



CITY OF FAIRVIEW HEIGHTS

10025 Bunkum Road ♦ Fairview Heights, Illinois 62208 ♦ Phone: (618) 489-2000 ♦ www.cofh.org

AGENDA ZONING BOARD OF APPEALS July 3, 2025 7:00 P.M. City Council Chambers

1. Call to Order and Roll Call
2. Citizens Comments- *This is an opportunity for the public to address the ZBA on non-agenda related items. Comments made during this section of the agenda that require a response will be referred to the appropriate City staff member or official for follow-up at a later date.*
3. Approval of Minutes –June 6, 2024
4. ZBA Cases / Public Hearing
 - a. ZBA 01-25, Area Bulk Variance to allow a reduction of the setback dwelling and detached carport from 10' to 4'. The property is located at St. Clair County PINs 03-21.0-303-007.
5. Old Business – None
6. New Business - None
7. Announcements
8. Adjournment



CITY OF FAIRVIEW HEIGHTS

10025 Bunkum Road ♦ Fairview Heights, Illinois 62208 ♦ Phone: (618) 489-2000 ♦ www.cofh.org

MINUTES ZONING BOARD OF APPEALS June 6, 2024

The Fairview Heights Zoning Board of Appeals meeting was held on Thursday, June 6, 2023, in the Council Room at the Fairview Heights Municipal Complex, 10025 Bunkum Road, Fairview Heights, Illinois, and called to order at approximately 7:00 p.m. by Chairman RJ Abernathy.

1. **ROLL CALL** found the following members present: R.J. Abernathy, Charles Peterson, Marcia Gehlhausen, Ed Frawley and Art Knepper. Absent was Clarence Carthen. Also present were Andrew Hoerner (City Attorney) via phone, Heather Hinson (Economic Development Coordinator) and Amanda Schwartz (Recording Secretary).
2. **MINUTES** – Board member R.J. Abernathy motioned to approve the minutes of March 7, 2024. Board member Gehlhausen seconded.

VOTE: Unanimous.

3. COMMUNICATIONS

None.

4. PUBLIC HEARINGS

ZBA 02-24, Rockin N Rollin Banquet Room– St. Clair County PINs 03-28.0-111-031, and 03-28.0-111-032.

Chairman RJ Abernathy reads the Staff Advisory provided to each board member in the Meeting Packet into record provided by Director Dallas Alley as to why this was originally Denied. Board member Frawley brought to the attention of the board that the St. Clair County PIN was listed incorrect in Staff Advisory under item # 3 (item of appeal).

Chairman RJ Abernathy addressed the board and asked if everyone has had a chance to review the application provided by the applicant. Board stated yes.

Applicant and landlord were present and requested to speak to the Board against the appeal before a vote was taken.

Latoya Frison of 1406 Prospect St, Belleville IL 62221 was sworn in.

Chairman Abernathy states that the application was denied by the Director for Land use Dallas Alley because it is not suitable for the B-3 district. He asks Ms. Frison what is your rebuttal to the decision. Ms. Frison states that she has been a tenant at that location for almost 2 years. She wants to have the Event Center for birthday parties and weddings. She does not allow cooking or anything and they must bring their own food, and that they could bring in warmers to heat the food. She states as far as the U Haul, there is another U Haul on the same road so she is not understanding why she is being denied for that. She also states that they have a huge parking lot that goes all the way around the building. She states that she believes it would be good to bring business to Fairview Heights.

Chairman Abernathy asks her since she has been here for 2 years, does that mean that you have been operating an Event Center unlicensed for 2 years? Ms. Frison states no, that she is also a Tax preparer, and also has several other businesses such as a Party Bus, Limo Service and a clothing boutique. Chairman Abernathy states that you have provided us with a hand drawn diagram of the layout of the building. So, as he understands it's about 2400 sq feet. Ms. Frison states that as far as the Event Center it will only use the front part of the building and the bathroom. Chairman Abernathy asks if they are separate rooms in this space, and asks for clarification that the front part 40' x39' along with the counter will be used as the Event Center. Ms. Frison states that she is still a Tax preparer and that the back rooms will be her private office. Chairman Abernathy asks her if she has determined in the area planned to be used as the Event Center what the total occupancy max would be? Ms. Frison replied with 50 people. Abernathy asks if she has hired an Engineer or anyone to come up with that number, because he has drove by and it doesn't appear to him that there are any marked parking spots. Ms. Frison claims that there are marked parking spots in the front and along the side as well as all along the back of the building.

Board member Gehlhausen states that her application says 20 spots in the back and 9 spots in the front. She states that she also drove all the way around the building herself and that its all grass in the back. Her application listed a total of 29 spots, so member Gehlhausen is not sure where Ms. Frison is coming up with the number 50.

Chairman Abernathy asks if another members' have questions. Member Peterson also has questions regarding the parking. Ms. Frison states that as far as the parking questions goes her landlord is here and can answer any questions going forward with that. Peterson then asked her to clarify if she is sharing the parking lot with the tattoo shop next store. Ms. Frison states yes that it is shared. Peterson then says so it would be deducted from the 9 spots up front. He then asks about the U Hauls and where they would be parked. Ms. Frison states that one would be parked on then side and the others in the back parking lot. Member Peterson asks Ms. Frison how many U Haul trucks she plans to have. She replied two or three to which he asks her is that enough to consider it a U Haul business. She states yes.

Member Peterson states that according to her diagram she presented there is no kitchen, so how do you plan to wash up things, wash their hands, and sanitation for food prep. Ms. Frison says that they can go into the bathroom for that to which Mr. Peterson says 1 bathroom for 50 people. He asks about dishes that need to be washed. Ms. Frison says that it will all be throw away type plates. Peterson then asked her if the warmers would be open flames or electric, and if the Fire department has weighed in on any of these questions. Member Gehlhausen wants to add on to Peterson's commits, how are you going to supply your counter and bar with ice and

water. Ms. Frison states that she would use ice buckets to keep the drinks cold. Gehlhausen states the drinks have water, and she doesn't see that she has access to accommodate that. Chairman Abernathy asked Ms. Frison is she proposing that she is telling people you can rent my space, but I am not providing anything but a bathroom. Abernathy states that it seems like the plan you have in place is not fully worked out. Ms. Frison then states that she does have a refrigerator in the building and a microwave to heat up the food if they want. Member Gehlhausen goes back to the access to the bathroom. According to the diagram that the applicant submitted you have to access the bathroom through another room. Ms. Frison confirmed the access to the bathroom is through another room and Member Gehlhausen states that she does not believe that that would fly if and when an inspection is done. Member Gehlhausen also questions egress of the building.

