



Madison County Government
Planning and Development Department

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MINUTES

Zoning Board of Appeals

Tuesday March 28, 2017 at 8:30 a.m.

157 N. Main Street, Suite 254, Edwardsville, IL

Present were Misters Campbell, Davis, St. Peters, Sedlacek, and Janek

Absent were Misters Dauderman and Koeller.

- 1. Call to Order – The Chairman, Michael Campbell, called the meeting to order at 8:30 a.m.**
- 2. On-Site Hearings and Public Comment**
 - a. The ZBA conducted on-site public hearings at the times and locations indicated in the agenda schedule. The ZBA reconvened in the Planning and Development Department Conference Room at 12:25 p.m. to conduct the final public hearing, take public comment, and complete motions and votes. Please see the Findings of Fact for the hearing summaries and public comment.
- 3. Approval of Minutes**
 - a. John Janek made a motion to approve the minutes from February 28, 2017. Seconded by John Sedlacek. Voice Vote. All Ayes. Motion approved.
- 4. Unfinished Business**
 - a. **Z17-0009** – Petition of Retail Place, LLC remained tabled at the request of the applicant.
- 5. New Business**
 - a. **Z17-0013** – Petition of Rick, Beth, and Bryce Kiel. John Sedlacek made a motion to approve the request. Seconded by John Janek. Voice vote. All Ayes. Motion approved.
 - b. **Z17-0012** – Petition of Gina Palozzola. John Janek made a motion to approve the request with conditions. Seconded by Pat. St. Peters. Voice vote. All ayes. Motion approved.
 - c. **Z17-0011** – Petition of Nic and Chandra Gould. John Janek made a motion to approve the request. Seconded by Loren Davis. Voice vote. All ayes. Motion approved.
 - d. **Z17-0010** – Petition of David and Shawna Lindley. John Sedlacek made a motion to approve the special use permit for 5 chickens with conditions and deny the special use permit for the goat. Seconded by Pat St. Peters. Roll call vote. All ayes. Motion approved.
 - e. **Text Amendment** – Petition requesting a Text Amendment. John Janek made a motion to table the text amendment until the following Zoning Board of Appeals meeting. Seconded by John Sedlacek. Voice vote. All ayes. Motion approved.
- 6. Planning Coordinator’s Report**
 - a. Andi Yancey informed the Zoning Board of Appeals that the next set of hearings will be April 25, 2017.
- 7. Adjournment**
 - a. Motion made by John Sedlacek and seconded by Pat St. Peters to adjourn. Voice Vote. All ayes. Motion approved.

March 28, 2017

Findings of Fact and Recommendations

Mr. Michael Campbell, Chairman, called the meeting to order at 8:30 a.m. in the office of the Madison County Planning and Development Department.

Present were Misters Campbell, Davis, Sedlacek, St. Peters, and Janek.

Absent were Misters Dauderman and Koeller.

The Board of Appeals, established by the Chairman and the Board of Supervisors and provided for under the terms of the Madison County Zoning Ordinance, 1963 and all subsequent amendments/revisions thereto does hereby submit the Reports and Recommendations on the following:

File #Z17-0013 – Rick, Beth, and Bryce Kiel	(Moro Township)
File #Z17-0012 – Gina Palozzola	(Wood River Township)
File #Z17-0011 – Nic and Chandra Gould	(Saline Township)
File #Z17-0010 – David & Shawna Lindley	(Collinsville Township)

Finding of Fact and Recommendations

Z17-0013 – Petition of Rick, Beth and Bryce Kiel, applicants, and Elfrieda Ludwig, owner of record, requesting a variance as per Article 93.023, Section B, Item 2 of the Madison County Zoning Ordinance in order to construct a new residence that will be 35 feet from the north and south property lines instead of the required 50 feet. This is located in an Agricultural District in Moro Township, on Loop Road, Dorsey, Illinois. PPN #16-1-03-04-00-000-001 (05)

A **motion** was made by Mr. Sedlacek and seconded by Mr. Janek that the petition of Rick, Beth and Bryce Kiel be as follows: **Granted.**

The Finding of Fact of the Board of Appeals: I. The notice of public hearing was posted on the property in accordance with the terms of the ordinance; II. The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; III. The adjoining property owners were notified by mail of the time and date of the public hearing; IV. Bryce Kiel, applicant, stated that he is asking for a variance in order to build a home on the property because the property is only 136 feet wide and he and his wife are looking to build something aesthetically pleasing. Mr. Kiel stated that they have decided on a ranch style home, which is why he is requesting to be 35 feet from the north and south property lines; V. Richard Hurst, adjoining property owner to the north, stated that he is opposed to the request due to the agricultural nature of the area. Mr. Hurst stated that there could be potential chemical drift, that he hauls manure because he has livestock, and that they pasture the cornstalks for the cattle in the winter time using an electric fence, which is why he is opposed to the request. Mr. Hurst concluded by stating that it is not wide enough in there and inquired about water run-off from the dwelling; VI. Charles Jordan, the tenant who farms the adjoining ground to the south of the subject parcel, stated that he fears because he lives on a farm and he has farm fields to the north and south of his home and he knows that there is dust for preparation of seeding and also at harvest time. Mr. Jordan also expressed concerns with chemicals, stating that he does things properly and can still smell chemicals. Mr. Jordan stated that he is concerned that if someone builds a house here that there will be complaints surrounding dust and chemicals; VII. Don Moulton, the property owner to the east, stated that he worried about the manure and chemicals; VIII. Chairman Mike Campbell noted for the record that the applicant could build a house on the parcel regardless of whether the variance was granted, explaining that the request is being made in order to locate the home fifteen feet closer to the property lines than he otherwise could; IX. Mr. Kiel stated that he lives on five acres approximately ten miles north in an agricultural area, and that he is not bothered by manure spreading or chemical applications and is aware that the surrounding properties are engaged in agricultural activities; X. The Board of Appeals notes for the record that the proposed variance request would not harm the local objectors as most of the concerns regarding farm operations and potential nuisances will be endured by the petitioners and not the adjoining owners; XI. The Board of Appeals notes that the applicant currently lives in an agricultural area and is aware of the risks, XII. The Board of Appeals feels that to allow this request would not cause a

detrimental effect on adjoining properties and is compatible with the surrounding area; XIII. The Board of Appeals notes that the Comprehensive Plan, Madison County Zoning Ordinance, and the zoning file were taken into consideration.

Voice Vote.

Ayes to the motion: Misters Campbell, Davis, Sedlacek, St. Peters, and Janek.

Nays to the motion: None.

Absent: Misters Dauderman and Koeller.

Where upon the Chairman declared the motion duly adopted.

Finding of Fact and Recommendations

Z17-0012 – Petition of Gina Palozzola, owner of record, and occupant of manufactured home, requesting a special use permit as per Article 93.025, Section G, Item 9 in order to continue placement of a single-wide manufactured home on site for the occupancy of Gina Palozzola for a period not to exceed five years. This is located in an "R-4" Single-Family Residential District in Wood River Township, at **1446 11th Street, Cottage Hills, Illinois**. PPN: 19-2-08-03-02-204-003 **(13)**

A **motion** was made by Mr. Janek and seconded by Mr. St. Peters that the petition of Gina Palozzola be as follows: I. This special use permit is granted for the sole usage of Gina Palozzola for a period not to exceed five (5) years but may be extended either through an amendment to this special use permit or through an administrative review process, if qualified, as long as Gina Palozzola occupies the structure, notwithstanding any violations, nuisance, change in ownership, or change in occupancy. The owner shall remove the mobile home from the site or apply for a new special use permit when Gina Palozzola vacates the structure;

The Finding of Fact of the Board of Appeals: I. The notice of public hearing was posted on the property in accordance with the terms of the ordinance; II. The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; III. The adjoining property owners were notified by mail of the time and date of the public hearing and none were in attendance; IV. Gina Palozzola, owner of record, stated that she is seeking a special use permit in order to continue placement of her single-wide mobile home on the parcel for her sole occupancy; V. The Board of Appeals notes for the record that the proposed special use is compatible with the surrounding area; VI. The Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties; VII. The Board of Appeals notes that the Comprehensive Plan, Madison County Zoning Ordinance, and the zoning file were taken into consideration.

Voice Vote.

Ayes to the motion: Misters Campbell, Davis, Sedlacek, St. Peters, and Janek.

Nays to the motion: None.

Absent: Misters Dauderman and Koeller.

Where upon the Chairman declared the motion duly adopted.

Finding of Fact and Recommendations

Z17-0011 – Petition of Nic and Chandra Gould, owners of record, requesting a variance as per Article 93.051, Section A, Item 3, Sub (c) of the Madison County Zoning Ordinance in order to construct a detached garage that will be 30 feet from the north property line instead of the required 50 feet. This is located in an Agricultural District in Saline Township, at 3115 Final Drive, Highland, Illinois. PPN#02-2-18-27-00-000-025 (03)

A **motion** was made by Mr. Janek and seconded by Mr. Davis that the petition Nic and Chandra Gould be as follows: **Granted.**

The Finding of Fact of the Board of Appeals: I. The notice of public hearing was posted on the property in accordance with the terms of the ordinance; II. The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; III. The adjoining property owners were notified by mail of the time and date of the public hearing and none were in attendance; IV. Nic Gould, applicant, stated that he is asking for a variance in order to build a detached garage 30 feet from the north property line instead of the required 50 feet due to the location of his lateral field; V. The Board of Appeals notes for the record that the proposed variance is compatible with the surrounding area; VI. The Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties; VII. The Board of Appeals notes that the Comprehensive Plan, Madison County Zoning Ordinance, and the zoning file were taken into consideration.

Voice Vote.

Ayes to the motion: Misters Campbell, Davis, Sedlacek, St. Peters, and Janek.

Nays to the motion: None.

Absent: Misters Dauderman and Koeller.

Where upon the Chairman declared the motion duly adopted.

Finding of Fact and Recommendations

Z17-0010 – Petition of David & Shawna Lindley, applicants and owners of record, requesting a special use permit as per Article 93.025, Section G, Item 20 of the Madison County Zoning Ordinance in order to raise five (5) chickens and one (1) goat on the property. This is located in an "R-2" Single-Family Residential District in Collinsville Township, at **5927 Galli Lane, Collinsville, Illinois**. PPN#13-1-21-16-00-000-032 **(25)**

A **motion** was made by Mr. Sedlacek and seconded by Mr. St. Peters that the petition of David and Shawna Lindley be as follows: I. That the special use permit is granted for 5 chickens only and no goat for the sole usage of David and Shawna Lindley. Any change of ownership will require a new special use permit; II. The owner shall keep the property in compliance with all Madison County Ordinances; III. The owner shall apply for an amendment to this special use permit for any future alterations, modifications, or expansions of the use; IV. The owner's failure to adhere to the conditions of the special use permit will cause revocation of the same, and require immediate removal of the domestic farm animals, chicken coop, and chicken run.

The Finding of Fact of the Board of Appeals: I. The notice of public hearing was posted on the property in accordance with the terms of the ordinance; II. The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; III. The adjoining property owners were notified by mail of the time and date of the public hearing; IV. David Lindley, owner of record, stated that he is seeking a special use permit in order to raise five chickens and one goat on site. Mike Campbell asked Mr. Lindley for the size of the property. Mr. Lindley stated it was .93 acres and that he was seeking to keep the animals for personal and educational use as his children are home schooled; V. Donald Kerkemeyer, adjoining property owner to the north, spoke in opposition to the request. Mr. Kerkemeyer stated that the goat creates a horrible noise situation because it whines in the yard all day like a kid, creating constant noise. Mr. Kerkemeyer stated that prior to the chickens, the Lindleys had five geese in the yard, which also created a more annoying noise than the goat. Mr. Kerkemeyer stated that there had also been a rooster on the property, which was also removed. Mr. Kerkemeyer stated that the goat has eaten all the vegetation in his area and that he's 90% sure that this is causing siltation on his property. Mr. Kerkemeyer stated that he can't sit outside and enjoy his yard due to the incessant noise caused by the goat; VI. Paul Zellner, adjoining property owner to the north, spoke in opposition to the request. Mr. Zellner stated that allowing farm type animals is disruptive to a single-family environment, where he's lived for 22 years. Mr. Zellner stated that the constant noise from the rooster and the goat have ruined the peaceful enjoyment of his home and yard. Mr. Zellner said that he could not sit outside without the animals causing a distraction to either him or his guests. Mr. Zellner concluded by asking if the Board allows this, what is Mr. Lindley going to bring in next and who is going to police the situation; VII. Elizabeth Willnow, adjoining property owner to the north, stated that she has had to run out of her house in shorts and a bra due to stray dogs being in her yard. Ms. Willnow stated that she keeps her dog on a run line. Ms. Willnow stated that she called Madison County 5-10 times about the dog barking before anything was done. Chairman Mike Campbell informed Ms. Willnow that the dogs were not being considered in this hearing. Ms. Willnow stated that the geese and the goat were annoying too, explaining that she cannot leave her back door open anymore because the noise comes straight through her house; VIII. Scott Peery, nearby property owner, stated that he's had issues with animal noise coming from the Lindley's area. Mr. Peery stated that to allow 5 chickens and a goat, he feels would be moving down a path toward more geese and more dogs, even though that's not the issue at hand. Mr. Peery stated that the applicant can go to Willoughby Farms for animal education, he doesn't need it in his back yard; IX. Jetieme Morris, adjoining property owner to the west, spoke in favor of the request. Ms. Morris stated that she helped the Lindley's install their fence for the animals and were careful to set everything back from the property lines according to rules. Ms. Morris stated that they were not aware of their zoning classification, and have removed all the restricted animals. Ms. Morris stated that she is in the closest proximity to the Lindleys and doesn't mind the noises; X. Mr. Lindley apologized to the crowd for the geese, stating that they were domesticated Chinese geese and that they had no idea that they would be that loud, which is why they placed them in a rural area in Missouri. Mr. Lindley stated that if the board approved the special use permit it will only be for the animals stated in the request. Mr. Lindley stated that the property was purchased as a foreclosed property, and it required a lot of excavation, which could potentially be the cause of the siltation Mr. Kerkemeyer spoke to, but that he did not think the was a result of the animals. Mr. Lindley stated that he would be willing to leave the goat off the special use permit as a compromise since it had already served its purpose by eating most of the poison ivy on the property; XI. Shawna Lindley, property owner, seconded Mr. Lindley's apology regarding the geese and the excessive noise. Mrs. Lindley stated that she doesn't feel that the goat cries incessantly and does not consider the goat to be distressed. Mrs. Lindley stated that she'd like to keep the goat; XII. The Board of Appeals notes for the record that most of the opposition was regarding the goat and the noise it creates, and that the objectors seemed open to the compromise of allowing the chickens and denying the goat; VI. The Board of Appeals feels that

to allow the five chickens would not cause a detrimental effect on adjoining properties; VII. The Board of Appeals notes that the Comprehensive Plan, Madison County Zoning Ordinance, and the zoning file were taken into consideration.

Roll-call Vote.

Ayes to the motion: Misters Campbell, Davis, Sedlacek, St. Peters, and Janek.

Nays to the motion: None.

Absent: Misters Dauderman and Koeller.

Where upon the Chairman declared the motion duly adopted.