

Madison County Zoning Board of Appeals Meeting Minutes
Tuesday, October 24, 2023 at 5:00 p.m.
County Board Room

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

Members Absent: Nicholas Cohan, Cedric Irby

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 asked for a motion to approve the meeting minutes from September 26, 2023. Thomas Ambrose made a motion to approve. Seconded by George Ellis. Voice-vote. All ayes. Motion approved.

C. Overview of Zoning Petitions and Staff Review

Jen Hurley, Zoning Coordinator, gave a brief overview of the nine 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 hearing on the nine 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 Z23-0045** – Petition of Loretta Dooley, owner 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 single-wide mobile home on site for the occupancy of Loretta Dooley and family for a period not to exceed 5 years. This is located in an “R-3” Single-Family Residential District in Fort Russell Township **along Sunset Drive, Bethalto**, Illinois, County Board District #14, PIN# 15-2-09-08-02-207-023. A **motion** was made by George Ellis and **seconded** by Sharon Sherrill that the petition of Loretta Dooley be as follows: **Approved with Conditions.** Roll-call vote. All Ayes. **Motion passes.**
2. **Hearing Z23-0059** – Petition of Benjamin Brigman, owner of record with Karisa Brigman, requesting a variance as per §93.023, Section C, Item 3, Subsection (a) of the Madison County Zoning Ordinance in order to construct a pond that will be 90 feet from a dwelling on an adjacent lot to the east, and 150 feet from a dwelling on an adjacent lot to the west, instead of the required 250 feet. This is located in an “A” Agricultural District in Foster Township at **4571 Kaleb Ct, Bethalto**, Illinois, County Board District #5, PIN# 20-2-02-25-18-301-008. A **motion** was made by Sharon Sherrill and **seconded** by Mary Goode that the petition of Benjamin & Karisa Brigman be as follows: **Approved.** Roll-call vote. All Nays. **Motion fails.**
3. **Hearing Z23-0060** – Petition of Aaron Gelly, owner of record with Bonnie Gelly, requesting a zoning map amendment to rezone the approximately 73.22 acre tract of land from “R-2” Single-Family Residential District to “A” Agricultural District. This is located in Helvetia Township at **13240 Plocher Way, Highland**, Illinois, County Board District #1, PIN# 01-1-24-10-00-000-001. A **motion** was made by George Ellis and **seconded** by

Sharon Sherrill that the petition of Aaron & Bonnie Gelly be as follows: **Approved.** Roll-call vote. All Ayes. **Motion passes.**

4. **Hearing Z23-0061** – Petition of Mark and Kimbereley Kaufman, owners of record, requesting a Special Use Permit as per §93.023, Section D, Item 20 of the Madison County Zoning Ordinance in order to continue placement of a single-wide mobile home on site for the occupancy of Mark and Kimbereley Kaufman for a period not to exceed 5 years. This is located in an “A” Agricultural District in Alhambra Township at **10360 Oaks Road, Alhambra**, Illinois, County Board District #3, PIN# 07-1-11-20-00-000-017.002. A **motion** was made by Sharon Sherrill and **seconded** by George Ellis that the petition of Mark & Kimbereley Kaufman be as follows: **Approved with Conditions.** Roll-call vote. All Ayes. **Motion passes.**
5. **Hearing Z23-0062** – Petition of Jeffrey and Judith Hurst, owners of record, requesting a Special Use Permit as per §93.034, Section D, Item 8 of the Madison County Zoning Ordinance in order to construct a single-family dwelling. This is located in an “M-1” Limited Manufacturing District in Chouteau Township at **3737 Wanda Road, Edwardsville**, Illinois, County Board District #21, PIN# 18-1-14-13-00-000-010. A **motion** was made by Thomas Ambrose and **seconded** by Mary Goode that the petition of Jeffrey & Judith Hurst be as follows: **Approved with Conditions.** Roll-call vote. All Ayes. **Motion passes.**
6. **Hearing Z23-0064** – Petition of Jack Dearborn and Kathy Lowry, applicants on behalf of CJD Real Estate, Inc., 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 continue placement of a double-wide mobile home on site for the occupancy of Jack Dearborn and Kathy Lowry for a period not to exceed 5 years. This is located in an “R-4” Single-Family Residential District in Wood River Township at **1313 1st Street, Cottage Hills**, Illinois, County Board District #5, PIN# 19-2-08-03-04-405-023. A **motion** was made by George Ellis and **seconded** by Mary Goode that the petition of Jack Dearborn & Kathy Lowry and CJD Real Estate, Inc. be as follows: **Approved with Conditions.** Roll-call vote. All Ayes. **Motion passes.**
7. **Hearing Z23-0065** – Petition of Mallory Stoner and Ty Weber, owners of record, requesting a variance as per §93.023, Section B, Item 2 of the Madison County Zoning Ordinance in order to construct a new single-family dwelling that will be 25 feet from the south property line instead of the required 50 feet. This is located in an “A” Agricultural District in Fort Russell Township at **7084 North State Route 159, Moro**, Illinois, County Board District #5, PIN# 15-1-09-03-00-000-004.005. A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Mallory Stoner & Ty Weber be as follows: **Approved.** Roll-call vote. All Ayes. **Motion passes.**
8. **Hearing Z23-0066** - Petition of Alyssa Maronie, owner of record, 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 mobile home on site for the occupancy of Alyssa Maronie for a period not to exceed 5 years. This is located in an “R-4” Residential Single-Family District in Wood River Township at **1434 8th Street, Cottage Hills**, Illinois, County Board District #5, PIN# 19-2-08-03-02-207-008. A **motion** was made by Sharon Sherrill and **seconded** by Mary Goode that the petition of Alyssa Maronie be as follows: **Approved with Conditions.** Roll-call vote. All Ayes. **Motion passes.**
9. **Hearing Z23-0067** - Petition of Brian Welsh, owner of record with Heather Hey, requesting a zoning map amendment to rezone the approximately 9.98 acre tract of land from “M-1” Limited Manufacturing District to “A” Agricultural District. This is located in Wood River Township at **3098 Harris Lane, Alton**, Illinois, County Board District #5, PIN# 19-1-08-05-00-000-018.002. A **motion** was made by Mary Goode and **seconded** by Thomas Ambrose that the petition of Brian Welsh & Heather Hey be as follows: **Approved.** Roll-call vote. All Ayes. **Motion passes.**

I. Zoning Coordinator's Report

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

J. Adjournment

Sharon Sherrill made a motion to adjourn the meeting. Seconded by George Ellis. Voice-vote. All ayes. Motion passes. Meeting adjourned.

Finding of Fact and Recommendations

Hearing Z23-0045

Petition of Loretta Dooley, owner 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 single-wide mobile home on site for the occupancy of Loretta Dooley and family for a period not to exceed 5 years. This is located in an "R-3" Single-Family Residential District in Fort Russell Township along Sunset Drive, Bethalto, Illinois, County Board District #14, PIN# 15-2-09-08-02-207-023

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

Members Absent: Nicholas Cohan, Cedric Irby

A **motion** was made by George Ellis and **seconded** by Sharon Sherrill that the petition of Loretta Dooley be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Loretta Dooley 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 Loretta Dooley 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 Loretta Dooley 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.** Daniel Dooley, applicant's husband, stated that they are requesting to place a single-wide trailer on the property.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, George Ellis, Mary Goode, Sharon Sherrill

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 Z23-0059

Petition of Benjamin Brigman, owner of record with Karisa Brigman, requesting a variance as per §93.023, Section C, Item 3, Subsection (a) of the Madison County Zoning Ordinance in order to construct a pond that will be 90 feet from a dwelling on an adjacent lot to the east, and 150 feet from a dwelling on an adjacent lot to the west, instead of the required 250 feet. This is located in an "A" Agricultural District in Foster Township at 4571 Kaleb Ct, Bethalto, Illinois, County Board District #5, PIN# 20-2-02-25-18-301-008

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

Members Absent: Nicholas Cohan, Cedric Irby

A **motion** was made by Sharon Sherrill and **seconded** by Mary Goode that the petition of Benjamin & Karisa Brigman 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.** Ben Brigman, applicant, stated that he is requesting a variance for his pond to be 90 feet from the house on the right, and 150 feet from the house on the left. He said they are wanting to tap into the ditch to the north to use the runoff as a water source. Mr. Brigman said he had an engineer come out and do all of the measurements. He said the house on the right has a walkout basement, and that was the major concern. He said the left bottom side of the pond would be dammed up and would be a foot below the highest level of the walkout basement. Mr. Brigman said the engineer said it would be fine, because the whole dam has an emergency-type runoff incase a pipe got blocked, that way there would be no chance of it backflowing on any neighbor's property. He said they would leave the existing ditch that runs along the property line to the north and runs all the way down to Kaleb Court. Mr. Brigman said they weren't going to mess with the ditch, but just tap in for a water source. He said they are thinking the pond would be 1.3-1.5 acres. He said it is the lowest part of the lot, which is why they thought that would be the best spot for it, plus they can use a water fill instead of just using natural rain water to keep it full. Mr. Brigman said there are a lot of low spots on the rest of the 6 acres, so they would use all the dirt that is dug out to fill that all in. He said Stutz is doing the excavating and he has an engineer that did all of the measurements; **VI.** Thomas Ambrose, ZBA Member, asked how many acres the pond will be. Mr. Brigman said they are guessing 1.3-1.5 acres, but it just depends on how much dirt that they are able to take out and spread. He said mostly it is going to be spread, and they are going to see if any neighboring properties needed any dirt. Mr. Brigman said they are going to spread the rest and then elevate the whole front about a foot or foot and a half, which is about 4 acres; **VII.** Mr. Ambrose asked how deep the pond will be. Mr. Brigman said whatever the requirements are, maybe an average of 12 feet, but whatever the requirements are for fish survival. Mr. Ambrose asked what about neighbor kids getting into it. Mr. Brigman said he didn't know. He said if it was an issue, eventually he was going to want to fence in the entire property, so they would consider putting a 4-foot fence around it. Mr. Brigman said there is enough room on the property to build 250 feet from the neighboring properties, but he doesn't think they could tap into the ditch, and they would just have to use natural rainfall. He said that would work, but it isn't the best route. Mr. Brigman said no water would backflow onto any other properties. He said the lowest point is the house on the right, so that was the major concern; **VIII.** Sharon Sherrill, ZBA Member, asked for clarification as to where the dam would be located. Mr. Brigman stated it would be the southwest end. He said there will be a main pipe and an emergency runoff incase the pipe were to get clogged, that way it wouldn't backflow anywhere. Ms. Sherrill said constructing the pond does help with drainage, and she sees that the neighbor to the north has a pond, too. Mr. Brigman said that one is right at one acre. Ms. Sherrill noted that the neighbor that is 90 feet away is so close, and asked if he had made any comments. Mr. Brigman said his neighbor is present at the meeting, but he hadn't heard any concerns yet. Ms. Sherrill said her major concern is that its flowing from north to south, and the dam is going to be on the south side, and the overflow structure to feed into the creek as it goes to the south. Mr. Brigman said he thinks they would put a pipe in at the south end, and then if the pipe got clogged, the highest point would be lower than the walkout basement and wouldn't backflow into other properties. Ms. Sherrill asked if they would be accessing the property from the cul-de-sac road, and Mr. Brigman said yes; **IX.** Donald Huber, adjoining property owner at 4594 McCoy Road, said the proposed pond would be 30 feet from his property line, and 90 feet from his building. He said he has the walkout basement. Mr. Huber said according to the proposed layout of the pond, it goes just about to the road, and where

the culverts come from to the north, they drain from the other pond, and that road becomes impassable when you have a 3-inch rain. He said he can't believe they would be able to overflow that amount of water. Mr. Huber said 30 feet from his property line and 90 feet from his building is way too close. He said he has grandkids and great-grandkids that are out there all the time, his immediate neighbors have a 5-year old and a 7-year old, and they are all over the place. Mr. Huber said he would think Mr. Brigman would have to put a fence around it. He said he lived there before the subdivision was even built, and he doesn't think that small subdivision was meant for a pond. He said he and a few of the neighbors do not want a pond with mosquitoes. Mr. Huber said they have 3 adjacent ponds in the area, and all the geese come from the cemetery out to there, come walking across the yard, and it makes it a little slippery. He said he doesn't think they need another pond. He said as a property owner out there he would be against the pond, but he would be against a pond of that magnitude that close to his property; **X.** Scott Ledesma, adjoining property owner to the west, said the proposed pond would be 150 feet from his house. He said basically, from his bedroom window, 150 feet if you walk a straight line across the yard. He said he just learned about this 24 hours ago, and he has a lot of questions. Mr. Ledesma said he wishes that Mr. Brigman would have come to see him and the other neighbors first, and talked to them about what he's going to do. Mr. Ledesma said he has lived there for 16 years, and he shares Mr. Huber's concerns about the runoff if anything ever did go in there and that was altered in any way. He said the field on the other side of the road, when it rains, all of that drains into one spot across the road and down the property between Mr. Ledesma's and Mr. Huber's properties. Mr. Ledesma said he is curious as to Mr. Brigman's intentions with the pond. Mr. Ledesma said he has never lived close to a pond, but he has talked to some people that have, and they have mentioned the geese, the mosquitoes, and the frogs at certain times of the year. He said that's 150 feet from his bedroom window. Mr. Ledesma said he's not so sure he's going along with it. He said he hates to tell a person what they can do on their own property, and he's not 100% opposed to him having a pond, but he has a lot of questions. He said he would like to have Mr. Brigman meet him on his property, and talk about this. Mr. Ledesma said he would also like Mr. Brigman's engineer to come out and talk to him about this. He said he wants to know his intentions, such as, is he putting fish in it. He said he has never lived close to a pond and doesn't know if fish smell. He reiterated that it's 150 feet from his bedroom window. Mr. Ledesma said he hopes that Board takes all of their concerns into consideration before they approve this. He said he doesn't have any young kids, but he believes that could be an issue. He said there are other ponds around and he doesn't know how big of an issue it is, but he thinks it is something that should be considered. Mr. Ambrose asked if there has been any excavating done, and Mr. Ledesma said no. Mr. Ledesma said his concern as well as Mr. Huber's concern for years has been with the runoff, and with that being altered in any way, is it going to push the water towards his property, or someone else's. He said he doesn't know how ponds work and that is why he would like to talk to the engineer, but what if the pipe clogs up, what will happen. He said he is concerned that it might flood his house or Mr. Huber's house; **XI.** Robert Fritts, adjoining property owner at 4590 Kaleb Court, which is the house at the end of the cul-de-sac, submitted a letter for the record that was signed by several neighbors. Mr. Fritts said there are three of them that are on lower ground than where that lot peaks, so they get the additional runoff that passes through there. Mr. Fritts read aloud the following letter submitted for the record: "We, the adjacent property owners and nearby residents of Westwood subdivision, do respectfully ask that a zoning variance for 4571 Kaleb Ct. be denied. Westwood has been a functioning residential neighborhood since 2007 and 4571 is the last lot available for construction. Currently there are no ponds located within the subdivision. We fear that any pond this close to residences would be a potential flooding hazard as no specific engineering or layout plans have been presented. This lot receives much runoff from McCoy Rd, and many of us are located on lower ground that receives the flow through water that can create temporary flowing creeks during high volume rains. In addition, the pond would pose environmental (mosquito breeding, etc.) hazards and potential safety issues for our children and grandchildren. Seemingly, this pond is to be built prior to any structure and thus would be an unmonitored hazard as well. In closing, the fact that a variance is required in two directions highlights the lack of appropriateness for a large permanent body of water to be "squeezed" in so near our homes."; **XII.** Lawrence Kingery, adjoining property owner to the west, said he owns two parcels there, one which is empty, and there is almost a gully between his property and Mr. Brigman's property. He said that is where the flow would run through if something were to happen. He said it would go down underneath the road and would exit on the other side of the road, and he said there are several neighbors south of this property. Mr. Kingery said if he were to ever sell the empty parcel there or if someone would want to build, it would put the pond within 150 feet of that dwelling as well. He said not all dirt is equal, and that carved its way through there because there was looser dirt through that area, and the harder dirt is on the side. Mr. Kingery said water does what it wants to do. He said you could put up 20 feet of dirt, and if you have enough back pressure and the dirt's not solid or its not good clay, it's going to push that away. He said he would like to sit down and see the proposal, and he would also like to talk to not only that engineer, but another

engineer. He said this is too close to the properties to trust any one person. Mr. Kingery said he just closed his pool, shut the water off a couple days ago, and there are already mosquitoes due to the still water.

Roll-call vote.

Ayes to the motion: None

Nays to the motion: Thomas Ambrose, George Ellis, Mary Goode, Sharon Sherrill

Whereupon the Chairman declared the motion to approve failed.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z23-0060

Petition of Aaron Gelly, owner of record with Bonnie Gelly, requesting a zoning map amendment to rezone the approximately 73.22 acre tract of land from "R-2" Single-Family Residential District to "A" Agricultural District. This is located in Helvetia Township at 13240 Plocher Way, Highland, Illinois, County Board District #1, PIN# 01-1-24-10-00-000-001

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

Members Absent: Nicholas Cohan, Cedric Irby

A **motion** was made by George Ellis and **seconded** by Sharon Sherrill that the petition of Aaron & Bonnie Gelly 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.** Aaron Gelly, applicant, stated that he wishes to rezone the property from Residential to Agricultural so he can do normal "ag" things. He said he actually didn't realize it was zoned "R-2". Mr. Gelly said the rezoning would allow him to have ag buildings and those kinds of things; **VI.** George Ellis, ZBA Member, asked Mr. Gelly if he is going to cultivate the land. Mr. Gelly said "yes" and said they already do. He stated that the previous owner had intentions of subdividing it, but Mr. Gelly purchased it 6 or 7 years ago, and he owns a lot of other land around there and he farms quite a bit. Mr. Ellis asked if he has the equipment to do it. Mr. Gelly said yes.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, George Ellis, Mary Goode, Sharon Sherrill

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 Z23-0061

Petition of Mark and Kimbereley Kaufman, owners of record, requesting a Special Use Permit as per §93.023, Section D, Item 20 of the Madison County Zoning Ordinance in order to continue placement of a single-wide mobile home on site for the occupancy of Mark and Kimbereley Kaufman for a period not to exceed 5 years. This is located in an "A" Agricultural District in Alhambra Township at 10360 Oaks Road, Alhambra, Illinois, County Board District #3, PIN# 07-1-11-20-00-000-017.002

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

Members Absent: Nicholas Cohan, Cedric Irby

A **motion** was made by Sharon Sherrill and **seconded** by George Ellis that the petition of Mark & Kimbereley Kaufman be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Mark and Kimbereley Kaufman 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 Mark and Kimbereley Kaufman 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 Mark and Kimbereley Kaufman 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.** Mark Kaufman, applicant, said that he would like to keep the home where it is at, and he is just asking for a 5 year Special Use Permit. He said he takes good care of the place and promises to keep taking good care of it; **VI.** Mary Goode, ZBA Member, asked Mr. Kaufman if he intends to build a home someday there. Mr. Kaufman said yes, he would like to possibly put a modular home there, something that would be permanent, within the next 5 years.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, George Ellis, Mary Goode, Sharon Sherrill

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 Z23-0062

Petition of Jeffrey and Judith Hurst, owners of record, requesting a Special Use Permit as per §93.034, Section D, Item 8 of the Madison County Zoning Ordinance in order to construct a single-family dwelling. This is located in an "M-1" Limited Manufacturing District in Chouteau Township at 3737 Wanda Road, Edwardsville, Illinois, County Board District #21, PIN# 18-1-14-13-00-000-010

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

Members Absent: Nicholas Cohan, Cedric Irby

A **motion** was made by Thomas Ambrose and **seconded** by Mary Goode that the petition of Jeffrey & Judith Hurst be **Approved with Conditions** as follows:

1. The Special Use Permit for the dwelling is granted for the current owners of the property and shall be transferrable to subsequent owners, so that a change of property ownership will not require an updated Special Use Permit.
2. Any further development for the residential use on the property shall be permitted and shall adhere to 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.** Judith Hurst, applicant, stated that they have lived in their home for almost 25 years, and in July, they had a home fire. She said they just want to be able to rebuild their home and continue to live there; **VI.** Thomas Ambrose, ZBA Member, asked if the home will be in the same location. Ms. Hurst said it is the exact same location. She said the foundation is good, and they are gutting the inside, so everything that needs to be done now is inside the home.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, George Ellis, Mary Goode, Sharon Sherrill

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 Z23-0064

Petition of Jack Dearborn and Kathy Lowry, applicants on behalf of CJD Real Estate, Inc., 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 continue placement of a double-wide mobile home on site for the occupancy of Jack Dearborn and Kathy Lowry for a period not to exceed 5 years. This is located in an "R-4" Single-Family Residential District in Wood River Township at 1313 1st Street, Cottage Hills, Illinois, County Board District #5, PIN# 19-2-08-03-04-405-023

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

Members Absent: Nicholas Cohan, Cedric Irby

A **motion** was made by George Ellis and **seconded** by Mary Goode that the petition of Jack Dearborn & Kathy Lowry and CJD Real Estate, Inc. be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Jack Dearborn and Kathy Lowry 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 Jack Dearborn and Kathy Lowry 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 Jack Dearborn and Kathy Lowry 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.** Kate Wolff, representative for CJD Real Estate, stated that the mobile home has been on the property since they purchased it, it is quality affordable housing, and they would like to continue it; **VI.** Thomas Ambrose, ZBA Member, asked Ms. Wolff how long she has lived there. Ms. Wolff said she has never lived there. She stated that they purchased it as a foreclosure, and brought it back up to par for a rental property. She said they have a contract on it to sell, and that person is buying it as her home to live in; **VII.** Mary Goode, ZBA Member, asked if it is a mobile home under rental right now. Ms. Wolff said that is correct. Ms. Goode asked if there was a Special Use Permit for the mobile home when they purchased it. Ms. Wolff said yes, they have always gone through the proper channels and had Special Use Permits per the Code, to be able to rent the unit. Ms. Goode asked the age of the home, and Ms. Wolff said she believes it's a 1999 Holly. She said it's in good condition and very well-maintained. She said that manufactured housing is quality affordable housing. Ms. Wolff said the surrounding areas have a lot of junk and debris in the yard, but this property does not, and to her, this property actually brings the area up more than it brings the area down.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, George Ellis, Mary Goode, Sharon Sherrill

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 Z23-0065

Petition of Mallory Stoner and Ty Weber, owners of record, requesting a variance as per §93.023, Section B, Item 2 of the Madison County Zoning Ordinance in order to construct a new single-family dwelling that will be 25 feet from the south property line instead of the required 50 feet. This is located in an "A" Agricultural District in Fort Russell Township at 7084 North State Route 159, Moro, Illinois, County Board District #5, PIN# 15-1-09-03-00-000-004.005

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

Members Absent: Nicholas Cohan, Cedric Irby

A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Mallory Stoner & Ty Weber 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.** Mallory Stoner, applicant, stated that she and Ty Weber own 9.2 acres at 7084 North State Route 159 in Moro, zoned Agricultural. She said they are requesting a variance that will allow them to put their new construction home 25 feet from the south property line and approximately 650 feet from Route 159. She said the reason they are asking for a variance is because a large valley and wooded area makes most of their property impractical to develop. Ms. Stoner said because of this, they want to move their home 25 feet closer to the south property line, so it is a safe distance from the valley; **VI.** Thomas Ambrose, ZBA Member, asked to clarify that the reason for the variance is because of the land. Ms. Stoner said yes. She said most of the land is timber, and there's also a large valley. Mr. Weber said that the back half of the property is flood plain with creek bottoms, and the natural drainage that runs down the hill. He said there is one spot of usable land on the property; **VII.** Mr. Ambrose asked if the property has water and utilities there. Ms. Stoner said it currently does not, but it will.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, George Ellis, Mary Goode, Sharon Sherrill

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 Z23-0066

Petition of Alyssa Maronie, owner of record, 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 mobile home on site for the occupancy of Alyssa Maronie for a period not to exceed 5 years. This is located in an "R-4" Residential Single-Family District in Wood River Township at 1434 8th Street, Cottage Hills, Illinois, County Board District #5, PIN# 19-2-08-03-02-207-008

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

Members Absent: Nicholas Cohan, Cedric Irby

A **motion** was made by Sharon Sherrill and **seconded** by Mary Goode that the petition of Alyssa Maronie be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Alyssa Maronie 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 Alyssa Maronie occupies 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 Alyssa Maronie vacates 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.** Alyssa Maronie, applicant, stated that she is requesting a Special Use Permit for the next 5 years.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, George Ellis, Mary Goode, Sharon Sherrill

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 Z23-0067

Petition of Brian Welsh, owner of record with Heather Hey, requesting a zoning map amendment to rezone the approximately 9.98 acre tract of land from "M-1" Limited Manufacturing District to "A" Agricultural District. This is located in Wood River Township at 3098 Harris Lane, Alton, Illinois, County Board District #5, PIN# 19-1-08-05-00-000-018.002

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

Members Absent: Nicholas Cohan, Cedric Irby

A **motion** was made by Mary Goode and **seconded** by Thomas Ambrose that the petition of Brian Welsh & Heather Hey 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.** Heather Hey, applicant, stated that they would like to rezone this parcel to Agricultural so they can build a single-family dwelling; **VI.** Thomas Ambrose, ZBA Member, asked what kind of manufacturing there is out there. Ms. Hey said there is nothing there currently. She said they had their property split into two different parcels, and the land is vacant currently; **VII.** Mary Goode, ZBA Member, asked Ms. Hey if it was zoned as a Manufacturing District when they bought it. Ms. Hey said yes. She said there is no electric or anything out there; **VIII.** Mr. Ambrose asked how close the property is to Fosterburg Road. Ms. Hey said she is not sure. Chris Doucleff, Madison County Building and Zoning Administrator, said it is quite a ways. He said this property is almost completely surrounded by Alton; **IX.** George Ellis, ZBA Member, asked if the home is for their personal use. Ms. Hey said yes.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, George Ellis, Mary Goode, Sharon Sherrill

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator