

Zoning Board of Appeals Meeting Minutes
Tuesday April 25, 2017 at 8:30 a.m.
157 N. Main Street, Suite 254, Edwardsville, IL

Present were Misters Campbell, Davis, Sedlacek, Koeller, Janek, and Metzler.
Absent was Mister St. Peters.

- 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 12:45 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. Loren Davis made a motion to approve the minutes from March 28, 2017. Seconded by John Sedlacek. Voice Vote. All Ayes. Motion approved.
- 4. Unfinished Business**
 - a. **Z17-0009** – Petition of Retail Place, LLC. John Sedlacek made a motion to bring the request off the table for consideration. Seconded by John Janek. Voice vote. All ayes. Steve Koeller made a motion to deny the request. Seconded by Loren Davis. Roll call vote. Ayes to the motion were Misters Davis, Koeller, Janek, and Metzler. There were no nays to the motion. Mr. Sedlacek abstained. Motion approved.
 - b. **Text Amendment** – Petition requesting a text amendment to Chapter 93 of the Madison County Code of Ordinances remained tabled.
- 5. New Business**
 - a. **Z17-0020** – Petition of Arthur and Derek Baugh. John Sedlacek made a motion to table the request until the following Zoning Board of Appeals meeting. Seconded by Loren Davis. Roll call vote. All Ayes. Motion approved.
 - b. **Z17-0016** – Petition of Dave Slemmer. John Janek made a motion to approve the request. Seconded by Don Metzler. Voice vote. All ayes. Motion approved.
 - c. **Z17-0015** – Petition of John and Sandra Hess. John Sedlacek made a motion to deny the request. Seconded by Steve Koeller. Roll call vote. All ayes. Motion approved.
 - d. **Z17-0018** – Petition of Tim Reeb and Kristen Wardlaw. John Janek made a motion to approve the request. Seconded by Loren Davis. Roll call vote. Mr. Sedlacek abstained. All ayes. Motion approved.
 - e. **Z17-0019** – Petition of Ardie Decker, Billy Foster, and Anne Mordis. John Janek made a motion to approve the request. Seconded by Don Metzler. Voice vote. All ayes. Motion approved.
 - f. **Z17-0014** – Petition of Mehmet Dinceroglu. Steve Koeller made a motion to approve the request. Seconded by John Janek. Roll call 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 May 9, 2017.
- 7. Adjournment**
 - a. Motion made by Steve Koeller and seconded by Loren Davis to adjourn. Voice Vote. All ayes. Motion approved.

April 25, 2017

Finding 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, Koeller, Sedlacek, Janek, and Metzler.

Absent was Mister St. Peters.

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 #Z17-0009 – Retail Place LLC	(Pin Oak Township)
File #Z17-0016 – Dave Slemmer	(Hamel Township)
File #Z17-0015 – John and Sandra Hess	(Marine Township)
File #Z17-0018 – Tim Reeb	(Jarvis Township)
File #Z17-0019 – Ardie Decker	(Nameoki Township)
File #Z17-0014 – Mehmet Dinceroglu	(Chouteau Township)

Finding of Fact and Recommendations

Z17-0009 - Petition of Retail Place, LLC, owner of record, requesting a zoning map amendment and preliminary plat approval in order to rezone two tracts of land consisting of 105.5 acres from "A" Agricultural District to "R-2" Single-Family Residential District. This is located in Pin Oak Township, on Staunton Road, Edwardsville, Illinois. PPNs: 10-1-16-10-00-000-008 & 10-1-16-09-00-000-009 **(11)**

February 28, 2017

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

A **motion** was made by Mr. Koeller and seconded by Mr. Janek that the petition of Retail Place, LLC be as follows: "Tabled until the following Zoning Board of Appeals meeting."

Roll-call vote.

Ayes to the motion: Misters Campbell, Davis, Koeller, and Janek.
Nays to the motion: None.
Absent: Misters Dauderman, Sedlacek, and St. Peters.

Where upon the Chairman declared the petition tabled.

March 28, 2017

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

At the request of the applicant, Retail Place, LLC, the petition remained tabled until the following ZBA meeting, scheduled for April 25, 2017.

April 25, 2017

Present were Misters Campbell, Davis, Koeller, Sedlacek, Janek, and Metzler.
Absent was Mister St. Peters.

A **motion** was made by Mr. Sedlacek and seconded by Mr. Janek that the petition of Retail Place, LLC be as follows: "Removed from the table for consideration."

Voice vote.

Ayes to the motion: Misters Davis, Koeller, Sedlacek, Janek, and Metzler.
Nays to the motion: None.
Absent: Mister St. Peters.

