

**EDWARDSVILLE ZONING BOARD OF APPEALS**  
**Meeting Minutes**  
**2/28/22**  
**7:00 PM**

Approved: Robert D. Hotz 4/25/2022

**I. ROLL CALL:**

- |                             |               |
|-----------------------------|---------------|
| <u>Present</u>              | <u>Absent</u> |
| B. Hotz, Chairman           |               |
| A. Robertson, Vice Chairman |               |
| M. Pierceall                |               |
| T. Butts                    |               |
| D. Gerber                   |               |
| J. Krebs                    |               |
| E. Calderon, Staff          |               |
| E. Sutter, Staff            |               |
| R. Whitehead                |               |
| B. Watson                   |               |
| E. Draskowski               |               |
| R. Lengermann               |               |
| C. Cormack                  |               |
| H. Meyer                    |               |
| M. Cramer                   |               |
| M. Truster                  |               |

**II. PUBLIC COMMENT:** None.

**III. APPROVAL OF MINUTES**

Minutes of the regular meeting for January 24, 2022 are hereby approved and passed.

**IV. ZONING CASES**

**A. Case 2022-07 – Special Use Permit**

Plocher Construction has petitioned the City of Edwardsville for a Special Use Permit to allow two (2) drive-through lanes for the proposed bank building. The property is addressed as 119 South Main Street and more specifically identified as PID 14-2-15-11-15-401-021. The property is currently zoned “B-1A” Central Main Street District.

**APPLICANT:** Plocher Construction

**LOCATION:** The site is addressed 119 South Main Street and identified as PID 14-2-15-11-15-401-021

**AREA LAND USE & ZONING:** The subject property is zoned “B-1A” Central Main Street District

Direction	Zoning Designation	Use
North	“B-1A” Central Main Street District	Commercial
East	“B-1A” Central Main Street District	Commercial
South	“B-1C” Downtown Transition District	Commercial
West	“B-1A” Central Main Street District	Commercial

- a. A transfer involving a more intensive use on the subject property;
  - b. Other changes deemed to represent a substantial change by the Zoning Administrator and Public Works Director.
  - c. The trend of development in the area surrounding the subject property necessitates further review of the proposed special use.
- (3) Unsubstantial transfers – Unsubstantial transfers will be subject to review and approval by the City Planner and Public Works Director. Unsubstantial transfers represent minor changes from the provisions of the originally approved special use permit and may include:
- a. Transfer of ownership not effecting the intensity of the use;
  - b. Other changes deemed to represent an unsubstantial change by the Zoning Administrator and Public Works Director.

**STAFF DISCUSSION & RECCOMENDATION:**

- Staff recommends approval of the Special Use Permit to allow two (2) drive-through lanes for the proposed bank at 119 South Main Street.

Rachelle Lengermann was present on behalf of Plocher Construction and stated that she believes this is a good project to bring the building back to life. Camilla Whipple Cormack stated that she has concerns about the traffic with the added proposed business. Emily Calderon stated that there are no proposed changes to traffic and that it is a reuse of an existing building. Mike Pierceall stated that the intersection has gotten busy over the years and asked about the drive-through lanes. He asked if the entrances were both in and out or if they were one way only. Lengermann stated that the stacking requirements needed to be met, so the lanes are both in and out. David Gerber asked what the stacking requirement was. Calderon stated that there is no stacking requirement for banks, only fast food restaurants. Gerber asked if the road the building was located on a state highway. Calderon stated that it is. Gerber stated that the state would have done their research on the building in regards to issues with sight lines. Lengermann stated that the building was a historic landmark. Calderon confirmed that the building is an historical landmark and that the Historical Preservation Society approved the building plans for the site as well. Gerber asked if Public Works had any comments about the entrances to the lot. Calderon stated that there have been no comments regarding the entrances.

Motion to approve as presented (Pierceall), seconded (Gerber)

VOICE ROLL CALL: 5 Ayes, 0 Nays, 1 Abstain

**NEXT STEPS:**

- Administrative & Community Services Committee Meeting – Thursday, March 10<sup>th</sup> at 5:00 PM
- City Council Meeting – Tuesday, March 15<sup>th</sup> at 7:00 PM

**B. Case 2022-08 – Special Use Permit**

Rex Whitehead has petitioned the City of Edwardsville for Special Use Permit to allow for a “Type-B” Non-Owner Occupied Short-Term Rental at 1315 Gerber Woods Drive. The property is more specifically identified as PID 14-2-15-24-02-201-037. The property is currently zoned “R-1” Single-Family Residential District.

**APPLICANT:** Rex Whitehead

**LOCATION:** The subject property is located at 1315 Gerber Woods Drive

**AREA LAND USE & ZONING:** The subject property is zoned R-1 Single-Family Residential District. The adjoining properties are zoned and used as follows:

*owner, approval of the SUP may result in possible hardships imposed upon adjacent property owners in the form of noise or other disturbances.*

- 5) The suitability of the subject property for the zoned purposes indicated by ordinance.

*The property is suitable for the Permitted Uses listed in the R-1 Single Family Residential District and could easily be occupied by a permitted use (e.g. single-family dwelling).*

- e) Conditions: The Board may provide such conditions or restrictions upon the construction, location and operations for a special use, including, but not limited to: provisions for the protection of adjacent property, the expiration of such special use after a specified period of time, off-street parking and loading, as may be deemed necessary to secure the general objectives of this Zoning Code, and to reduce injury to the value of the property in the neighborhood.

*Please see the "Staff Recommendation" section.*

- f) Expiration: In the event the Board establishes no time limitation within which the proposed use is to be exercised, then the permit shall expire in one year. Nothing shall preclude an applicant from reapplying for the same special use permit upon expiration.
- i) Transfer of Special Use Permit: A special use permit is issued for a specified zoning lot or lots and shall only be allowed to transfer from that location, or to another occupant or owner, as follows:
- (1) All requests for transfers must be filed on an application form available through the Public Works Department.
  - (2) Substantial transfers – All substantial transfers shall be subject to review and approval by the zoning board of appeals under the terms of section 1244.02. Substantial transfers include, but are not limited to:
    - a. A transfer involving a more intensive use on the subject property;
    - b. Other changes deemed to represent a substantial change by the Zoning Administrator and Public Works Director.
    - c. The trend of development in the area surrounding the subject property necessitates further review of the proposed special use.
  - (3) Unsubstantial transfers – Unsubstantial transfers will be subject to review and approval by the City Planner and Public Works Director. Unsubstantial transfers represent minor changes from the provisions of the originally approved special use permit and may include:
    - a. Transfer of ownership not effecting the intensity of the use;
    - b. Other changes deemed to represent an unsubstantial change by the Zoning Administrator and Public Works Director.

#### **STAFF DISCUSSION & RECCOMENDATION:**

- Staff recommends approval of the Special Use Permit (SUP) with the conditions listed below.
- Staff proposed conditions:
  1. Approval is in the name of the applicant only and the Special Use Permit is not transferrable.

Rex Whitehead was present and stated that he purchased the property two years ago and has used it as a short-term rental in the past, and was told a few months ago that he needed to obtain a special use permit to continue using the property as a short-term rental. Emily Calderon read several emails in opposition to the special-use permit into record. Whitehead stated that a subdivision stated in one on the letters is not associated with the neighborhood the property is located in. He also stated that there have been no issues with the police and that there is a three day minimum stay. He stated that there is twenty four hours in between stays that the property is empty for cleaning and turn around. Mike Pierceall asked if the house was purchased as owner occupied. Whitehead stated that he did buy

**C. Case 2022-09 – Special Use Permit**

Hawaiian Bros has petitioned the City of Edwardsville for a Special Use Permit to allow a drive-through lane for the proposed restaurant. The property is addressed as 2386 Robinson Lane and more specifically identified as PID 14-2-15-23-02-201-012. The property is currently zoned “B-2” Commercial Business District.

**APPLICANT:** Hawaiian Bros

**LOCATION:** The site is addressed 2386 Robinson Lane and identified as PID 14-2-15-23-02-201-012

**AREA LAND USE & ZONING:** The subject property is zoned B-2 Commercial Business District

Direction	Zoning Designation	Use
North	“B-2” Commercial Business District	Commercial
East	“B-2” Commercial Business District	Commercial
South	“B-2” Commercial Business District	Commercial
West	Glen Carbon	Vacant Lot

**PLANNING CONSIDERATIONS:** The 2010 Comprehensive Plan shows this property as Commercial. The existing zoning is in agreement with the Comprehensive Plan.

**REQUEST:** The Special Use Permit is to allow a drive-through lane for 2386 Robinson Lane.

**ZONING BOARD OF APPEALS STANDARDS FOR SPECIAL USE PERMIT:**

d) Requirements for Authorization:

- 1) Existing uses and zoning of nearby property and relationship to Edwardsville’s adopted Comprehensive Plan.

*See AREA LAND USE AND ZONING and PLANNING CONSIDERATIONS above*

- 2) Extent to which property value diminishes adjacent to the zoned parcels. Value decrease to be supplied by the petitioner and made by professional appraiser.

*No property value information provided by petitioner.*

- 3) Extent to which the proposed change alters or promotes the public health, safety, morals or general welfare.

*None noted*

- 4) The relative gain to the public as compared to the hardship imposed upon the property owners, and there is a need for the proposed special use.

*The Special Use Permit would allow the one proposed drive-through lane. This is a re-use of an existing building and site with a drive through that not did not conform with recently-approved regulations, such as an escape lane. In the event that this property is ever razed and redeveloped, all bulk standards, including the escape lane, would be required at that time.*

- 5) The suitability of the subject property for the zoned purposes indicated by ordinance.

- Administrative & Community Services Committee Meeting – Thursday, March 10<sup>th</sup> at 5:00 PM

- City Council Meeting – Tuesday, March 15<sup>th</sup> at 7:00 PM

- V. **OLD BUSINESS:** The Zoning Board recognized the years of service that Charles McCaskill has put in on various committees throughout the City.
- VI. **NEW BUSINESS:** None
- VII. **ADJOURNMENT:** Motion to adjourn (Gerber), seconded (Pierceall).