

Madison County Zoning Board of Appeals Meeting Minutes
Tuesday, April 26, 2022 at 5:00 p.m.
County Board Room

Members Present: Don Metzler, Thomas Ambrose, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

Members Absent: Nicholas Cohan

A. Call to Order

Don Metzler, Chairman, called the meeting to order at 5:00 p.m. and conducted roll call.

B. Approval of Minutes

Chairman Metzler asked for a motion to approve the meeting minutes from March 22, 2022. Mary Goode made a motion to approve. Seconded by Sharon Sherrill. Voice-vote. All ayes. Motion approved.

C. Overview of Zoning Petitions and Staff Review

Noelle Maxey, Zoning Coordinator, gave a brief overview of the five zoning petitions and provided staff review.

D. Explanation of Zoning Hearing Procedures and Swearing in of All Parties

Chairman Metzler explained hearing procedures to meeting attendees and swore in staff members and all parties wishing to address the Board.

E. Zoning Hearings

The Zoning Board of Appeals conducted the zoning hearings on the five agenda items.

Please see the attached Findings of Facts for a summary of each zoning hearing and public comment.

F. Citizens Wishing to Address the Zoning Board of Appeals

Please see the attached Findings of Facts for a summary of each zoning hearing and public comment.

G. Unfinished Business

None

H. New Business

1. **Hearing Z22-0021** – Petition of Steven and Lindsey Naylor, owners of record, requesting a variance as per §93.051, Section A, Item 3, Subsection (b) of the Madison County Zoning Ordinance in order to construct an accessory building that would be 5 feet from the west property line instead of the required 15 feet. This is located in an “A” Agricultural District in Foster Township at **8420 Paradise Key, Alton, Illinois**, County Board District #5, PIN# 20-2-02-22-00-000-071. A **motion** was made by Sharon Sherrill and **seconded** by George Ellis that the petition of Steven and Lindsey Naylor be as follows: **Approved**. Roll-call vote. All Ayes. Motion passes.
2. **Hearing Z22-0022** – Petition of Jimmy Dean Harrison, Jr., owner of record, requesting a zoning map amendment in order to rezone a 5.91 acre tract of land from “R-3” Single-Family Residential District to “B-5” Planned Business District in order to store commercial materials and equipment on the property with his home. This is located in Wood River Township at **1250 14th Street, Cottage Hills, Illinois**, County Board District #5, PIN# 19-2-08-03-02-209-045. A **motion** was made by Sharon Sherrill and **seconded** by Cedric Irby that the petition of Jimmy Dean Harrison, Jr. be **Approved with Conditions**. Roll-call vote. Ayes to the motion: Thomas Ambrose. Nays to the motion: George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill. Motion fails.
3. **Hearing Z22-0023** – Petition of Robert Ruby, owner of record, requesting a variance as per §93.030, Section B, Item 8 of the Madison County Zoning Ordinance in order to construct an addition to an existing auto body shop that would be 3 feet from the south property line instead of the required 10 feet. This is located in a “B-

2"General Business District in Wood River Township at **200 North Center Street, East Alton**, Illinois, County Board District #13, PIN# 19-2-08-14-01-108-002. A **motion** was made by Cedric Irby and **seconded** by Thomas Ambrose that the petition of Robert Ruby be as follows: **Approved**. Roll-call vote. All Ayes. Motion passes.

4. **Hearing Z22-0025** – Petition of Zachary Hartnagel, owner of record with Amber Hartnagel, requesting a variance as per §93.025, Section D, Item 4 of the Madison County Zoning Ordinance in order to construct an attached garage addition that will be 6.5 feet from the east property line instead of the required 10 feet. This is located in an "R-3" Single-Family Residential District in Moro Township at **2086 Castle Drive, Edwardsville**, Illinois, County Board District #5, PIN# 16-2-03-36-04-408-054. A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Zachary Hartnagel be as follows: **Approved**. Roll-call vote. All ayes. Motion passes.

5. **Hearing Z22-0026** – Petition of Lincon Properties LLC, applicant on behalf of Cole Hunter, owner of record, requesting a variance as per §93.051, Section A, Item 2, Subsection (a) of the Madison County Zoning Ordinance in order to construct an accessory building with a height of 30 feet instead of the maximum 25 feet. This is located in an "A" Agricultural District in Moro Township at **7526 Lake James Drive, Edwardsville**, Illinois, County Board District #5, PIN# 16-2-03-35-02-201-007. A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Lincon Properties LLC be as follows: **Approved**. Roll-call vote. All ayes. Motion passes.

I. Zoning Coordinator's Report

Noelle Maxey, Zoning Coordinator, informed all applicants of the upcoming Building & Zoning Committee meeting, where their requests will be heard next.

J. Adjournment

Thomas Ambrose made a motion to adjourn the meeting. Seconded by George Ellis. Voice-vote. All ayes. Motion passes. Meeting adjourned.

Finding of Fact and Recommendations

Hearing Z22-0021

Petition of Steven and Lindsey Naylor, owners of record, requesting a variance as per §93.051, Section A, Item 3, Subsection (b) of the Madison County Zoning Ordinance in order to construct an accessory building that would be 5 feet from the west property line instead of the required 15 feet. This is located in an "A" Agricultural District in Foster Township at **8420 Paradise Key, Alton**, Illinois, County Board District #5, PIN# 20-2-02-22-00-000-071

Members Present: Don Metzler, Thomas Ambrose, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

Members Absent: Nicholas Cohan

A **motion** was made by Sharon Sherrill and **seconded** by George Ellis that the petition of Steven and Lindsey Naylor be as follows: **Approved.**

The Finding of Fact of the Board of Appeals: **I.** The zoning file, staff report, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Steven Naylor, applicant, stated that he is wanting to build a building and was not aware of the 15 foot side yard setback. He stated that the width of the building is the issue, as he wants to go 40 feet, but he has septic laterals that run adjacent to where he wants to put the building. In order to stay within the 15 foot setback, he would have to move his septic, so that is why he is asking for the variance to be 5 feet off the property line; **VI.** Cedric Irby, ZBA Member, asked what the building is going to be used for. Mr. Naylor responded that the building will be used to store his tractor. He stated that his existing small shed currently holds his tractor, side by side and mower. He said he just needs more room for his kids' stuff so they can still park their cars in the garage.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z22-0022

Petition of Jimmy Dean Harrison, Jr., owner of record, requesting a zoning map amendment in order to rezone a 5.91 acre tract of land from "R-3" Single-Family Residential District to "B-5" Planned Business District in order to store commercial materials and equipment on the property with his home. This is located in Wood River Township at **1250 14th Street, Cottage Hills, Illinois, County Board District #5, PIN# 19-2-08-03-02-209-045**

Members Present: Don Metzler, Thomas Ambrose, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

Members Absent: Nicholas Cohan

A **motion** was made by Sharon Sherrill and **seconded** by Cedric Irby that the petition of Jimmy Dean Harrison, Jr. be **Approved with Conditions.**

The Finding of Fact of the Board of Appeals: **I.** The zoning file, staff report, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance; **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Jimmy Dean Harrison, Jr., applicant, stated that he petitioned neighbors on East Drive, Meadow Drive, and Walnut Drive, which are the closest to his house; **VI.** Cedric Irby, ZBA Member, asked Mr. Harrison if he has other people that drive commercial vehicles onto the property. Mr. Harrison responded no, that it's just him, and that he drives his trucks on there. He stated that he is a retired crane operator and was in an accident that crushed both of his ankles, leaving him on disability. He said that he is just trying to run a small business on his property. He stated that there are six businesses within 8 blocks of his house, and that he lives on the "main drag" on 14th Street/Culp Lane. Mr. Harrison stated that it is a busy street with semis driving up and down; **VII.** Thomas Ambrose, ZBA Member, asked if this is where the charity is. Mr. Harrison responded yes, that he is 2 blocks from the Hope Center; **VIII.** Julie Lemmon, adjoining property owner, stated that she does not want this property rezoned to commercial. She said that if something happens and Jimmy dies or sells the property, they don't know what will happen to the property. Ms. Lemmon said that they have a hard enough time keeping good neighbors in their neighborhood without this coming in. She said they do not need commercial property in their neighborhood, they don't need it changing hands and somebody else building on it, and that they really just need it to be a residential neighborhood; **IX.** Tammy Clendenny, neighbor on Meadow Drive, stated that one concern is, if it is allowed to be a commercial property, then what will happen after that. She said that right now the appearance of all the trees, the brush, the logs is a mess now, and she can only imagine what it would be if it's allowed to be a commercial property. She said she feels that once it is zoned commercial, they will have no say as to what's allowed there. Ms. Clendenny stated that there are already bucket trucks, vehicles, equipment and old tires on the property and that Mr. Harrison doesn't take care of the property now. She said that she is concerned with the noise level from vehicles coming and going. Ms. Clendenny said that while 14th Street is a busy street, she has never seen any 18-wheelers come down the street. She said it is busy with buses, and that there are two parks down the road from them. She stated that she is concerned about the roadway, as they already have a hard enough time trying to maintain the roads now with the current traffic, let alone the heavy equipment that would be coming and going. Ms. Clendenny stated that Mr. Harrison is dumping logs, brush, and trees from another source. She said there is a smell after it rains from the logs/brush/trees/mulch, and that they have a natural drain going through there and that it is breaking away due to the mulch that he has been piling against it. Ms. Clendenny said she is also speaking on behalf of her elderly neighbors that were unable to attend the meeting but that have signed the petition of opposition. She also stated that Mr. Harrison's petition only stated that he was asking to be allowed to park his equipment on his property and did not mention having the property rezoned; **X.** Sharon Sherrill, ZBA Member, asked if there are any conditions for approval. Noelle Maxey, Zoning Coordinator, stated that if Mr. Harrison is approved to rezone to a B-5 District, he would have to follow the conditions listed in Attachment "A" in the packet. Ms. Maxey explained that the only permitted uses would be contractor's offices and shops for the landscaping/tree trimming business, or single-family dwelling. Those would be the only two permitted uses in this "B-5" Planned Business District; **XI.** Ms. Maxey read aloud the following letters of public opposition that were submitted for the record via email: (1) "This letter is in regards to the notice we received for zoning. We have lived at 1301 West Drive for over 50 years. We are unable to attend this meeting in person due to me battling cancer and receiving chemo treatment 4 days a week 1 time a month. I am also currently on full oxygen after a week hospital stay with breathing issues. I am also receiving breathing treatments twice a day along with oxygen. When we leave I have to use a walker and take a portable tank. With constructions or dust

being stirred up that will affect my breathing even more. We try to open our windows to allow fresh air but if they allow this build to happen we will hear nothing but constructions and machines all day. I do not want to be confined to the inside of my house with all windows and doors shut. We are 77 and 81 years old and live alone. We have raised 5 kids at this address along with enjoying our grandkids. Our concern is this zoning will bring a lot of strangers around our property, noise, dust and dirt being stirred up daily. With me receiving chemo and currently on oxygen I cannot be around that environment every day. Currently the stuff stored on the lot in question has caused damage to our fence several times and left unfixed. With our age we have to depend on our kids or hire someone to keep doing the repairs. This has been our home and we want to enjoy it the last years of our life. We want to enjoy our kids and grandkids coming over, playing outside and do not want to stare and listen to a construction zone or see big equipment looking out my back window. We would like to continue to enjoy sitting on our back porch, grilling and enjoying the weather. The gravel brought in to the lot next door has been used as a road and with heavy rains will start washing onto our property. Jimmy has been a good neighbor and we hope that he re-thinks this and considers the inconvenience and nuisance it may cause to us and the rest of the neighbors. Thank you for this time to hear us.” (2) “I live just across the creek from Jimmy Harrison, and I am against turning his property into a business. I am unable to attend the meeting tonight due to my health issues, but my vote for this issue is no.”; **XII.** Ms. Sherrill asked if there is a stipulation as to how many vehicles could be on this site, if approved for rezoning. Chris Doucleff, Building and Zoning Administrator, responded no, as long as the vehicles are licensed and operable, they would be allowed to be there; **XIII.** Ms. Sherrill then asked Mr. Harrison if he’s wanting to park his truck in the area between the two creeks. Mr. Harrison responded no, that all of the vehicles are parked behind his house; **XIV.** Ms. Sherrill asked Ms. Lemmon if she can see Mr. Harrison’s property from her property. Ms. Lemmon said yes; **XV.** Ms. Clendenny stated that Mr. Harrison’s property looks nothing like the photos shown at the hearing. She said there are big piles of cut trees, logs, debris, and tires. Ms. Sherrill asked if this is due to clearing of trees that he has cut down. Ms. Clendenny responded yes, and that he is constantly bringing in more. Mr. Doucleff stated that this would be a violation, as he cannot bring in any kind of landscape waste generated on any other property, back to his property. Mr. Harrison stated that it’s not waste, but wood for his wood burning boiler to heat his house; **XVI.** Mr. Irby, ZBA Member, asked Mr. Harrison to say, in his words, what specifically he wants to use his property for. Mr. Harrison responded that when he dies, his daughter will live on the property. He said that it’s a 3-bedroom house and his daughter has to live there to take care of him. He said he was born and raised on East Drive and will someday be buried in a cemetery across the street from his house. He stated that his plans for this small business are for no more than 10 vehicles. Mr. Harrison said he already has 6 vehicles now, not including his car, his motorcycle, or his truck. He said he has no semis and he has one trailer. Mr. Irby asked Mr. Harrison if he is saying the only thing he will be doing there is parking vehicles. Mr. Harrison said yes, and wood for his wood burning stove. Mr. Irby asked Mr. Harrison how large these trees/pieces of wood are. Mr. Harrison said some are 6 foot round and 10 foot long. Mr. Irby asked where he cuts the wood, to which Mr. Harrison responded that they are cut up and loaded onto his truck, he brings them to his house, and then he carves it down to size. Mr. Irby asked to clarify if there are other groups of people that bring the wood to Mr. Harrison’s property. Mr. Harrison said no, that he goes and gets the wood so he can choose it, or he is cutting trees for others in the neighborhood; **XVII.** Ashley, neighbor at 1126 East Drive, stated that in the winter time, she can clearly see the majority of Mr. Harrison’s back property line. She said that lately, around 9 p.m., there are trucks coming in and dumping wood back there. She has had to call the fire department in the past for him burning on the property. She stated that at the last meeting, it was mentioned that Mr. Harrison thought about opening up a saw mill, so if this property is rezoned to commercial, he will be opening up a saw mill, and then all of the neighbors will have to listen to that and won’t be able to have their windows open. She stated that the petition of opposition contains signatures from everybody that borders Mr. Harrison’s property, with the exception of one household that was too scared to sign it because Mr. Harrison had threatened them in the past.

Roll-call vote.

Ayes to the motion: Thomas Ambrose

Nays to the motion: George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

Whereupon the Chairman declared the motion to approve failed.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z22-0023

Petition of Robert Ruby, owner of record, requesting a variance as per §93.030, Section B, Item 8 of the Madison County Zoning Ordinance in order to construct an addition to an existing auto body shop that would be 3 feet from the south property line instead of the required 10 feet. This is located in a "B-2" General Business District in Wood River Township at **200 North Center Street, East Alton**, Illinois, County Board District #13, PIN# 19-2-08-14-01-108-002

Members Present: Don Metzler, Thomas Ambrose, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

Members Absent: Nicholas Cohan

A **motion** was made by Cedric Irby and **seconded** by Thomas Ambrose that the petition of Robert Ruby be as follows:
Approved.

The Finding of Fact of the Board of Appeals: **I.** The zoning file, staff report, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Robert Ruby, applicant, stated that the building he is wanting to put up is an extension to the south end of an existing building. He stated that it will be for a front end alignment rack that is currently inside the building, but it is in the way; **VI.** Sharon Sherrill, ZBA Member, asked if the building will have a roof overhang on it, and how far it will extend beyond the building. Mr. Ruby stated that the overhang won't be sticking out over the neighboring property. He said the overhang will be just about enough for a gutter, but that's all; **VII.** Thomas Ambrose, ZBA Member, asked who owns the property next to Mr. Ruby. Mr. Ruby responded that Ron Baker owns the adjoining property, and he is in the asphalt sealing and striping business. Mr. Ruby said that he has been there 42 years, and Mr. Baker has been there about 45. Mr. Ruby stated that they get along, and he has already spoken to him about this; **VIII.** Cedric Irby, ZBA Member, asked who is doing the construction of the building. Mr. Ruby responded that he has a contractor (George Loveless) doing the work.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z22-0025

Petition of Zachary Hartnagel, owner of record with Amber Hartnagel, requesting a variance as per §93.025, Section D, Item 4 of the Madison County Zoning Ordinance in order to construct an attached garage addition that will be 6.5 feet from the east property line instead of the required 10 feet. This is located in an "R-3" Single-Family Residential District in Moro Township at **2086 Castle Drive, Edwardsville, Illinois**, County Board District #5, PIN# 16-2-03-36-04-408-054

Members Present: Don Metzler, Thomas Ambrose, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

Members Absent: Nicholas Cohan

A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Zachary Hartnagel be as follows:
Approved.

The Finding of Fact of the Board of Appeals: **I.** The zoning file, staff report, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** The applicant's father was present, and stated that the applicant is asking for a variance to build an attached garage onto the house. He stated that the garage and the house will all be sided the same. He stated that the neighbors on both sides have expressed their approval; **VI.** Sharon Sherrill, ZBA Member, asked if he was aware of any easements on the property. The applicant's father responded that no, they were not aware of any easements.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z22-0026

Petition of Lincon Properties LLC, applicant on behalf of Cole Hunter, owner of record, requesting a variance as per §93.051, Section A, Item 2, Subsection (a) of the Madison County Zoning Ordinance in order to construct an accessory building with a height of 30 feet instead of the maximum 25 feet. This is located in an "A" Agricultural District in Moro Township at **7526 Lake James Drive, Edwardsville, Illinois, County Board District #5, PIN# 16-2-03-35-02-201-007**

Members Present: Don Metzler, Thomas Ambrose, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

Members Absent: Nicholas Cohan

A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Lincon Properties, LLC, & Cole Hunter be as follows: **Approved**

The Finding of Fact of the Board of Appeals: **I.** The zoning file, staff report, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Nick Sievers from Lincon Properties stated that they are requesting a variance for the height of the building, due to the architectural design; **VI.** Cedric Irby, ZBA Member, asked what the garage is going to be used for. Mr. Sievers responded that it is for personal storage and that it is set up into 3 sections. Two sections are for storage, and the other is a gathering/entertaining area for their personal use; **VII.** Mr. Irby asked if Mr. Sievers owns property nearby. Mr. Sievers stated that he lives next door to this property, and that the other adjacent property is a vacant lot.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator