

Zoning Board of Appeals Meeting Minutes
Tuesday July 24, 2018 at 5:00 p .m.
157 N. Main Street, Suite 254, Edwardsville, IL

Members Present: Mary Goode, Tyrone Echols, George Ellis, Thomas Ambrose, and Nicholas Cohan

Members Absent: Don Metzler, Steve Koeller

Others Present: Matt Brandmeyer, Andrea Yancey, Kellie Shelton, Melodee Mazur-Plummer, Charles Plummer, Marc Mills, Greg Coffey, David Lloyd, Mike Tinsley, Virgil Straeter, Dean Fortner, Dan Voss, and Bruce Cope

Call to Order

The meeting was called to order at 5:10 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.

Appointment of Chairperson Pro-Tem

Tyrone Echols made a motion to appoint George Ellis as Chairperson Pro Tem for the July 24, 2018 meeting. Seconded by Thomas Ambrose. Voice vote. Motion approved.

Approval of Minutes

There was not a quorum of ZBA members present from the July 10th meeting to approve the minutes. The review and approval of the July 10th meeting minutes was postponed until the following ZBA meeting.

Unfinished Business

The Petition requesting a Text Amendment to Chapter 93 of the Madison County Code of Ordinances remained tabled, and no discussion or action took place.

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

New Business

Z18-0040– Petition of Eleanora Bakaitis Trust. Petitioner is requesting a variance per §93.023, Section (B), Item 1, Sub (a) of the Madison County Zoning Ordinance to create a tract of land that is 25 ft. wide at the front yard setback instead of the required 150 ft. Also, a variance per §93.053, Section (D) to create a tract of land having 25 ft. of road frontage instead of the required 40 ft. This is located in an "A" Agriculture District in Collinsville Township. This property has unique circumstances it's one parcel in two separate tracts due to previous subdivisions of land. The owner wants to sell the land but cannot until the tracts are formally divided. Dean Fortner, adjoining property owner, inquired whether the proposal will affect his property. The property will be accessed from Pleasant Ridge Drive. The goal of the petitioner is to sell the property and the new owner wants to build a house. Mr. Fortner has no issues with the proposal.

Thomas Ambrose made a motion to approve the request. Seconded by Nicholas Cohan. Voice vote. All ayes. Motion approved.

Z18-0041 – Petition of Melodee Mazur-Plummer & Charles Plummer. Petitioners are owners and occupants of manufactured home; they are requesting a special use permit per §93.025, Section (G), Item 9 the Madison County Zoning Ordinance in order to continue the placement of a single-wide manufactured home on site for the sole occupancy of Melodee Mazur-Plummer, Charles Plummer, and family for a period not to exceed five years. This is located in an "R-4" Single-Family Residential District in Wood River Township. Melodee Mazur-Plummer stated that they have complied with all the violations received on the property. Mr. Brandmeyer confirmed that they are in compliance.

Mary Goode made a motion to approve the request with conditions. Seconded by Tyrone Echols. Voice vote. All ayes. Motion approved.

Z18-0042 – Petition of JoAnn Dawson. Petitioner is requesting a zoning map amendment to rezone a 0.15-acre tract of land from “R-3” Single-Family Residential to “B-3” Highway Business District and a special use permit as per §93.031, Section (D), Item 1 of the Madison County Zoning Ordinance to continue the use of the property as a bar and establish video game gambling terminals on site. This property has had a bar use established on it since the 1950s, which preceded the code; it is located in Venice Township. Staff recommends approval with the following conditions: the Special Use Permit is granted for the sole use of JoAnn Dawson, the hours of operation shall adhere to the Madison County liquor ordinance, and the owner shall apply for an amendment to the Special Use Permit for any expansions in the future.

Tyrone Echols made a motion to approve the request with conditions. Seconded by Mary Goode. Voice vote. All ayes. Motion approved.

Z18-0043 - Petition of Bethel Chapel Pentecostal Church. Petitioner is requesting a variance per §93.118, Section (B) of the Madison County Zoning Ordinance to construct a sign that will be 100 sq. ft. total instead of the permitted 2 sq. ft. This is located in an “R-1” Single-Family Residential District in Edwardsville Township. David Lloyd is a representative of the petitioner. He stated that the church was donated a sign and it gives better visibility and access from the road.

Tyrone Echols made a motion to approve the request. Seconded by Thomas Ambrose. Voice vote. All ayes. Motion approved.

Z18-0044 – Petition of Helmsing Development Group of Highland. Petitioner is requesting a zoning map amendment to rezone a 5.15-acre tract of land from “A” Agriculture District to “M-1” Limited Manufacturing District to continue manufacturing specialty trailers. It has been operating as legal non-conforming and the ownership has changed hands. The new owners would like the property to come into compliance, and the land use is not changing. The applicant also requested a variance per §93.034, Section (B), Item 4 of the Madison County Zoning Ordinance seeking relief from the 20-foot-wide landscape buffer requirement along the west property boundary. Greg Coffey, attorney, represented the petitioner. He asked for clarification regarding the standard of trees. The standard is 20’ x 20’ for mature trees, as there is a 20 ft. buffer screen requirement. He was informed that Helmsing Development can submit a plan for staff to review. Virgil Straeter is the neighbor to the west and spoke in favor of the petition.

Mary Goode made a motion to approve the request. Seconded by Tyrone Echols. Voice vote. All ayes. Motion approved.

Z18-0045 – Petition of Daniel Voss. Petitioner is requesting a special use permit per §93.023, Section (D), Item 20 of the Madison County Zoning Ordinance in order to place a single-wide manufactured home on site for a period not to exceed five years. This is located in an Agricultural District in Leef Township. Dan Voss, owner, indicated that he trains and breeds show horses. He has two guys that work for him and wants to put a trailer home on the property for one of them to occupy. Mike Tinsley, adjoining property owner, inquired where the proposed trailer will be in relation to his property and how it might affect his property value. The proposed trailer home will be close to Heritage Lane near the southeast corner near the campground. They will be at opposite corners as Mr. Tinsley is at the southwest corner. Mr. Tinsley has no problems with the proposal.

Mary Goode made a motion to approve with conditions. Seconded by Tyrone Ellis. Voice vote. All ayes. Motion approved.

Mr. Brandmeyer explained the next steps to the petitioners. He explained that the petitions will be reviewed by the Planning and Development Committee next Thursday, August 2, 2018 but they do not have to be present. It will then move to County Board on August 15th and from there the petitioner will receive a letter in the mail.

Planning Coordinator’s Report

Andi Campbell Yancey stated that she will be working on ZBA By-Laws for the following meeting. Mrs. Yancey stated that she will notify the Board once a docket is set for the following meeting.

Adjournment

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

**Madison County Zoning Board of Appeals
July 24, 2018 Findings of Fact and Recommendations**

George Ellis, Chairman Pro Tem, called the meeting to order at 5:10 p.m. in the Madison County Board Room.

Members Present: George Ellis, Mary Goode, Tyrone Echols, Thomas Ambrose and Nicholas Cohan

Members Absent: Steve Koeller, Don Metzler

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 Z18-0040 – Petition of Eleanora Bakaitis Trust (Collinsville Township)

File Z18-0041 – Petition of Melodee Mazur-Plummer & Charles Plummer (Wood River Township)

File Z18-0042 – Petition of JoAnn Dawson (Venice Township)

File Z18-0043– Petition of Bethel Chapel Pentecostal Church (Edwardsville Township)

File Z18-0044 – Petition of Helmsing Development Group Highland (Saline Township)

File Z18-0045 – Petition of Daniel Voss (Leef Township)

Finding of Fact and Recommendations

Hearing File Z18-0040

Petition of Eleanora Bakaitis Trust, owner of record, requesting a variance as per §93.023, Section (B), Item 1, Sub (a) of the Madison County Zoning Ordinance to create a tract of land that is 25 ft. wide at the front yard setback instead of the required 150 ft. Also, a variance as per §93.053, Section (D) to create a tract of land having 25 ft. of road frontage instead of the required 40 ft. This is located in an "A" Agriculture District in Collinsville Township, at 1344 Pleasant Ridge Road, Collinsville, Illinois PPN#13-1-21-15-00-000-010 (27)

A **motion** was made by Mr. Ambrose and **seconded** by Mr. Cohen that the petition of Eleanora Bakaitis Trust 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. The adjoining property owners were notified by mail of the time, date, and location of the public hearing; V. George Ellis, Chairman Pro-Tem, described the request to the Board; VI. Dean Fortner, adjoining property owner, asked about the impact the proposal would have on his property, which is accessed via a private lane. Mr. Fortner was advised that the proposal should not have an impact on his property or lane. Mr. Fortner indicated that he had no issues with the proposed variances; VII. The Zoning Board of Appeals feels that the characteristics of the property present a unique hardship and that the variance request is necessary for the reasonable use of property and will not have a detrimental impact on adjoining properties.

Voice vote.

All ayes.

Whereupon the Chairman Pro Tem declared the motion duly adopted.

Finding of Fact and Recommendations

Hearing File Z18-0041

Petition of Melodee Mazur-Plummer & Charles Plummer, owners of record and occupants of manufactured home, requesting a special use permit as per §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 sole occupancy of Melodee Mazur-Plummer, Charles Plummer, and family for a period not to exceed five years. This is located in an "R-4" Single-Family Residential District in Wood River Township, at 1322 8th Street, Cottage Hills, Illinois PPN# 19-2-08-03-02-207-019 (13)

A **motion** was made by Ms. Goode and **seconded** by Mr. Echols that the petition of Melodee Mazur-Plummer & Charles Plummer be as follows:

- I. This special use permit is **granted** for the sole usage of Melodee Mazur-Plummer & Charles Plummer 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 the Plummers occupy 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 the Plummers 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. Melodee Mazur-Plummer, applicant and property owner, stated that she was unaware of the special use permit requirement. Ms. Mazur-Plummer indicated that they had fixed up the site and made improvement since the site photo was taken; VI. Nicholas Cohen, ZBA member, asked if special use permits were only good for five years and several other questions about mobile home special use permit and renewal processes; VII. Charles Plummer, applicant and property owner, asked questions about the mobile home special use permit process; VIII. The Zoning Board of Appeals notes for the record that the continued placement of the mobile home is consistent with the character of the surrounding area and will not be detrimental to adjoining properties.

Voice vote.

All ayes.

Whereupon the Chairman Pro Tem declared the motion duly adopted.

Finding of Fact and Recommendations

Hearing File Z18-0042

Petition of JoAnn Dawson, owner of record, requesting a zoning map amendment to rezone a 0.15-acre tract of land from "R-3" Single-Family Residential to "B-3" Highway Business District and a special use permit as per §93.031, Section (D), Item 1 of the Madison County Zoning Ordinance to continue the use of the property as a bar and establish video game gambling terminals on site. This is located in Venice Township, at 2542 Missouri Avenue, Granite City, Illinois PPN#21-2-19-13-08-202-020 (23)

A **motion** was made by Mr. Echols and **seconded** by Ms. Good that the petition of JoAnn Dawson be as follows:

- I. That the Special Use Permit is granted for the sole use of JoAnn Dawson.
- II. The hours of operation shall adhere to the Madison County Liquor Ordinance.
- III. The owner shall apply for an amendment to this Special Use Permit for any future alterations, modifications, or expansion of the use.
- IV. The owner shall agree to keep the property maintained and in compliance with all Madison County Ordinances.
- V. Any violation of the terms of these Special Use Permits would cause revocation of same.

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. George Ellis, Chairman Pro-Tem, described the request to the Board; VI. Thomas Ambrose, ZBA member, asked about the liquor license regulations and oversight of video game gambling terminals within the County. Mr. Ambrose was advised that the video game terminals were largely state regulated, that applicants are required to have a Type A liquor license prior to acquiring the terminals, and that no more than 5 terminals were permitted per establishment; VII. The ZBA notes for the record that the proposed map amendment will not be detrimental to surrounding properties.

Voice vote.

All ayes.

Whereupon the Chairman Pro Tem declared the motion duly adopted.

Finding of Fact and Recommendations

Hearing File Z18-0043

Petition of Bethel Chapel Pentecostal Church, applicant and owner of record, requesting a variance as per §93.118, Section (B) of the Madison County Zoning Ordinance to construct a sign that will be 100 sq. ft. instead of the permitted 2 sq. ft. This is located in an "R-1" Single-Family Residential District in Edwardsville Township, at 2900 Pentecostal Road, Edwardsville, Illinois PPN#14-1-15-29-03-301-031 (24)

A **motion** was made by Mr. Echols and **seconded** by Mr. Ambrose that the petition of Bethel Chapel Pentecostal Church 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 Lloyd, speaking on behalf of the applicant, stated that the church had been given a sign and, due to zoning requirements and the size of the donated sign, they are seeking a variance to erect the sign. Mr. Lloyd stated that the sign would help visibility and access to the site. Mr. Lloyd indicated that the site had been used in that capacity since the 1940s; V. The ZBA notes for the record that the proposed variance request will not have a detrimental impact on surrounding properties or the character of the area.

Voice vote.

All ayes.

Whereupon the Chairman Pro Tem declared the motion duly adopted.

Finding of Fact and Recommendations

Hearing File Z18-0044

Petition of Helmsing Development Group Highland, owner of record, requesting a zoning map amendment to rezone a 5.15-acre tract of land from "A" Agriculture District to "M-1" Limited Manufacturing District to continue manufacturing specialty trailers. Also, a variance as per §93.034, Section (B), Item 4 of the Madison County Zoning Ordinance seeking relief from the 20-foot-wide landscape buffer requirement along the west property boundary. This is located in Saline Township, at 13480 US Highway 40, Highland, Illinois PPN# 02-1-18-22-00-000-011.002 (03)

A **motion** was made by Ms. Goode and **seconded** by Mr. Echols that the petition Helmsing Development Group Highland 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. Greg Coffey, representing the applicant, stated that they are seeking a map amendment to M-1 and a variance from the screening requirement along the west property line. Mr. Coffey inquired about the specifics of the required landscape buffer; V. Mary Goode, ZBA member, asked Mr. Coffey how long the applicants have owned the property and if they were conducted the same business as the previous owners; VI. Mr. Coffey stated that they had owned the property for approximately 6 months and that they would be manufacturing specialty trailers just as there previous owners had done; VII. Virgil Straeter, adjoining property owner to the west and south, spoke in favor of the proposal stating that he is in favor of the map amendment and has no issue with the variance; VIII. The ZBA notes that the proposed map amendment will not be detrimental to adjoining properties and that a landscape buffer will now be installed at the site, reducing the impact on adjoining properties.

Voice vote.

All ayes.

Whereupon the Chairman Pro Tem declared the motion duly adopted.

Finding of Fact and Recommendations
Hearing File Z18-0045

Petition of Daniel Voss, owner of record, and Adrian Macias, occupant of manufactured home, requesting a special use permit as per §93.023, Section (D), Item 20 of the Madison County Zoning Ordinance in order to place a single-wide manufactured home on site for the sole occupancy of Adrian Macias and family for a period not to exceed five years. This is located in an Agricultural District in Leef Township, at 13112 Heritage Lane, Pocahontas, Illinois PPN# 03-1-12-28-00-000-007.004 (03)

A **motion** was made by Ms. Goode and **seconded** by Mr. Echols that the petition of Daniel Voss and Adrian Macias be as follows:

I. This special use permit is **granted** for the sole usage of Adrian Macias 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 Adrian Macias 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 Adrian Macias 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. Daniel Voss, applicant and owner of record, stated that he trains and breeds show horses at his property and that the mobile home will be used for living quarters for his employee, Adrian Macias. Mr. Macias is a caretaker for the horses and needs to be at the site at all times to be available as needs arise; VI. Mike Tinsley, adjoining property owner, attended the hearing for additional information. Mr. Tinsley asked where the mobile home would be placed on the property in relation to his home, citing concerns with property values. Mr. Voss addressed Mr. Tinsley's concerns and indicated that the mobile home would be situated at the opposite end of the property from Mr. Tinsley. Mr. Tinsley indicated that he has no issue with the proposal; VII. The Zoning Board of Appeals notes that the mobile home is being placed in support of agricultural uses and will not be detrimental to adjoining properties.

Voice vote.

All ayes.

Whereupon the Chairman Pro Tem declared the motion duly adopted.