

Zoning Board of Appeals Meeting Minutes
Tuesday August 28, 2018 at 5:00 p.m.
157 N. Main Street, Suite 254, Edwardsville, IL

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

Members Absent: Don Metzler

A. Call to Order

George Ellis called the meeting to order at 5:00 p.m. and conducted roll call.

B. Approval of Minutes

Tyrone Echols made a motion to approve the meeting minutes from July 10 and July 24, 2018. Seconded by Mary Goode. Voice vote. All ayes.

C. Overview of Zoning Petitions and Staff Recommendations

Andi Campbell Yancey, Madison County Planning and Development, gave a brief overview of the seven zoning petitions under consideration and provided staff recommendations.

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

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

E. Zoning Hearings

The Zoning Board of Appeals conducted the zoning hearings on all agenda items. Please see the Findings of Facts attached hereto for a summary of each zoning hearing and public comment.

F. Unfinished Business

1. 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.
2. Z18-0007 – Petition of Stephen Edwards. The petition remained tabled, and no discussion or action took place.

G. New Business

1. Z18-0048– Petition of Beverly and Catherine Manning requesting a special use permit to place a manufactured home on her property. Mary Goode made a motion to approve the request with conditions. Seconded by Tyrone Echols. Voice vote. Mary Goode, Tyrone Echols, and George Ellis voted aye. Nicholas Cohan and Thomas Ambrose voted nay. Motion approved.
2. Z18-0049 – Petition of SolarStone, Illinois, LLC requesting a special use permit for 2 2-megawatt solar farms. Tyrone Echols made a motion to approve the request with conditions. Seconded by Mary Goode. Voice vote. Mary Goode, Tyrone Echols, and George Ellis voted aye. Nicholas Cohan and Thomas Ambrose voted nay. Motion approved.
3. Z18-0050 – Petition of Teresa Hecker requesting a special use permit for a photography studio. Mary Goode made a motion to approve the request with conditions. Seconded by Tyrone Echols. Voice vote. Mary Goode and Tyrone Echols voted aye. George Ellis, Thomas Ambrose, and Nick Cohan voted nay. Motion failed. Petition denied.

4. Z18-0051 – Petition of Teresa Hecker requesting a special use permit for a welding shop. Mary Goode made a motion to approve the request with conditions. Seconded by Nicholas Cohan. Voice vote. Mary Goode voted aye. George Ellis, Tyrone Echols, Nicholas Cohan, and Thomas Ambrose voted nay. Motion failed. Petition denied.
5. Z18-0055 – Petition of Kirk Chapman requesting a zoning map amendment. Tyrone Echols made a motion to postpone the request for additional information. Seconded by Mary Goode. Voice vote. All ayes. Motion approved. Petition postponed until more information is presented on the disputed access easement.
6. Z18-0056 – Petition of Mike Barton requesting a special use permit to keep chickens and a variance to keep more than the allowable 5 chickens. Mary Goode made a motion to approve the request with conditions. Seconded by Tyrone Echols. Voice vote. All ayes. Motion approved.
7. Z18-0057 – Petition of Larry Dunn requesting a setback variance. Tyrone Echols made a motion to approve the request with the condition that the building not exceed 25 ft. in height. Seconded by Mary Goode. Voice vote. Thomas Ambrose voted aye. Nicholas Cohan, Mary Goode, Tyrone Echols, and George Ellis voted nay. Motion failed.

Nicholas Cohan made a motion to amend the condition of approval so that the building not exceed 30 ft. in height. Voice vote. Nicholas Cohan, Mary Goode, Tyrone Echols, and George Ellis voted aye. Thomas Ambrose voted nay. Motion approved.

Mary Goode made a motion to approve the variance request with the amended height restriction of 30 ft. Seconded by Tyrone Echols. Voice vote. Nicholas Cohan, Mary Goode, Tyrone Echols, and George Ellis voted aye. Thomas Ambrose voted present. Motion approved.

H. Planning Coordinator's Report

Andi Campbell Yancey stated that the next Zoning Board hearings would be set for September 25, 2018.

I. Adjournment

Tyrone Echols made a motion to adjourn the meeting. Seconded by Thomas Ambrose. Voice vote. All ayes. Motion approved. Meeting adjourned.

Madison County Zoning Board of Appeals
August 28, 2018 Findings of Fact and Recommendations

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

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

Members Absent: 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 Z18-0048 – Petition of Beverly & Catherine Manning (Chouteau Township)

File Z18-0049 – Petition of SolarStone Illinois, LLC and James Mannhard & Kathleen Ttees (St. Jacob Township)

File Z18-0050 – Petition of Teresa Hecker and June & Jimmy Hallowell (St. Jacob Township)

File Z18-0051 – Petition of Teresa Hecker and June & Jimmy Hallowell (St. Jacob Township)

File Z18-0056 – Petition of Mike Barton (Fort Russell Township)

File Z18-0057 – Petition of Larry L. Dunn (Chouteau Township)

Finding of Fact and Recommendations

Hearing File Z18-0048

Petition of Beverly & Catherine Manning, owners of record requesting a special use permit as per §93.025, Section (G), Item 9 of the Madison County Zoning Ordinance in order to place a manufactured home on site for the sole occupancy of Beverly Manning and family for a period not to exceed five years. This is located in an "R-3" Single-Family Residential District in Chouteau Township, at 5020 Lakeview Dr., Granite City, Illinois PPN# 18-2-14-34-19-402-010 (16)

A **motion** was made by Ms. Goode and **seconded** by Mr. Echols that the petition of Beverly & Catherine Manning be as follows:

