

Zoning Board of Appeals Meeting Minutes
Tuesday May 22, 2018 at 8:30 a.m.
157 N. Main Street, Suite 254, Edwardsville, IL

Present were Misters Campbell, Sedlacek, Koeller and Metzler.

Absent were Misters Janek, St. Peters, and Davis.

1. Call to Order

- a. Chairman Michael Campell 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 on the agenda schedule. The ZBA reconvened in the Planning and Development Department Conference Room at 12:55 p.m. to complete motions and votes. Please see the Findings of Fact for the hearing summaries and public comment.

3. Approval of Minutes

- a. Don Metzler made a motion to approve the minutes from April 10, 2018. Seconded by John Sedlacek. Voice vote. All Ayes. Motion approved.

4. Unfinished Business

- a. Text Amendment – Petition requesting a text amendment to Chapter 93 of the Madison County Code of Ordinances. The petition remained tabled, and no action was taken.
- b. Z18-0007 – Petition of Stephen Edwards. The petition remained tabled, and no action was taken.

5. New Business

- a. Z18-0023– Petition of Raymond Blackburn and Richard D. Ford. Steve Koeller made a motion to deny the request. Seconded by John Sedlacek. Roll-call vote. All ayes. Motion approved.
- b. Z18-0030 – Petition of Rick Windham. John Sedlacek made a motion to approve the request. Seconded by Don Metzler. Voice vote. All ayes. Motion approved.
- c. Z18-0029 – Petition of Patrocinio Hernandez. Steve Koeller made a motion to approve the request with conditions. Seconded by Don Metzler. Voice vote. All ayes. Motion approved.
- d. Z18-0029 – Petition of Definitive Homes and Design, Inc. Don Metzler made a motion to approve the request with conditions. Seconded by Steve Koeller. Voice vote. All ayes. Motion approved.

6. Planning Coordinator’s Report

- a. No report was issued.

7. Adjournment

- a. Steve Koeller made a motion to adjourn. Seconded by Don Metzler. Voice vote. All ayes. Motion approved. Meeting adjourned.

May 22, 2018

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, Sedlacek, Koeller, and Metzler.

Absent were Misters Davis, Janek, and 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 Z18-0023 – Petition of Raymond Blackburn and Richard Ford	(Foster Township)
File Z18-0030 – Petition of Rick Windham	(Jarvis Township)
File Z18-0029 – Petition of Patrocinio Hernandez	(Nameeki Township)
File Z18-0024 – Petition of Definitive Homes, INC	(Collinsville Township)

Finding of Fact and Recommendations

Z18-0023 - Petition of Raymond Blackburn, owner of record, and Richard Derek Ford, applicant and contracted purchaser, requesting a special use permit as per §93.023, Section D, Item 24 of the Madison County Zoning Ordinance in order to have a RV park on site. This is located in an Agricultural District in Foster Township, at 7535 Vonnahmen Road, Bethalto, Illinois PPN#20-1-02-32-00-000-004.001 & #20-1-02-33-00-000-001.002 (5)

