

Madison County Zoning Board of Appeals Meeting Minutes
Tuesday, October 26, 2021 at 5:00 p.m.
Virtual Meeting via GoToMeeting & In-Person in the County Board Room

Members Present: Don Metzler, Thomas Ambrose, Nicholas Cohan, Mary Goode

Members Absent: George Ellis, 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 asked for a motion to approve the meeting minutes from September 28, 2021. Mary Goode made a motion to approve. Seconded by Thomas Ambrose. Voice-vote. All ayes. Motion approved.

C. Overview of Zoning Petitions and Staff Review

Noelle Maxey, Zoning Coordinator, gave a brief overview of the three 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 three 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 Z21-0069** – Petition of Autumn Harszy, 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 Autumn Harszy and family for a period not to exceed 5 years. This is located in an “R-4” Single-Family Residential District in Wood River Township at **1353 1st Street, Cottage Hills, Illinois**, County Board District #13, PIN# 19-2-08-03-04-405-029. A motion was made by Nicholas Cohan and seconded by Thomas Ambrose that the petition of Autumn Harszy be as follows: **Approved with Conditions**. Roll-call vote. All Ayes. Motion passes.
2. **Hearing Z21-0073** – Petition of Colby Schruppf, applicant on behalf of Frey Properties of Highland, LLC, owner of record, requesting a variance as per §93.023, Section B, Item 2 of the Madison County Zoning Ordinance in order to construct an agricultural building that would be 25 feet from the north and west property lines instead of the required 50 feet. This is located in an “A” Agricultural District in Saline Township at **13973 State Route 143, Pocahontas, Illinois**, County Board District #3, PIN# 02-1-18-24-00-000-008.003. A motion was made by Mary Goode and seconded by Nicholas Cohan that the petition of Colby Schruppf & Frey Properties of Highland, LLC be as follows: **Approved**. Roll-call vote. All Ayes. Motion passes.
3. **Hearing Z21-0075** – Petition of Marc and Rhonda VanderWeele, applicants on behalf of Cherry Creek LTD, owner of record, requesting a Special Use Permit as per §93.029, Section D, Item 2 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 a “B-1” Limited Business District in Moro Township at **7257 Saint James Drive, Edwardsville,**

Illinois, County Board District #5, PIN# 16-2-03-35-20-401-001.001. A motion was made by Mary Goode and seconded by Nicholas Cohan that the petition of Marc & Rhonda VanderWeele and Cherry Creek LTD be as follows: **Approved with Conditions**. Roll-call vote. Ayes to the motion: Nicholas Cohan, Mary Goode, Don Metzler. Nays to the motion: Thomas Ambrose. Motion passes.

I. Zoning Coordinator's Report

Noelle Maxey, Zoning Coordinator, informed all applicants of the date and time of the Building & Zoning Committee meeting, where their requests will be heard next.

J. Adjournment

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

Finding of Fact and Recommendations

Hearing Z21-0069

Petition of Autumn Harszy, 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 Autumn Harszy and family for a period not to exceed 5 years. This is located in an "R-4" Single-Family Residential District in Wood River Township at **1353 1st Street, Cottage Hills**, Illinois, County Board District #13, PIN# 19-2-08-03-04-405-029

Members Present: Don Metzler, Thomas Ambrose, Nicholas Cohan, Mary Goode

Members Absent: George Ellis, Sharon Sherrill

A **motion** was made by Nicholas Cohan and **seconded** by Thomas Ambrose that the petition of Autumn Harszy be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Autumn Harszy 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 Autumn Harszy 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 Autumn Harszy 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.** Autumn Harszy, applicant, stated that she is requesting a Special Use Permit for continued placement of the mobile home on the property that has been there since before she was born.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, Mary Goode, Nicholas Cohan, 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 Z21-0073

Petition of Colby Schrupf, applicant on behalf of Frey Properties of Highland, LLC, owner of record, requesting a variance as per §93.023, Section B, Item 2 of the Madison County Zoning Ordinance in order to construct an agricultural building that would be 25 feet from the north and west property lines instead of the required 50 feet. This is located in an "A" Agricultural District in Saline Township at **13973 State Route 143, Pocahontas**, Illinois, County Board District #3, PIN# 02-1-18-24-00-000-008.003

Members Present: Don Metzler, Thomas Ambrose, Nicholas Cohan, Mary Goode

Members Absent: George Ellis, Sharon Sherrill

A **motion** was made by Mary Goode and **seconded** by Nicholas Cohan that the petition of Colby Schrupf & Frey Properties of Highland, LLC 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.** Gayle Frey of Frey Properties of Highland, LLC, applicant, stated that they would like to build a shed on the property, and the bulk of the property is in the floodplain. The required setback of 50 feet would put them too far into the floodplain, so they are requesting to be 25 feet off of the property line. He stated that he spoke with the neighbors to the west and to the north, and both had no problem with his request; **VI.** Thomas Ambrose, ZBA member, asked what the building will be used for. Mr. Frey responded that it will be for equipment storage and possible material storage; **VII.** Steven Frey, adjoining property owner, asked what initiates the need to be closer to the north and west property lines. The applicant stated that there is a pond in that corner of the property, and 50 feet off the property line would put the southeast corner of the shed in the pond. He stated that corner of the property is the only area not in the floodplain and is the only buildable area. He also stated that there are nice oak trees on the property that he doesn't want to disturb, so this also factored into the placement of the building; **VIII.** Mr. Ambrose asked how big the building will be, to which Gayle Frey responded that it will be 50 ft x 60 ft; **IX.** Mr. Ambrose asked if there is a road. The applicant replied that there is already a road, and electric and water are already in place; **X.** Steven Frey asked if the applicant is a farmer, and what kind of equipment is being stored there. Gayle Frey responded that he is not a farmer, and that he currently has a tractor, some mowers, and a four-wheeler there, but will have more equipment stored there once the building is finished, as there are only two portable buildings there now. He stated this equipment is not for his business, but more of a hobby farm. He also stated that he currently leases the ground to someone else who farms the property, but someday he would like to farm it himself.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, Nicholas Cohan, Mary Goode, 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 Z21-0075

Petition of Marc and Rhonda VanderWeele, applicants on behalf of Cherry Creek LTD, owner of record, requesting a Special Use Permit as per §93.029, Section D, Item 2 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 a “B-1” Limited Business District in Moro Township at **7257 Saint James Drive, Edwardsville**, Illinois, County Board District #5, PIN# 16-2-03-35-20-401-001.001

Members Present: Don Metzler, Thomas Ambrose, Nicholas Cohan, Mary Goode

Members Absent: George Ellis, Sharon Sherrill

A **motion** was made by Mary Goode and **seconded** by Nicholas Cohan that the petition of Marc & Rhonda Vanderweele and Cherry Creek LTD be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Hooker’s Reel Restaurant and Marc and Rhonda VanderWeele and is not transferable to future owners/tenants.
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.** Marc VanderWeele, applicant, stated that he and his wife currently own a couple other successful bar and grills in Madison County. He also stated that there is enough population growth in the Holiday Shores area that they are looking to add a nicer dining experience to provide quality options for residents in the area that would be more of a restaurant and less of a bar, and would serve more upscale food than their competitors. He also plans on obtaining a liquor license for the establishment; **VI.** Thomas Ambrose, ZBA member, asked what subdivision this is located in. Mr. VanderWeele responded that it is not in a subdivision, but is directly across the street from Holiday Shores; **VII.** Mary Goode, ZBA member, asked if they already had a liquor license for the establishment. Mr. VanderWeele stated that they do not, and that the first step in the process is obtaining the Special Use Permit.

Roll-call vote.

Ayes to the motion: Nicholas Cohan, Mary Goode, Don Metzler

Nays to the motion: Thomas Ambrose

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator