



CITY COUNCIL AGENDA ITEM STAFF REPORT

MEETING DATE:	JUNE 10, 2025
TITLE:	AN ORDINANCE AUTHORIZING THE CITY COUNCIL TO AFFIRM OR REVERSE THE DECISION OF THE ZONING HEARING OFFICE TO DENY A VARIANCE REQUEST BY WILLIAM AND CATHY SCHUERMANN IN RELATION TO ABOVE GROUND POOL SETBACK REQUIREMENTS LOCATED AT 221 LEE AVENUE.
DEPARTMENT:	COMMUNITY DEVELOPMENT
PROJECT MANAGER:	CAITLIN RICE, AICP, SENIOR PLANNER, TRAVIS TAYLOR, AICP COMMUNITY DEVELOPMENT DIRECTOR
REQUESTED ACTION:	AFFIRM THE DECISION OF THE ZONING HEARING OFFICER
ATTACHMENTS:	ORDINANCE, DETERMINATION OF THE ZONING HEARING OFFICER, VARIANCE STAFF REPORT

EXECUTIVE SUMMARY

On April 17, 2025, the Zoning Hearing Officer denied the request for a Variance for a 6'3" side yard setback for an above ground pool at 221 Lee Avenue. Section 17.060.090 – Swimming pool (noncommercial; accessory use) requires a minimum ten (10) foot setback from side and rear property lines. The above ground pool was constructed without a building permit and the applicant requested a variance to approve the 6' 3" setback.

As per Section 17.100.050.F, "City Council Power of Administrative Review", of the Municipal Code, the City Council, within 30 days of the Zoning Hearing Officer's decision, may, upon majority vote, exercise the power of administrative review. The City Council was notified of the Zoning Hearing Officer's decision on April 17, 2025. Staff received notice from Council Members to request administrative review on April 24, 2025. The City Council voted to review the Zoning Hearing Officer's decision on May 27, 2025, with a majority vote.

Per Section 17.130.040., the Hearing Officer may grant a variance only if it is in harmony with the general purpose and intent of the Collinsville Zoning Regulations and in accordance with general or specific rules adopted and only in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any regulation of the Collinsville Zoning Regulations relating to the use, construction, alteration of buildings, or structures or the use of land, but in no other case. A request for a variance may be granted, upon a finding and determination on the record of the Hearing Officer and the requirements of the Collinsville Zoning Regulations are met and that all of the following conditions are satisfied and present or upon such conditions as may the Hearing Officer establishes as will meet such conditions:

The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district and is not created by an action or actions of the property owner or applicant.

- A. *The granting of the permit for the variance will not adversely affect the rights of adjacent property owners represented in the application.*

June 10, 2025

221 Lee Avenue, VAR 25-03

- B. *The strict application of the provisions of the Zoning Regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.*
- C. *The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.*
- D. *The granting of the variance desired will not be opposed to the general spirit and intent of the Zoning Regulations.*

Staff recommends affirming the decision of the Zoning Hearing Officer. As presented during the public hearing on April 16, 2025, staff finds that the variance requested **does not** arise from a condition that is **unique to the property** in question, **is ordinarily found** in the same Single Family Residential Zoning District, and **is created by an action of the property owner** and applicant by not applying for a building permit prior to installation. The table below summarizes staff's findings on the four (4) criteria required for granting a variance. Per Section 17.130.040 **all criteria** must be met to grant a variance.

Summary of Conditions Required for Granting One (1) Variance William (Bill) & Cathy Schuermann - 221 Lee Avenue	
Conditions	Variance Requests: 1. Pool Setback: Below The Minimum Ten (10) Foot Setback To The Side Lot Line (East)
A	Does Not Meet Conditions
B	Does Not Meet Conditions
C	Meets Conditions
D	Does Not Meet Conditions

Per the Decision of the Zoning Hearing Officer, the Hearing Officer denied the Variance finding that the requirements of the City of Collinsville Zoning Regulations had not been met, specifically stating *"The granting of the proposed variance will adversely affect the rights of adjacent property owners . . . [A]ny future property owners of 217 Lee Avenue may have an aversion to the setback of the pool encroaching on their property line. Further, the reasons given for the unnecessary hardship as stated by Petitioners in their application do not constitute an unnecessary hardship upon the property owners. As stated above, Petitioners could have easily achieved compliance with the City of Collinsville Zoning Ordinance Section 17.060.090. Swimming pools, by contacting the City of Collinsville regarding proper code compliance and obtaining the required building permit prior to constructing their above ground pool."*

RECOMMENDATION

Staff recommends approval of the Ordinance affirming the Decision of the Zoning Hearing Officer to deny the Variance request of William and Cathy Schuermann for an above ground pool side yard setback of 6'3" at 221 Lee Avenue.