the final decision would be made at the Village Board meeting on Monday, July 8th at 7pm.

MILLPOND BREWERY HEARING: Mike Wegescheide stated they are looking at the property at 308 East Washington Street owned by 3 Men and a Tub, LLC and the applicant's name is Bryan Schubert. It is in a B2 Highway Business district. Larry Schubert apologized on Bryan's behalf for not being there due to a prior meeting he had to attend. At a previous meeting they received a variance to put up a cooler on the south side of the building. They used spray foam but because it did not look nice, they started putting up 2-foot by 4-foot walls and a tin siding. Mr. Schubert apologized for not finding out if metal siding was allowed. Since it is a commercial building it falls under the Commercial Design Ordinance. The building is over 60% brick and block. The metal has

50 year baked on paint like Dollar General and Lee's Home Center. It will match the roof and garage doors. Steve Muskopf stated that the ordinance must be followed exactly and it says that all exterior walls should have a minimum of 60% masonry, not 60% of the overall building. Steve stated he offered Bryan a chance to have the Village attorney look at it and give his opinion but Bryan declined. Mr. Schubert stated they were just going to spray the whole thing with foam but that would not look good. Steve stated it still would have had to be screened in. The mistake was making walls and a roof because now the cooler is considered to be inside a building and the structure will have to be inspected. Mr. Schubert stated an inspector from St. Clair County told him everything looked fine and once the insulation and wall board was put up, he'd come back to approve it. Steve replied that he shouldn't have been approving anything that wasn't on the plans. Mr. Schubert asked if the side facing South Kossuth Street could be bricked and the other two sides be metal. Steve answered that the ordinance states all walls must have at least 60% masonry. Mr. Schubert replied that Dollar General is mostly metal. Mike Wegescheide stated that building was built before the Commercial Design Ordinance went into effect. Steve added that there can't be a transition in materials along the same wall. Mark Germann explained that the cooler would have to be pulled out two feet to offset the wall. Mr. Schubert stated the cooler is built on the inside wall. Mike Wegescheide asked why this wasn't told to the Board or on the drawing the first time they were here for variances. Mr. Schubert answered that was a screwup by the architect. Mike Wegescheide stated that then nothing should have been done until Steve or the Village Board okayed it. Now it is not meeting the ordinance because of something that they, not the Board, changed. Steve explained that what is built now does not meet the ordinances. Mr. Schubert asked if it would have to be torn down. Steve answered that was one possibility that Bryan had offered. Mark asked if the footing would hold it. Steve answered that an engineer would have to verify that it is structurally sound enough to bear that load. Jon Riley stated that the footing is at least three feet deep and three feet wide and has rebar and rock. He asked if a variance would be considered if the footing was inspected and passed and if the building was redrawn with a two-foot offset. Steve answered a variance wouldn't be needed if the two-foot offset was there but a design engineer would have to verify everything. Mike Wegescheide stated that the applicants have put them in this position and now have to come up with an answer; the answer may be to move the cooler. Mr. Schubert answered that they can't. Mike Wegescheide stated they may have to; they are going to have to come up with options because it is not up to the Zoning Board to come up with answers. Ron Krick asked why it couldn't be moved. Mark German asked if the cooler is made in sections why couldn't it be moved. Mr. Schubert answered because it is anchored to the floor. Wayne Muskopf asked what if the walls and roof were torn down since they didn't have a permit for that in the first place; what if just a screen was put up and there wasn't a roof. Steve answered that would be permissible because it is just required to be screened in. He suggested getting the architect involved since it is their job to design within the rules. Mr. Schubert stated he doesn't want to spend another two weeks delaying the opening. Mike Wegescheide stated that if he would have come before the Board to begin with this could have been avoided. Mr. Schubert stated he couldn't get ahold of Steve. Steve stated he went back to his call log and in a period of one week there were 12 calls back and forth between himself and Bryan; not being able to get ahold of him is not giving them permission to go ahead and do things. Steve stated that if he

doesn't answer then they need to go off of the approved plans. If the plans haven't been approved then drop them off at the Village office. Steve's job is part time, not full time. Mr. Schubert asked what he should do now. Wayne reiterated talking to the architect. Mr. Schubert stated he doesn't want to put up an eyesore. Mike Wegescheide stated they don't want it to be an eyesore but they are giving him options and trying to work with him. It can't be left the way it is. If it was, what would he want them to tell the next guy who tried to do the same thing. Mr. Schubert answered he'd tell them to find a different town. Mike Wegescheide stated he knows Mr. Schubert does a lot for the Village and they are trying to work with him. Steve asked if the architect was at the site when the design was first done. Mr. Schubert answered yes. Steve suggested having him come back out and get some ideas from him. Mr. Schubert asked if he would foam spray it and put a fence around it, would that be ok. Wayne answered yes, as long as there wasn't a roof. Mike Wegescheide asked if the Board would want to table the hearing so that Mr. Schubert can come up with some options and come back to the Board. Steve stated he could even withdraw the request if he can figure out a way to do it without needing a variance. Discussion followed about what would be needed at the next meeting. Mark Germann asked if the cooler was left where it was, would anything be changed. Steve answered it wouldn't matter as long as it wasn't considered habitable space. Discussion followed about what constituted screening. Wayne Muskopf stated it couldn't be a permanent wall and would have to be made of something that could come apart if needed. Mr. Schubert thanked the Board for trying to help them out. He asked if Steve could come look at the building after the meeting. Steve answered yes. Wayne Muskopf made a motion to table the hearing until July 23rd. Ron Krick seconded the motion. The motion carried unanimously.

OLD BUSINESS: Mike Wegescheide stated that each Board member received a copy of the Commercial Design Ordinance and a new phone list. Steve Muskopf is going to check on updating everyone's books to make sure they all have everything. Though there is an updated version online that can be accessed through the Village's website.

NEW BUSINESS: none

A motion was made by Mark Germann and seconded by Ron Krick to adjourn the meeting. The motion carried unanimously.

Crissy Pipik, Clerk

Mike Wegescheide, President