

MINUTES

Zoning Board of Appeals

Thursday May 26, 2016

8:30 a.m.

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

Present were Misters Davis, Dauderman Janek, and Sedlacek.

Absent were Misters Campbell, Dauderman, and St. Peters.

1. **Call to Order** – The pro tem Chairman, John Sedlacek, called the meeting to order at 8:30 a.m.
2. **On-Site Meetings**
 - a. The ZBA conducted on-site public meetings at the location of the scheduled hearings. The ZBA reconvened in the Planning and Development Department Conference Room at 12:55 p.m. for motions and votes. See Findings of Fact for on-site summary.
3. **Motions and Votes**
 - a. Approval of April 28, 2016. Motion made by John Janek and seconded by Loren Davis to approve the minutes. Voice Vote. All Ayes. Motion approved.
 - b. Old Business
 - i. Z15-0013 – Planning and Development Committee (Revocation of S&K Repair Service SUP) remained tabled.
 - c. New Business
 - i. Z16-0030 – Leroy Walls. Motion made by Steve Koeller and John Janek to deny. Roll Call Vote. All Ayes. Motion approved.
 - ii. Z16-0034 – Tobey & Julia Suter. Motion made by John Janek and seconded by Loren Davis to approve with conditions. Roll Call Vote. All ayes. Motion approved.
 - iii. Z16-0036 – Tina Merritt. Motion made by John Janek and seconded by Steve Koeller to approve with conditions. Roll Call Vote. All ayes. Motion approved.
 - iv. Z16-0038 – Charles Howland. Motion made by Loren Davis and seconded by Steve Koeller to approve with conditions. Roll Call Vote. All ayes. Motion approved.
 - v. Z16-0035 – Jason & Patricia Toenyas. Motion made by John Janek and seconded by Loren Davis to approve with conditions. Roll Call Vote. All ayes. Motion approved.
 - vi. Z16-0042 – Andrew & Mary Kerkemeyr. Motion made by John Janek and seconded by Steve Koeller to approve. Roll Call Vote. All Ayes. Motion approved.
4. **Public Comment**
 - a. There was no public comment May 26, 2016.
5. **Planning Coordinator's Report**
 - a. Derek Jackson informed the Zoning Board of Appeals that the next set of hearings will be June 2, 2016.
6. **Adjournment**
 - a. Motion made by Loren Davis and seconded by John Janek to adjourn. Voice Vote. All ayes. Motion approved.

May 26, 2016

Finding Of Fact and Recommendations

Mr. John Sedlacek, pro tem Chairman, called the meeting to order at 8:30 AM in the office of the Madison County Planning and Development Department.

Present were Misters Davis, Janek, Koeller, and Sedlacek.

Absent were Misters Campbell, Dauderman, 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 do hereby submit the Reports and Recommendations on the following:

File #Z16-0030 – Leroy Walls	(Hamel Township)
File #Z16-0034 – Tobey & Julia Suter	(Jarvis Township)
File #Z16-0036 – Tina Merritt	(Nameoki Township)
File #Z16-0038 – Charles Howland	(Venice Township)
File #Z16-0035 – Jason & Patricia Toenyas	(Wood River Township)
File #Z16-0042 – Andrew & Mary Kerkemeyer	(Foster Township)

Z16-0030 - Petition of Leroy Walls, owner of record, requesting a Variance as per Article 93.023, Section B, Item 1 Sub (a) of the Madison County Zoning Ordinance in order to create two tracts of land that are 1.5 acres in area instead of the required two acres and that have 145.25 feet of property width instead of the required 150 feet. Also Variances as per Article 93.023, Section B, Item 2 of the Madison County Zoning Ordinance in order for the dwelling unit on each proposed lot to be 40 feet from the north and south property lines instead of the required 50 feet. This is located in an Agricultural District in Hamel Township at **5327 Hazel Road, Edwardsville**, Illinois PPN#11-1-10-30-00-000-006.003 **(03)**

A **motion** was made by Mr. Koeller and seconded by Mr. Janek that the petition of Leroy Walls 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. Leroy Walls, applicant and property owner, stated that he is seeking variances in order to create two tracts of land that will be 1.5 acres in size, have 145.25 feet of property width instead of the required 150 feet, and a setback variance to allow two new dwellings to be forty (40) feet from the north and south property lines instead of the required 50 feet. Mr. Walls stated that second dwelling would be a benefit to the County in the form of additional property taxes; V. Thomas Willie, nearby property owner of 5210 Hazel Road, spoke in opposition to the request stating concerns with consistent lot sizes, density of homes in the area, and drainage due to a high seasonal water table. Mr. Willie also stated that shooting for target practice and hunting has become a noise issue in the area; VI. Tiffany Williams, adjoining property owner to the west located at 5323 Hazel Road, spoke in opposition to the request; VII. Jesse Scott, adjoining property owner to the north located at 5331 Hazel Road, spoke in opposition to the request. Mr. Scott stated that he also represents Mark and Lori Kruckerberg, adjoining property owners to the east. Mr. Scott stated that the subject property is being marketed as Hazel Estates on the applicant’s website. Mr. Scott stated that he is opposed to the proposed density; VIII. James Hunsley, nearby property owner of 5347 Hazel Road, spoke in opposition to the request. Mr. Hunsley stated that he does not object to constructing a new home on a three (3) acre tract; IX. In his closing comments, Mr. Walls stated that the one thing that is consistent in life is change. Mr. Walls stated that he understands his neighbors’ concerns. Mr. Walls stated that he has listed the property on his website in case his mother, who the applicant hopes will build on the second lot, is not interested. Mr. Walls stated that if his mother decides not to build he would have to market the lot to another interested party. Mr. Walls stated that he has no intention of discharging firearms on the subject properties; X. The Board of Appeals notes for the record that there are no substandard size “A” Agriculture lots in the surrounding area; XI. The

Board of Appeals notes for the record that the proposed variance requests would not be compatible with the surrounding area; XII. The Board of Appeals feels that to allow this request would cause a detrimental effect on adjoining properties; XIII. 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, Janek, Koeller and Sedlacek.

Nays to the motion: None.

Absent: Misters Campbell, Dauderman, and St. Peters.

Where upon the pro tem Chairman declared the motion duly adopted.

Z16-0034 - Petition of Tobey and Julia Suter, owners of record, doing business as R&S Repair, requesting a Special Use Permit as per Article 93.023, Section D, Item 1 of the Madison County Zoning Ordinance in order to operate an agricultural implement and machinery service and repair establishment. This is located in an Agricultural District in Jarvis Township at **4132 Antler Point, Troy, Illinois PPN#09-2-22-14-00-000-021 (02)**

A **motion** was made by Mr. Janek and seconded by Mr. Davis that the petition of Tobey and Julia Suter be as follows: I. That the Special Use Permit is granted for the sole usage of Tobey & Julia Suter and Dennis & April Rottmann. Any change of ownership or operator will require a new Special Use Permit; II. There shall be no off-site parking; III. There shall be no on-site signage; IV. The agriculture implements & machinery service and repair operation shall operate between the hours of 9 AM and 5 PM Monday through Saturday; V. All outdoor storage shall be kept in a neat and orderly condition, and shall not create a health hazard or an eye sore to the general area; VI. The owner and operator shall keep the property in compliance with all Madison County Ordinances; VII. The owner and operator shall apply for an amendment to this Special Use Permit for any future alterations, modifications, or expansions of the use; VIII. The owner or operator's failure to adhere to the conditions of the Special Use Permit will cause revocation of the same, and require immediate removal of the agriculture implements & machinery service and repair operation.

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. Tobey Suter, applicant and property owner, and Dennis Rottmann, co-operator, stated that they are seeking to operate a farm implements repair operation within the detached garage on the subject property; V. The Board of Appeals notes for the record that the proposed special use permit request would be compatible with the surrounding area; VI. The Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties; VII. The Board of Appeals notes that the Comprehensive Plan, Madison County Zoning Ordinance, and the zoning file were taken into consideration.

Roll Call Vote.

Ayes to the motion: Misterys Davis, Janek, Koeller and Sedlacek.

Nays to the motion: None.

Absent: Misterys Campbell, Dauderman, and, St. Peters.

Where upon the pro tem Chairman declared the motion duly adopted.

Z16-0036 - Petition of Tina A. Merritt, owner of record, and Ron Wycoff, occupant of manufactured home, requesting a Special Use Permit as per Article 93.025, Section G, Item 9 of the Madison County Zoning Ordinance in order to continue the placement of a single-wide manufactured home on site for a new occupant, Ron Wycoff, for a period not to exceed five years. This voids SUP #Z10-0086. This is located in an "R-3" Single Family Residential District in Nameoki Township at **4080 Central Lane, Granite City, Illinois PPN#17-2-20-03-16-402-016 (19)**

A **motion** was made by Mr. Janek and seconded by Mr. Davis that the petition of Tina Merritt be as follows: I. That the Special Use Permit is granted for the sole usage of Ron Wycoff and his daughter for a period not to exceed five (5) years but may be extended either through an amendment to this Special Use Permit or through an administrative review process, if qualified, as long as Ron Wycoff and his daughter occupy the structure, notwithstanding any violations, nuisance, change in ownership, or change in occupancy. The owner shall remove the manufactured home from the site when Ron Wycoff and his daughter vacate the structure.

The Finding of Fact of the Board of Appeals: I. The notice of Public Hearing was posted on the property in accordance with the terms of the ordinance; II. The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; III. The adjoining property owners were notified by mail of the time and date of the public hearing; IV. Lori West spoke on behalf of the applicant and property owner. Ms. West stated that she is seeking a special use permit to continue the placement of the single-wide manufactured home on site to be used as Ron Wycoff's personal residence; V. The Board of Appeals notes for the record that the proposed special use permit request would be compatible with the surrounding area; VI. The Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties; VII. The Board of Appeals notes that the Comprehensive Plan, Madison County Zoning Ordinance, and the zoning file were taken into consideration.

Roll Call Vote.

Ayes to the motion: Misterys Davis, Janek, Koeller and Sedlacek.

Nays to the motion: None.

Absent: Misterys Campbell, Dauderman, and St. Peters.

Where upon the pro tem Chairman declared the motion duly adopted.

Z16-0038 - Petition of Charles Howland, owner of record and proposed occupant of manufactured home, requesting a Special Use Permit as per Article 93.025, Section G, Item 9 of the Madison County Zoning Ordinance in order to continue the placement of a single-wide manufactured home on site for the occupancy of Charles Howland for a period not to exceed 5 years. This is located in an "R-3" Single Family Residential District in Venice Township at **2648 North Street, Granite City, Illinois PPN#21-2-19-13-08-201-017 (23)**

A **motion** was made by Mr. Davis and seconded by Mr. Koeller that the petition of Charles Howland be as follows: I. That the Special Use Permit is granted for the sole usage of Charles Howland Jr. for a period not to exceed five (5) years but may be extended either through an amendment to this Special Use Permit or through an administrative review process, if qualified, as long as Charles Howland Jr. occupies the structure, notwithstanding any violations, nuisance, change in ownership, or change in occupancy. The owner shall remove the manufactured home from the site when Charles Howland Jr. vacates the structure.

The Finding of Fact of the Board of Appeals: I. The notice of Public Hearing was posted on the property in accordance with the terms of the ordinance; II. The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; III. The adjoining property owners were notified by mail of the time and date of the public hearing and none were in attendance; IV. Charles Howland, applicant and property owner, stated that he is seeking to continue the placement of his manufactured home to be used as his personal residence; V. The Board of Appeals notes for the record that the proposed special use permit request would be compatible with the surrounding area; VI. The Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties; VII. The Board of Appeals notes that the Comprehensive Plan, Madison County Zoning Ordinance, and the zoning file were taken into consideration.

Roll Call Vote.

Ayes to the motion: Misterys Davis, Janek, Koeller and Sedlacek.

Nays to the motion: None.

Absent: Misterys Campbell, Dauderman, and St. Peters.

Where upon the pro tem Chairman declared the motion duly adopted.

Z16-0035 - Petition of Jason and Patricia Toenyes, owners of record, requesting a Special Use Permit as per Article 93.025, Section G, Item 9 of the Madison County Zoning Ordinance in order to continue the placement of a double-wide manufactured home on site for the occupancy of Jason & Patricia Toenyes for a period not to exceed five years. This voids SUP #Z09-0116. This is located in an "R-4" Single Family Residential District in Wood River Township at **511 N. Stanley Road, Cottage Hills, Illinois PPN#19-2-08-03-04-401-026 (13)**

A **motion** was made by Mr. Janek and seconded by Mr. Davis that the petition of Jason and Patricia Toenyes be as follows: I. That the Special Use Permit is granted for the sole usage of Jason and Patricia Toenyes for a period not to exceed five (5) years but may be extended either through an amendment to this Special Use Permit or through an administrative review process, if qualified, as long as Jason and Patricia Toenyes occupy the structure, notwithstanding any violations, nuisance, or change in ownership, or change in occupancy. The owner shall remove the manufactured home from the site when Jason and Patricia Toenyes vacate structure.

The Finding of Fact of the Board of Appeals: I. The notice of Public Hearing was posted on the property in accordance with the terms of the ordinance; II. The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; III. The adjoining property owners were notified by mail of the time and date of the public hearing and none were in attendance; IV. Jason Toneyes, applicant and property owner, stated that he is seeking a special use permit in order to continue the placement of his manufactured home to be used as his personal residence; V. The Board of Appeals notes for the record that the proposed special use permit request would be compatible with the surrounding area; VI. The Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties; VII. The Board of Appeals notes that the Comprehensive Plan, Madison County Zoning Ordinance, and the zoning file were taken into consideration.

Roll Call Vote.

Ayes to the motion: Misterys Davis, Janek, Koeller and Sedlacek.

Nays to the motion: None.

Absent: Misterys Campbell, Dauderman, and St. Peters.

Where upon the pro tem Chairman declared the motion duly adopted.

Z16-0042 - Petition of Andrew and Mary Kerkemeyer, owners of record, requesting a Variance as per Article 93.023, Section B, Items 1 and 2 of the Madison County Zoning Ordinance in order to create a tract of land that is .87 acres in area instead of the required two acres, and in order to build a single-family dwelling that will be 25 feet from the front and rear property lines instead of the required 50 feet. Also a Variance as per Article 93.061, Section A in order to have an existing private sewage system on a lot that is less than the required 40,000 square feet. This is located in an Agricultural District in Foster Township at **4778 Culp Lane, Bethalto, Illinois PPN#20-1-02-36-04-402-012 (14)**

A **motion** was made by Mr. Janek and seconded by Mr. Koeller that the petition of Andrew and Mary Kerkemeyer be as follows: "Granted."

The Finding of Fact of the Board of Appeals: I. The notice of Public Hearing was posted on the property in accordance with the terms of the ordinance; II. The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; III. The adjoining property owners were notified by mail of the time and date of the public hearing; IV. Mary Kerkemyer, applicant and property owner, stated that she is seeking a variance in order to create a 0.87 tract of land, a variance in order to have a private sewage system be on a lot less than 40,000 square feet, and a setback variance for a future dwelling to be 25 feet from the north and south property lines instead of the required 50; V. Gene Geist, adjacent property owner of 4785 Vallye View Lane, spoke in support of the request; VI. The Board of Appeals notes for the record that there are existing lots in the surrounding area that are less than two acres in size; VII. The Board of Appeals notes for the record that the proposed variance requests would be compatible with the surrounding area; VIII. The Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining 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: Misters Davis, Janek, Koeller and Sedlacek.

Nays to the motion: None.

Absent: Misters Campbell, Dauderman, and St. Peters.

Where upon the pro tem Chairman declared the motion duly adopted.