A **motion** was made by Mr. Koeller and **seconded** by Mr. Sedlacek that the petition of Raymond Blackburn and Richard Ford 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. Richard Derek Ford, applicant, stated that he is planning to purchase the property pending approval for an RV park. Mr. Ford stated that he planned to develop a roadway and that the park would be developed in sections. Mr. Ford stated the park would be an RV park and not a manufactured home park, where there are homes that are not on wheels that tend to become eyesores and are not well kept. Mr. Ford stated that this park would be a true RV park. Mr. Ford stated that the park would be laid out in a circle with all the parking spaces on the outside and the inside being a park area where the office would be located along with a storage building. Mr. Ford stated that as the park develops, they will put pine trees all around it for privacy, stating that not much of the park would be visible. Mr. Ford stated that if the first phase goes well, they will develop additional parking spots. Mr. Ford stated that the wooded area toward the rear of the property would eventually include a walking trail and invited the neighbors to walk the trail. Mr. Ford stated that he planned to make it a really nice parking area for people that want to come because there are a lot of RVs being sold. Mr. Ford stated that parts of the refinery were going to shut down this year for maintenance, and the specialist that come in to do that work travel in RVs and pick-up trucks creating a demand for the use; V. Steve Koeller, Zoning Board of Appeals member, inquired whether the sites would be charged daily, weekly, or monthly; VI. Richard Ford, applicant, stated it depends on how long the clients want to stay; VII. John Sedlacek, Zoning Board of Appeals member, asked if Mr. Ford had a demolition or removal plan in case people did not want to camp at the site following the refinery shutdown or if he knew what the next development might be; VIII. Richard Ford stated that right now his only intention was to develop the RV park; IX. Mark Loftus, adjoining property owner at 7519 Vonnahmen Road, stated that the subject property was an "L" shape and abuts his 9 acres, with the two properties sharing a long boundary. Mr. Loftus expressed several concerns with the capacity of the natural and built infrastructure to accommodate the impact of the RV park along with environmental and safety concerns. Mr. Loftus read a letter of concerns and objections for the record and submitted a petitions of opposition with 63 signatures from adjoining and nearby property owners. Several meeting attendees expressed support for Mr. Loftus' comments. Mr. Loftus' letter is attached to these findings for reference; X. Stephen Ruppert stated that he's lived in the area for 50+ years and that everyone at the meeting were all neighbors and nobody wants the RV park out there. Mr. Ruppert stated that he was sure the ZBA members would not want it in their back yard either, stating that the people that live here deserve better than this. Mr. Ruppert stated that it wasn't that they don't like progress, but the roads cannot handle it. Mr. Ruppert explained how tight the turn onto Vonnahmen Road was and how quickly traffic travels in the area, expressing safety concerns with the proposed volume of RVs. Mr. Ruppert stated that he did not think a single person in the area was in support of the proposal other than the applicant; XI. Michelle Ruppert, nearby property owner, submitted a list of questions for the record. Mrs. Ruppert stated that she is someone who likes to camp, but when she looks at the proposed RV park it does not look like camping but instead a transient mobile home park. Mrs. Ruppert stated there is no hunting, fishing, hiking, or swimming, and not even a place to stretch out and be leisurely, because it is a transient mobile home park. Mrs. Ruppert explained that there was something she wanted to point out about Harris Lane, which they were all familiar with, is that there have been four (4) deaths on Harris Lane. Mrs. Ruppert stated that the hill going by the Saddle Club is a blind hill and if any of the rigs drift toward the center of the road, there will be tragedy all over

again. Mrs. Ruppert also expressed concerns with stormwater runoff from the impervious surfaces. Mrs. Ruppert asked if the sites would have out buildings, like the one in Bethalto, again likening the request to a mobile home park. Mrs. Ruppert asked if people would be allowed to install awnings. Mrs. Ruppert stated that she could not see how the narrow roads would be able to accommodate 5th wheels; Mrs. Ruppert stated that she has friends that rent to refinery workers and that they work hard and like to party at night, which does get a bit disruptive, asking who would handle that and if there would be a host on site 24-7 to handle any problems or would it fall to the Sheriff's Department, stating that seems like an incredible burden to put on them. Mrs. Ruppert also stated concerns with noise pollution, asking if there would be required quiet hours or a gate on site that lock at a certain hour after which nobody can come in and out. Mrs. Ruppert asked if the sites would be full hook-up with water, electric, and sewer or if everything would be dumped at the disposal site on the way out, stating that there would be spillage. Mrs. Ruppert stated that she did not want to keep anyone from pursuing their dream or realizing a financial improvement in their life, but it would be a detriment to the community to allow spot zoning for a transient mobile home park, XII. Marcia Haun, adjoining property owner, stated that her concern for the public safety is just as big as all the other points that were mentioned explaining that her son was one of the four deaths on Harris Lane due to the narrow roads and washouts XIII. Donald Icke, adjoining property owner, stated that he has four school-aged children and he is concerned about the amount of noise the proposed RV park will produce, especially if there is late-night partying. Mr. Icke stated that he does not think the area is appropriate for an RV park; Donald Higgins, 3135 Harris Lane, stated that he lives at the top of the hill Mrs. Haun was talking about by the Saddle Club. Mr. Higgins stated that they have been there a little over a year and picked up 2-3 sets of car mirrors where they have collided passing along Harris Lane. Mr. Higgins expressed concerns for the school busses coming through, stating that they should think really hard about putting that kind of traffic along with the school buses along such a narrow road; XIV. Jake Strohbeck, Foster Township Highway Commissioner, also expressed concerns with the proposed RV park. Mr. Strohbeck stated that the narrow roads would be extremely tight with two campers passing. Mr. Strohbeck stated that the safety concerns for the individuals living in the area as well as any users of the road; XV. Bob Gvillo, 4173 Woodburn Road, stated that he is opposed to the request stating it was not the right location for this type of use. Mr. Gvillo stated that the residents of the area had expressed their opposition, and he is in agreement with them – it's not the appropriate area for the proposed RV park; XVI. Steve Strohbeck, chairman of the Fosterburg Water District, stated that he has had some preliminary conversations with his manager, Mark Voumard, and that it is his understanding that they have a 4" water main in the area that is capped off and does not flow through; XVII. [Inaudible] asked why Fosterburg had not widened the roadways anyway; XVIII. Cathy Smith, 18 Woodland Hills Ct., stated that she has inquired with the highway department as to why the roadway cannot be widened and it is due to the natural gas lines that have gone up and down Harris Lane forever, so there is no way to get shoulder along Harris. Ms. Smith stated that she is concerned with out of town individuals who are unfamiliar with the challenges of Harris Lane traveling the roadway in an RV; XIX. Richard Ford, applicant, stated that they had no intention of upsetting the environment and would not change the environment. Mr. Ford stated that the property was zoned Agriculture and that he could not do anything about the roadway. Mr. Ford stated that if they have issues with residents, the county police will be called right away. Mr. Ford asked what they would rather see on the property, as it is for sale and something will go in there. Mr. Ford said the future cannot be predicted. Mr. Ford stated that the sewage would be self-contained and must be approved by the county and that he's sure the county would know about any issues. Mr. Ford stated that there were a lot of pick-up trucks in the area and asked if any of them were leaking oil. Mr. Ford stated that the final plans would be engineered and that the engineer would determine whether there would be enough water pressure for the RV park. Mr. Ford stated that he planned to live on the site and it would not be abandoned. Mr. Ford stated that the hours of operation would be enforced and there would be a quiet time and, if not, they would call the county police; XX. The Zoning Board of Appeals notes for the record that Mark Loftus submitted a letter of opposition (attached) in representation of a number of surrounding land owners and hearing attendees; XXI. The Zoning Board of Appeals notes for the record that there are safety concerns with the impact the proposal would have on the roadway infrastructure in the surrounding area; XXII. The Zoning Board of Appeals notes for the record that it is clear following the hearing that the request is to accommodate temporary refinery workers with no removal strategy should the use fall through once the workers no longer need housing; XXIII. The Zoning

Board of Appeals feels that the approval of this request would cause a detrimental effect on adjoining properties and is not compatible with the character of the surrounding area, stating that there are more appropriate areas of the County for temporary worker housing; XXIV. The Zoning Board of Appeals notes for the record that there was extensive opposition to the request; 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: Misters Sedlacek, Koeller, Metzler, and Campbell.

Nays to the motion: None.

Absent: Mister Davis, Janek, and St. Peters.

Whereupon the Chairman declared the motion duly adopted.

Date: 5-22-2018

To: Madison County Zoning Board of Appeals

Subject: Z.B.A. File Number Z18-0023

7535 Vonnahmen Road

My wife, Lisa, and I bought our property on Vonnahmen Road in 2015. We fell in love with this beautiful, secluded, peaceful remote country setting and built our house. The land was rough and needed much work but we worked very hard these last four years making improvements that further beautified the area. We have 9 acres on which we built a house, put in a pool, erected a pole barn and as a result we pay a very hefty amount of taxes for this residential land.

Now here comes Richard Ford who has contracted to buy the land adjacent to us with plans of building an RV park. While I acknowledge Mr. Ford's right to pursue his dream, there is a monumental difference. Our dream was to improve and become part of this beautiful setting while Mr. Ford's dream is to upset the environment and beauty of the land for profit. The proposed RV park is in reality nothing more than an RV parking lot.

There is no access to this property from I255. The only access is from Harris Lane whether you come from Fosterburg road or Seminary road. All of the residents, many who are here today, know all too well the hazards of commuting on these roads. Harris Lane is hilly, bumpy, and has several blind spots where you cannot see oncoming traffic. The road is narrow so you just have to stay to the right and pray the oncoming traffic does not drift into your lane. Imagine two rigs pulling campers trying to pass each other on some of these roads where the road is only 17 feet wide.