Chairman Abernathy addresses the board members and asks if anyone else has question for the applicant. Member Knepper states that he believes that he would think that there would be an ADA compliant requirement for a bathroom, and his personal thought is that 1 bathroom for 50 people would be inadequate, however, he does not want to denied or approve anything based on his feeling. Member Peterson has one last question for applicant, you state that you have a way to keep drinks cold, provide ice, and warm food. Are you not describing a mini kitchen? Ms. Frison states no. Member Frawley asks her when she rented the building 2 years ago, were you aware of the zoning of the property then? Ms. Frison states yes as far as the retail. Frawley states so you were aware that there was restriction that go along with of the zoning. Ms. Frison states that she was not aware that she would have a problem if she tried to change and do something else.

Donald D Drouin of 1330 Bossler Lane O'Fallon IL, 62269 was sworn in.

Chairman Abernathy asks if he has anything that he would like to comment on before any questions begin. Mr. Drouin states he is going to make four points about zoning since this is what we are here for, and that he will try to answer any of the other questions before hand that the members have already come up with. Mr. Drouin states that both his wife and himself have owned the building since 1992. Before that his wife's father Evert Moody owned the building which was a pharmacy. He talks about how he is aware of what brings businesses in and what does not and how to operate. He clarifies that he is very aware on what is needed to operate a business, and states as far as the egress goes or fire department goes all of that has been fully approved. They have all of the approved signs and doors that open fast. He is in compliance with the distance between each emergency exit for fire egress. He does clarify that it is ADA compliant as far as getting in the front door to the bathroom and back door. Mr. Drouin states that all of this was approved for Latoya for her clothing boutique, her Taxes, and everything was inspected and brought up to code.

Mr. Drouin addresses all concerns already addressed by the board, and clarifies answers to all them. He states that Mr. Frison switched it up on her drawing on the diagram she proved on the site plan. Mr. Drouin states that the room that you have to enter to go to the bathroom is where the fridge is and microwave, and that the back two rooms is where her private offices will be. He also states that she is also going to provide table and chairs and that the counter is going to be where the food would go. Chairman Abernathy asks Mr. Drouin to speak to the parking. He states that he came up with the parking number, and he has some kind of ratio to people per parking cars. He states that they will meet whatever parking is required by the city. Mr. Drouin

states that there are currently 15 marked spots. As far as the tattoo spot goes the workers park around back and that its all by appointment only so there is usually no more than 2 or more cars for them. He states that if he needs to make more striped parking he will. Member Frawley asked if the area that is not striped paved? Mr. Drouin replied that yes, it is to the side of the building but not in the back. It is compact rock and that the grass is growing up through the rock but that it is all compact rock. Member Peterson asked where she is going to park her U Haul trucks then, because she stated that she will have them in the back and it will take 2-3 spots per U Haul.

Board Member Frawley asked Mr. Drouin to explain why he believes that the Land Use Director erred in Denial of the request. Member Gehlhausen voices her concern about living across the street for many years and how there is no curb along that, and that 9-10 cars could try to get onto Hwy 50. She states that the volume entering and exiting that lot would be too much for cause major concern when trying to enter Hwy 50. Mr. Drouin states that B-3 is going to have volume as the allowed zoning for B-3.

Chairman Abernathy has a question in regards to the Event Center. He asks if this is going to be a weekend type business only? Ms. Frison states No- that its going to be available for anyone that needs a space now matter what day.

Mr. Drouin states that a Banquet Room is an allowed use in B-3. He claims that we have liquor stores, parking garages, and mobile home sales, and much more. He believes that an Event Center is going to be less severe than other promoted uses go. Mr. Drouin claims that nowhere in the zoning is this Banquet or Event Center listed in the zoning. Mr. Drouin gives a brief description of what is allowed in a B-3.

Mr. Drouin's last point is that very hard to rent on this end of town. Latoya is trying really hard to have a successful business and I believe that this could be something that she would be very good at and successful. Chairman Abernathy asks Mr. Drouin what was in this location before Ms. Frison started renting it. Mr. Drouin replied, Title Loans. Mr. Drouin addresses the washing up that big heavy duty trash bags are used, and if any health-related issues occur that they would make sure to follow the health department.

Chairman Abernathy states we can either make a motion to affirm the denial the application, reverse the denial of the application, or to do it in one part verse the other. The board will entertain any motions.

Mr. Frawley makes a motion to affirm the denial the application for ZBA02-24. Mr. Knepper seconded the motion.

Votes: 4 Yeas –Peterson, Gehlhausen, Frawley, Knepper
0 Nays, 1 Absent - Carthen, 1 Present - Abernathy

Heather Hinson, Economic Development Coordinator, stated that Director Alley thought that this was the final decision from the city. You would have the option to go to the county court though.

The landlord Mr. Drouin asked if he could hear some feedback as to why you thought this was not appropriate. Mr. Frawley stated he didn't mind explaining why he voted the way he did. He said he made his decision based upon the professionals that work for the city who recommended denial and they have much more information than we do. Ms. Gehlhausen agreed that you have a bases there, but I don't think that it was prepared well.

5. **UNFINISHED BUSINESS** – None
6. **NEW BUSINESS** – None
7. **ANNOUNCEMENTS** – None
8. **ADJOURNMENT** – Board members Frawley moved, and Peterson seconded to adjourn. This meeting was adjourned at approximately 8:00 p.m.

The next regularly scheduled meeting of the Fairview Heights Zoning Board of Appeals is to be determined when the next case is submitted.

Respectfully,

Dallas Alley, Land Use Director
DA/as

**DEPARTMENT OF
LAND USE AND DEVELOPMENT**

TRANSMITTAL TO ZONING BOARD OF APPEALS

APPLICATION NUMBER: ZBA-01-25

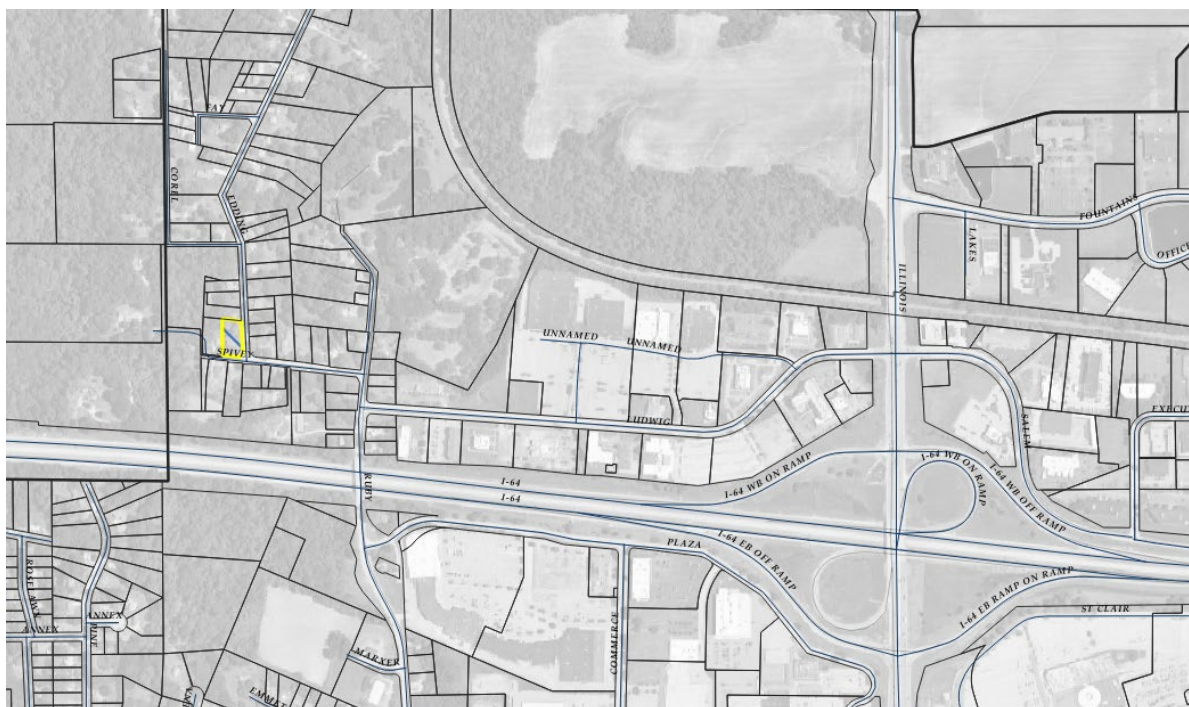
REQUEST: Area Bulk Variance to allow a variance from 14-08-24 (D) to reduce the setback dwelling and detached carport from 10' to 4'. The properties are identified by St. Clair County PIN(s) 03-21.0-303-007. *VOTE REQUESTED.*

APPLICANT NAME: Jerri K & J Harry Zimmerman

MEETING DATE: July 3, 2025

ZONING: R3 – Single Family Residential

GENERAL LOCATION:



STAFF ADVISORY

1. BACKGROUND

The City of Fairview Heights Development Code divides the City into districts and establishes standards for lot width, yard setbacks, area, and more. The standards vary amongst zoning districts and are specific to the characteristics of each. In addition, the Development Code establishes standards for parking, lighting, signage, accessory uses and more.

The subject property located at St. Clair County PIN(s) 03-21.0-303-007 is zoned R3 – Single Family Residential. The applicant is seeking to reduce the setback dwelling and detached carport from 10' to 4' from 14-08-24 (D). The applicant is requesting to reduce the setback dwelling and detached carport from 10' to 4'.

2. Area-Bulk Variance Criteria

In accordance with 14-14-12 Zoning Board of Appeals: Interpretation Procedure, no area-bulk variance in the application of any provisions of this Code shall be recommended by the Board, unless it finds:

(a) That special circumstances or conditions fully described in findings of fact apply to the land or buildings for which the area-bulk variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to the land or buildings in the neighborhood, and that said circumstances or conditions are such that strict application of the provisions of this Code would deprive the applicant of a reasonable use of such land or building;

(b) that, for reasons fully set forth in the findings, the recommending of the area-bulk variance is necessary for the reasonable use of land or buildings, and that the variance as recommended by the Board is the minimum variance that will accomplish this purpose;

(c) that the recommending of this variance will be in harmony with the general purpose and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of adjoining buildings and those in the vicinity, the Board, in making its recommendations shall take into account whether the conditions of the subject premises are peculiar to the lot or tract described in the petition. Should it be determined that the conditions are part of the general condition of the neighborhood, then it shall be so noted and the Board may recommend appropriate corrections to Code.

Exhibits

1. Application and Supporting Documents
2. Public notice
3. Draft Findings of Fact

APPLICATION FOR AREA-BULK VARIANCE



Land Use and Development Department

Fairview Heights City Hall

10025 Bunkum Road

Fairview Heights, IL 62208

Phone (618) 489-2060

(Do not write in this space – for office use only)

Case Number Assigned:

ZBA 01-25

Date Proof of Public Notice Sign Provided:

Date Application Received:

6/5/25

Zoning District of Property:

Date Set for Hearing:

ZBA 7/3/25

Recommendation of ZBA:

Name of Newspaper and Publication Date:

Ft.tribune

Date of City Council 2nd reading:

Community Comm 7/16/25

Publication Fee Paid:

\$150.00 Fee paid ✓ # 9770

Action by City Council:

city council 8/5/25

All information must be completed and submitted herewith. Applicants are encouraged to visit the Land Use and Development Department for any assistance needed in completing this form.

