

Madison County Zoning Board of Appeals Meeting Minutes
Tuesday, January 25, 2022 at 5:00 p.m.
County Board Room

Members Present: Don Metzler, Thomas Ambrose, George Ellis, Mary Goode

Members Absent: Nicholas Cohan, Sharon Sherrill

A. Call to Order

Don Metzler, Chairman, called the meeting to order at 5:00 p.m. and conducted roll call.

B. Approval of Minutes

Chairman Metzler called for approval of the meeting minutes from December 14, 2021. Voice-vote. All ayes. The minutes were approved.

C. Overview of Zoning Petitions and Staff Review

Jen Hurley, Zoning Assistant, gave a brief overview of the six zoning petitions and provided staff review.

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

Chairman Metzler 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 the six agenda items.

Please see the attached Findings of Facts for a summary of each zoning hearing and public comment.

F. Citizens Wishing to Address the Zoning Board of Appeals

Please see the attached Findings of Facts for a summary of each zoning hearing and public comment.

G. Unfinished Business

None

H. New Business

1. **Hearing Z21-0081** – Petition of Prime Auto & Metal Recycling, LLC, applicant on behalf of Moniger Excavating Co., Inc., owner of record, requesting to amend the existing “PD” Planned Development District to operate an auto and metal recycling business on site. This is located in Fort Russell Township at **5965 State Route 140, Moro**, Illinois, County Board District #5, PIN# 15-1-09-09-04-401-011. A motion was made by Mary Goode and seconded by George Ellis that the petition of Prime Auto & Metal Recycling, LLC, and Moniger Excavating Co., Inc. be as follows: **Postponed until the February Meeting.** Roll-call vote. All Ayes. Motion passes.
2. **Hearing Z22-0001** – Petition of Justin Lynch, owner of record with Chelsea Lynch, requesting a Special Use Permit as per §93.023, Section D, Item 35 of the Madison County Zoning Ordinance in order to have a Type “B” Home Occupation to operate a hair salon on site. This is located in an “A” Agricultural District in Moro Township at **7541 Lake James Drive, Edwardsville**, Illinois, County Board District #5, PIN# 16-2-03-35-02-201-037. A motion was made by Mary Goode and seconded by George Ellis that the petition of Justin and Chelsea Lynch be **Approved with Conditions.** Roll-call vote. All Ayes. Motion passes.
3. **Hearing Z22-0002** – Petition of Robert and Kimberly Martin, owners of record, requesting a variance as per §93.023, Section B, Item 1, Subsection (a) of the Madison County Zoning Ordinance in order to create a tract of land 1.33 acres in size instead of the required minimum of 2 acres. This is located in an “A” Agricultural District in St. Jacob Township at **60 State Route 4, Saint Jacob**, Illinois, County Board District #4, PIN# 05-1-23-

31-00-000-008.001. A motion was made by George Ellis and seconded by Mary Goode that the petition of Robert and Kimberly Martin be as follows: **Approved.** Roll-call vote. All Ayes. Motion passes.

4. **Hearing Z22-0003** – Petition of Anthony Schoeber, applicant on behalf of HWS Real Estate Series of the HWS Investments Series, LLC, owner of record, requesting a zoning map amendment in order to rezone a tract of land from “R-5” Multiple-Family Residential District to “B-3” Highway Business District. Also requesting a Special Use Permit as per §93.031, Section D, Item 1 of the Madison County Zoning Ordinance in order to operate an Eating and Drinking Establishment in the existing structure on site. This is located in Chouteau Township at **3237 West Chain of Rocks Road, Granite City, Illinois**, County Board District #21, PIN# 18-2-14-32-02-201-001. A motion was made by George Ellis and seconded by Mary Goode that the petition of Anthony Schoeber and HWS Real Estate Series of the HWS Investments Series, LLC be as follows: **Approved with Conditions.** Roll-call vote. All ayes. Motion passes.
5. **Hearing Z22-0004** – Petition of Emmilee Barnett, owner of record with Rickey Barnett, requesting a Special Use Permit as per §93.023, Section D, Item 20 of the Madison County Zoning Ordinance in order to place a double-wide mobile home on site for the occupancy of Emmilee Barnett and family for a period not to exceed 5 years. This is located in an “A” Agricultural District in Foster Township at **7723 Bethalto Road, Bethalto, Illinois**, County Board District #5, PIN# 20-2-02-25-00-000-029. A motion was made by George Ellis and seconded by Don Metzler that the petition of Emmilee and Rickey Barnett be as follows: **Approved with Conditions.** Roll-call vote. All ayes. Motion passes.
6. **Hearing Z22-0009** – Petition of Cari Watt, owner of record, requesting a Special Use Permit as per §93.025, Section G, Item 6 of the Madison County Zoning Ordinance in order to have a Type “B” Home Occupation to operate a nail salon in the home. This is located in an “R-3” Single Family Residential District in Moro Township at **1218 Key Largo Terrace, Edwardsville, Illinois**, County Board District #5, PIN# 16-2-03-36-01-105-005. A motion was made by Mary Goode and seconded by George Ellis that the petition of Cari Watt be as follows: **Approved with Conditions.** Roll-call vote. All ayes. Motion passes.

I. Zoning Coordinator’s Report

Jen Hurley, Zoning Assistant, informed all applicants of the Building & Zoning Committee meeting, where their requests will be heard next.

J. Adjournment

Thomas Ambrose made a motion to adjourn the meeting. Seconded by Mary Goode. Voice-vote. All ayes. Motion passes. Meeting adjourned.

Finding of Fact and Recommendations

Hearing Z21-0081

Petition of Prime Auto & Metal Recycling, LLC, applicant on behalf of Moniger Excavating Co., Inc., owner of record, requesting to amend the existing "PD" Planned Development District to operate an auto and metal recycling business on site. This is located in Fort Russell Township at **5965 State Route 140, Moro**, Illinois, County Board District #5, PIN# 15-1-09-09-04-401-011

Members Present: Don Metzler, Thomas Ambrose, George Ellis, Mary Goode

Members Absent: Nicholas Cohan, Sharon Sherrill

A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Prime Auto & Metal Recycling, LLC, and Moniger Excavating Co., Inc. be as follows: **Postponed until the February Meeting**

The Finding of Fact of the Board of Appeals: **I.** The zoning file, staff report, 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.** Jen Hurley, Zoning Assistant, stated that the applicants had made an official request to postpone this hearing until the February meeting, and staff are requesting a motion to postpone.

Roll-call vote.

Ayes to the motion: George Ellis, Mary Goode, Don Metzler, Thomas Ambrose

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z22-0001

Petition of Justin Lynch, owner of record with Chelsea Lynch, requesting a Special Use Permit as per §93.023, Section D, Item 35 of the Madison County Zoning Ordinance in order to have a Type "B" Home Occupation to operate a hair salon on site. This is located in an "A" Agricultural District in Moro Township at **7541 Lake James Drive, Edwardsville, Illinois**, County Board District #5, PIN# 16-2-03-35-02-201-037

Members Present: Don Metzler, Thomas Ambrose, George Ellis, Mary Goode

Members Absent: Nicholas Cohan, Sharon Sherrill

A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Justin and Chelsea Lynch be **Approved with Conditions** as follows:

1. The Special Use Permit is granted for the sole usage of Chelsea and Justin Lynch. Any change of ownership/tenant will require a new Special Use Permit to operate the same type of business on site.
2. Any change or expansion of the Type "B" Home Occupation shall be subject to further review, and another zoning hearing to amend this Special Use Permit may be required.
3. The Type "B" Home Occupation shall adhere to all Madison County Ordinances, including but not limited to the Madison County Zoning Ordinance, particularly §93.083 Home Occupations.
4. Failure to comply with the conditions of the Special Use Permit will cause revocation, and immediate removal of the use will be required.

The Finding of Fact of the Board of Appeals: **I.** The zoning file, staff report, 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.** Justin Lynch, applicant, stated that he and his wife are requesting the Special Use Permit in order for her to operate a hair salon on site, with no more than 1-2 customers at a time. They plan on building an approximately 1000 square foot building for the salon; **VI.** Mary Goode, ZBA member, asked how long Mrs. Lynch has been doing hair, and also asked if she is already doing hair out of that location. Mr. Lynch responded that his wife is just now graduating from school and will be working out of a booth rental for the next year while they build the structure to house the salon; **VII.** Thomas Ambrose, ZBA member, asked if there will be any products sold on site. Mr. Lynch stated that is not the intention, but rather just services such as cuts and color.

Roll-call vote.

Ayes to the motion: George Ellis, Mary Goode, Thomas Ambrose, Don Metzler

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z22-0002

Petition of Robert and Kimberly Martin, owners of record, requesting a variance as per §93.023, Section B, Item 1, Subsection (a) of the Madison County Zoning Ordinance in order to create a tract of land 1.33 acres in size instead of the required minimum of 2 acres. This is located in an "A" Agricultural District in St. Jacob Township at **60 State Route 4, Saint Jacob**, Illinois, County Board District #4, PIN# 05-1-23-31-00-000-008.001

Members Present: Don Metzler, Thomas Ambrose, George Ellis, Mary Goode

Members Absent: Nicholas Cohan, Sharon Sherrill

A **motion** was made by George Ellis and **seconded** by Mary Goode that the petition of Robert and Kimberly Martin be as follows: **Approved.**

The Finding of Fact of the Board of Appeals: **I.** The zoning file, staff report, 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.** Kimberly Martin, applicant, stated that they would like to parcel off a piece of their land to build an ADA-compliant house for her brother-in-law and sister-in-law. Her brother-in-law is a war veteran and is missing a leg, and they tried to find property that would accommodate him. Mrs. Martin stated that they have enough property to parcel off 1.33 acres and have had home designs done that would fit on the property.

Roll-call vote.

Ayes to the motion: George Ellis, Mary Goode, Don Metzler, Thomas Ambrose

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z22-0003

Petition of Anthony Schoeber, applicant on behalf of HWS Real Estate Series of the HWS Investments Series, LLC, owner of record, requesting a zoning map amendment in order to rezone a tract of land from "R-5" Multiple-Family Residential District to "B-3" Highway Business District. Also requesting a Special Use Permit as per §93.031, Section D, Item 1 of the Madison County Zoning Ordinance in order to operate an Eating and Drinking Establishment in the existing structure on site. This is located in Chouteau Township at **3237 West Chain of Rocks Road, Granite City, Illinois, County Board District #21, PIN# 18-2-14-32-02-201-001**

Members Present: Don Metzler, Thomas Ambrose, George Ellis, Mary Goode

Members Absent: Nicholas Cohan, Sharon Sherrill

A **motion** was made by George Ellis and **seconded** by Mary Goode that the petition of Anthony Schoeber and HWS Real Estate Series of the HWS Investments Series, LLC be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Anthony Schoeber and is not transferable to future owners/tenants. Any change of owner/tenant of the property will require a new Special Use Permit.
2. The owner/tenant/operator shall keep the property in compliance with all Madison County Ordinances, including but not limited to the Madison County Zoning Ordinance.

The Finding of Fact of the Board of Appeals: **I.** The zoning file, staff report, 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.** Anthony Schoeber, applicant, appeared on behalf of his father, Herman Schoeber. Mr. Schoeber stated that they would like to find a use for the building that is currently sitting vacant. He stated that there is a lot of traffic with truck drivers coming through, as well as some motels in the area, and they feel there is a good opportunity to provide a place for them to come eat and relax; **VI.** Mary Goode, ZBA member, asked Mr. Schoeber if he owns any other facilities like this. Mr. Schoeber responded no, but that they do own Tri City Canvas Products, which is right across the street and sells parts for over-the-road flatbed trailers. Ms. Goode asked Mr. Schoeber how long he has owned this property. Mr. Schoeber responded about 6 or 7 years, and added that they have owned Tri City Canvas for 40+ years. Ms. Goode asked if Tri City Canvas was in this location. Mr. Schoeber responded no, that it is directly across the street, behind the Waffle House Restaurant; **VII.** Thomas Ambrose, ZBA member, asked Mr. Schoeber with massage therapists there and showers, was he concerned about prostitution. Mr. Schoeber replied that massage therapy is not part of their business plan, and said the showers would just be for truck drivers if they need a place to shower while they are on the road. Mr. Ambrose also asked if Mr. Schoeber was concerned about nude dancers. Mr. Schoeber stated that no, they would call the local law enforcement if they suspected anything like that. Mr. Ambrose asked how long Mr. Schoeber has owned the property. Mr. Schoeber reiterated that it's been about 6 or 7 years. Mr. Ambrose asked if they are right across from the Waffle House. Mr. Schoeber replied yes, that when they look out the front window of their building, they can see into Waffle House. Mr. Ambrose also asked how big the building is. Mr. Schoeber stated that it is 12,000 square feet. He also stated that they originally changed the zoning for a tenant who had another business there, and it didn't work out for them, so the building has been sitting vacant for a year and a half; **XII.** Ms. Goode asked if the previous tenant had a restaurant there. Mr. Schoeber responded no, that it was a sports academy for students that come in from overseas and play here in America and possibly get a scholarship to go to Division I schools or to an American college; **XIII.** Mr. Ambrose stated that there are a lot of businesses that could go in a "B-3" and asked if Mr. Schoeber realized that. Mr. Schoeber replied yes.

Roll-call vote.

Ayes to the motion: George Ellis, Mary Goode, Don Metzler, Thomas Ambrose

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z22-0004

Petition of Emmilee Barnett, owner of record with Rickey Barnett, requesting a Special Use Permit as per §93.023, Section D, Item 20 of the Madison County Zoning Ordinance in order to place a double-wide mobile home on site for the occupancy of Emmilee Barnett and family for a period not to exceed 5 years. This is located in an "A" Agricultural District in Foster Township at **7723 Bethalto Road, Bethalto**, Illinois, County Board District #5, PIN# 20-2-02-25-00-000-029

Members Present: Don Metzler, Thomas Ambrose, George Ellis, Mary Goode

Members Absent: Nicholas Cohan, Sharon Sherrill

A **motion** was made by George Ellis and **seconded** by Don Metzler that the petition of Emmilee and Rickey Barnett be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Emmilee Barnett and family for a period not to exceed 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 Emmilee Barnett and family occupy the structure, notwithstanding any violations, nuisance, or change in occupancy. The owner shall remove the mobile home from the site or apply for a new Special Use Permit once Emmilee Barnett and family vacate the structure.

The Finding of Fact of the Board of Appeals: **I.** The zoning file, staff report, 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.** Emmilee Barnett, applicant, stated that they are wanting to put a 1900 square foot manufactured home on a permanent foundation/crawlspace for their growing family. It will be 4 bedrooms and 2 baths; **VI.** Mary Goode, ZBA member, asked if it is a manufactured home or a modular home. Mrs. Barnett replied that it is manufactured and said it's basically the same thing as a modular home. Ms. Goode said that there is a big difference. Chris Doucleff, Building and Zoning Administrator, said it is categorized as a mobile home. Ms. Goode asked Mrs. Barnett if they had looked into modular homes at all. Mrs. Barnett replied yes, and they are substantially more money, so that is why they went with the manufactured home. Ms. Goode stated that the County doesn't require there to be a foundation under a manufactured home. She asked Mrs. Barnett if they are required to remove the home in 5 years, have they thought about all of the money they will have invested. Mrs. Barnett said yes. Ms. Goode asked if they would have to move it, would they then plan on building a home in that area with the crawlspace. Mrs. Barnett said they can, but were hoping to eventually rezone the house as a traditional home since it will be on a foundation. Mr. Doucleff stated that is not possible, and said that Madison County considers mobile homes to always be mobile homes, and they require Special Use Permits in all areas of the county except for in mobile home parks. Ms. Goode said she received a couple of calls about this hearing, and said one of the concerns is if Mrs. Barnett already owns property next to this. Ms. Goode also asked if this is a 5-acre tract. Mrs. Barnett said no, it is 2 acres. Ms. Goode asked if there are some pole barn homes next to this property and asked Mrs. Barnett if she is involved in any of that or if she was related to any of those people. Mrs. Barnett responded no. Ms. Goode said someone had called her saying that it was the same people putting in the mobile home that owned the pole barn. Mrs. Barnett stated that she does not know who owns the pole barn homes; **VII.** Ms. Goode asked if a special permit was given for the pole barn homes there. Mr. Doucleff stated no, that pole barn homes are allowed on 2-acre lots or greater. Mr. Doucleff went on to explain that there has been a text amendment proposed that would increase the minimum lot size from 2 acres to 5 acres, but that discussion was tabled by the Building and Zoning Committee; **VIII.** Thomas Ambrose, ZBA member, asked Mrs. Barnett how long they have owned the property. Mrs. Barnett stated that for two years they did Contract For Deed, and they have had the loan for about a year; **IX.** Rickey Barnett, applicant's husband, stated that the home will be on a block foundation and the axels will be taken off, so it will be a clear crawl. He stated that the home is all drywall inside with no paneling; **X.** Ms. Goode asked if they were able to get financing on the home. Mrs. Barnett replied yes, that they already have the loan. Ms. Goode stated that a lot of times people can't find lenders for mobile homes. Mrs. Barnett replied that they have a lender through Mt. Vernon Dream Homes, which is the company they are purchasing the mobile home from; **XI.** Mr. Ambrose asked if anyone has had any objections yet. Mrs. Barnett replied that she talked to a lot of people that live out there, and no one had any objections, but they were worried about it being a "mobile home". She stated that she showed them online what it looks like and eased their concerns. Mr. Doucleff reiterated that it is considered a mobile home in Madison County; **XII.** Jen Hurley, Zoning Assistant, read aloud the

following letters of public opposition that were submitted for the record via email: (1) "In response to the application Z.B.A. File Number Z22-0004, I am vehemently opposed to allowing a double-wide mobile home being placed on 7723 Bethalto Road, Bethalto, Illinois. In good faith, home owners in this area have purchased and built homes within the perimeters set by the Madison County Building and Zoning Department. There are no other mobile homes in this area. With that said, hopefully the special use permit will be denied. Sincerely, Sue Sullivan." (2) "As parents, we care and protect our children. As homeowners, we care and protect our homes. When we built our home, we were told about a number of requirements in our subdivision. While some of these were extras or not quite what we would have selected, we willingly complied because that told us about the type of neighborhood we were building in. It would be a neighbor of homes of a certain value and, generally speaking, those homeowners care about their homes and their properties. When we received the notice for the special build permit for a mobile home in our subdivision, we were greatly concerned. We cannot see how this can help our home or our neighborhood's housing value. This permit is specifically for a mobile home and limited to 5 years. Therefore, this would not allow for a permanent dwelling. We are concerned about who would follow up and enforce this when the 5 year provision was up. The last thing, we want to do is keep someone from their dreams. However we want to protect our home and the dreams we have stored up and started to create in our new home. Thank you for taking the time to hear our concerns. A concerned neighbor."; **XIII.** Mrs. Barnett commented that there are some mobile homes on Bethalto Road; **XIV.** Ms. Goode asked if there were any subdivision covenants or restrictions there, to which Mr. Doucleff responded that the Building & Zoning Department does not take subdivision covenants into account; **XV.** Don Metzler, ZBA Chairman, asked if there were pole barn houses there. Mrs. Barnett replied yes, that there are two. Mr. Doucleff commented that pole barn homes are an allowed use for property over two acres in Madison County, but that mobile homes require a Special Use Permit.

Roll-call vote.

Ayes to the motion: George Ellis, Mary Goode, Don Metzler, Thomas Ambrose

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z22-0009

Petition of Cari Watt, owner of record, requesting a Special Use Permit as per §93.025, Section G, Item 6 of the Madison County Zoning Ordinance in order to have a Type “B” Home Occupation to operate a nail salon in the home. This is located in an “R-3” Single Family Residential District in Moro Township at **1218 Key Largo Terrace, Edwardsville, Illinois**, County Board District #5, PIN# 16-2-03-36-01-105-005

Members Present: Don Metzler, Thomas Ambrose, George Ellis, Mary Goode

Members Absent: Nicholas Cohan, Sharon Sherrill

A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Cari Watt be **Approved with Conditions** as follows:

1. The Special Use Permit is granted for the sole usage of Cari Watt. Any change of ownership/tenant will require a new Special Use Permit to operate the same type of business on site.
2. Any change or expansion of the Type “B” Home Occupation shall be subject to further review, and another zoning hearing to amend this Special Use Permit may be required.
3. The Type “B” Home Occupation shall adhere to all Madison County Ordinances, including but not limited to the Madison County Zoning Ordinance, particularly §93.083 Home Occupations.
4. Failure to comply with the conditions of the Special Use Permit will cause revocation, and immediate removal of the use will be required.

The Finding of Fact of the Board of Appeals: **I.** The zoning file, staff report, 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.** Cari Watt, applicant, stated that she is wanting to have a nail salon in her home. She stated that she does manicures, pedicures, and acrylic extensions, and that she got her license a few months ago. Ms. Watt said that she would like to do this from her home so she can stay home with her children; **VI.** Mary Goode, ZBA member, asked if there was any opposition; **VII.** Thomas Ambrose, ZBA member, asked if Ms. Watt will be selling anything else besides nail services. Ms. Watt replied no.

Roll-call vote.

Ayes to the motion: George Ellis, Mary Goode, Don Metzler, Thomas Ambrose

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator