

**EDWARDSVILLE ZONING BOARD OF APPEALS**

**Meeting Minutes**

**1/24/22**

**7:00 PM**

Approved: Robert D. Hotz 2-28-2022

**I. ROLL CALL:**

Present

- B. Hotz, Chairman
- A. Robertson, Vice Chairman
- T. Butts
- J. Krebs
- E. Calderon, Staff
- E. Sutter, Staff
- R. Anderson
- C. Straub
- R. Straub
- B. Moody
- B. Selvo

Absent

- C. McCaskill
- M. Pierceall
- D. Gerber

**II. PUBLIC COMMENT:** None.

**III. APPROVAL OF MINUTES**

Minutes of the regular meeting for December 22, 2021 are hereby approved and passed.

**IV. ZONING CASES**

**A. Case 2022-04 – Zoning Amendment**

William Selvo has petitioned the City of Edwardsville for a Zoning Amendment to rezone 412 Harvard Drive, a dual zoned property, from “B-2” Commercial Business District and “R-1” Multiple-Family Residential District to “R-2” Multiple-Family Residential District. The property is more specifically identified as PID 14-2-15-14-20-401-026

**APPLICANT:** William Selvo

**LOCATION:** The subject property is located at 412 Harvard Drive

**AREA LAND USE & ZONING:** The subject site is 412 Harvard Drive, a dual zoned property, is zoned B-2 Commercial Business District and R-2 Multiple-Family Residential District and adjacent properties are zoned and used as follows:

Direction	Zoning Designation	Use
North	“R-2” Multiple-Family Residential District	Multiple-Family Dwelling
South	“B-2” Commercial/Business District	Commercial (Retail)
East	“R-2” Multiple-Family Residential District	Single Family Residence
West	“B-2” Commercial/Business District	Commercial (Office)

**PLANNING CONSIDERATIONS:** The Comprehensive Plan shows this property as neighborhood. The proposed zoning amendment complies with the Comprehensive Plan.

**REQUEST:** William Selvo has filed a petition for a Zoning Amendment to change the zoning for 412 Harvard Drive a dual zoned property, from B-2 Commercial Business District and R-2 Multiple-Family Residential District to R-2 Multiple-Family Residential District.

**FINDINGS OF FACT:**

- 1) Existing use(s) and zoning of the property in question.
  - The subject property is a dual zoned property, and is currently zoned B-2 Commercial Business District and R-2 Multiple-Family Residential. The current use is a multiple-family dwelling.
- 2) Existing use(s) and zoning of other lots in the vicinity of the property in question.
  - See *AREA LAND USE AND ZONING* above.
- 3) Suitability of the property in question for uses already permitted under existing regulations.
  - The subject property is used as a 4-unit multi-family dwelling, which is permitted in the R-2 District, but not in the B-2 District. Rezoning the property to R-2 would bring the property into compliance with the code and would allow for financing and insuring of the property.
- 4) Suitability of the property in question for the proposed use.
  - The rezoning of the subject property is suitable since the majority of the property is zoned R-2 and the current structure and use comply with the R-2 zoning regulations. Further, rezoning of the subject property would be aligned with the City's Comprehensive Plan.
- 5) The trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since the property was initially zoned or last rezoned.
  - The remainder of the neighborhood is stable and the surrounding area is established with a mixture of business and residential uses. The rezoning would result in the property being fully in compliance with the City's Zoning Ordinance.
- 6) The effect the proposed rezoning would have on compliance with the Comprehensive Plan.
  - The Comprehensive Plan shows this area as neighborhood, which permits both residential and limited commercial uses. Rezoning this site from B-2 Commercial Business District and R-2 Multiple-Family Residential District to R-2 Multiple-Family Residential District would comply with the Comprehensive Plan.

**STAFF DISCUSSION & RECCOMENDATION:**

- The Comprehensive Plan identifies a number of policies for "neighborhood districts," including:
  - Promote a choice of neighborhood from both home owners and renters by encouraging a mix of house unit types. Appropriate housing types include: Single-family houses, Duplexes, townhouses, multi-family housing, dwelling units above commercial or office uses in neighborhood commons area. (Policy 7)
  - Additionally, historic zoning maps show that dating back to 1971 (year of annexation) the property was dually zoned Multi-Family Residence District and Commercial District. Prior to 1994, the City used comprehensive zoning, in which uses in more restrictive districts were permitted in less restrictive districts. So, prior to 1994, the multi-family use of the property would have been permitted in both the R-2 and B-2 districts. In 1994, when the City updated its zoning ordinance, it

moved away from Comprehensive Zoning and the use of the property became non-conforming on the B-2 portion of the lot.

- Based upon the preceding considerations, staff recommends approval of the zoning amendment to rezone the subject property from B-2 Commercial Business District and R-2 Multiple-Family Residential District to R-2 Multiple-Family Residential District.

Rich Anderson was present and stated that he is the buyer of 412 Harvard Drive and when he went to several different banks to get a loan, he was denied because of the dual zoning. His reasoning for the petition to have the property rezoned to multi-family was to avoid running into the same issue in the future.

Motion to approve as presented (Butts), seconded (Robertson)

VOICE ROLL CALL: 4 Ayes, 0 Nays, 0 Abstain

**NEXT STEPS:**

- Administrative & Community Services Committee Meeting – Thursday, January 27<sup>th</sup>, 2022 5:00 PM
- City Council Meeting – Tuesday, February 1<sup>st</sup>, 2022 at 7:00 PM

**B. Case 2022-05 – Variance**

Beau Moody has petitioned the City of Edwardsville for a Variance to construct a parking lot 3.08 feet from the northern property line and 2.54 feet from the eastern property line instead of the required 5 feet at 1811 Lindenwood Ave. The property is more specifically identified as PID 14-2-15-14-16-404-001.004. The property is currently zoned “B-2” Commercial Business District

**APPLICANT:** Beau Moody

**LOCATION:** The subject property is located at 1811 Lindenwood Avenue, and more specifically identified as PID 14-2-15-14-16-404-001.004

**AREA LAND USE & ZONING:** The subject property is zoned B-2 Commercial Business District. The surrounding property zoning and uses are as follows:

Direction	Zoning Designation	Use
North	“B-2” Commercial Business District	Commercial (Restaurant)
South	“B-2” Commercial Business District	Commercial (Restaurant)
East	“R-1” Single-Family Residential District	Single-Family Residence
West	“B-2” Commercial Business District	Commercial (Restaurant)

**PLANNING CONSIDERATIONS:** The Comprehensive Plan shows this property as Commercial District. The existing zoning is in agreement with the Comprehensive Plan.

**REQUEST:** The request variance would allow the proposed parking lot 3.08 feet from the northern property line and 2.54 feet from the eastern property line instead of the required 5 feet.

**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 subject property is Lot 1 of a subdivision known as “Ninth Montclair Plat” and contains approximately 16,700 sq. ft. In the B-2 Commercial Business District, parking lots are required to be setback five feet from the property lines. There are no particular concerns about the physical surroundings, lot shape, or topographical conditions with this property.
- 2) The condition upon which the requested variance is based would not be applicable, generally to other property within the same zoning classification.
- This lot is slightly irregular measuring 98.35’ wide on the north side and 97.46’ wide on the south side with a depth of 144.45’ on the west side and 144.42’ on the east side. The lot contains ±16,700 square feet in area and platted in 1976. This is not an unusual commercial lot and parking lots located nearby in the Troy Road corridor are often built to the property line.
- 3) The alleged difficulty or hardship has not been created by any person presently having an interest in the property.
- This office building was constructed in the late 1980’s and Madison County records indicate that the current owner has used the building since 2018. No one having an interest in the property has created the specific conditions for which the variance is requested.
- 4) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- The distance between the parking lot on the subject tract and the adjoining commercial property to the north (1704 Troy Road) will be reduced as a result of the proposed variance. In addition, the parking spaces will be closer to Lindenwood Avenue than typically allowed. However, the properties across the street to the east are zoned and used as single family residential homes. Approval of the proposed variance would allow more off-street parking to be provided and would alleviate congestion in the street, which is the transitional area to a single-family neighborhood.
- 5) The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- Approval of the proposed variance would not do any of these things. Rather, it would help decrease congestion in the street and would result in a safer area by allowing more cars to park in an off-street parking lot.
- 6) The proposed variance complies with the spirit and intent of the restrictions imposed by this code.
- Staff’s opinion is that the variance request does comply with the spirit and intent of the restrictions imposed by this code.
- 7) There is no self-imposed hardship.
- The request could be considered a self-imposed hardship because the applicant was aware of the size and configuration of the structure on the lot at the time the property was acquired. However, approval of the variance would relieve the neighborhood of on street parking and would allow a safer environment in and around this business.

**STAFF DISCUSSION & RECCOMENDATION:**

- The applicant has requested the variance to reduce the required setback of a parking lot in order to have more off street parking. Currently, on street parking is used for the business at this address. The on street parking congests Lindenwood Avenue and the residential neighborhood near the business and approval of this variance would relieve the neighborhood of some of this congestion. The building was constructed in the late 1980s

before the current zoning code was in place. This requested variance could be considered a self-created hardship, but it would help eliminate on street parking and help improve the neighborhood.

- It is Planning staff's opinion the variance request does meet the Zoning Board of Appeals "Standards of Variance" as noted above and aligned with the spirit and intent of the zoning ordinance. Therefore, staff recommends approval of the variance request.

Beau Moody was present and stated that he is trying to improve the parking situation for his business and customers. He has tried in the past to get surrounding businesses to sell him portions of their parking lots that are not being utilized.

Robert Straub stated the he lives across the street from the business. He believes that cars parking on the street create a hazardous situation and stated that the business needs room for more parking. Moody stated that he has been looking at multiple different possibilities to address the issue, including purchasing another lot to create an off street parking lot. Straub stated the he was in agreement with the idea of creating a future off street parking lot.

Motion to approve as presented (Robertson), seconded (Krebs)

VOICE ROLL CALL: 4 Ayes, 0 Nays, 0 Abstain

**NEXT STEPS:**

- Administrative & Community Services Committee Meeting – Thursday, January 27<sup>th</sup>, 2022 at 5:00 PM
- City Council Meeting – Tuesday, February 1<sup>st</sup>, 2022 at 7:00 PM

**V. OLD BUSINESS:** None

**VI. NEW BUSINESS:** None

**VII. ADJOURNMENT:** Motion to adjourn (Robertson), seconded (Hotz).