1. Name of property owner(s): Jerri K & J Harry Zimmerman

Mailing address: 8 Spivey Lane

Phone: 618-910-9713

E-Mail: _____

2. Name of applicant (if other than owner): N/A

Relationship to owner (contractor, family member, lessee, etc.): _____

Mailing address: _____

Phone: _____

E-Mail: _____

3. Address of property: 8 Spivey Lane

Parcel (Tax) ID number: 03-21.0-303-007

Present use of property: Single Family Residential

Zoning district: R-3 Single family Residential

4. Variance requested: Reduced setback between dwelling and detached carport from 10' to 4'. This is due to required setback from side street and inability to attach carport to home due to location of utilities.

5. Hardship: What unique physical characteristics of the subject property are cause for allowing reasonable relief from Development Code regulations?

() Too narrow

() Topography

() Soil

() Too small

() Drainage

() Sub-surface

() Too shallow

() Shape

() Other: _____

Please describe:

Carport cannot be connected to home because of utility connections and cannot be further from the home due to setback from road.

6. Are the conditions of hardship for which you request a variance peculiar only to the property described by this petition? ☒ Yes () No

If "no", how many other properties are similarly affected? _____

7. Was the hardship created by the action of anyone having property interest in the land after the Development Code was adopted? () Yes ☒ No

If "yes", please describe: _____

8. Was the hardship created by any other man-made change; such as the relocation of a road? () Yes (✓) No

If "yes", please describe: _____

9. Do the existing structures comply with all area and bulk regulations for the zone district in which it is located? (✓) Yes () No (if "no", specify each non-conforming use):

10. What is the "minimum" variance from the area/bulk regulations that will permit you to make reasonable use of your land? (Specify, using maps, site plans with dimensions and written explanation. Attach additional sheets if necessary).

See attached map

11. An area-bulk variance is requested for the property described above in conformity with the documents submitted herewith.

I certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true and accurate.

I consent that the entry in or upon the premises described in this application by any authorized official of Fairview Heights, Illinois for the purpose of inspecting or of posting, maintaining, and removing such notices as may be required by law.

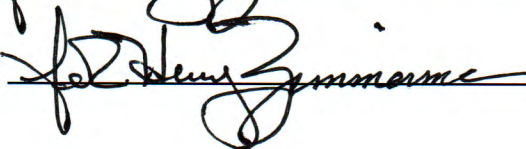
Signature of Owner:



Date:

6/4/2025

Signature of Applicant:



Date:

6/4/2025

To the City of Fairview Heights,

I am wanting to build a car port on the side of my house and requesting a 6 foot variance for the side of my home.

The drawings from Shed Shack needs a little explaining. If you have any questions please feel free to contact me or the installer Shed Shack which I will leave the contact information below.

The Carport dimensions are 22'X 19'X9'. The South side will be the side the cars drive in and open. The North side will be enclosed with white metal wall. The east side will be covered by a white metal wall. The west side will be open.

Thank you,

Harry Zimmerman

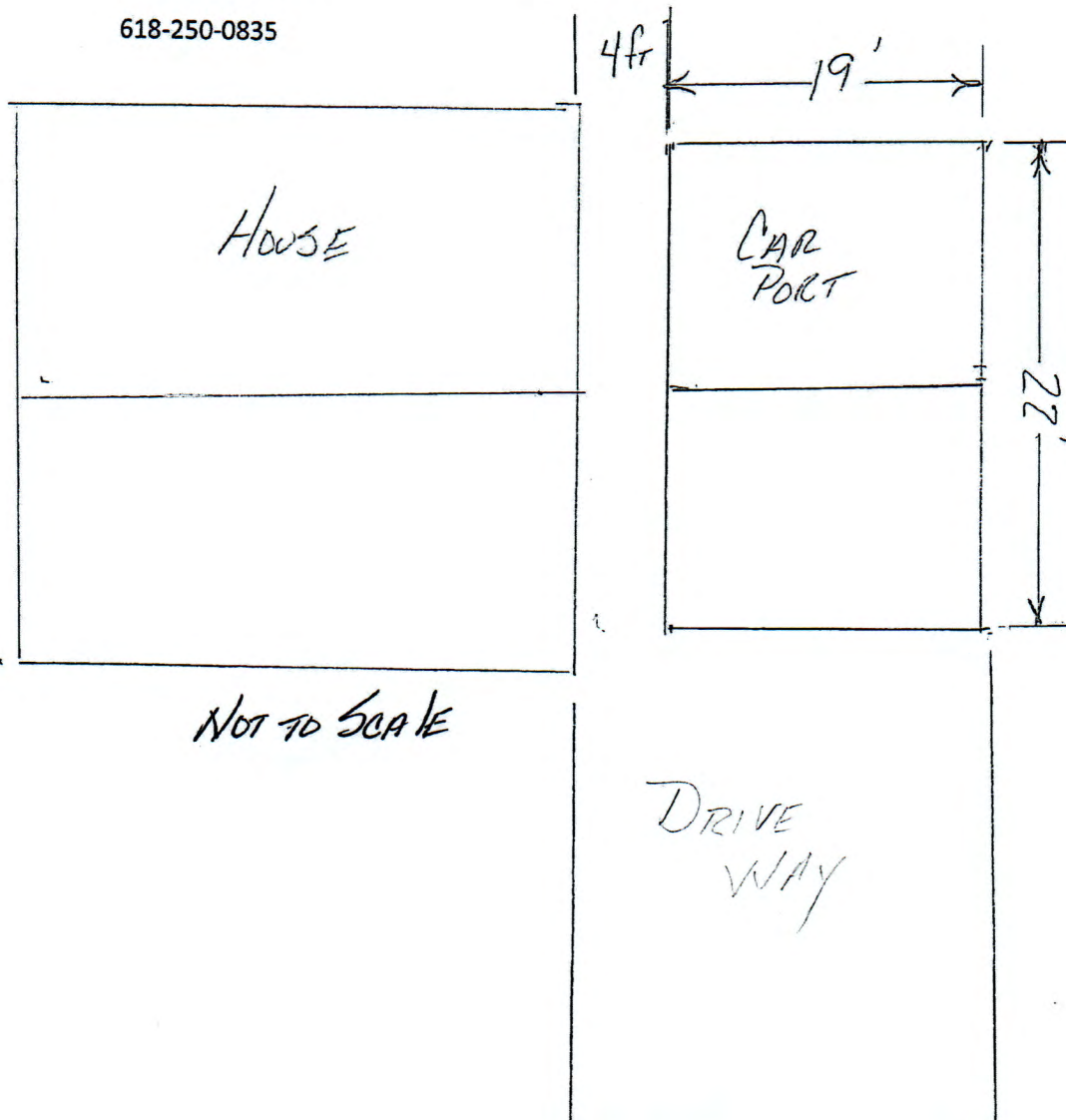
618-910-9713

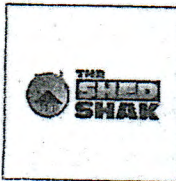
Dalton Richardson

1101Centerville Ave

Belleville Il 62220

618-250-0835



**Shed Shak**

1101 Centerville Ave
Belleville, St Clair, Illinois 62220
shedshaksheds@gmail.com
(618) 250-0835
https://shedshak.com/

Sales: Dalton Richardson

1101 Centerville Ave
Belleville, St Clair, Illinois 62220
shedshaksheds@gmail.com
(618) 250-0835

Building Quote
QTE-000194

Date
04/11/2025

Total
\$6,248.75

CUSTOMER DETAILS**John Zimmerman****Billing Address**

8 Spivey Ln
Fairview Heights, Saint Clair, Illinois 62208

Shipping Address

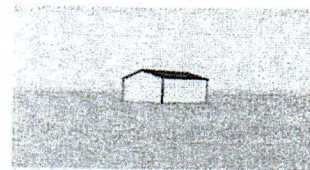
8 Spivey Ln
Fairview Heights, Saint Clair, Illinois 62208

zimmam@gmail.com

(618) 910-9713

Standard Carports - 22 x 20 x 9

- ☒ Roof Color: Matte Black
☒ Trim Color: Matte Black
☐ Sides/Ends Color: Brilliant White
☐ Wainscot Color: NA



Ready for Installation? ☐ Jobsite Level? ☐ Permit Required? ☒ Inside City Limit? ☐ Electricity Available? ☐ Installation Surface? Concrete

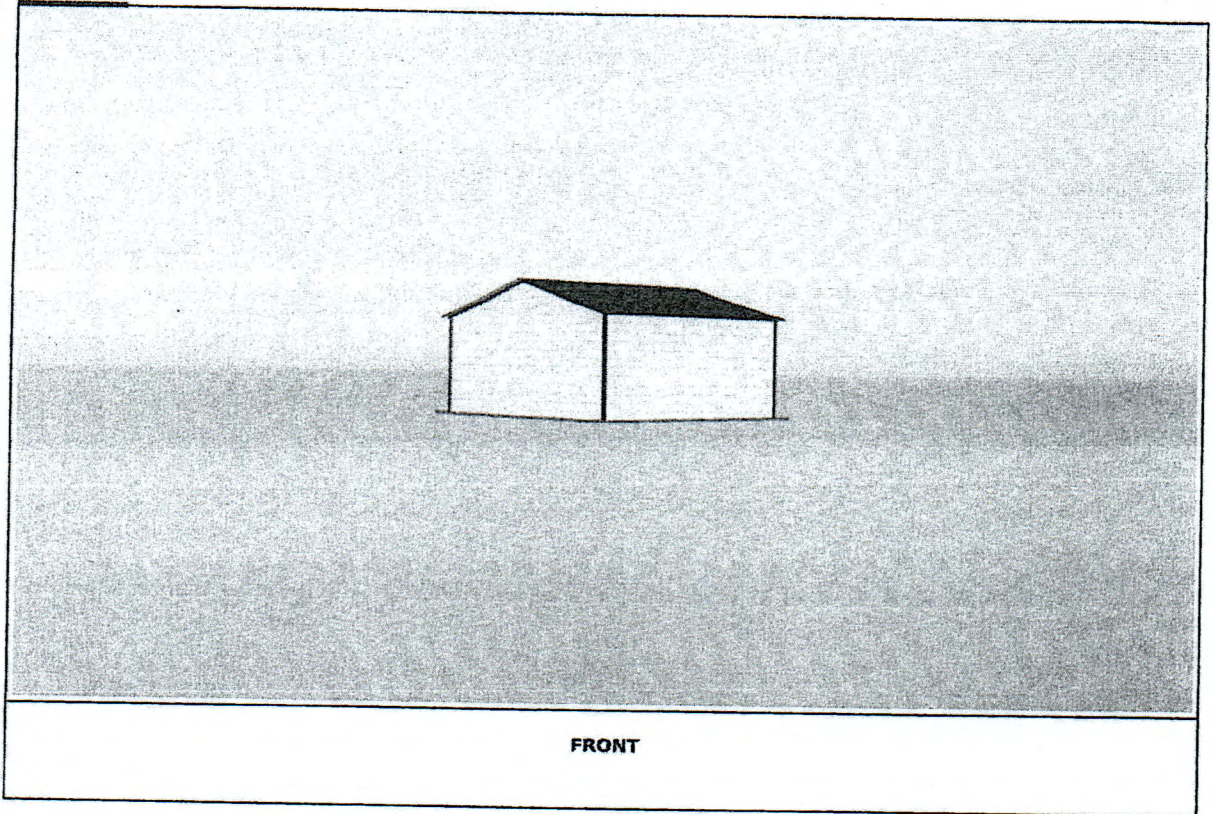
Building Dimension: **22'W x 20'L x 9'H** Roof Style: **Vertical** Gauge: **14 Gauge** Wind/Snow Rating: **140 MPH + 35 PSF Snow/Wind Load Certified** Distance on Center: **5 Feet**

22X20' (Roof 21') Vertical Roof	1	\$3,145.00
9' Height	1	\$230.00
140 MPH + 35 PSF Snow/Wind Load Certified	1	\$0.00
3/12' Roof Pitch	1	\$0.00
Front Wall Closed Horizontal	1	\$1,170.00
Back Wall Certified Gable Horizontal	1	\$305.00
Left 1 Panel Horizontal	1	\$110.00
Right Closed Horizontal	1	\$345.00
8x8 ft Garage Door Frameout (Roll-Up) on Left Wall	1	\$200.00
8x8 ft Garage Door Frameout (Roll-Up) on Left Wall	1	\$200.00
End Jtrim	1	\$18.70
Side J Trim	1	\$17.00

NOTES

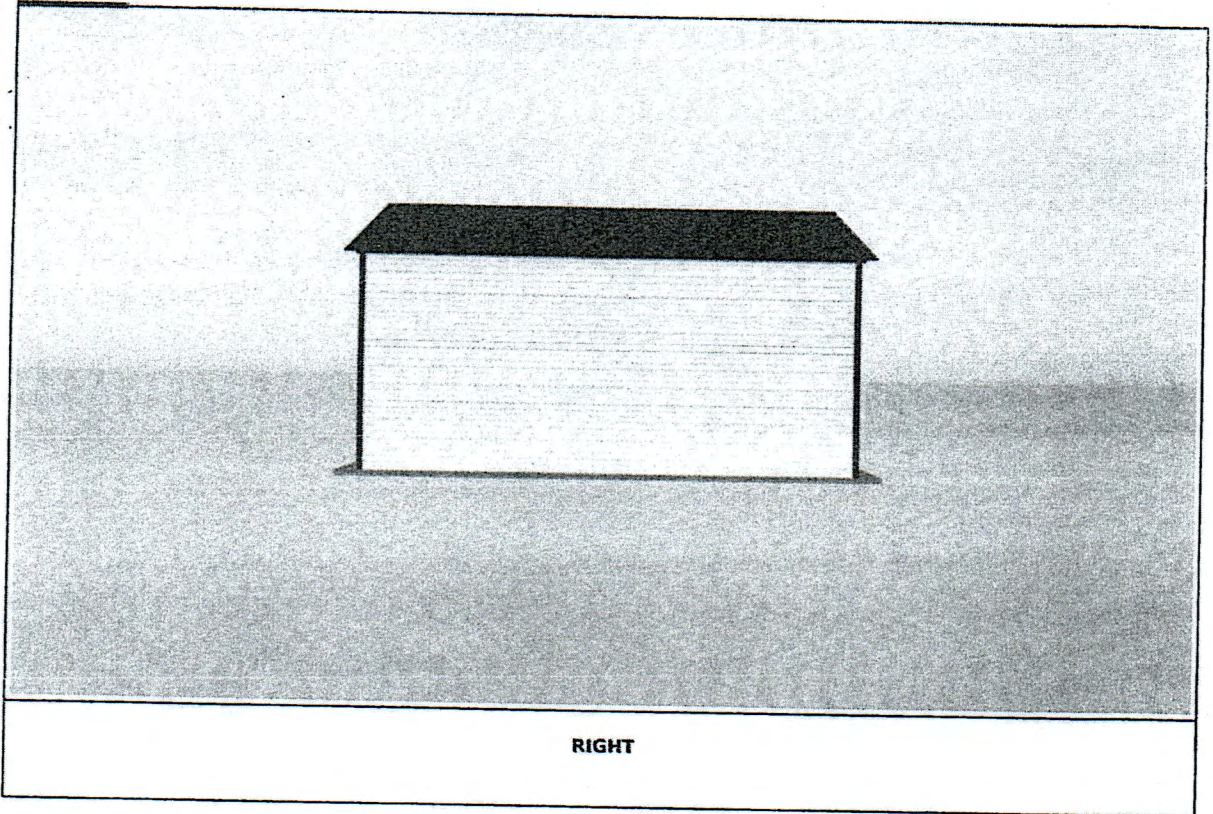
Building Amount:	\$5,740.70
Manufacturer Discount:	\$0.00
Sub Total:	\$5,740.70
City Tax (1%)	\$57.41
Special Tax (1.6%)	\$91.85
State Tax (6.25%)	\$358.79
Additional Charges	\$0.00
Grand Total	\$6,248.75
Pay Now	
Downpayment	\$1,033.33
Balance Due	\$5,215.42

BUILDING VIEW

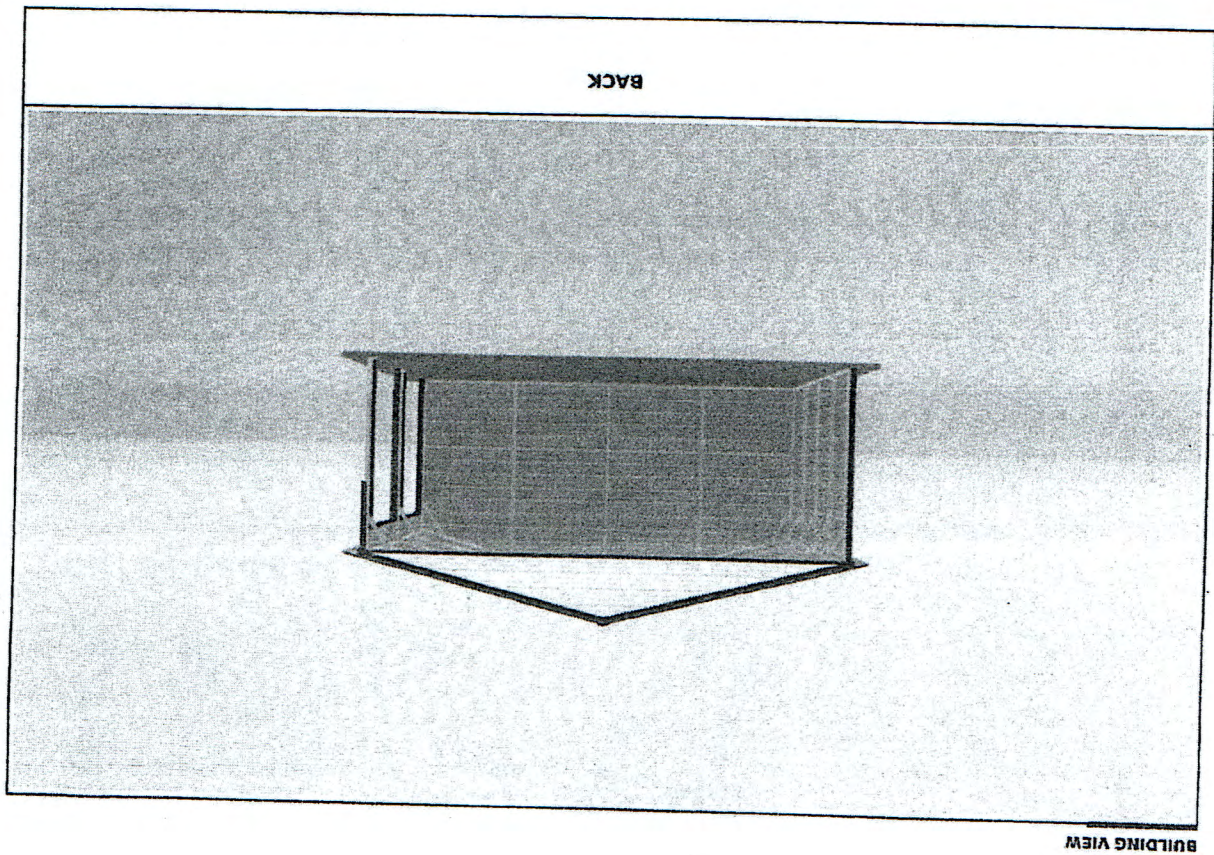


FRONT

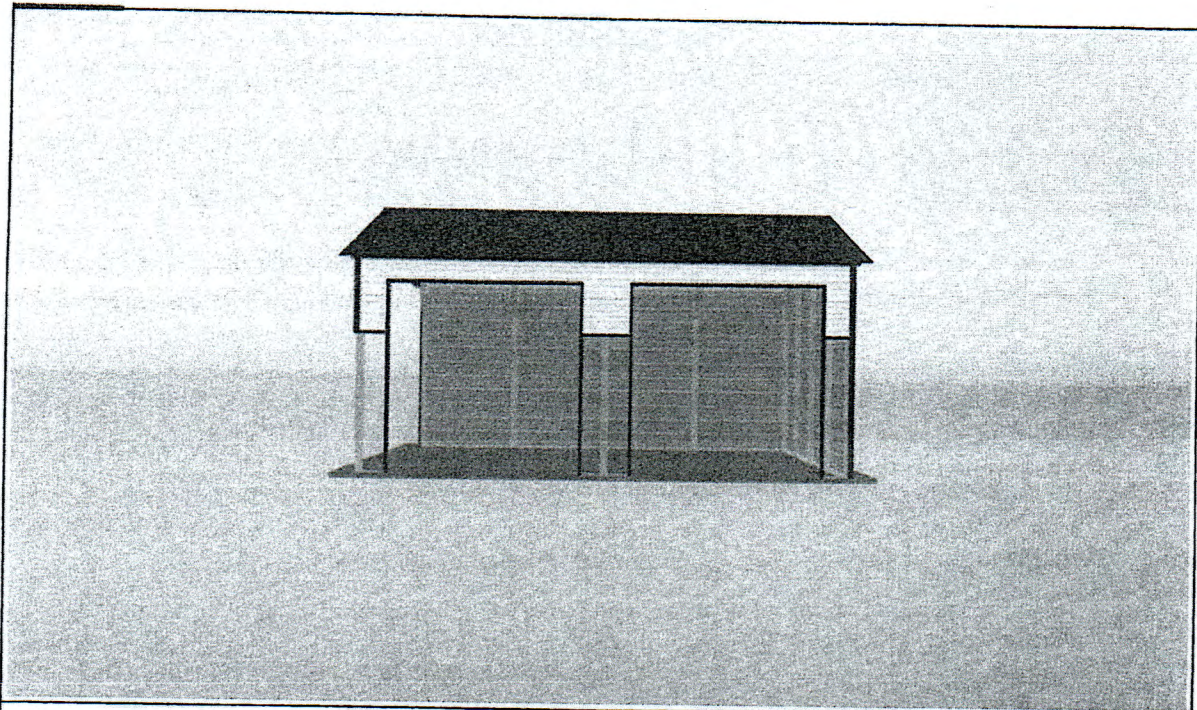
BUILDING VIEW



RIGHT



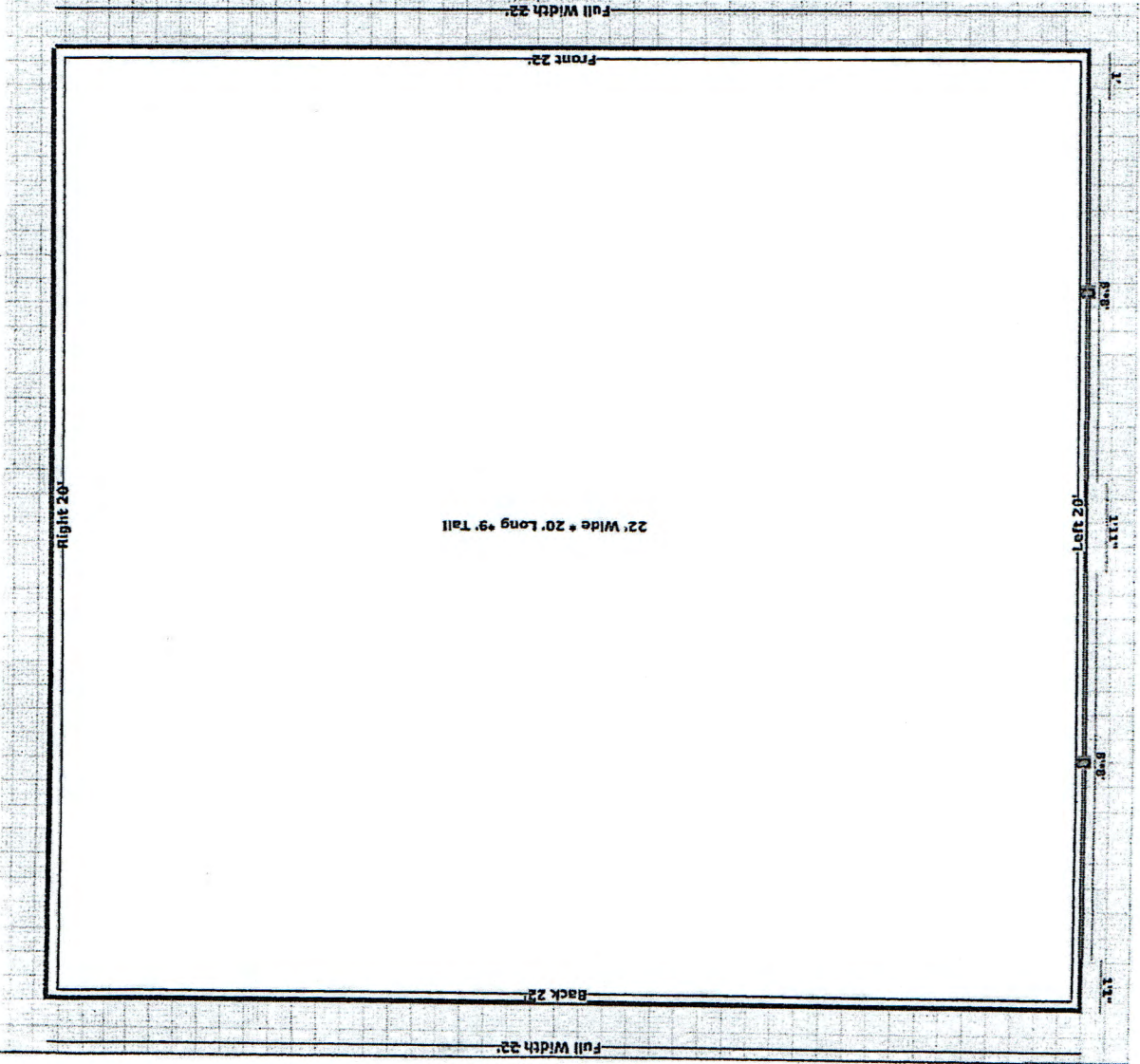
BUILDING VIEW



LEFT

LEGENDS

☐ Garage Door
 ☐ Garage Door Frameout
 ☐ Walk in Door
 ☐ Walk in Door Frameout
 ☐ Windows
 ☐ Windows Frameout
 ☐ Open Wall
 ☐ Close Wall
 ☐ Distance
 ☐ Storage Length (Utility)
 ☐ Cupola





20ft

-89.998 38.602 Degrees

CITY OF FAIRVIEW HEIGHTS
10025 BUNKUM ROAD
FAIRVIEW HEIGHTS IL 622 618-489-2000

Receipt No: 2.059096

Jun 4, 2025

Previous Balance: .00
PERMITS
ZBA HEARING FEE8 SPIVEY 150.00
LANE
001-000-4-390-00
ZONING PERMITS

Total: -----
150.00
=====

GENERAL FUND CHECK
Check No: 9770 150.00
Payor:

JOHN H OR JERRI K ZIMMERMAN
Total Applied: -----
150.00
=====

Change Tendered: -----
.00
=====

06/04/2025 3:40 PM



CITY OF FAIRVIEW HEIGHTS

10025 Bunkum Road ♦ Fairview Heights, Illinois 62208 ♦ Phone: (618) 489-2000 ♦ www.cofh.org

June 13, 2025

RE: ZBA01-25, Area Bulk Variance, 8 Spivey Lane, Fairview Heights, IL (03-21.0-303-007).

Dear Property Owner/Resident:

Please be aware that a Public Hearing before the Fairview Heights Zoning Board of Appeals will be held on Thursday, July 3rd, 2025, at 7:00 p.m. in the Fairview Heights Municipal Complex, 10025 Bunkum Road, Fairview Heights, Illinois, regarding 8 Spivey Lane. As a property owner/resident within the vicinity of the subject site, you are being notified of the Public Hearing.

The Zoning Board of Appeals will consider an Area Bulk Variance to reduce the setback dwelling and detached carport from 10' to 4'. The property is located at 8 Spivey Lane, Fairview Heights, IL 62208, St. Clair County PIN(s) 03-21.0-303-007.

All persons desiring to appear and be heard on this proposal may appear at said hearing and be heard thereon. We cannot contact all interested parties by mail, so please share this information with anyone who may be interested.

If you have any questions, please feel free to contact this office at 618-489-2065 or 489-2061.

Sincerely,

Amanda Schwartz

Amanda Schwartz
Recording Secretary
City of Fairview Heights



DEPARTMENT OF LAND USE AND DEVELOPMENT

PUBLIC HEARING NOTICE

Notice is hereby given that a public hearing will be held before the Fairview Heights Zoning Board of Appeals on Thursday, July 3rd, 2024 at 7:00 p.m. in the Fairview Heights Municipal Complex 10025 Bunkum Road, Fairview Heights, Illinois and virtually at which time and place the Zoning Board of Appeals will consider an Area Bulk Variance to allow to reduce the setback dwelling and detached carport from 10' to 4'. The property is addressed as 8 Spivey Lane, Fairview Heights, County PIN 03-21.0-303-007.

Request was made by Jerri K & J Harry Zimmerman, 8 Spivey Lane, Fairview Heights IL 62208.

All persons desiring to comment on this proposal may appear at said hearing and be heard thereon.

Dated June 13, 2025.

FAIRVIEW HEIGHTS ZONING BOARD OF APPEALS

BY: Ronald Abernathy

ZBA01-25

FINDINGS

ZBA01-25

Board member _____ moves to recommend approval of ZBA01-25, an Area Bulk Variance to permit the minimum lot size at St. Clair County PIN(s) 03-21.0-303-007 to reduce setback dwelling and detached carport from 10' to 4' in the R-3 Single Family Residential District.

Area/Bulk Variance

1. The request will /will not be injurious or detrimental to the public health, safety and welfare.
2. The applicant is / is not requesting a variance due to the size of the parcel.
3. Strict application of the Code would / would not deprive the applicant of reasonable use of the property.
4. The request would / would not alter the essential character of the area.
5. The request will / will not extend the nonconformity.