

# *Village of Albers*

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*Albers, IL 62215-0132*

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*“Providing security and services to improve the quality of life for our residents.”*

## **NOTICE OF PUBLIC HEARING BEFORE THE ALBERS ZONING BOARD OF APPEALS**

TO WHOM IT MAY CONCERN:

A meeting will be held at the Village Hall, Albers, IL, on Aug. 17, 2023, at 6:00 pm. at which time you may appear and be heard for or against said proposals. If you wish to view additional information concerning these applications, please contact me at my office. 207 E. Dwight Street, Albers, IL, or phone at (618) 248-5687.

### **Item #1**

A request for a Zoning Variance to Section 40-4-2, Zoning District Requirement Schedules, Area and Bulk Regulations, has been made by Ben Kruep and Jessie Goodin for 501 State Route 161 W. Albers, IL, 62215. The property is zoned R-1. They are requesting to reduce the side setback to accommodate construction of a new garage. The existing garage which is to be removed is close to or on the property line. The existing requirement is a 25’ side setback if used as a vehicle entry. They are requesting to reduce the side setback to 8’-6”.

### **Item #2**

A request for a Zoning Variance to Section 40-7-3, Nonconforming Structures, has been made by Bill and Jeannie Brendel for 119 N. Commercial St., Albers, IL, 62215. The property is zoned Commercial. They are requesting to add a garage and porch to the existing home.

Jeannie Brendel  
Albers Zoning Administrator

*Stephen Schomaker - Village President*

*Trustees - Scott Athmer, Cliff Behrmann, Kevin Kenow, Mike McDermid, Kent Schwierjohn and Jeff Timmermann*

*Brenda Morris - Village Clerk*

*Cindy Hubert - Village Treasurer*

*Jeannie Brendel - Zoning Administrator*

*Eric Rolves – Streets & Lighting Superintendent*

*Chris Horstmann - Water & Sewer Superintendent*

*Brian Vielweber - Police Chief*



*- We Care, We Recycle*

ARTICLE 7 - NONCONFORMITY.

40-7-1. NONCONFORMING LOTS. Any vacant lot that does not conform to one or more of the lot size requirements of the zoning district in which it is located may be used if such vacant lot:

- (A) Is a lot of record prior to the date of the adoption of the Zoning Code;
- (B) Has continuously remained in separate ownership from abutting property throughout the entire period since the Zoning Code was adopted; and
- (C) Is at least Thirty (30) feet wide and Fifty (50) feet deep.

40-7-2. LOTS IN COMMON OWNERSHIP. If Two (2) or more lots or combinations of lots and portions of lots with continuous frontage were lots of record and in common ownership prior to the date of adoption of the Zoning Code, and if one or more of those lots does not meet the minimum lot size requirements of the zoning district in which it is located, the land involved shall be considered an undivided parcel. No portion of any such parcel shall be developed except in compliance with this Code, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this Code.

40-7-3. NONCONFORMING STRUCTURES. Any lawful structure which exists prior to the date of adoption of the Zoning Code, but which could not be erected under the terms of this Code may lawfully remain, provided that such structure shall not be:

- (A) Enlarged or altered in any way which increased its nonconformity;
- (B) Relocated unless, after relocation, it will conform to all the regulations of the zoning district in which it is located; and
- (C) Reconstructed, following destruction or damage by means, if the Zoning Administrator determines that the cost of such reconstruction exceeds Fifty Percent (50%) of the structure's marked value at the time of loss, unless after reconstruction the structure will conform to all applicable regulations of the zoning district in which it is located. In the event the Zoning Administrator determines the estimated cost of reconstruction is Fifty Percent (50%) or less of the structure's marked value at the time of the loss, repairs or reconstruction shall be permitted, provided such work starts within Six (6) months from the date the damage occurred and is diligently prosecuted to completion. The Zoning Administrator may require the owner of the damaged structure to provide the reconstruction cost estimate made by a bona fide construction contractor and the structure's market value at the time of loss as determined by a licensed real estate appraiser.

VILLAGE OF ALBERS ORDINANCE:

40-4-2 (B) Area and bulk regulations.

	Non-Urban 1 (NU-1)	Non-Urban 2 (NU-2)	Residential 1 (R-1)	Residential 2 (R-2)	Commercial (C)	Industrial (I)	Flood Plain Overlay (FP- O)
Minimum District Size	None	1/2 acre	2 acres	2 acres	1 acre	3 acres	None
Minimum Lot Size (area)	3 acres	21,780 sq feet	9,000 sq feet	6,000 sq feet	6,000 sq feet	6,000 sq feet	S A M E as the Zoning District it O V E R L A Y S
Minimum Lot Size (width)	250 feet	100 feet	75 feet	50 feet	50 feet	50 feet	
Minimum Lot Size (depth)	250 feet	100 feet	110 feet	100 feet	100 feet	100 feet	
Principal Structure (from front line)	50 feet	40 feet	30 feet (see Note 1)	25 feet (see Note 1)	30 feet (see Note 1 & 2)	30 feet	
Principal Structure (from side - combined)	60 feet	30 feet	15 feet (see Note 1)	15 feet (see Note 1)	15 feet (see Note 1 & 2)	15 feet	
Principal Structure (either lot lines)	25 feet	5 feet	5 feet	5 feet	5 feet (see Note 2)	5 feet	
Principle Structure (from rear lot line)	25 feet	25 feet	25 feet	20 feet	20 feet (see Note 2)	20 feet	
Accessory Structure (from front lot line)	50 feet	50 feet	30 feet	25 feet	30 feet (see Note 2)	30 feet	
Accessory Structure (from side lot line)	5 feet	5 feet	5 feet	5 feet	5 feet (see Note 2)	5 feet	
Accessory Structure (from rear lot line)	5 feet	5 feet	5 feet	5 feet	5 feet (see Note 2)	5 feet	
Maximum Building Height (principal structure)	None	35 feet	30 feet	35 feet	35 feet	35 feet	
Maximum Building Height (accessory structure)	None	20 feet	20 feet	20 feet	25 feet	25 feet	

NOTE: (1) If said lot is a corner lot with Two (2) sides facing a street, then the setback for the front of the residence or building shall be Thirty (30) feet. If the side of the structure is used as a vehicle entrance, the side lot setback shall be at least Twenty Five (25) feet. If there is no vehicle entrance, then the side lot setback shall be at least Fifteen (15) feet.

NOTE: (2) When light industry abuts Residential, Twenty Five (25) feet setback and landscape buffer are required. (See 40-6-7 (D))