Whereupon the Chairman declared the petition removed from the table.

A **motion** was made by Mr. Koeller and seconded by Mr. Davis that the petition of Retail Place, LLC be as follows: "**Denied.**"

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. Don Osborn, representative for the applicant, stated that they are requesting an "R-2" Single-Family Residential zoning classification. Mr. Osborn stated that they had submitted a preliminary plat with the amount of lots

that would fit on the acreage, but that the lots could end up being a little bit larger. Mr. Osborn explained that the subdivision would be designed by a licensed engineer, so all the drainage and utilities will be approved and designed by a licensed engineer. Mr. Osborn stated that drainage is always a big issue, explaining that all the water will be detained on the property to take care of the rooftops and the streets and there will be no additional run-off from the farm field onto surrounding properties. Mr. Osborn stated that there is an agreement in place with the City of Edwardsville to provide public sewers and that public water and gas will be served to the property as well. ZBA Chairman Michael Campbell asked Mr. Osborn where the water would be supplied from. Mr. Osborn stated that Bond Madison would provide public water. Mr. Osborn stated that new homes in the proposed development would be in the \$400K and up price range. Chairman Campbell inquired how many lots were presently being proposed. Mr. Osborn stated that there have been a few different proposals, but that they were currently proposing around 170 lots. Chairman Campbell asked Mr. Osborn when the project would get underway if the request were approved. Mr. Osborn stated that, taking the engineering process and planning and development process into account, he would be surprised if they would get started this year, but that if everything was approved quickly, it would be possible to get work started by the end of the year. Chairman Campbell asked Mr. Osborn if he was aware that he is proposing a pretty major development directly across the street from the Edwardsville Gun Club. Mr. Osborn stated that he was aware; V. Dale Steinmetz, adjoining property owner, stated that he has concerns regarding stormwater drainage. Mr. Steinmetz stated that he, along with two additional adjoining neighbors, own and maintain a pond just north of the development proposal and that the pond is fed entirely by the water runoff from the farm field. Mr. Steinmetz explained that it would have a major effect on their property values if the pond is not properly fed and maintained. Mr. Steinmetz stated that he is concerned with how the pond will be fed – not only how much water and how fast, but also the quality of water and erosion. Mr. Steinmetz stated that he had several similar concerns, none of which had been addressed by anybody, and how adjoining property owners would participate in the process and what assurances they would receive. Mr. Steinmetz stated that this is the first time they've spoke to anyone regarding the pond and submitted a letter to the Board with the concerns and names and phone numbers of adjoining property owners. Mr. Steinmetz stated that he is concerned with drainage and the size of the proposed lots. Mr. Steinmetz stated that a culture has emerged in the surrounding area in which the average lot size is 1.5 to 2 acres, and that most residents had moved to the area for that atmosphere, which would be dramatically altered if the proposed subdivision is approved and developed. Mr. Steinmetz stated that they are not looking to stop all development, but that it would be better if the proposed subdivision were more in line with the character of the surrounding area. Mr. Steinmetz concluded by stating that property values were just starting to rebound and that he was concerned what the proposed development would mean for surrounding property values and the style of living they chose when moving to the area; VI. Mary Ellen Maxwell, adjoining property owner, seconded Mr. Steinmetz's concern regarding stormwater drainage and how it would affect the pond to the north of the proposal. Mrs. Maxwell also echoed Mr. Steinmetz's comments regarding the culture of the area, specifically as regards the gun club. Mrs. Maxwell stated that one of the reasons they moved to the area was to be near the gun club, explaining that they are members of and love the gun club and the noises that come with being in such close proximity. Mrs. Maxwell stated that she has concerns with the density of the proposal. Mrs. Maxwell stated that this dense development will attract people that typically live within city limits and are likely not used to a rural community and atmosphere, and she is concerned that the gun club will be subject to complaints from new neighbors not accustomed to the noise associated with the gun club being there. Mrs. Maxwell stated that the gun club initially moved to its current location due to neighbor complaints, and she doesn't want to see that happen again if new homes were to be built across the street. Mrs. Maxwell stated that the gun club is an asset to the area and she does not want to lose it. Mrs. Maxwell then spoke to traffic concerns associated with the proposal. Mrs. Maxwell stated that she has two children that catch the bus right down from the proposal at the Staunton Road and Emerald Hills intersection, explaining that she is concerned with the increased traffic flow as regards safety and wear and tear on the chip and gravel road. Mrs. Maxwell concluded by stating that she is not opposed to the property being developed, but that she wants to be engaged in the process and that the proposal should fit the character of the surrounding area; VII. Eddie Hanks, nearby property owner, agreed with Mr. Steinmetz's and Mrs. Maxwell's stated concerns. Mr. Hanks stated that he is also part owner of the pond and would like to be assured that it will not be affected by the proposed development. Mr. Hanks also spoke in support of the gun club, stating that he lived by their location on Dunlap Lake and does not want to see the same thing happen again; VIII. David Endres, adjoining property owner, also expressed concerns regarding the proposal. Mr. Endres stated that he also had concerns regarding stormwater drainage. Mr. Endres stated that his septic field abuts the proposal and tends to get overwhelmed if drainage is not maintained. Mr. Endres stated that his primary concerns are his basement flooding due to drainage ways not being properly maintained and his septic system backing up into his house if drainage becomes an issue. Mr. Endres stated that he agrees with his neighbor's comments regarding the culture of the area, specifically citing the gun club. Mr. Endres stated that they know the parcel will develop, but he is concerned with the style of living; IX.

Jayne Endres, adjoining property owner, stated that she had a few questions regarding water deferment. Mrs. Endres stated with their property being on the corner of the proposed development and having the low-lying piece of property, she is concerned with the proposed drainage pond. Mrs. Endres stated that they have been situated next to a drainage pond in the past where the pond was not properly maintained, which led to her living next to a pond filled with algae and moss. Mrs. Endres stated that she is concerned with how the proposed detention pond will be maintained. Mrs. Endres also expressed concerns regarding the extra traffic the proposed development will bring, explaining that there is already an issue with excessive speed on this section of road and that the increased traffic generated from the proposal should be taken into consideration, perhaps by lowering the speed limit or something along those lines; X. Phil Melcher, President of the Edwardsville Gun Club, also spoke in regard to the proposal. All of Mr. Melcher's comments were inaudible due to extremely windy site conditions; XI. Rich Buyers, adjoining property owner, also expressed concerns regarding the proposed subdivision development. Mr. Buyers stated that his primary concern was the culture. Mr. Buyers stated that he moved to the area with the intention of having space, and now it looked like he would have several neighbors abutting his south property line. Mr. Buyers stated that he understood the parcel would be developed down the road, but that he had hoped it would develop with a similar density as the rest of the surrounding area. Mr. Buyers also expressed drainage concerns. Mr. Buyers stated that there is a lot of water that runs off the farm field and he already has drainage concerns with his walkout basement, stating that he imagines the water runoff will be more severe with all the impervious surface being proposed for the development; XII. Brad Maxwell, adjoining property owner and County Board Member for District 11, stated that his biggest question surrounding the proposal is the density. Mr. Maxwell stated that the current proposal showed 172 lots, which is essentially three units per acre. Mr. Maxwell stated that there was nothing in the area even close to the density of the proposed subdivision, and that they would like to strongly encourage the applicants to reconsider the proposed density. Mr. Maxwell stated that the way Staunton Road developed has been significantly different than the way other roadways in the county have developed with easements going across in basically every section. Mr. Maxwell asked if there would be the potential to improve Staunton Road in the future to get it out of the chip and gravel surface. Mr. Maxwell stated that his other major concern surrounding the proposal was the lack of communication on the part of the applicants. Mr. Maxwell stated that the applicants were proposing to change the feel of an entire community, and, being a member of the community and the County Board Member, he's heard nothing from them regarding the development. Mr. Maxwell stated that the only correspondence they'd received was a letter from the county notifying of the hearing, explaining that they would have appreciated some information or input as the process was going along. Mr. Maxwell inquired whether the developers had any plans regarding the provision of internet, stating that there is no internet beyond Timber Ridge, asking if the developers would be doing anything to encourage a service provider to come to the area. Mr. Maxwell stated that, other than that, he's concerned with density and water drainage; XIII. Chairman Campbell stated that most of the surrounding property owners appeared to be concerned with the proposed density of the development. Chairman Campbell stated that if the applicant were to change their request from an "R-2" zoning classification to an "R-1" zoning classification, it would increase the required lot size to 40k square feet per lot, asking if that would change their opinion on the proposal. Most of the attendees said that it would. Chairman Campbell stated that there are legal requirements regarding stormwater runoff and asked Matt Brandmeyer to speak to the subject; XIV. Matt Brandmeyer, Planning and Development Administrator, stated that there were several steps following the hearing that would take place and one of those is improvement plans for the proposal, which requires a full stormwater review and phasing of the lots. Mr. Brandmeyer stated that erosion control standards would have to be in place during construction to ensure that erosion and siltation will not occur. Mr. Brandmeyer stated that we are not quite there yet, and that at this point in the proposal it's more of a conceptual review. Mr. Brandmeyer stated that the county does have measures in place to address stormwater and would continue working with the applicants to address the concerns surrounding the proposal; XV. Mrs. Endres asked how surrounding property owners would be involved in the next steps; XVI. Mr. Brandmeyer stated that the Planning and Development Department would be the point of contact for surrounding owners, explained the process following the zoning hearing, and handed out business cards so that those concerned could reach out to him directly. XVII. Don Osborn addressed the Board and public attendees in his closing comments. Mr. Osborn stated that the gun club is already here and in place, so he would assume anyone purchasing a lot across the street – regardless of lot size – would be aware that the gun club was there. Mr. Osborn stated that he'd be happy to provide additional information to them, but that if buyers were opposed to being in such close proximity to the gun club they would probably not purchase a lot in this development. Mr. Osborn stated that the stormwater drainage and detention will be handled by licensed engineers. The remainder of Mr. Osborn's comments were inaudible due to extremely windy site conditions; XVIII. The Board of Appeals notes for the record that the applicant requested the petition be brought off the table, but had not provided any of the requested additional information. XIX. The Board of Appeals notes for the record that the primary concern of surrounding property owners regarding the subject petition was the

proposed density and drainage. XX. The Board of Appeals notes for the record that the adjoining property owners expressed on the record that they would be in support of the proposal being amended from "R-2" to "R-1". XXI. Forest Lerch, speaking on behalf of Retail Place LLC, noted for the record that the zoning being requested is "R-2" Single-Family Residential, which is the same zoning classification as the property across the street to the southeast. Mr. Lerch asked if he would have to wait a year to reapply if the request were turned down. Chairman Campbell stated the applicants would not have to wait a year if there were major changes made to the request; XXII. The Board of Appeals feels that to allow this request would cause a detrimental effect on adjoining properties; XXIII. 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 Davis, Koeller, Janek, and Metzler.

Nays to the motion: None.

Mr. Sedlacek abstained from the vote.

Absent: Mister St. Peters.

Whereupon the Chairman declared the motion duly adopted.

Finding of Fact and Recommendations

Z17-0016 - Petition of Dave Slemmer, owner of record, requesting a special use permit as per Article 93.023, Section (D) (pending approval) in order to have a landscaping business on site. This is located in an Agricultural District in Hamel Township, at **5914 N. State Route 157, Edwardsville, Illinois PPN#11-1-10-22-00-000-007.002 (03)**

A **motion** was made by Mr. Janek and seconded by Mr. Metzler that the petition of Dave Slemmer be as follows: I. That the special use permit is granted for the sole usage of Dave Slemmer and Slemmer Landscaping; II. The owner shall submit a parking plan identifying the location of employee parking and loading spaces within sixty (60) days of approval to be reviewed and approved by the zoning administrator. There shall be no off-site parking; III. The owner shall keep the property in compliance with all Madison County Ordinances; 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 landscape services business.

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. Dave Slemmer, owner of record, stated that he is seeking a special use permit in order to relocate his existing landscaping company to the subject property, which is next door to the home he and his wife recently purchased. Mr. Slemmer stated that this would be a much better set up for his business and will provide extra space should his business expand. Mr. Slemmer stated that the site would be used for storage and staging employees, explaining that no customers would visit the site; V. The Board of Appeals notes for the record that the proposed special use is compatible with the agricultural nature of 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 Davis, Koeller, Sedlacek, Janek, and Metzler.

Nays to the motion: None.

Absent: Mister St. Peters.

Where upon the Chariman declared the motion duly adopted.

Finding of Fact and Recommendations

Z17-0015 - Petition of John and Sandra Hess, owners of record, requesting a zoning map amendment in order to rezone a 6 acre tract from B-3 Highway Business District to B-4 Wholesale Business District. This is located in Marine Township on Grotefendt Road, **directly west of 2977 State Route 4, Marine, Illinois PPN#06-1-17-30-00-000-007.001 (04)**

A **motion** was made by Mr. Sedlacek and seconded by Mr. Koeller that the petition of John and Sandra Hess be as follows: **“Denied.”**

