

**Zoning Board of Appeals Meeting Minutes**  
**Tuesday July 10, 2018 at 5:00 p .m.**  
**157 N. Main Street, Suite 254, Edwardsville, IL**

**Members Present:** Don Metzler, Mary Goode, Tyrone Echols, and George Ellis

**Members Absent:** Steve Koeller

**1. Call to Order**

- a. The meeting was called to order at 5:00 p.m. Andi Campbell Yancey, Madison County Planning and Development, gave a brief overview of the six zoning petitions on the hearing docket and provided staff recommendations.

**2. Approval of Minutes**

- a. Due to several changes made to the Zoning Board of Appeals, there are not enough Zoning Board members from the May 22, 2018 meeting to approve the minutes, which requires the affirmative vote of a quorum majority. The unapproved May 22, 2018 meeting minutes will be made public in accordance with the Open Meetings Act.

**3. 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 discussion or action took place.
- b. Z18-0007 – Petition of Stephen Edwards. The petition remained tabled, and no discussion or action took place.

**4. New Business**

- a. Z18-0037– Petition of Corey Benton. Tyrone Echols made a motion to approve the request with conditions. Seconded by Mary Goode. Voice vote. All ayes. Motion approved.
- b. Z18-0033 – Petition of David Mueller. Mary Goode made a motion to approve the request. Seconded by George Ellis. Voice vote. All ayes. Motion approved.
- c. Z18-0038 – Petition of Brian Robertson and Brian and Kimberly Thompson. Mary Goode made a motion to approve the request with conditions. Seconded by George Ellis. Voice vote. All ayes. Motion approved.
- d. Z18-0032 – Petition of SJG Land Investments LLC. Mary Goode made a motion to approve variance for a reduced side yard setback requirement of 30 feet for lot 6, lot 7, lot 8, and the north property boundary of lot 9 of Fawn Haven Subdivision. Seconded by Tyrone Echols. Voice vote. All ayes. Motion approved.
- e. Z18-0035 – 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.
- f. Z18-0034 – Petition of Martin Rios. Mary Goode made a motion to approve the request with conditions. Seconded by Tyrone Echols. Voice vote. All ayes. Motion approved.

**5. Planning Coordinator’s Report**

- a. Andi Campbell Yancey stated that the next Zoning Board hearings would be set for July 24, 2018.

**6. Adjournment**

- a. Mary Goode made a motion to adjourn. Seconded by Tyrone Echols. Voice vote. All ayes. Motion approved. Meeting adjourned.

**Madison County Zoning Board of Appeals**  
**July 10, 2018 Findings of Fact and Recommendations**

Don Metzler, Chairman Pro Tem, called the meeting to order at 5:00 p.m. in the Madison County Board Room.

**Members Present:** Don Metzler, Mary Goode, Tyrone Echols, and George Ellis

**Members Absent:** Steve Koeller

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

**File Z18-0037** – Petition of Corey Benton (Wood River Township)

**File Z18-0033** – Petition of David Mueller (Edwardsville Township)

**File Z18-0038** – Petition of Brian Robertson and Brian and Kimberly Thomson (Pin Oak Township)

**File Z18-0032** – Petition of SJG Land Investments, LLC (Pin Oak Township)

**File Z18-0035** – Petition of David Templeman (Jarvis Township)

**File Z18-0034** – Petition of Martin Rios (Venice Township)

## **Finding of Fact and Recommendations**

### **Hearing File Z18-0037**

Petition of Corey Benton, owner of record, requesting a special use permit as per §93.025, Section G, Item 9 of the Madison County Zoning Ordinance to continue placement of a double-wide manufactured home on site for the occupancy of Corey Benton and family for a period not to exceed five years. This voids SUP #Z11-0070. This is located in an "R-4" Single-Family Residential District in Wood River Township, at 1219 Lee, Cottage Hills, Illinois PPN#19-2-08-03-04-406-027 (13)

A motion was made by Mr. Echols and seconded by Ms. Goode that the petition of Corey Benton be as follows:

I. This special use permit is granted for the sole usage of Corey Benton and family 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 Corey Benton occupies the structure, notwithstanding any violations, nuisance, change in ownership, or change in occupancy. The owner shall remove the mobile home from the site or apply for a new special use permit when Corey Benton vacates the structure.

The Finding of Fact of the Board of Appeals: I. The zoning file, Comprehensive Plan, 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 and none were in attendance; V. Corey Benton, applicant and owner of record, stated that he is seeking a special use permit for him and his family to continue occupying the existing double-wide manufactured home on the site; V. The Zoning Board of Appeals feels that the request is consistent with the character of the surrounding area and that continued placement of the double-wide mobile home would not cause a detrimental effect on adjoining properties.

Voice vote.

All ayes.

Whereupon the Chairman Pro Tem declared the motion duly adopted.

**Finding of Fact and Recommendations**  
**Hearing File Z18-0033**

Petition of David Mueller, owner of record, requesting an amendment to the conditions of special use permit Z16-0044 in order to change the hours of operation for the public stable operation from 8:00 a.m. to 8:00 p.m. Monday through Sunday to 6:00 a.m. to 10:00 p.m. Monday through Sunday. This is located in an Agricultural District in Edwardsville Township, at 101 Oaklawn, Glen Carbon, Illinois PPN#14-1-15-35-02-201-013 & 14-1-15-36-00-000-003 (25)

A motion was made by Ms. Goode and seconded by Mr. Ellis that the petition of David Mueller be as follows: The proposed amendments to the conditions of approval for special use permit Z16-0044 are approved. The conditions are as follows:

- I. This Special Use Permit is granted for the sole usage of David Mueller. Any change of ownership or operator will require a new Special Use Permit.
- II. There shall be no off-site parking.
- III. The public stable and riding academy operation shall be open to the public between 6 a.m. and 10 p.m. Monday through Sunday.
- IV. 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.
- V. All on-site dumpsters shall be located in a manner which is screened from the roadway and adjoining properties.
- 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 public stable and riding academy operation.

The Finding of Fact of the Board of Appeals: I. The zoning file, Comprehensive Plan, 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. David Mueller, property owner and stable operator, stated that he is seeking to change the hours of operation tied to the special use permit for public stables. Mr. Mueller stated that he has a part-time employee who shows up around 6:00 a.m. and with day light savings time being here, it's coolest in the evening. Mr. Mueller stated that the proposed hours would be better for both the animals and his clients. Mr. Mueller stated that his clients must accommodate their school and work schedules, as well as horse shows, and that the proposed hours will enable him to better accommodate stable clients; VI. Mary Goode, ZBA member, asked Mr. Mueller how long the property had been vacant prior to him reestablishing the stable use; VII. Mr. Mueller stated that he purchased the property following foreclosure and that the previous owner operated a stable at the site, but that he didn't know how long it was vacant. Mr. Mueller stated that he had invested money into the site and that he plans to continue improving the site; VIII. Mary Goode, ZBA member, asked Mr. Mueller how many boarders he had; IX. Mr. Mueller stated that he has 10 boarders and 14 horses. Mr. Mueller stated that his stable offered full-care and self-care boarding and both sides are filled up. Mr. Mueller stated that one of his self-care client's work schedule had changed and she could not get to the site by 8 pm, so he decided to request the hours be extended to stay in compliance. X. Jane Morris, 315 Spring Street in Edwardsville, spoke in support of the proposed change in hours. Ms. Morris stated that she boards her horse at the stable, and in the heat of summer they typically don't start riding until 6 p.m. or so to avoid the hottest part of the day. Ms. Morris stated that there would be no raucous activity at those times, but that the expanded hours would accommodate stable clients. Ms. Morris stated that she's boarded her horse there for several years, and

that it is a lovely, quiet, well-run facility; XI. Connie McNabb, 103 Behrens Drive in Edwardsville, also spoke in support of the change in hours. Mrs. McNabb stated that Mr. Mueller runs a quiet facility, explaining that she has boarded at several facilities that weren't. Mrs. McNabb stated that most of the boarders are middle-aged or seniors, stating that she doesn't think there's an issue with loud noise coming and going. Mrs. McNabb stated that some of Mr. Mueller's clients do shows and don't get back to town until 10 p.m. Mrs. McNabb stated that the change in hours would provide convenience for the boarders and be a better use of Mr. Mueller's facility. XII. Dr. Arbon Hairston, adjacent property owner at 100 Oaklawn Road, spoke in opposition to the request. Dr. Hairston also submitted a letter and signed petition for the record. Dr. Hairston stated that the resolution authorizing the stable special use permit also has his wife, Denise Lutes, on it and that she was still listed on the special use permit. Dr. Hairston stated that the resolution also states that all outdoor storage shall be kept in a neat and orderly condition and shall not create a health hazard. Dr. Hairston stated that he is representing the neighborhood and that the Board would not like what he had to say. Dr. Hairston stated that the health hazards are an issue and the hours from 8 a.m.-8 p.m. are an issue. Dr. Hairston stated that Maureen has been in violation of the hours of operation for over a year, coming in at 6, stating that he has pictures of her van at the stable at 6:30 a.m. Dr. Hairston stated that he indicated to Mr. Mueller that he would not support the extended hours. Dr. Hairston stated that he is a retired city manager of 25 years and has worked in multiple cities in multiple states. Dr. Hairston stated that he was going to read some of the issues he has with the stables. Dr. Hairston stated that Denise Lutes is still on the special use permit, the stable operation has been out of compliance with the hours of operation for the past year, which he has complained about to the county several times and met with Derek Jackson to discuss. Dr. Hairston stated that nothing has ever been done, yet the boarders are arriving as early as 6 a.m. and leaving as late as 11 p.m. Dr. Hairston stated that he is now retired and has led a very stressful life and that he is out on that property by himself and didn't want to be bothered and now he has alarms going off on his driveway at all times of the day and night. Dr. Hairston stated that he goes to sleep at 8 or 8:30 p.m. and does not want people coming across his driveway at that time of night. Dr. Hairston went on to discuss health hazards, which he said Madison County is not acknowledging. Dr. Hairston stated that he has 10 very, very good witnesses that have visited him for the past year. Mr. Hairston stated that he has a board of directors comprised of police chiefs and sheriffs that will testify. Mr. Hairston stated that Mr. Mueller has been in violation, that he has 5 issues and 11 issues that have impacted the neighborhood. Dr. Hairston stated that they represent \$10 million in property value, and that they would like some assistance because this has gone on way too long. Dr. Hairston stated that he has federal judges and police chiefs, attorneys, and mayors that have witness this, stating that Madison County does not seem to acknowledge it, but it's causing problems. Mr. Hairston stated that he cannot sit on his porch due to the biting flies and horse manure, stating that Mr. Mueller has been repairing the road with horse manure; XIII. Mary Goode, ZBA member, asked Dr. Hairston how long he had resided at 100 Oaklawn Road; XIV. Dr. Hairston stated that he had resided there for 25 years. Mr. Hairston stated that the first owner of the stable when he moved in was Karen. Dr. Hairston stated that when Karen ran the stable you could not smell horse manure and there were no biting flies. Now people 9 acres away are getting bit by flies and that bicyclist and mothers with strollers have almost been hit by Mr. Mueller's dump trucks. Dr. Hairston stated that the individuals on Middlegate want to know why Madison County is allowing Mr. Mueller to use their subdivision as his construction zone, stating that they have a serious issue; XV. Mary Goode, ZBA member, asked if there were any violations prior to Mr. Mueller's taking over the stable; XVI. Dr. Hairston stated that he was in Minnesota when the previous owner had it, but that he ran it without a permit and that when Denise Lutes was interested in purchasing the property, Mr. Mueller told her she did not need a license and could keep it under the radar. Dr. Hairston stated that as someone who had been the top law enforcement official in many cities, he could not do that; XVII. Mary Goode, ZBA member, stated that her daughter has horses and that there are a lot of flies this year for some reason, stating that she wasn't sure how to control that. Ms. Goode stated that she understood Mr. Hairston's concerns; XVIII. The Zoning Board of Appeals notes for the record that the proposed change in hours of operation are reasonable for a public stable operation.

Voice vote.

All ayes.

Whereupon the Chairman Pro Tem declared the motion duly adopted.

## **Finding of Fact and Recommendations**

### **Hearing File Z18-0038**

Petition of Brian Robertson, applicant, and Brian and Kimberly Thompson, owners of record, requesting a variance as per §93.023, Section B, Item 1, Sub (1) of the Madison County Zoning Ordinance in order to create a tract of land that is 130 ft. wide at the front yard setback instead of the required 150 ft. This is located in Pin Oak Township, at 8609 Maple Grove Road, Edwardsville, Illinois PPN#10-2-16-27-00-000-029 (11)

A motion was made by Ms. Goode and seconded by Mr. Ellis that the petition of Brian Robertson and Brian and Kimberly Thompson be as follows: Approved with the condition that neither property shall be allowed to create additional entrances, or "curb cuts", along Maple Grove Road.

The Finding of Fact of the Board of Appeals: I. The zoning file, Comprehensive Plan, 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. Brian Robertson, applicant and property owner at 8615 Maple Grove Road, stated that he is proposing to purchase a strip of property from his neighbor that would extend his property width by 20 feet, thus reducing the neighboring lot to 130 feet wide, which is below the minimum lot width required within "A" Agriculture Districts. Mr. Robertson stated that he is expanding his lot in order to have better access to the existing storage building on his lot; VI. Mary Goode, ZBA member, asked if the neighbor was selling Mr. Robertson the property for a boundary adjustment; VII. Mr. Robertson indicated that this was correct; VIII. Kimberly Thompson, 8609 Maple Grove Road, spoke in support of the request stating that Mr. Robertson was a great neighbor and it will be less mowing for her family.

Voice vote.

All ayes.

Whereupon the Chairman Pro Tem declared the motion duly adopted.

## **Finding of Fact and Recommendations**

### **Hearing File Z18-0032**

Petition of SJG Land Investments, LLC, owner of record, requesting variances as per §93.023, Section B, Item 2 of the Madison County Zoning Ordinance in order for lots 6, 7, 8, and 9 of Fawn Haven Subdivision to have side-yard setbacks of 30 ft. instead of the required 50 ft. This is located in Agricultural District in Pin Oak Township, on Maple Grove Road, Edwardsville, Illinois PPN#10-1-16-27-00-000-011 (11)

A motion was made by Ms. Goode and seconded by Mr. Echols that the petition of SJG Land Investments, LLC be as follows: That the variance for a reduced side yard setback requirement of 30 feet is approved for lots 6, lot 7, lot 8, and the north property boundary of lot 9 of Fawn Haven Subdivision.

The Finding of Fact of the Board of Appeals: I. The zoning file, Comprehensive Plan, 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. Steve Gower, owner and manager of SJG Land Investments LLC and applicant, stated that he is currently developing Fawn Haven Subdivision, which is zoned "A" Agricultural and has a 2-acre minimum lot size. Mr. Gower stated that he is requesting a variance in order for four (4) of the lots to have a reduced side yard setback from 50 ft. to 30 ft. to provide builders with some flexibility in locating the new homes. Mr. Gower stated that the lots within Fawn Haven are similar to the lots next door in Indian Meadows; V. Mel Dutton, adjoining property owner at 8759 Maple Grove Road, spoke in opposition to the variance request. Mr. Dutton stated that he purchased his home outside of town so that the houses would be farther apart than in town. Mr. Dutton stated that he was opposed to the request because it would allow a new home to be located 20 feet closer to his, so he is opposed. Mr. Dutton inquired why the subdivision was not surveyed with the intention to satisfy the 50-foot setbacks instead of 30-foot setbacks. Mr. Dutton stated that it looked like the developer was trying to get an extra lot out of the proposal at the expense of satisfying the 50-foot setback requirement; VI. Steve Gower, applicant, stated that that was not the case at all. Mr. Gower stated that the lots on the west side of the property were approximately 175-200 feet wide, which reduced the building area to 75 ft. Mr. Gower stated that he is requesting the setback reduction to provide property owners and builders some flexibility in locating structures on the lot; VII. Matt Brandmeyer, Madison County Planning and Development, stated that the Zoning Board has the option to deny the setback variance for the property line adjacent to Mr. Dutton's property; VIII. Shirley Coker, 8759 Maple Grove Road, also spoke in opposition to the variance request. Ms. Coker stated that she was Mel's mother and that she moved from town with Mel, and she feels like rules are made to be kept and should not be broken unless there is a good reason. Ms. Coker stated that she moved from town because she didn't want people looking in her bedroom window and now a house would be closer, which is why she's opposed; IX. Mary Goode, ZBA member, indicated that she liked Mr. Brandmeyer's recommendation of denying the 30 ft. setback from the property line adjacent to Mr. Dutton's property, stating that seemed like a reasonable solution.

Voice vote.

All ayes.

Whereupon the Chairman Pro Tem declared the motion duly adopted.

**Finding of Fact and Recommendations**  
**Hearing File Z18-0035**

Petition of David Templeman, owner of record, requesting a variance as per §93.023, Section B, Item 2 of the Madison County Zoning Ordinance to construct an addition to an existing dwelling that will be 16 ft from the east property line instead of the required 50 ft. This is located in an Agricultural District in Jarvis Township, at 7505 West Kirsch, Collinsville, Illinois 09-1-22-19-00-000-012 (02)

A motion was made by Ms. Goode and seconded by Mr. Ellis that the petition David Templeman be as follows:  
Approved.

The Finding of Fact of the Board of Appeals: I. The zoning file, Comprehensive Plan, 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. David Templeman, applicant and property owner at 7505 West Kirsch Road, stated that he is requesting to build a 2-car garage addition onto an old church that he is rehabbing into a residence. Mr. Templeman stated that the setback requirement is agricultural which required 50 ft. on both sides. Mr. Templeman stated that his property was only 1.03 acres in size and the minimum lot size within "A" Agriculture Districts is 2 acres. Mr. Templeman stated that he had a letter from the Jarvis Township assessor's office stating that, starting January 1<sup>st</sup>, the property would be rezoned residential. Mr. Templeman stated that he is requesting a setback variance from 50 feet to 16 feet because his lot does not fall under the jurisdiction of an agricultural lot based on what he's read in Madison County documents. Mr. Templeman stated that if his lot was zoned residential, which it will be in January, the setback would be reduced to ten feet; V. Madison County staff explained to Mr. Templeman that his property would be assessed as residential, not rezoned, and that in order to rezone the property to residential he'd have to file a petition with the Zoning Board of Appeals; VI. Mary Goode, ZBA member, asked if Mr. Templeman plans to reside at the property; VII. Mr. Templeman stated that he resides there now, explaining that he had converted the Sunday school into living quarters; VIII. Mary Goode, ZBA member, asked if Mr. Templeman had redone the foundation; IX. Mary Goode, ZBA member, stated that she does not have a concern with the reduced setback request. Ms. Goode noted that the area adjacent to Mr. Templeman's east property line is a wooded embankment, so it will not impact the adjoining property owner's use of their land. Mr. Templeman and Ms. Goode discussed access to the site.

Voice vote.

All ayes.

Whereupon the Chairman Pro Tem declared the motion duly adopted.



**Finding of Fact and Recommendations**  
**Hearing File Z18-0034**

Petition of Martin Rios, owner of record, requesting a special use permit as per §93.026, Section D, Item 11 of the Madison County Zoning Ordinance in order to place a double-wide manufactured home on site for the occupancy of Martin Rios and family for a period not to exceed five years. This is located in an "R-5" Multiple-Family Residential District in Venice Township, on Terry Street, Madison, Illinois PPN#21-2-19-36-11-202-001 (23)

A motion was made by Ms. Goode and seconded by Mr. Echols that the petition of Martin Rios be as follows:

I. This special use permit is granted for the sole usage of Martin Rios and family 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 Martin Rios occupies the structure, notwithstanding any violations, nuisance, change in ownership, or change in occupancy. The owner shall remove the mobile home from the site or apply for a new special use permit when Martin Rios vacates the structure.

The Finding of Fact of the Board of Appeals: I. The zoning file, Comprehensive Plan, 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. Martin Rios, applicant and owner of record, stated through an interpreter that he is seeking a special use permit to locate a double-wide mobile home at the site for him and his family; VI. Stanley Cox, 311 Terry St., spoke in opposition to the request. Mr. Cox stated that he thinks there may have been a mix-up with other individuals in the neighborhood going to the site address as he expected more people to attend the meeting in opposition. Mr. Cox stated that he was under the impression that Mr. Rios was going to place the mobile home at the site and bring horses out there, stating that he was wanting to know if they were zoned to have horses; VII. Andi Campbell Yancey, Madison County Planning and Development, stated that horses are permitted in all residential zoning districts and it's based on the size of the property. Mrs. Yancey stated that Mr. Rios would be allowed to keep up to two (2) horses at the property by-right with or without the special use permit as long as the lot is 2 acres in size; VIII. Mr. Cox stated that the existing mobile homes in the neighborhood were required to be installed on a slab and asked if Mr. Rios would be required to do the same; IX. Mrs. Yancey stated that Mr. Rios would be required to install the mobile home in accordance with the Madison County Code of Ordinances, which does have provision for the pad, tie-downs and skirting.

Voice vote.

All ayes.

Whereupon the Chairman Pro Tem declared the motion duly adopted.