We have many other objections:

- Mr. Ford describes in his plan to have 80 sites starting with 25 "nice" sites offering a "great" camping experience. I'm not sure where Mr. Ford has ever camped but if you look at the drawing the entire camp runs from one side of the property line to the other with nothing but gravel road, concrete pads, office building, and very little green space. Many campers have sliders and they would take up about 20 feet of space and their towing vehicle would take up about 10 feet of space. That would leave about 2 feet on each side according to the drawing. Like I stated earlier it is nothing more than a parking lot with campers within a few feet of you on both sides.
- There are no activities here other than parking for these people to enjoy, there is no lake (other than mine and Donald's) no picnic areas like those found at other RV parks like Pere Marquette up in Grafton. Not even room on their campsite to gather.
- Mr. Ford's drawing shows a receptacle for dumping sewage. The site he has chosen is just above a fresh water pond which drains onto my property and then out to Wood River Creek. I have been told that there is always spillage at such sites so the sewage would end up in the pond. The plan has sites so close together that there is little

other space available. I can't imagine how large a receptacle would need to be to be able to service 80 campers. Also, he did not illustrate where his septic and drain field would be for his housing, toilet, laundry building. Again, I see very little room in the drawing for that. It is obvious that all of this land is draining towards the pond we share with our neighbors. Any trash, debris, waste, etc., will end up on our property.

- I worry that people from this park would be trespassing, fishing in our pond and roaming our woods looking for firewood and not knowing where the property line is. We would be constantly on the phone to the Madison County Sheriff for people on our property. They don't really need the extra aggravation.
- There is no mention of fire protection or security for this RV park
- People arrive at all hours of the night creating noise and tend to gather and stay up late all hours of the night at such a campground. Again we would be on the phone for the sheriff's office to put a stop to the noise.
- The plan does not show any parking available for visitors, or parking for people wishing to use the laundry, store or showers.
- There is no engineering data on this drawing and I doubt that this has been completely thought out of the infrastructure needed to support 80 camping trailers. The size of the electric, water, septic, etc., needed to supply this would be huge.
- There is no mention of how storm water runoff will be handled. Currently this is all tillable land which absorbs most of the moisture. This will be covered with rock, cement and trailers and trucks thereby increasing the amount of water runoff towards the surrounding properties.
- There is a possibility that this park is built and no one uses it and the land goes back to the bank and we are left with this mess of rock and concrete and unoccupied buildings. The landscape totally ruined and we have to live with it. The decision you make today will be a permanent one.
- We have environmental concerns. Trucks and campers with oil leaks that would drain into our pond and out to Wood River Creek. Under the Clean Water Act, any development that threatens to have runoff or drain into a creek would need a permit from the Army Corps of Engineers. From the U.S. Fish and Wildlife Service there is a map which shows this area as being prime habitat for summer roosting for the endangered Indiana bat and Northern Long Eared bat. So there is much wildlife that will be affected. Currently this area is rich in wildlife including geese, ducks, rabbits and deer. Under Mr. Ford' plan this will all change, deer will be pushed out onto I255, even more so than they are now. The addition of dumpsters full of trash and garbage would attract raccoons, opossums, skunks and coyotes which live in these woods. We have a pair of geese that come here every spring to raise their family.
- Our property values will be negatively affected by the presence of such a park.
- Mr. Ford said to me that he would be open to long term parking from refinery workers. We have pictures of what long term camper sites look like from a local such park. Campers don't have storage for their belonging so it ends up on their driveway.
- We worry that transients moving in/out of the area could include non-registered sexual offenders and criminals. We have heard from people who travel that some

parks contain these people. We have heard other parks experience problems with motorcycle clubs and gangs.

- There is nothing in the plan to show a fence or some way to contain the park residents on their side of their property. A fence would be necessary but it would take away from the natural beauty and be an eyesore.
- There are only about 8 acres available for this park despite the 23 acres being purchased. Most of the wooded areas are either extreme steep slopes or are the flood plain of Wood River Creek which tends to come out of its banks on a regular basis. My wife and I put our property in the Illinois State conservation stewardship program in order to help protect the environment.

All of us residents realize the attraction of a having a successful commercial development in order to increase the tax base. An RV park just does not fit in this location. It would not be fair to allow this land to be rezoned and forever change the beautiful landscape and lifestyle of the current owners who pay exceptionally high amount of taxes now. As it is planned I don't see how this development would or could succeed and would not be a popular place for people who do enjoy a "great" camping experience.

Thank You,

Mark and Lisa Loftus

Finding of Fact and Recommendations

Z18-0030 - Petition of Rick Windham, owner of record, requesting a variance as per §93.025, Section C, Items 3 & 4 of the Madison County Zoning Ordinance in order to construct an attached garage addition to an existing home that will be 12 ft. from the south property line instead of the required 20 ft. and 33 ft. from the west property line instead of the required 40 ft. This is located in an "R-2" Single-Family Residential District in Jarvis Township, at 23 Wheat Drive, Troy, Illinois PPN# 09-2-22-14-13-301-023 (02)

A **motion** was made by Mr. Sedlacek and **seconded** by Mr. Metzler that the petition of Rick Windham 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. Rick Windham, property owner, stated that they are seeking a variance for an attached garage addition in order to add another stall to the garage for an additional car to keep vehicles off the street; V. Ron Range, 30 Wheat Drive, inquired whether the stakes Mr. Windham had placed indicated the boundary of the garage addition; VI. Mr. Windham indicated that the stakes represented the proposed addition; VII. Mr. Range indicated that he was not opposed to the request; VIII. David Schreiber, 27 Wheat Drive, stated that he had no issue with the request; IX. The Zoning Board of Appeals notes for the record that there were neighbor in attendance at the meeting and all were in support of the request; X. The Zoning Board of Appeals notes for the record that the proposed garage addition is consistent with the character of the surrounding neighborhood; XI. The Zoning Board of Appeals notes for the record that this request would not cause a detrimental effect on adjoining properties and will be an improvement to the neighborhood as it will reduce on-street parking; XII. 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 Sedlacek, Koeller, Metzler, and Campbell.

Nays to the motion: None.

Absent: Mister Davis, Janek, and St. Peters.

Whereupon the Chairman declared the motion duly adopted.

Finding of Fact and Recommendations

Z18-0029 – Petition of Patrocinio Hernandez, owner of record, requesting a special use permit as per §93.025, Section G, Item 20 of the Madison County Zoning Ordinance in order to keep 5 chickens and 2 goats on site, a variance as per §93.100, Section B, Item 5 in order to have an existing chicken run 0 ft. from the east and south property line instead of the required 20 ft., a variance as per §93.025, Section H, Item 3, in order to keep 1 horse on a tract of land that is 0.18 acres instead of the required 1 acre and for the existing barn utilized to stable the horse to be 5 ft. from the north property line instead of the required 50 ft. This is located in an “R-4” Single-Family Residential District in Nameoki Township, at 3330 VFW Lane, Collinsville, Illinois PPN# 17-1-20-36-04-401-005.001 (23)

A **motion** was made by Mr. Koeller and **seconded** by Mr. Metzler that the petition of Patrocinio Hernandez be as follows:

- I. The Special Use Permit to keep 5 chickens (hens only) and 2 goats on site is granted for the sole use of Patrocinio Hernandez. Any change of ownership will require a new Special Use Permit. The owner shall erect a fence along the rear (east) property line to enclose the rear yard in accordance with the ordinance immediately following approval and shall keep the property in compliance with all Madison County Ordinances. The owner shall apply for an amendment to this Special Use Permit for any future alterations, modifications, or expansions of the use. 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 from the premises;
- II. The variances for reduced setback requirements for the chicken run and chicken coop are granted;
- III. That the variances for reduced lot size and barn setback to keep a horse is 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. Catali Hernandez, speaking on behalf of the applicant, stated that Mr. Hernandez is seeking permission to keep the animals he has on site in the barn, including 5 chickens, 2 goats, and 1 horse, along with the requested variances; V. Sarah Horn, Collinsville’s Board attorney, stated that the subject property directly abuts the school property and that they have a concern that the animals, and horse particularly, would come onto the school property and interfere or make contact with the students; VI. Mike Hollingshead, Collinsville School District buildings and grounds, stated that at one point there were chickens being raised on the school property and they had to take action to get the chickens off the property, so they wanted to ensure there would be no encroachments; VII. Ms. Hernandez stated that they had lived at the property for 12 years and have always kept animals confined to the subject property without allowing the animals to roam; VIII. The Board of Appeals notes for the record that there was a representative from Collinsville School District expressing concerns that the animals would find their way onto the Kreitner Elementary School property, and that the condition requiring the fence along the east property line addressed that concern; 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: Mistrs Sedlacek, Koeller, Metzler, and Campbell.

Nays to the motion: None.

Absent: Mister Davis, Janek, and St. Peters.

Whereupon the Chairman declared the motion duly adopted.

Finding of Fact and Recommendations

Z18-0024 - Petition of Definitive Homes and Design, Inc., represented by Mike Wallace, on behalf of Greenscape Properties, INC., owner of record, requesting a zoning map amendment to rezone 52.48 acres from "A" Agriculture District to "R-1" Single-Family Residential District in order to create a 38 lot subdivision. Also, variances as per §93.025, Section B, Item 1 and §93.061, Section A to create two tracts of land that are 28,905 sq. ft. and 33,281 sq. ft. instead of the required 40,000 sq. ft., variances as per §93.025, Section B, Items 3 & 5 for all proposed lots to have a 25 ft. setback from the front property line instead of the required 50 ft. and a 50 ft. setback from the rear property line instead of the required 75 ft. This is located in Collinsville Township, at 1941 Orr Lane, Collinsville, Illinois PPN#13-1-21-36-00-000-008 (29)

A **motion** was made by Mr. Metzler and **seconded** by Mr. Koeller that the petition of Definitive Homes and Design, Inc. be as follows:

- I. The zoning map amendment is approved;
- II. The reduced lot size variances are granted for lots 35 and 36;
- III. The variances for reduced yard setbacks of 25 ft. in the front yard and 50 ft. in the rear yard are granted only for the lots platted along the existing natural gas pipeline ROW with a condition of approval that the existing aeration tanks on the site be crushed in or removed.

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. Mike Wallace, applicant and potential purchaser of the subject property, stated that he is seeking to rezone the property from Agriculture to Residential. Mr. Wallace stated that the variances are being requested in order to be coherent with the setback requirements of the rest of the subdivision and because there is a gas line running through the subject property. Mr. Wallace stated that the 75-foot setback requirements brings the homes up too close to the street; V. Larry Trucano, County Board Representative for District 29, stated that the subject property is located in his district and that he is in support of the request; VII. Lori McNaughton, adjoining property owner to the north at 1990 Orr Lane, stated that she is not trying to stop the proposal and that she has expressed her concerns to Mike Wallace as well. Ms. McNaughton stated that she has two primary concerns. Ms. McNaughton stated that there is a natural creek running through the subject property and a portion of her property, and she is concerned about the defunct septic systems that were installed at the site roughly 8 years ago. Ms. McNaughton asked what the plan was for those systems and where the proposed septic systems would drain; VIII. Steve Pinkel, adjoining property owner at 438 Lemon Settlement Road, stated that he was concerned with the drainage system into the existing lake on the subject property, specifically the field located in the southwest portion of the subject property which drains into the lake. Mr. Pinkel stated that he is concerned that if the southwest portion of the property is developed it will cause drainage to back-up on his land causing his residential property to sustain changes. Mr. Pinkel stated that he is also concerned about the impact the development would have on water quality for the creek that runs through their property and asked who would monitor the water quality. Mr. Pinkel also mentioned the existing aeration tanks, stating that they currently have necks that protrude from the ground, which are roughly 3 feet tall by 3 feet in diameter, and have unsecured caps on them, constituting a safety concern to the general public; IX. Mike Wallace, applicant, stated that the drainage plan would be created by an engineer to determine the proper drainage infrastructure to handle the proposed development. Mr. Wallace stated that the existing tanks are clean and have never been used, explaining that they were installed as part of the initial development; X. Don Metzler, Zoning Board of Appeals member, asked the applicant whether new homes could be tied into the existing tanks; XI. Mr. Wallace stated that the existing tanks could not be used as they were designed as part of a centralized waste treatment system that was never fully installed; XII. 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 Sedlacek, Koeller, Metzler, and Campbell.

Nays to the motion: None.

Absent: Mister Davis, Janek, and St. Peters.

Whereupon the Chairman declared the motion duly adopted.