- I. This special use permit is **granted** for the sole usage of Beverly Manning 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 Beverly Manning 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 Beverly Manning 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. Catherine Manning, applicant and property owner, stated that she and her mother had purchased the property at 5020 Lakeview Drive and that they planned to have a mobile home constructed, which would be 68' long by 16' wide, to be placed at the property to serve as a residence for her 75-year-old mother; VI. Nick Cohan, ZBA member, stated that he had some people call him regarding the property and asked Ms. Manning if she owned the trailer next door; VII. Catherine Manning stated that she did not own the adjoining property; VIII. Nick Cohan, ZBA member, stated that he was told that Ms. Manning owned the adjoining property; IX. Mary Goode, ZBA member, inquired where Beverly Manning currently resides; X. Catherine Manning indicated her mother is currently living with her in Pontoon Beach; XI. Nick Cohan, ZBA member, stated that he has talked to several people regarding the request and that they told him the lot was awful small and that he went and looked at the site. Mr. Cohan asked what is going to happen with it five years from now, asking if it would be a rental property; XII. Catherine Manning stated that it would not be a rental property and that she was told she has to reapply for the permit every five years for a \$50 fee; XIII. Andi Yancey, Planning Coordinator, stated that, as per the conditions of approval, if the owner or occupant changes, a new special use permit is required; XIV. Mr. Cohan asked Ms. Manning if her mother would own the property; XV. Ms. Manning stated that she and her mother own the property; XVI. Mr. Cohan stated that his understanding is that there are a lot of rundown trailers in the area and there is a trailer court in the area. Mr. Cohan stated that the people in that area prefer no more trailers because when he went down there he saw some rundown trailers and they feel they don't need any more trailers in the area; XVII. Ms. Manning stated that it is a brand new trailer, which she thought could actually bring up the value in the surrounding area; XVIII. Mr. Cohan stated that he does not know what else to say about it, but he doesn't think it's a good idea to put a trailer in because the lot is awful small. XIX. Andi Yancey, Planning Coordinator, stated for the record that the proposal satisfies all minimum setback requirements for the zoning district; XX. Mr. Cohan told Ms. Manning that it was nothing personal, but they contacted him and he doesn't even know how they knew he was on the Board (of Appeals) since it's only his second meeting; XXI. Ms. Manning concluded by stating that their only intent is to live on the mobile home; XXII. Keri Archer, 5025 Lakeview Drive, indicated that she owns the four lots across the road from the property and her sister-in-law, Sue Archer, owns several pieces of property out there also. Ms. Archer stated that she has lived there since 1954 and that she takes offense to the request being approved because there are already trailers out there, stating that they protested those as well. Ms. Archer stated that they start out nice but they end up as rentals and Madison County does not do their job and come out every five years. Ms. Archer submitted a petition of opposition from nearby property owners containing 87 signatures. Ms. Archer stated they feel that a stick-built home came off the site and

that it should be a stick-built home that goes back on the parcel. Ms. Archer stated a small site-built home would be better than a mobile home because once the Mannings go, the mobile home will remain. Ms. Archer said they all keep their properties nice, and there is a trailer park around the corner and they don't want their neighborhood to become a trailer park. Ms. Archer stated that is not ok that a trailer be put in each time a house is torn down; XXIII. Nick Cohan, ZBA member, indicated that he had some comments to add to Ms. Archer's about the people who come out and make you clean your property up. Mr. Cohan stated that he's siding with Ms. Archer that the County's code enforcement is inept. Mr. Brandmeyer, P&D Administrator, asked Mr. Cohan if he was saying the word "inept." Mr. Cohan indicated in the affirmative. Mr. Cohan said it might be fine now, but if the property deteriorates, they might fine them but they have no ability to collect the fines unless the guy just wants to pay it. Mr. Cohan stated that he is just adding to what Ms. Archer said, and it's another thing about not supporting a trailer. Mr. Cohan wished Beverly Manning the best.

Voice vote.

Mary Goode, Tyrone Echols, and George Ellis voted aye.

Thomas Ambrose and Nick Cohan voted nay.

Whereupon the Chairman Pro Tem declared the motion duly adopted.

Finding of Fact and Recommendations

Hearing File Z18-0049

Z18-0049 – Petition of SolarStone Illinois, LLC, applicant, and James Mannhard and Kathleen Ttees, owners of record, requesting a special use permit as per §93.060, Section B of the Madison County Zoning Ordinance to develop two (2) 2-megawatt solar farms. This is located in an Agriculture District in St. Jacob Township on Walnut Road, St. Jacob, Illinois PPN# 05-1-23-11-00-000-004 (4)

A **motion** was made by Mr. Echols and **seconded** by Ms. Goode that the petition of SolarStone Illinois, LLC be as follows:

1. This special use permit is **granted** for the sole usage SolarStone Illinois, LLC. If the current owner of the underlying property or SolarStone Illinois, LLC ever transfer their/its interest in the property or facility, the new owner or applicant must seek a new special use permit.
2. No overweight or oversized loads shall be delivered to the site.
3. All vegetation, shrubbery, or other planting shall be well-maintained and kept free of noxious weeds and invasive plants.
4. The owner shall keep the property in compliance with all Madison County Ordinances.
5. The owner's failure to adhere to the conditions of the special use permit will cause revocation of the same, and require immediate removal of the solar project from the site.

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. Gordon Simanton, speaking on behalf of the applicant, SolarStone, stated that he was a member of the development team for SolarStone. Mr. Simanton indicated that they are headquartered in Minneapolis and are a privately-held company. Mr. Simanton stated that they had just completed the community solar program in Minnesota, which is the largest and most successful community solar garden program in the country. Mr. Simanton stated that the Minnesota program involved about 450 megawatts of solar energy that the state mandated must be achieved by 2020. Mr. Simanton said they achieved that goal by the end of 2017 and that SolarStone represents 15-20% of the total market place there. Mr. Simanton indicated that Governor Rauner signed a bill in 2016 mandating that ComEd and Ameren achieve about 2800 megawatts, so Illinois program is about 7 times the size of Minnesota's. Mr. Simanton stated that it's a community solar program, so their goal would be that 75% of subscribers would be residents with some small businesses and public entities. Mr. Simanton explained the difference between solar farms, which are larger in size and capacity (200 megawatts +), typically developed by utility companies, and fed directly into the utility's grid without the opportunity for others to participate, and community solar projects, which are smaller in size and capacity and offer individuals within the community the opportunity to purchase the energy. Mr. Simanton stated that community solar gardens fall between roof-top panels and solar farms. Mr. Simanton stated only about 1 in 4 homes are candidates for roof-mounted solar and that those options are sometimes cost-prohibitive; VI. Tyrone Echols, ZBA member, asked Mr. Simanton who regulates the rates charged to consumers for the solar energy; VII. Gordon Simanton stated that they would enter into a power purchase agreement with Ameren through which they purchase energy from Ameren's grid at a wholesale rate, and there is a program being developed by the Illinois Power Agency and Illinois Commerce Commission for bill credits for subscribers; VIII. Mary Goode, ZBA member, asked what the cost of development would be; IX. Mr. Simanton stated the cost to develop the site would be in the \$9-\$10 million range; X. Ms. Goode asked what would happen after the projected 35-year lifespan of the solar project; XI. Mr. Simanton stated that in order for this program to work they have to have willing landowners, which is the Mannhards in this circumstance. Mr. Simanton stated that landowners are typically offered \$800-\$1,200 per acre, per year. Mr. Simanton stated that the next requirement is that the site is located in an area with the necessary infrastructure to accommodate the solar garden. Mr. Simanton discussed the site limitations and state incentives to locate these projects on brown fields. Mr. Simanton stated that the state passed a bill (SB 2591 and SB 0486) mandating a decommissioning plan for the site.

Mr. Simanton indicated that their decommissioning plan was included in their application and that they offer up to \$20k per megawatt as a letter of credit to be used for decommissioning the site. Mr. Simanton stated that the salvageable value of the facility after 30 years would probably be somewhere around \$5 million. Mr. Simanton stated that the solar panels degrade about .5% each year, so in 30 years they would still be operating at 85% efficiency. Mr. Simanton stated that the commercial tax assessment on the property would generate about \$28k per year for the County; XII. Thomas Ambrose, ZBA member, interjected to inquire whether Mr. Simanton's three minutes were up. Staff explained that the three-minute time limit does not apply when the speaker is answering board members' questions; XIII. Ms. Goode asked Mr. Simanton what the downsides are to community solar gardens; XIV. Mr. Simanton stated that solar energy is safe, reliable, and clean. Mr. Simanton stated that solar was the only renewable energy that does not have a turbine. Mr. Simanton stated that they plant pollinator-friendly ground coverings, which is not only for erosion control but to give something back to the environment. Mr. Simanton said that regarding downsides, he's heard complaints and concerns about the viewshed. Mr. Simanton stated that these panels will be about 10-12 feet off the ground, so it's a very low profile. Mr. Simanton stated that some folks are also concerned about glare, but that the panels are designed to absorb the light and not reflect it. Mr. Simanton stated that there are at least 75k international airports in the US that utilize solar energy in some capacity, stating that if glare were an issue, this would likely not be the case; XV. Ms. Goode inquired why we don't see more of these in hotter, sunnier climates such as Florida; XVI. Mr. Simanton explained that, due to the heat in the southern US, the panels are actually more efficient in the Midwest; XVII. Thomas Ambrose, ZBA member, stated that he has a Christian worldview and God's word says we're supposed to love our neighbors. Mr. Ambrose asked Mr. Simanton how he would like to wake up and look at 500 acres of solar panels. XVIII. Mr. Simanton stated that they were not proposing a 500-acre project; XIX. Mr. Ambrose stated that he looked on the internet and Mr. Simanton is not talking about a farm; a farm is hundreds to thousands of acres. Mr. Ambrose told Mr. Simanton that he is misrepresenting what he is doing. XX. Staff indicated to Mr. Ambrose that his staff report summarized the proposal, and the proposal is 22.4 acres of solar panels; XXI. Mr. Ambrose again accused Mr. Simanton of misrepresenting because a solar farm is hundreds and thousands of acres and it says 2 2-megawatt solar farms. Mr. Ambrose told Mr. Simanton to explain that; XXII. Mr. Simanton stated that the Illinois Power Agency had set up the community solar program to where you can only build a 2-megawatt facility, but they allow anyone to co-locate two of them together, so there are 2 2-megawatt facilities that will encompass roughly 25-30 acres total; XXIII. Mr. Ambrose again accused Mr. Simanton of misrepresenting his request, stating that he has more questions; XXIV. Mr. Simanton stated that he had not addressed Mr. Ambrose's other question regarding how he would like to wake up looking at solar panels. Mr. Simanton attempted to answer the question but was interrupted by Mr. Ambrose; XXV. George Ellis, Chairman Pro Tem, attempted to close the discussion; XXVI. Mr. Ambrose insisted he continue the line of questioning. Mr. Ambrose asked Mr. Simanton why he didn't look at the warehouses, stating he could put hundreds of acres up on top of the warehouses; XXVII. Mr. Simanton stated that they have to have a willing land owner and reiterated the infrastructure limitations addressed earlier in the hearing, indicating that they turn down more projects than they accept because of site limitations; XXVIII. Mr. Ambrose asked if the request was necessary for the public convenience at this location; XXIX. Mr. Simanton stated that he did not understand Mr. Ambrose's definition of public convenience, but that he had already mentioned that county residents would be able to subscribe to the service, which is a convenience; XXX. Mr. Ambrose asked in the case of an existing nonconforming use, will a special use permit make the use more compatible with its surroundings; XXXI. Staff informed Mr. Ambrose that the question was not applicable as there was not a non-conforming use existing on the property; XXXII. Mr. Ambrose asked what impact the development would have on adjacent properties; XXXIII. Mr. Simanton asked in what regard; XXXIV. Mr. Ambrose said for Mr. Simanton to tell him because Mr. Simanton was the one wanting the permit; XXXV. Mr. Simanton said that with regard to property value, in Chisago County Minnesota, which is considered the king of solar, the county assessor did an analysis of the 12 properties in close proximity to the solar facility[...]; XXXVI. Mr. Ambrose interjected to ask how big the solar facility was; XXXVII; Mr. Simanton stated that it was 150 megawatts; XXXVIII. Mr. Ambrose asked how many panels that is; XXXIX. Mr. Simanton stated that 1 megawatt is about 4,000 panels, so multiply 4,000 by 150. Mr. Simanton stated that the difference between the assessed value and the property values was less than 1%. Mr. Simanton said that this constituted empirical evidence that he'd be more than happy to share with staff if anyone wished to review; XL. Mr. Ambrose asked what kind of major effect it would have on the adjacent farms; XLI. Mr. Ambrose said it wouldn't have any effect on adjacent farms, and, in fact, after 30 years there is no requirement that the owners renew the lease. Mr. Simanton stated that from a conservation standpoint, the soil would likely be better off than if it had been

farmed for 30 years; XLII. Mr. Echols asked if the fertility of the land would be just as good or greater following the lifespan of the project; XLIII. Mr. Simanton stated that he would say so; XLIV. Mr. Ambrose asked Mr. Simanton what his answer would be regarding the fauna and all the wildlife upheaval; XLV. Mr. Simanton stated that they will be putting an 8' cyclone fence around the project as per state statute, but that they leave a 6" gap at the bottom to allow animals to migrate through there if needed; XLVI. Mr. Ambrose stated that he was really opposed to the request and asked Mr. Simanton how many farms he was thinking about buying; XLVII. Mr. Simanton stated that they had lease agreement with about 30 property owners; XLVIII. Mr. Ambrose asked if it was out in that same area; XLIX. Mr. Simanton stated that they were all over the state and that this was their only lease in the County; L. Mr. Ambrose repeated his question about locating solar panels on warehouses; LI. Mr. Simanton indicated that it was not feasible for this type of project explaining that the panels had to be configured in blocks to avoid line loss; LII. George Ellis, ZBA Chairman Pro Tem, asked if Ameren is distributing the energy to customers. Mr. Simanton indicated that it's all going into Ameren's grid in a homogenized manner and that subscribers would receive bill credits; LIII. Thomas Ambrose, ZBA member, stated that he would pray everybody think about this request because he does not feel the applicants have been forthright with this operation. Mr. Ambrose stated that he's talking millions of dollars and there are industrial areas where solar panels could be located; LIV. Mary Goode, ZBA member, stated that she felt the applicant had addressed the limitations with site selection. Mr. Ambrose stated that he doesn't believe that. Ms. Goode stated that they had successful developments in other areas. Mr. Ambrose stated that they are looking to make money and that they aren't out to help us. Ms. Good stated that all businesses were looking to make money; LV. Tyrone Echols, ZBA member, reminded board members that everyone would have the opportunity to vote as they felt appropriate; LVI. George Ellis, Chairman Pro Tem, stated that Mr. Echols was correct and that they Zoning Board was not the final word on the request, indicating that it will still go to Planning and Development Committee then to the full board for a vote.

Voice vote.

Mary Goode, Tyrone Echols, and George Ellis voted aye.

Thomas Ambrose and Nick Cohan voted nay.

Whereupon the Chairman Pro Tem declared the motion duly adopted.

Finding of Fact and Recommendations

Hearing File Z18-0050

Petition of Teresa Hecker, owner of record, and June and Jimmy Hallowell, applicants and potential buyers, requesting a special use permit as per §93.083, Section (C), Item 1 of the Madison County Zoning Ordinance in order to operate a home photography studio in the existing dwelling. This is located in an Agriculture District in St. Jacob Township, at 2213 Steinkoenig School Road, Highland, Illinois PPN: 05-2-23-02-00-000-036 (4)

A **motion** was made by Ms. Goode and **seconded** by Mr. Echols that the petition of Teresa Hecker, owner of record, and June and Jimmy Hallowell, applicants be as follows:

1. This Special Use Permit is granted for the sole usage of June and Jimmy Hallowell (or their registered business) at 2213 Steinkoenig School Road and is not transferable to others or future property owners.
2. The applicant/owner shall adhere to the Madison County Code of Ordinances and particularly the Type B Home Occupation Requirements in the Zoning Ordinance.
3. The hours of operation are limited to 9 am to dusk.
4. The applicant/owner shall not post a sign on the property advertising the business.
5. The business shall not be open to the public or walk-in customers and shall operate by appointment only.
6. Customers shall park on the driveway. Parking on Steinkoenig School Road is prohibited.

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 several were in attendance; V. June Hallowell, applicant, stated that she resides at 61 Stagecoach Lane in Troy. Mrs. Hallowell stated that she and her husband have an offer on the subject property pending zoning approval. Mrs. Hallowell commended the department's staff members stating that she wanted Board members to know that they are very good at their jobs and on the ball. Mrs. Hallowell stated that she had been a photographer for twenty-something years and that she shoots a lot of weddings, newborns, and family photo sessions. Mrs. Hallowell stated that she currently works from home at their property in Troy and that they are interested in purchasing the subject property and she'd like to be able to use it how they want; VI. Andi Yancey, Planning Coordinator, inquired about the scale of Mrs. Hallowell's photography business and whether she typically shot on or off site; VII. June Hallowell, applicant, indicated that the volume of business varies by season and indicated that staff's recommended conditions of approval from 9am-3pm with one (1) evening per week would not work for her business model, as she needs the flexibility to be able to shoot several evening per week as demanded. Mrs. Hallowell listed her appointments for the current week to illustrate the nature of the proposal; VIII. Andi Yancey, Planning Coordinator, asked Mrs. Hallowell what her proposed hours of operation would be; IX. Mrs. Hallowell indicated that daylight hours are typically acceptable since she cannot shoot in the dark; X. Matt Brandmeyer, P&D Administrator, asked Mrs. Hallowell if 9am-dusk seven days a week would accommodate her schedule and Mrs. Hallowell indicated that it would; XI. Mary Goode, ZBA Member, asked Mrs. Hallowell if she was doing the same type of business from her current dwelling and whether she needed a special permit. Mrs. Hallowell indicated that she does conduct her photography business from her current dwelling and that she did need a special use permit in order to do so; XII. Mary Goode, ZBA member, asked Mrs. Hallowell if she had run her photography business from any other residences. Mrs. Hallowell stated that her current home is the fourth home she's operated her photography business from. XIII. Ms. Goode asked Mrs. Hallowell if she had been cited for any violations during that time period. Mrs. Hallowell indicated that she had not; XIV. George Ellis, ZBA Chairman Pro Tem, asked Mrs. Hallowell how she advertises her business. Mrs. Hallowell indicated that she advertises through Facebook; XV. Nick Cohan, ZBA Member, asked if the proposal was a home-based business. Mrs. Hallowell indicated that it was. Mrs. Hallowell stated that had she not made the request for the special use permit, she likely could have operated from the home without being noticed, but that she did not want to make such a large investment without getting the necessary permits. Mr. Cohan stated that home-based businesses are great; XVI. Tonya Osborne, adjoining property owner at 2239 Steinkoenig School Road, spoke in opposition to the request. Ms. Osborne stated her concerns were not tied to the applicants or property owner. Ms. Osborne stated that she purchased her home 8 years ago and that it is a very high-priced home

in a very beautiful, residential neighborhood. Ms. Osborne stated that people walk the neighborhood and that she has dogs and grandchildren, explaining that it's a very quiet family area. Ms. Osborne stated that she does not want any business nearby at all. Ms. Osborne stated that she does not want a photography business and that she does not want people driving onto her street and looking at her home to see what valuable things she has. Ms. Osborne stated that the photography business would bring more people into her yard and area. Ms. Osborne stated that she thinks the request would have a negative impact on her property value and that everything is currently speculative since she cannot be guaranteed how their business will be run. Ms. Osborne stated that she has dogs and does not want brides, flower girls, and children running around provoking her dogs. Ms. Osborne stated that the Hallowell's currently have a home at which they are running their business and they should stay there or find a place that is already zoned for the proposed uses – she does not want it in her home or near her. Ms. Osborne stated that the lots in the surrounding area are 5-acre lots and that the houses are in close proximity to one another. Ms. Osborne raised concerns over the number of clients, noise, and property value/tax assessment. XVII. George Ellis, Chairman Pro Tem, asked Ms. Osborne what the average home value is in the subdivision. Ms. Osborne stated that it's probably over \$400K as it is a higher-end subdivision; XVIII. Nick Cohan, ZBA member, indicated that he understood Ms. Osborne's concerns, stating that he would be more concerned with a day care than a photography studio. Mr. Cohan stated that he had not been to the property and he understands home-based businesses. Ms. Osborne stated that she purchased her home in a residential area so that she would not be located near businesses; XIX. Mary Goode, ZBA Member, asked Ms. Osborne which home on the aerial photo was hers. Ms. Osborne indicated that she was just above the subject property in the photo. Ms. Osborne stated that the photography business would involve people going outside for photo shoots and she does not want people invading on her privacy. XX. Mary Goode, ZBA member, asked for clarification on whether Mrs. Hallowell's business involved on-site photo sessions. Mrs. Hallowell indicated that she would hold some newborn and family sessions at the property should the request be approved; XXI. Ms. Osborne raised additional concerns regarding the use of large props in the photo sessions and reiterated that she was opposed to the request and did not want the business located in the neighborhood; XXII. Nick Cohan, ZBA member, asked if the request could be limited; XXIII. Matt Brandmeyer, P&D Administrator, stated that the ZBA could add a condition limiting the business use of the property to indoors; XXIV. Ms. Osborne clarified that she is not in support of the proposal regardless of what conditions are tied to the request, stating there were too many areas of speculation to know whether all concerns would be addressed. Ms. Osborne stated that the request is not appropriate for the area; XXV. Nick Cohan, ZBA member, indicated that he was unaware that photoshoots would take place on site; XXVI. Ms. Osborne concluded by stating that Mrs. Hallowell does not yet own the property, that she currently operates the business out of her home, and there are several options for her moving forward that do not entail infringing on other families in the neighborhood; XXVII. Joe Smith, adjoining property owner at 11201 Shade Tree Lane, stated that he pretty much agrees with what Ms. Tonya Osborne said. Mr. Smith stated he has a number of concerns such as traffic congestion, people coming in and out, and if there are photo shoots taking place outside they'd likely go down toward the back, which is here his property adjoins the subject property. Mr. Smith stated that at the time the property was subdivided, the valley separating his property from the subject property was designated as green space and that he doesn't know what can be done with it or if props can be put in down there. Mr. Smith stated that the request is inappropriate for the character of the area. Mr. Smith stated that, when they built their home nine years ago, it was a quiet agricultural/residential neighborhood, stating that is what he bought into and he would like it to stay that way. Mr. Smith stated that the area should be kept residential agriculture with no businesses. Mr. Smith stated that many residents walk the roads out there and that the traffic is already quite bad, indicating that the volume has increased since they've lived there and to add more traffic would not be a good thing as there are walkers and a school bus stop in the immediate area. Mr. Smith indicated his property on the aerial photo; XXVIII. Susan Smith, adjoining property owner at 11201 Shade Tree Lane, indicated that she was married to Joe Smith and that she concurred with his statements as well as those made by Ms. Tonya Osborne. Mrs. Smith stated that she had submitted a list of concerns to staff and that she is opposed to the request; XXIX. Teresa Hecker, owner of the subject property at 2213 Steinkoenig School Road, addressed the zoning board in support of the request. Mrs. Hecker made several comments regarding the neighborhood that were not relevant to the hearing request. Mrs. Hecker was asked to address the board and indicated that she was addressing existing issues in the area. Mrs. Hecker stated that traffic already files down Steinkoenig School Road at 40 MPH. Mrs. Hecker stated that it is a peaceful area, but that a photography studio would not affect that.

Voice vote.

Mary Goode and Tyrone Echols voted aye.

George Ellis, Thomas Ambrose, and Nick Cohan voted nay.

Whereupon the Chairman Pro Tem declared the petition **denied**.

Finding of Fact and Recommendations

Hearing File Z18-0051

Petition of Teresa Hecker, owner of record, and June and Jimmy Hollowell, applicants and potential buyers, requesting a special use permit as per §93.023, Section D, Item 3 of the Madison County Zoning Ordinance in order to have a welding shop on site. This is located in an Agricultural District in St. Jacob Township, at 2213 Steinkoenig School Road, Highland, Illinois PPN: 05-2-23-02-00-000-036 (4)

A **motion** was made by Ms. Goode and **seconded** by Mr. Cohan that the petition of Teresa Hecker, owner of record, and June and Jimmy Hollowell, applicants be as follows:

1. This Special Use Permit is granted for the sole usage of June and Jimmy Hollowell (or their registered business) on the property at 2213 Steinkoenig School Road and is not transferable to others or future property owners.
2. All welding or repair work and any storage of equipment, materials, and vehicles being repaired shall occur within an enclosed structure.
3. The hours of operation are limited to 8 am to 4 pm Monday through Friday.
4. The applicant/owner shall not post a sign on the property advertising the business.
5. The applicant/owner shall not place a dumpster on-site to serve the business.
6. The business shall not be open to the public or walk-in customers and should operate by appointment only.

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 several were in attendance; V. June Hollowell, applicant, spoke to the petition. Mrs. Hollowell stated that given all the opposition the special use permits had generated, she no longer wished to purchase the home. Mrs. Hollowell stated that they did not want to live next to people that don't want them there, and that she has expressed that to the realtor and Mrs. Hecker. Mrs. Hollowell stated that the conversation surrounding the request could continue, but, considering the circumstances, she does not want to live there; VI. George Ellis, Chairman Pro Tem, asked Mrs. Hollowell if she was withdrawing the request. Mrs. Hollowell said it depends on whether the County would accept the withdrawal. Mrs. Hollowell was advised that, as the applicant, the decision was hers to make and issued a reminder to address the Zoning Board and not meeting attendees. Mrs. Hollowell stated the discussion could continue and that she just wanted to let everybody know where she was at on the matter; VII. Jim Hollowell, property owner at 61 Stagecoach Lane and applicant, stated he has a welding shop and is primarily engaged in working on higher-end cars and race cars, but that he can weld anything. Mr. Hollowell stated that he has farmers that bring him stuff all the time, stating that neighbors never want a welding shop until they need something welded. Mr. Hollowell stated that he currently resides in a home the dwarves the homes on Steinkoenig School Road and that he's been before the board twice before, and this would be his third time seeking a special use permit for the welding shop. Mr. Hollowell stated that he has previously operated his welding shop on a cul-de-sac surrounded by neighbors in Collinsville and never had any issues. Mr. Hollowell stated that his shop is heated and air conditioned and that cars do not stay outside – they're in the shop being worked on. Mr. Hollowell said he does not leave his customers' cars outside. Mr. Hollowell stated that he has a personal car trailer that sits outside, but that it's no different from any one else storing utility and camping trailers on their property; VIII. Thomas Ambrose, ZBA member, stated that one of the neighbors told him that the welding shop was not on the posted hearing notice on the property; IX. Andi Yancey, Planning Coordinator, indicated that she had visited the site and the both signs were posted in accordance with the Ordinance requirements; X. Thomas Ambrose, ZBA member, inquired about Mrs. Hollowell's statement that she did not wish to pursue the request, stating that he would be in support of that; XI. The Hollowells indicated that they would like to proceed with the hearing. Mrs. Hollowell asked about the hearing process and what happened after the ZBA recommendation. Staff advised Mrs. Hollowell that the ZBA would make a recommendation before the meeting concluded and that their recommendation would be routed to the Planning and Development Committee; XII. Nick Cohan, ZBA member, asked Mr. Hollowell if he wanted to have a welding shop on the site. Mr. Hollowell stated that he wished to run his welding shop out of the existing 40'x60' garage on the site. Mr. Cohan asked if the Hollowells were requesting a welding business and photography business at the same place. Mr. Hollowell

confirmed that this was the case; XIII. Tonya Osborne, adjoining property owner at 2239 Steinkoenig School Road, spoke in opposition to the request. Ms. Osborne stated that her home is very important to her and that her comments were the same as she said before regarding the photography studio but double with the welding shop. Ms. Osborne stated that she doesn't know what the noise level would be with a welding shop. Ms. Osborne stated that she had inquired about Mr. Hallowell's business and someone had told her that he has a very well-established welding business that is very busy. Ms. Osborne stated that is speculation on her part and that she doesn't know what that would bring or what kind of cars would be coming in and out – she has no idea. Ms. Osborne stated that she does know that she values her privacy and she does not want businesses next door to her. Ms. Osborne stated that she has two dogs with an electric fence around them and they keep her protected. Ms. Osborne stated that she puts her dogs in around 9 p.m. every night so they don't bark for the neighbors. Ms. Osborne stated that the dogs are her protection and that she does not like the idea of people coming in and out at all hours citing safety concerns. Ms. Osborne addressed a statement Ms. Hecker had previously made regarding noise in the neighborhood. Ms. Osborne was reminded to address the Zoning Board. Ms. Osborne stated that the main thing is her privacy, her home, and the value of her home. Ms. Osborne stated that she was not sure what a welding company entails but she does know that it's cars, a lot of loud cars sometimes. Ms. Osborne stated that she does not know what the capacity of his welding shop is, but that he has a home right now where he does it and he should continue to do it there. Ms. Osborne asked staff about the hearing process, whether a decision would be made that night, and what the process was moving forward. Staff advised accordingly; XIV. Susan Smith, adjoining property owner at 11201 Shade Tree Lane, spoke in opposition to the request. Mrs. Smith said she was appalled by the entire situation. Mrs. Smith was asked to address the Zoning Board and not meeting attendees. Mrs. Smith stated that her opposition to the request was not personal and that she does not want all the traffic in addition to the other concerns she had provided staff. Mrs. Smith stated that she was opposed to the request and began making comments unrelated to the request. Mrs. Smith was asked to address the Board and the zoning matter at hand; XV. Joe Smith, adjoining property owner at 11201 Shade Tree Lane, spoke in opposition to the request. Mr. Smith stated that he has the same concerns for the welding shop as he had just stated about the photography business. Mr. Smith stated that he does not know what the business will entail so he isn't sure what the capacity will be for traffic and noise. Mr. Smith stated that the surrounding area is agricultural/residential, that he did not want one business, and that he surely does not want two. Mr. Smith stated that the area should remain like it is and that the requests for businesses should be denied; XVI. Mary Goode, ZBA member, stated that, although the area is residential, the Hallowells had operated these businesses from four homes in the past and never been issued a citation. Ms. Goode stated that welding is an inside job and as long as everything happens inside the building, the proposal should not have an effect on adjoining properties. Ms. Goode stated that she is pro-business and that people should be allowed to have their businesses; XVII. Thomas Ambrose, ZBA member, stated that he had talked to the neighbor on the left hand side that knew exactly what Mr. Hallowell would be doing, and that he works on race cars he believes. Mr. Ambrose said the neighbor told him there would be a lot of noise and cars parked outside. Mr. Ambrose stated that there were nice homes in the area; XVIII. Mary Goode, ZBA member, stated that the Hallowells' history of being good property owners means a lot for her as she does not think they will suddenly start having property maintenance issues; XIX. George Ellis, ZBA Chairman Pro Tem, stated that Mr. Hallowell said he would have a trailer parked outside the garage. Ms. Goode said that the trailer would be permitted for anyone and that it would not constitute a zoning violation; XX. Tyrone Echols, ZBA member, stated that surrounding property owners were clear in their opposition to this request. Mr. Echols stated that a photography studio is different than a welding shop and reiterated that everyone would have the opportunity to vote on the matter; XXI. George Ellis, Chairman Pro Tem, stated that there was quite a bit of property value at stake; XXII. Nick Cohan, ZBA member, stated that he felt that all parties involved conducted themselves in a respectful manner. Mr. Cohan stated that he doesn't think the people are going to want it because it's going to cause a problem and that he understands the neighbors' concerns. Mr. Cohan stated that while everyone seems like nice people he thinks the welding shop could cause problems in the area; XXIII. George Ellis, ZBA Chairman Pro Tem, stated that the request was for two businesses on one property so there would certainly be a concern about generating traffic and having people visit the site for photos and welding; XXIV. Nick Cohan, ZBA member, stated that he was opposed to issuing the special use permit because the request was just not conducive to the area, XXV. Mary Goode, ZBA member, reiterated that the two businesses had been run together for years without issue; XXVI. Matt Brandmeyer, P&D Administrator, advised the Zoning Board that these types of request are some of the most difficult to review, stating that they really depend on context. Mr. Brandmeyer indicated that once the special use permit is approved, it can be

difficult to enforce conditions should there be issues. While, on the other hand, there are several well-run businesses operating under special use permits throughout the county.

Voice vote.

Mary Goode voted aye.

Thomas Ambrose, Nick Cohan, Tyrone Echols, and George Ellis voted nay.

Whereupon the Chairman Pro Tem declared the petition **denied**.

Finding of Fact and Recommendations

Hearing File Z18-0056

Petition of Mike Barton, applicant and owner of record, requesting a special use permit as per §93.025, Section G, Item 20 and a variance as per §93.100, Section B, Item 2 of the Madison County Zoning Ordinance in order to keep 15 chickens (hens only) on site. This is located in an "R-2" Single-Family Residential District in Fort Russell Township, at 4836 Shady Lane, Roxana, Illinois PPN#: 15-2-09-31-03-301-006 & 007 (05)

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

1. That the **variance** is **denied**. However, Mr. Barton may keep the existing 14 chickens on site until the chickens die, after which he may maintain 5 chickens (hens only).
2. That the **special use permit** is **granted** for the sole usage of Mike Barton. Any Change of ownership will void the special use permit.
3. The owner shall keep the property in compliance with all Madison County Ordinances.
4. The owner shall apply for an amendment to this special use permit for any future alterations, modifications, or expansions of the use.
5. The owner's failure to adhere to the conditions of the special use permit will cause revocations of the same and require immediate removal of the chickens, chicken coop, and chicken run.

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. Mike Barton, applicant and owner of record, stated that he is requesting a special use permit and an allowance to have more than five chickens. Mr. Barton stated that he had purchased the chickens prior to knowing about the special use permit requirement and that he was also unaware that the limit was five chickens until Wayne Brendel, Code Enforcer, advised him otherwise. Mr. Barton asked if he could possibly have an exception given his circumstances; VI. Thomas Ambrose, ZBA member, stated that he had visited the property and it appeared as though Mr. Barton had a nice chicken run and asked how many chickens would be acceptable. Mr. Barton stated that he currently has 14 chickens; VII. Mary Goode, ZBA member, asked Mr. Barton if he was selling the eggs, stating that chickens each produce a lot of eggs. Ms. Goode asked what the purpose of the increased number of chickens was. Mr. Barton stated that he, his wife, and granddaughter eat the eggs and give them away to family. Mr. Barton stated that he does not sell the eggs; his wife is just the chicken lady; VIII. Matt Brandmeyer, P&D Administrator, stated that the board could consider allowing the fourteen chickens with the condition that they not be replaced as they expire. Mr. Brandmeyer stated that such a condition may be challenging to enforce; IX. Nick Cohan, ZBA member, asked Mr. Barton if he had been cited for any zoning violations in the past. Mr. Barton indicated that he has a neighbor that calls the County every time he goes outside and complains about everything and anything, so yes. Mr. Cohan asked if Mr. Barton had ever been fined for a violation. Mr. Barton stated that he has not; X. Andi Yancey, Planning Coordinator, stated that the property had been placed in compliance shortly after any zoning citations; XI. Nick Cohan, ZBA member, stated that he only asked about the violations because he thinks Mr. Barton may be pushing the limits with fourteen chickens. Mr. Barton said that he understood and quipped that Wayne Brendel, Code Enforcer, probably has him on speed dial. Mr. Cohan asked Mr. Barton if he owned a Denny's. Mr. Barton stated that he did not; XII. Thomas Ambrose, ZBA member, asked Mr. Barton which neighbor had made the complaints. Mr. Barton indicated which neighbor he believed it was. Mr. Ambrose commented on the state of that property. Mr. Barton stated that he is not the type to complain about others.

Voice vote.

All ayes.

Whereupon the Chairman Pro Tem declared the motion duly adopted.

Finding of Fact and Recommendations

Hearing File Z18-0057

Petition of Larry L. Dunn, applicant and owner of record, requesting a variance as per Article 93.034, Section B, Item 6 of the Madison County Zoning Ordinance in order to construct a pole barn that will be 4 feet from the West property line instead of the required 25 feet. This is located in an "M-1" Limited Manufacturing District in Chouteau Township, at 3126 W. Chain of Rocks Road, Granite City, Illinois PPN#: 18-1-14-28-03-301-016 (21)

A **motion** was made by Mr. Echols and **seconded** by Ms. Goode that the petition of Larry L. Dunn be approved with the condition that the building not exceed 25 ft. in height. Voice vote. Thomas Ambrose voted aye. Nick Cohan, Mary Goode, Tyrone Echols, and George Ellis voted nay. Motion failed.

A **motion** was made by Mr. Cohan and **seconded** by Ms. Goode to amend the condition of approval so that the building not exceed 30 ft. in height. Voice vote. Nick Cohan, Mary Goode, Tyrone Echols, and George Ellis voted aye. Thomas Ambrose voted nay. Motion adopted.

A **motion** was made by Ms. Goode and **seconded** by Mr. Echols that the petition of Larry L. Dunn be as follows: **Approved** with the condition that the proposed structure not exceed 30 feet in height.

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. Larry Dunn, applicant, stated that he was the property owner at 3126 W. Chain of Rocks Road; VI. Mary Goode, ZBA member, asked Mr. Dunn what the setback was from the gas line that runs through the property. Mr. Dunn indicated that he'd be about 100 feet from the gas lines, which are six feet deep. Mr. Dunn stated that he frequently drives heavy loads over the gas lines and has run his track hoes, which are about 120k lbs., over the lines. Mr. Dunn stated that he's spoke to the gas company and that they were at the site a while back when he ran electric through the easement; VII. Mary Goode, ZBA member, asked Mr. Dunn the purpose for the variance request. Mr. Dunn stated that he was required to install a buffer zone along the north property boundary and that he was requesting the variance to be four feet from the west property line and four feet from the buffer zone. Mr. Dunn stated that the last time he made the variance request, in 2008, the water company had expressed concerns over the water line breaking. Mr. Dunn stated that the water line was four feet west of his property line, so his building would be at least eight feet from the water line. Mr. Dunn stated that he assured the water company that he would pay for the damages if his activities ever caused the water line to break, which he doubts will ever happen. Mr. Dunn explained the manner in which he planned to locate the structure, which would facilitate the maneuvering of the large trailers and equipment he is in the business of hauling across the site and into the structure. Mr. Dunn provided a history of his property and the adjoining property, which he had previously owned. Mr. Dunn stated that his property used to be the old Sun and Fun; VIII. Nick Cohan, ZBA member, asked Mr. Dunn if he was a tractor trailer owner. Mr. Dunn indicated that he did own tractor trailers and stated that he owns a lot of equipment tied to his trucking company; IX. Thomas Ambrose, ZBA member, asked Mr. Dunn how big of a building he was building. Mr. Dunn stated that he was going to build a 40'X60' or 50'X60' building because he wanted to be able to get a heavy-haul trailer in there and a couple tractors. Mr. Dunn described a heavy-haul trailer to the Board and discussed the logistics of maneuvering his equipment into the proposed structure. Mr. Dunn stated that he is a one-man band and that he owns all of his own equipment. Mr. Dunn stated that he only works on his own equipment and that he is not open to the public. Mr. Dunn stated that he has a lot of equipment at the site that needs repaired, which is why he's requesting the variance for the proposed structure. Mr. Dunn briefly discussed a neighbor dispute he's been involved in for the past several years; X. Matt Brandmeyer, P&D Administrator, stated that Mr. Dunn was very close to being in full compliance with the Zoning Ordinance and that the proposed structure would be a step toward achieving that. Mr. Brandmeyer indicated that Mr. Dunn had had issues with outdoor storage and screening provisions, and had made a lot of strides over the past several years in coming into compliance; XI. Mr.

Dunn stated that he is also looking to get out of the elements, stating that he's been out working for 42 years and he needs to get inside. Mr. Dunn stated that if he couldn't get the variance this time, he would not build. Mr. Dunn stated that this was his second time requesting the variance and he would not make a third request; XII. The Zoning Board discussed the height of the structure. Mr. Dunn indicated that he planned to put a 21' ceiling in the building so that he can lift his vehicles. With the pitch of the roof along with the needed height, it was decided that Mr. Dunn would need at least 27 feet of building height.

Voice vote.

Nick Cohan, Mary Goode, Tyrone Echols, and George Ellis voted aye.

Thomas Ambrose voted present.

Whereupon the Chairman Pro Tem declared the motion duly adopted.