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. Brett Cygan, potential purchaser speaking on behalf of the applicant, stated that they are seeking to rezone the 6 acre property from “B-3” Highway Business District to “B-4” Wholesale Business District in order for Mr. Cygan to operate a self-storage warehousing facility. Mr. Cygan stated that the facility would likely be developed in three of four phases depending on how quickly it fills up. Mr. Cygan stated that he did not have a total on the exact amount of storage units. Mr. Cygan stated that the hours would be primarily from 8a.m. to 5p.m. with clients having 24-hour access via code. Mr. Cygan stated that facility would be fully paved, fully fenced, and screened around the edge if need be. Mr. Cygan stated that the facility would be well-lit and secured. Chairman Campbell inquired approximately how many storage units Phase 1 would entail. Mr. Cygan stated that Phase 1 would include approximately 150 units; V. Rosanna Kosek, 924 Country Pointe Lane, spoke in opposition to the request. Mrs. Kosek stated that she built her home out here 15 years ago, and, as a widow on a fixed income, she is concerned about the impact the proposed zoning and land use will have on her property value, explaining that her home is her major investment. Mrs. Kosek stated that if the zoning is granted and then additional “B-4” zoning should be granted, the entire area along Grotefendt Road would diminish her property value. Mrs. Kosek stated that she is also concerned about people coming on and off Grotefendt Road because the roadway is usually in deplorable conditions. Mrs. Kosek stated that she is also concerned about the lighting of the property causing a nuisance to the subdivision. Mrs. Kosek asked that the ZBA deny the request for “B-4” zoning. VI. Lori Miller, 956 Country Pointe Lane, also spoke in opposition to the request. Mrs. Miller stated that she purchased her property about 2 years ago. Mrs. Miller stated that they chose this location because her husband travels 50-60% of the time and the surrounding area was very safe. Mrs. Miller stated that she is concerned with the proposal as it will bring a lot of additional traffic and people to the area at all hours of the day and night. VII. Dan Carter, 964 Country Pointe, also spoke in opposition to the request. Mr. Carter stated that his biggest concern is that crime would be drawn to the area due to the storage unit’s location right off of the interstate. Mr. Carter stated the location sits along one of the biggest drug routes in the country, which is well known, and he is concerned that the property would be utilized as a drug-drop location and make the area far less safe; VIII. William Laycock, 932 Country Pointe Lane, also spoke in opposition to the request. Mr. Laycock stated that he has the same concerns as his neighbors had expressed, and that he was also concerned about traffic safety. Mr. Laycock stated that the frontage road was very dangerous, particularly where it comes in off of Route 4. Mr. Laycock stated that there is no lighting at the intersection and that there had been multiple accidents at that location, explaining that the additional traffic generated by the storage unit would make the already bad situation worse. IX. Stacy Loomis, 940 Country Pointe Lane, also spoke in opposition to the request. Ms. Loomis stated that she will be able to see the storage facility due to the location of her property. Ms. Loomis stated she had several concerns regarding the proposal. Ms. Loomis stated that she is concerned with property value, explaining that Marine is a small town as it is and in order to maintain property values they have to have the country scenery, the acreage, and the non-commercial view that comes along with that. Ms. Loomis stated that once this type of development starts, it doesn’t stop, stating that an initial proposal of 150 units is enormous. Ms. Loomis stated that the amount of crap that will be stored in those units will cause pest and rodent infestation, drug issues, lighting nuisances since the property will have to be well lit. Ms. Loomis stated that 24-hour access will continue to draw transient traffic into their neighborhood and the general area. Ms. Loomis stated that the roadway could not accommodate RVs adequately on a regular basis. Ms. Loomis stated that the surrounding properties would have to look at the outdoor storage and the trash and junk left behind by customers. Ms. Loomis stated that her family own and operates a storage unit and she knows exactly what they’re like – who leaves what behind and who comes in and out, and that is not why she purchased her property there. Ms. Loomis stated that she realized she and her neighbors are up against some big names, stating that Mr. Hess owns a lot of property between St. Jacob and Marine and that Mr. Cygan has two very successful businesses. However, there are 28 homes in just her subdivision that citizens have purchased as an investment and that should take precedence over the subject request. Ms. Loomis stated that there are other, more

appropriate locations for Mr. Cygan to develop a storage warehousing facility. Ms. Loomis stated that once the property is zoned "B-4", it will allow larger commercial opportunities for distribution and many other facilities that are not wanted in this area. Ms. Loomis stated that surrounding owners had purchased their properties for a country scenery, and that will be gone once a storage facility is built. X. John Hess, property owner and applicant, stated that there will be a 130 foot buffer zone between the subject property and the subdivision that he will continue to farm. XI. Brett Cygan, potential purchaser, stated that he respects the concerns expressed by everyone; however, he disagrees with some of them. Mr. Cygan stated that none of the people coming to the facility would be driving by the neighborhood in question. Mr. Cygan stated that this would not be a business where it's constant traffic in and out all the time, stating that most people put their stuff in a storage unit and do not touch it for months or years at a time. Mr. Cygan stated that he did not think that traffic would be as big of an issue as opposition thinks. Mr. Cygan stated that he understand the concerns around lighting, but that there are restrictions on how far the light is allowed to shine and that he would be willing to work with anybody or everybody to try make the facility work and by no means be an eyesore. Mr. Cygan stated that he buys-in 100% to the notion that image is everything when it comes to business and that he is not looking to operate a dumpy facility with trash everywhere and ruffraff in and out, that he would guarantee that it will be a very professional looking facility. Mr. Cygan stated that the location along State Route 4 and Interstate-70 strikes him as one of the better places to build this type of facility as it has easy access and people will not have to drive through residential areas to get in and out of it. Mr. Cygan stated that there have been 2 abandoned properties within 500 feet of the neighborhood that have been trashy looking for years, not that that should make a difference for his facility, but that's the case, and there are other businesses visible from the neighborhood. Mr. Cygan stated that the only portion of the Hess property being rezoned to "B-4" was the six acres requested, and not the entire field. Mr. Cygan stated that whether or not other businesses would come to the area should not impact this particular hearing, as they would each have to go through their own processes. XII. The Board of Appeals notes for the record that a petition of opposition was received for the request and that nearby property owners expressed overwhelming opposition to the request citing concerns with safety and drug trafficking; XIII. The Board of Appeals notes for the record that, while a portion of the area is zoned "B-3" Highway Business, the area is predominately rural and residential in nature, XIV. The Board of Appeals feels that to allow this request would cause a detrimental effect on nearby properties; XV. 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: Mistery Davis, Koeller, Sedlacek, Janek, and Metzler.

Nays to the motion: None.

Absent: Mister St. Peters.

Where upon the Chariman declared the motion duly adopted.

Finding of Fact and Recommendations

Z17-0018 - Petition of Tim Reeb, applicant, for owner of record, Kristen Wardlaw and Heavenly Rhythm Dance Studio, requesting a zoning map amendment in order to rezone a 1.5 acre tract of land from Agricultural to B-2 General Business District. This is located in Jarvis Township on Troy Road, **directly east of 1108 Troy Road, Collinsville, Illinois PPN#09-1-22-18-00-000-004.007 (02)**

A **motion** was made by Mr. Janek and seconded by Mr. Davis that the petition of Tim Reeb and Kristen Wardlaw be as follows: **“Approved.”**

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 one was in attendance; IV. Tim Reeb, applicant, stated that he is requesting to rezone approximately 1.5 acres from “A” Agriculture to “B-2” General Business in order to relocate a dance studio from the current location, which they have grown out of, in order to provide a quality dance school for the children they serve. Mr. Reeb stated that they would utilize Troy Road for ingress and egress. V. William Scott, 107 Dale Avenue, asked if the entire property would be zoned commercial, or just the 1.5 acres. Chairman Campbell stated that only the 1.5 acres requested would be rezoned. Mr. Scott expressed concerns regarding stormwater drainage and detention and screening between the commercial property and residential areas. Mr. Dale also expressed concerns regarding traffic along the frontage road and whether the existing Dale Drive school bus stop would be less safe with the traffic generated by the dance school. VI. Tim Reeb, applicant, stated that they were proposing a privacy fence and landscape buffer along the west property line to screen the proposed dance studio from the residential area. Mr. Reeb stated that they would meet count specs for all drainage requirements. Mr. Reeb stated that the property slopes toward the frontage ditch and they planned to maintain the slope and push excess water toward the frontage. Mr. Reeb stated that they were proposing 3 monopole lights along the eastern boundary of the property, in order to cause as little overflow on the residential area as possible, as well as directional lighting along the building at entrance points; VII. Kristen Wardlaw, owner, also spoke to the proposed lighting on the property. Mrs. Wardlaw stated that the primary hours of operation are from 3:30p.m. to 9p.m., and that the lights would be off once the last customer left, around 9:30 p.m. Monday through Friday. Mrs. Wardlaw submitted a letter with details about Heavenly Rhythm Dance Studio and their vision and mission. Mrs. Wardlaw stated that they were seeking to change locations in order to have a safer space for the children, as their current location on 159 is in a heavy traffic area. Mrs. Wardlaw also submitted two letters of support from parents of current members of Heavenly Rhythm Dance Studio. VII. The Board of Appeals notes for the record that the applicants made a quality proposal and addressed the concerns of Mr. Scott adequately; VIII. The Board of Appeals feels that to allow this request would not cause a detrimental effect on nearby properties; IX. 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: Misterys Davis, Koeller, Janek, and Metzler.

Nays to the motion: None.

Mr. Sedlacek abstained from the vote.

Absent: Mister St. Peters.

Where upon the Chariman declared the motion duly adopted.

Finding of Fact and Recommendations

Z17-0019 - Petition of Ardie Decker, c/o Billy Foster, owner of record, by Anne Mordis, applicant, requesting a zoning map amendment in order to rezone a 0.35 acre tract of land "R-4" Single-Family Residential to "B-1" Limited Business District, a variance as per §93.020 in order to create a "B-1" Limited Business District that is 0.35 acres in size instead of the required 1 acre, a special use permit as per §93.029, Section (D), Item 2 in order to operate a bar on site, and variance as per §93.029, Section (B), Items 7 and 9 in order to be 18.37 feet from the north property line instead of the required 50 feet, 13 feet from the west property line instead of the required 50 feet, and 12.5 feet from the south property line instead of the required 20 feet. This is located in Nameoki Township, at **100 Joe Street, Collinsville, Illinois PPN#17-2-20-36-04-405-017 (23)**

A **motion** was made by Mr. Janek and seconded by Mr. Metzler that the petition of Ardie Decker, Billy Foster, and Anne Mordis be as follows: I. That the special use permit is granted for the sole use of Anne Mordis and is non-transferable; II. The applicant shall apply for an amendment to the special use permit for any future alterations, modifications, or expansion of the use; III. The hours of operation shall adhere to the Madison County Liquor Ordinance; IV. The applicant shall obtain the necessary liquor license and insurance in accordance with the Madison County Liquor Ordinance; V. The applicant shall keep the property maintained and in compliance with all Madison County Ordinances; VI. Any violation of the terms of the special use permit would cause revocation of same.

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 and none were in attendance; IV. Anne Mordis, applicant, stated that she is seeking a zoning map amendment in order to rezone the property from residential to "B-1" Limited Business District and a special use permit in order to continue operating the existing bar. Chairman Campbell stated that the bar was established on-site prior to the adoption of the zoning code and that the request was being made due to a change in ownership. Mr. Davis, ZBA inquired how long the establishment had been in operation; V. Billy Foster, owner, stated that he's checked it back 100 years and, as far as he can tell, it has been a bar for about 80 years and it was a brothel 20-30 years before that. VI. The Board of Appeals notes for the record that the proposed special use is compatible with the surrounding area and there was no opposition to the request; VII. The Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties; VIII. 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 Davis, Koeller, Sedlacek, Janek, and Metzler.

Nays to the motion: None.

Absent: Mister St. Peters.

Where upon the Chariman declared the motion duly adopted.

Finding of Fact and Recommendations

Z17-0014 - Petition of Mehmet Dinceroglu, owner of record, requesting a zoning map amendment in order to rezone a 0.50 acre tract of land from B-1 Limited Business District to R-5 Multiple-Family Residential District, a variance as per Article 93.020 in order to create an "R-5" Multiple-Family Residential District that is .50 acres in size instead of the required 2 acres, and a variance as per Article 93.026, Section (B), Item 7 in order to be 12 feet from the east property line instead of the required 25 feet. This is located in Chouteau Township, at **5429 Maryville Road, Granite City, Illinois PPN#18-2-14-33-01-102-012 (21)**

A **motion** was made by Mr. Koeller and seconded by Mr. Janek that the petition of Mehmet Dinceroglu be as follows: **"Approved."**

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. Mehmet Dinceroglu, applicant and owner, stated that he had tried several businesses at the location, none of which were successful. Mr. Dinceroglu stated that he wanted to put three (3) apartment units in the structure, two (2) on the main level and one (1) on the second level. Mr. Dinceroglu stated that after he purchased the property he cleaned it up and painted it and is trying to make it a nicer property and to improve the area. Mr. Dinceroglu stated that he is requesting the "R-5" Multiple-Family designation in order to continue moving forward with altering the building into three (3) apartment units. V. William H. Rodgers, 5418 Maryville Road, spoke in opposition to the request. Mr. Rodgers stated that his primary concerns was safety. Mr. Rodgers stated that he's parking on state line. Mr. Rodgers stated that if Mr. Dinceroglu is approved he will have apartments all throughout the area. Mr. Rodgers stated that if the request is approved there will be kids in his and his neighbor's yards since they have no place to play, it's unsafe, he's too close to the highway, and it's not on enough land. Mr. Rodgers stated that the proposed use would bring the property values in the area down and that he had a petition with nearly 90 signatures of people that agree that the request would negatively impact property values. Mr. Rodgers stated that won't even be able to sell their houses, it's unsafe, and Mr. Dinceroglu had started work illegally; VI. Eddie Lee, Chouteau Township Supervisor, stated that they do not need another zoning change out there. Mr. Lee stated that there were enough zoning laws right now that are not enforced, and they don't need another zoning change to meet this standard. VII. David White, nearby property owner on Redwood Lane, asked how many apartments there would be in the structure. Mr. Dinceroglu stated that there would be three (3). Mr. White asked why there were four (4) downstairs and two (2) upstairs now if that was the case. Mr. Dinceroglu stated that there would be one (1) big apartment upstairs and two (2) on the main floor, explaining that he is proposing a total of three (3) apartment units. Mr. White asked if Mr. Dinceroglu would be tied to the three (3) apartments he was proposing if he were granted multi-family zoning. Chairman Campbell stated that it depends on the size of the lot, setback distances, and parking requirements. Andi Yancey, Assistant Planner with Madison County, stated that Mr. Dinceroglu would be tied to his proposal of three (3) units, and anything further would require additional zoning action. Mr. White stated that approving this type of request would drive people out of the area and hurt property values. Mr. White stated that if the request is approved he and other nearby owners would request a re-assessment of his property value. Mr. White stated that a previous tenant had two (2) children and the area just isn't safe. VIII. Albert Supp, 5421 Evergreen Street, asked if Mr. Dinceroglu planned on expanding. Chairman Campbell asked Mr. Dinceroglu if he had plans to expand. Mr. Dinceroglu stated that he would not be expanding and was requesting permission for the three (3) apartment units. IX. Tracy Gotterman, nearby resident, stated that her thoughts on the matter were that the zoning is two (2) acres and the property is half of an acre and all of a sudden all these things show up on the property and he should be kicked out of the neighborhood. Ms. Gotterman told Mr. Dinceroglu that she believed he was lying and that every door to the building was an apartment. X. Jeff Scholebo, 4932 Redwood Lane, stated that he is the new Highway Commissioner for Chouteau Township and that he is concerned about the extra traffic the apartments will generate. Mr. Scholebo stated that he truly doesn't know if the building meets county setbacks or anything to do what Mr. Dinceroglu is proposing. XI. Jessica Steele, 5416 Maryville Road, asked who the proposed renters would be, asking if it would be a HUD rental. Chairman Campbell stated that those matters had nothing to do with the zoning request. Mrs. Steele asked what would happen if it was determined that Mr. Dinceroglu didn't have enough space between the building and the street. Andi Yancey, Assistant Planner with Madison County, explained that part of Mr. Dinceroglu's request was asking for a setback variance from the east property line. Mrs. Yancey stated that no additions to the structure were being proposed, the variance request was in order to bring the existing structure into compliance. XII. Lois Kramer, 5430 Maryville Road, stated that there was a

notice posted on the property to stop work back in October and within a few weeks the notice was taken down and work continued. Mrs. Kramer asked how this could happen. Andi Yancey, Assistant Planner with Madison County, stated that there was stop work order issued in October, and that Mr. Dinceroglu was told that he could continue to make improvements to the exterior of the building, but that all interior work was to cease. Mrs. Yancey stated that code officials are not granted interior access, so it's difficult for code enforcers to police unpermitted interior work unless construction is actively underway when the inspector is in the area. XIII. Eva Cushman, 4945 Willow Lane, asked if there was a maximum capacity per apartment. Andi Yancey, Assistant Planner with Madison County, stated that there is stipulation within the building code dictating the number of occupants permissible. Mrs. Yancey stated that she did not know the precise regulation off-hand, but that she believed it was three (3) people per bedroom. XIV. Jim Steele, 5416 Maryville Road, stated that he is concerned for any potential tenants with children. Mr. Steele stated that he is concerned about the sanitation of the place, explaining that he has seen the dumpster piled sky-high with rats around it for 2-3 weeks at a time. Mr. Steele stated that he is also majorly concerned that the proposal will negatively impact his property value. XV. Mr. Dinceroglu, applicant and owner, stated that he only wants to put in three (3) units and the he is not proposing anything further. Mr. Dinceroglu stated that he understands the surrounding owners' concerns regarding the cleanliness of the property, stating that he wants to keep the property nice and clean and provide good living conditions for his tenants, reiterating that he does not know what other options he has for the building since the previous businesses have not worked out. XVI. The Board of Appeals notes for the record that the applicant has made an honest effort to clean up the property and find a viable use; XVII. The Board of Appeals notes for the record that the property meets the minimum lot size for the "R-5" District XVIII. The Board of Appeals feels that to allow this request would not cause a detrimental effect on nearby properties; IX. 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: Mistery Davis, Koeller, Sedlacek, Janek, and Metzler.

Nays to the motion: None.

Absent: Mister St. Peters.

Where upon the Chariman declared the motion duly adopted.