

**Zoning Board of Appeals Meeting Minutes
Tuesday October 24, 2017 at 8:30 a.m.
157 N. Main Street, Suite 254, Edwardsville, IL**

Present were Misters Campbell, Koeller, Sedlacek, Janek, St. Peters, and Metzler.
Absent was Mister Davis.

1. Call to Order

- a. Chairman Mike Campbell called the meeting to order at 8:30 a.m.

2. On-Site Hearings and Public Comment

- a. The ZBA conducted on-site public hearings at the times and locations indicated in the agenda schedule. The ZBA reconvened in the Planning and Development Department Conference Room at 12:20 p.m. to complete motions and votes. Please see the Findings of Fact for the hearing summaries and public comment.

3. Approval of Minutes

- a. Steve Koeller made a motion to approve the minutes from September 26, 2017. Seconded by Don Metzler. Voice vote. All Ayes. Motion approved.

4. Unfinished Business

- a. Text Amendment – Petition requesting a text amendment to Chapter 93 of the Madison County Code of Ordinances. The petition remained tabled, and no action was taken.

5. New Business

- a. Z17-0052– Petition of John Gibson. John Janek made a motion to approve the request. Seconded by Don Metzler. Voice vote. All ayes. Motion approved.
- b. Z17-0051 – Petition of Daniel Jensen. Steve Koeller made a motion to approve the request. Seconded by Pat. St. Peters. Voice vote. All ayes. Motion approved.
- c. Z17-0053 – Petition of Bryan and Erin Warner. John Sedlacek made a motion to approve the request. Seconded by John Janek. Voice vote. All ayes. Motion approved.
- d. Z17-00454– Petition of Camilo Romero. Don Metzler made a motion to approve the request. Seconded by John Sedlacek. Voice vote. All ayes. Motion approved.

6. Planning Coordinator’s Report

- a. Andi Yancey informed the Zoning Board of Appeals that the November docket of hearings would include a Zoning Map Amendment request for the purpose of developing a Dollar General store along Fosterburg Road. Andi stated she would be in touch with the Board regarding the November hearing.

7. Adjournment

- a. John Sedlacek made a motion to adjourn. Seconded by Steve Koeller. Voice vote. All ayes. Motion approved.

October 24, 2017

Findings of Fact and Recommendations

Mr. Michael Campbell, Chairman, called the meeting to order at 8:30 a.m. in the office of the Madison County Planning and Development Department.

Present were Misters Campbell, Koeller, Sedlacek, Janek, St. Peters, and Metzler.

Absent was Mister Davis.

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 Z17-0052 – Petition of John Gibson

File Z17-0051 – Petition of Daniel Jensen

File Z17-0053 – Petition of Bryan and Erin Werner

File Z17-0054 – Petition of Camilo Romero

(Foster Township)

(Fort Russell Township)

(Jarvis Township)

(Nameoki Township)

Finding of Fact and Recommendations

Z17-0052- Petition of John Gibson, owner of record, requesting a variance as per §93.025, Section D, Item 5 of the Madison County Zoning Ordinance in order to construct an attached garage addition to an existing home that will be 13 feet from the east property line instead of the required 30 feet. This is located in an "R-3" Single-Family Residential District in Foster Township, at **816 Foxwood Circle, Alton**, Illinois PPN#20-2-02-19-02-202-014 **(05)**

A **motion** was made by Mr. Janek and **seconded** by Mr. Metzler that the petition of John Gibson be as follows:
Approved.

The Finding of Fact of the Board of Appeals: I. The notice of public hearing was posted on the property in accordance with the terms of the ordinance; II. The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; III. The adjoining property owners were notified by mail of the time and date of the public hearing and one was in attendance; IV. John Gibson, owner of record, stated that he is requesting a variance in order to extend the existing garage 27 feet to the east, which will reduce the setback distance to the requested 13 feet from the east property line. Mr. Gibson stated the garage doors would be moved to the north side of the structure; V. Carol Cagle, adjoining property owner to the east, stated that her concern was that the Osage orange hedge trees not be disrupted or removed. Ms. Cagle stated that she and Mr. Gibson had come to an agreement that his proposed addition and sidewalk will stay to the west of the hedge row; The Board of Appeals notes for the record that the proposed variance is compatible with the surrounding area; VI. The Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties; VII. The Board of Appeals notes for the record that the property is well maintained and there was no opposition to the request; VIII. The Board of Appeals notes that the Comprehensive Plan, Madison County Zoning Ordinance, and the zoning file were taken into consideration.

Voice vote.

Ayes to the motion: Misters Koeller, Sedlacek, St. Peters, Janek, and Metzler.

Nays to the motion: None.

Absent: Mister Davis.

Where upon the Chairman declared the motion duly adopted.

Finding of Fact and Recommendations

Z17-0051 - Petition of Daniel Jensen, owner of record, requesting a variance as per §93.025, Section E, Item 4 of the Madison County Zoning Ordinance in order to construct an accessory structure that will be 5 feet from the north property line instead of the required 25 feet. This is located in an “R-4” Single-Family Residential District in Fort Russell Township, at **401 Pheasant Lane, Moro**, Illinois PPN#15-2-09-08-01-101-041 **(14)**

A **motion** was made by Mr. Koeller and **seconded** by Mr. St. Peters that the petition of Daniel Jensen be as follows: **Approved.**

The Finding of Fact of the Board of Appeals: I. The notice of public hearing was posted on the property in accordance with the terms of the ordinance; II. The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; III. The adjoining property owners were notified by mail of the time and date of the public hearing and none were in attendance; IV. Daniel Jensen, owner of record, stated that he is seeking a variance in order to construct a garage on the north side of the property, very similar to his neighbor’s garage directly to the east, except smaller. Mr. Jensen stated that his building will be 5 feet inside the north property line instead of the required 25 feet and that he has a space restriction due to being located on a corner lot; V. The Board of Appeals notes for the record that the proposed variance would not cause a detrimental effect on adjoining properties; VI. The Board of Appeals notes for the record that the property is well maintained and there was no opposition to the request; VII. The Board of Appeals notes that the Comprehensive Plan, Madison County Zoning Ordinance, and the zoning file were taken into consideration.

Voice vote.

Ayes to the motion: Mistery Koeller, Sedlacek, St. Peters, Janek, and Metzler.

Nays to the motion: None.

Absent: Mister Davis.

Where upon the Chairman declared the motion duly adopted.

Finding of Fact and Recommendations

Z17-0053 - Petition of Bryan & Erin Werner, applicants, on behalf of AMC Helldoerfer, owner of record, requesting a variance as per §93.023, Section B, Item 2 of the Madison County Zoning Ordinance in order to construct a single-family dwelling that will be 25 feet from the west property line instead of the required 50 feet. This is located in an Agricultural District in Jarvis Township, at **8609 View Point Lane, Troy, Illinois**
PPN#09-2-22-34-16-402-002 **(02)**

A **motion** was made by Mr. Metzler and seconded by Mr. Sedlacek that the petition of Bryan & Erin Werner be as follows: **Approved.**

The Finding of Fact of the Board of Appeals: I. The notice of public hearing was posted on the property in accordance with the terms of the ordinance; II. The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; III. The adjoining property owners were notified by mail of the time and date of the public hearing; IV. Bryan Werner, applicant, stated that he is seeking a setback variance for his proposed dwelling due to the physical characteristics of the subject property. Mr. Werner explained that there are extreme slopes north of the build site, a pond to the south, and a dam located on the northeast side of the pond further limiting flexibility. Mr. Werner stated that the subdivision covenants further restrict their options for locating a dwelling, since they are required to be a minimum of 120 feet from the cul-de-sac. Mr. Werner presented maps illustrating these physical restrictions; V. Chris Bieri, adjoining property owner to the north inquired whether the Werner's planned to clear the tree line between their properties; VI. Bryan Werner, applicant, stated that there is a green space easement that encompasses 50 feet to each side of the creek running between their properties, so the trees are protected. Mr. Werner stated that regardless, he had no intention of removing any of the trees along the slope; VII. The Board of Appeals notes for the record that the proposed variance would not cause a detrimental effect on adjoining properties; VIII. The Board of Appeals notes for the record that the variance is being requested due to several physical hardships presented by the subject property; IX. The Board of Appeals notes for the record that there was no opposition to the request; X. The Board of Appeals notes that the Comprehensive Plan, Madison County Zoning Ordinance, and the zoning file were taken into consideration.

Voice vote.

Ayes to the motion: Misters Koeller, Sedlacek, St. Peters, Janek, and Metzler.

Nays to the motion: None.

Absent: Mister Davis.

Where upon the Chairman declared the motion duly adopted.

Finding of Fact and Recommendations

Z17-0054 - Petition of Camilo Romero, owner of record, and occupant 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 placement of a single-wide manufactured home on site for the occupancy of Camilo Romero for a period not to exceed five years. This voids SUP Z12-0037. This is located in an "R-4" Single-Family Residential District in Nameoki Township, at **3312 Arlington Ave, Collinsville, Illinois**
PPN#17-2-20-36-03-304-027**(23)**

A **motion** was made by Mr. Metzler and seconded by Mr. Sedlacek that the petition of Camilo Romero be as follows: I. This special use permit is granted for the sole usage of Camilo Romero and his family for a period not to exceed five (5) years, which may be extended either through an amendment to this special use permit or through an administrative review process, if qualified, as long as Camilo Romero 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 Camilo Romero vacates the structure;

The Finding of Fact of the Board of Appeals: I. The notice of public hearing was posted on the property in accordance with the terms of the ordinance; II. The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; III. The adjoining property owners were notified by mail of the time and date of the public hearing; IV. Camilo Romero, owner of record, stated that he is seeking a special use permit in order to continue the placement of the mobile home on the site for him and his family; V. Randy Presswood, Nameoki Township Supervisor, spoke in favor of the request stating that Mr. Romero's property is always very well maintained and in good condition; VI. The Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties; VII. The Board of Appeals notes for the record that there was no opposition to the request; VIII. The Board of Appeals notes that the Comprehensive Plan, Madison County Zoning Ordinance, and the zoning file were taken into consideration.

Voice vote.

Ayes to the motion: Mistery Koeller, Sedlacek, St. Peters, Janek, and Metzler.

Nays to the motion: None.

Absent: Mister Davis.

Where upon the Chairman declared the motion duly adopted.