

Madison County Zoning Board of Appeals Meeting Minutes
Tuesday, October 27, 2020 at 5:00 p.m.
Virtual Meeting via GoToMeeting & In-Person in the County Board Room

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

Members Absent: Tyrone Echols

A. Call to Order

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

B. Approval of Minutes

Chairman Metzler asked for a voice vote on the meeting minutes from September 22, 2020. All ayes. Motion approved.

C. Overview of Zoning Petitions and Staff Review

Chris Doucleff, Madison County Planning & Development Administrator, 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

Don 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 Z20-0046 – Petition of Edgar Banuelos, 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 home on site for the sole occupancy of Angelina Banuelos for a period not to exceed 5 years. This is located in an “R-4” Single-Family Residential District in Nameoki Township at 3212 Princeton Avenue, Collinsville, Illinois, County Board District #23, PIN# 17-2-20-36-03-306-027. A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Edgar Banuelos be as follows: **Approved with Conditions**. Roll-call vote. Ayes to the motion: Sharon Sherrill, Thomas Ambrose, George Ellis, Mary Goode. Nays to the motion: None. Motion passes.
2. Hearing Z20-0048 – Petition of Jeff and Tracy Bartels, 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 garage addition to an existing single-family dwelling that will be 18 inches from the east property line instead of the required 50 feet. This is located in an “A” Agricultural District in Pin Oak Township at 8621 Maple Grove Road, Edwardsville, Illinois, County Board District #11, PIN# 10-2-16-27-00-000-027. A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Jeff and Tracy Bartels be as follows: **Approved**. Roll-call vote. Ayes to the motion: Sharon Sherrill, Thomas Ambrose, George Ellis, Mary Goode. Nays to the motion: None. Motion passes.
3. Hearing Z20-0049 – Petition of Sandy Harlan, owner of record with Jay Harlan, 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 for a hair salon in the home. This is located in an “R-2” Single-Family Residential District in Fort Russell Township at 217 S Neunaber Drive, Bethalto, Illinois, County Board District #14, PIN# 15-2-09-08-03-302-010.001. A **motion** was made by George Ellis and **seconded** by Thomas Ambrose that the petition of Sandy Harlan be as follows: **Approved with Conditions**. Roll-call vote. Ayes to the motion: Sharon Sherrill, Thomas Ambrose, George Ellis, Mary Goode. Nays to the motion: None. Motion passes.

4. Hearing Z20-0051 – Petition of Brittany Carroll, 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 double-wide mobile home on site for the occupancy of Brittany Carroll, Anthony Wilson, and family for a period not to exceed 5 years. This is located in an “R-3” Single-Family Residential District in Chouteau Township at 1342 Chouteau Place Road, Granite City, Illinois, County Board District #21, PIN# 18-2-14-31-03-301-005. A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Brittany Carroll be as follows: **Approved with Conditions**. Roll-call vote. Ayes to the motion: Sharon Sherrill, Thomas Ambrose, George Ellis, Mary Goode. Nays to the motion: None. Motion passes.
5. Hearing Z20-0054 – Petition of Mark Sax, owner of record with Heather Sax, requesting a variance as per §93.051, Section A, Item 3, Subsection (b) of the Madison County Zoning Ordinance in order to construct a detached garage 10 feet from the north property line instead of the required 15 feet. This is located in an “A” Agricultural District in Marine Township at 101 Savannah Court, Marine, Illinois, County Board District #4, PIN# 06-2-17-30-00-000-040. A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Mark Sax be as follows: **Approved**. Roll-call vote. Ayes to the motion: Sharon Sherrill, Thomas Ambrose, George Ellis, Mary Goode. Nays to the motion: None. Motion passes.
6. Hearing Z20-0056 – Petition of Brenda Plocher, on behalf of Plocher Family Farms, LLC, owner of record, requesting a Special Use Permit to continue placement of a double-wide mobile home on site for the occupancy of Brandon and Stephanie Merkle and family for a period not to exceed 5 years. This is located in an “A” Agricultural District in Saline Township at 14027 Trestle Road, Highland, Illinois, County Board District #3, PIN# 02-1-18-25-00-000-007.002. A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Brenda Plocher, on behalf of Plocher Family Farms, LLC, be as follows: **Approved with Conditions**. Roll-call vote. Ayes to the motion: Sharon Sherrill, Thomas Ambrose, George Ellis, Mary Goode. Nays to the motion: None. Motion passes.

I. Planning Coordinator’s Report

None.

J. Adjournment

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

Madison County Zoning Board of Appeals
October 27, 2020 Findings of Fact and Recommendations

Don Metzler, Chairman, called the meeting to order at 5:30 p.m. on GoToMeeting Virtual Meeting & Madison County Board Room

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

Members Absent: Nicholas Cohen, Tyrone Echols

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 and revisions thereto does hereby submit the Reports and Recommendations on the following:

File Z20-0046 – Petition of Edgar Banuelos (Nameoki Township)

File Z20-0048 – Petition of Jeff and Tracy Bartels (Pin Oak Township)

File Z20-0049 – Petition of Sandy Harlan (Fort Russell Township)

File Z20-0051 – Petition of Brittany Carroll (Chouteau Township)

File Z20-0054 – Petition of Mark Sax (Marine Township)

File Z20-0056 – Petition of Brenda Plocher, on behalf of Plocher Family Farms, LLC (Saline Township)

Finding of Fact and Recommendations

Hearing File Z20-0046

Petition of Edgar Banuelos, 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 home on site for the sole occupancy of Angelina Banuelos for a period not to exceed 5 years. This is located in an "R-4" Single-Family Residential District in Nameoki Township at 3212 Princeton Avenue, Collinsville, Illinois, County Board District #23, PIN# 17-2-20-36-03-306-027

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

Members Absent: Nicholas Cohen, Tyrone Echols

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

1. This Special Use Permit is granted for the sole usage of Angelina Banuelos 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 Angelina Banuelos 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 Angelina Banuelos and family vacate the structure.
2. A new private sewage system meeting all County and State of Illinois codes must be installed on the property. Failure to do so will result in revocation of this Special Use Permit and require immediate removal of the mobile home on site.

The Finding of Fact of the Board of Appeals: **I.** The zoning file, Comprehensive Plan, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Edgar Banuelos, applicant, stated he is looking to fix the place up, and he is aware of all the needs this place has to be livable again. Mr. Banuelos stated he will put in a new private sewage system; **VI.** Chris Doucleff, Department Administrator, read aloud public comment that was sent to staff via email for those who did not attend the meeting in person; **VII.** Boyd Reid, adjacent property owner, submitted the following via email prior to the ZBA meeting: This property at 3212 Princeton has no working septic system. It never has, it is nothing more than a whole in the ground. Which is called a (CESSPOOL). There are no type of laterals on this hole in the ground, again cesspool. The stench of raw sewage is nasty, it's a hazard to people. This trailer is not livable that sits there. It is an eyesore to the people living around it. The bottom line is we don't want to smell sewage running out of a non-working system, TOTALLY OBJECT TO THIS PERMIT!!; **VIII.** Mr. Doucleff stated he sent a private sewage inspector to the property after receiving this letter, and she could not find a private sewage system on the property at all. Mr. Doucleff stated Mr. Banuelos had a soil report done, and the site is completely fill, so an above-ground aeration system would be required, but the property is very small to have an aeration system; **IX.** George Ellis, ZBA member, asked whether or not a private sewage system would be able to be installed here, to which Mr. Doucleff stated that it could, but it would have to be above ground and could not have surface discharge. Mr. Ellis asked if all the properties around there are all on septic systems, to which Mr. Doucleff stated yes, there are not public sewers in the area; **X.** Mary Goode, ZBA member, asked what kind of system everyone else has around there, to which Mr. Doucleff stated there are a variety; **XI.** Mr. Banuelos stated that no one had ever complained about anything on the property, and he did not know about the sewage issue when he bought the property and will do what he has to; **XII.** George Ellis asked how much a system like that would run, to which Mr. Doucleff stated it could range and he does not want to guesstimate that; **XIII.** Mary Goode asked Mr. Banuelos if he brought the property and trailer together, to which he responded that yes, the trailer came with the property. Mr. Banuelos stated that if he can't keep the trailer, he could build a home instead, but there would still be a problem with the sewage.

Roll-call vote.

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

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 File Z20-0048

Petition of Jeff and Tracy Bartels, 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 garage addition to an existing single-family dwelling that will be 18 inches from the east property line instead of the required 50 feet. This is located in an "A" Agricultural District in Pin Oak Township at 8621 Maple Grove Road, Edwardsville, Illinois, County Board District #11, PIN# 10-2-16-27-00-000-027

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

Members Absent: Nicholas Cohen, Tyrone Echols

A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Jeff and Tracy Bartels be as follows:
Approved.

The Finding of Fact of the Board of Appeals: **I.** The zoning file, Comprehensive Plan, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Jeff Bartels, applicant, stated they previously got a lesser variance to be 11 feet from the property line to add a two car garage, but now are wanting to add a three car garage on the east side of their home, and he spoke to the property owners on that side for their blessing to be so close to their property line. Mr. Bartels stated they don't have any objections, and they actually just planted quite a few trees on the property near where the new garage would be going; **VI.** Chris Doucleff, Department Administrator, read aloud public comment that was sent to staff via email for those who did not attend the meeting in person; **VII.** Boyd Reid, adjacent property owner, submitted the following via email prior to the ZBA meeting: Dear Madison County Board, We are writing to support the request for variance being made by Jeffrey and Tracy Bartels. We own the adjoining property at 8627 Maple Grove Road (Parcel 10-2-16-27-00-000-026). It is our understanding that the requested variance would allow for an expansion of their existing garage within 18 inches of our property. We don't foresee this variance hindering the use of our property and do not have any reservations abouts project. Sincerely, Andrew and Amy Gross.

Roll-call vote.

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

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 File Z20-0049

Petition of Sandy Harlan, owner of record with Jay Harlan, 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 for a hair salon in the home. This is located in an “R-2” Single-Family Residential District in Fort Russell Township at 217 S Neunaber Drive, Bethalto, Illinois, County Board District #14, PIN# 15-2-09-08-03-302-010.001

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

Members Absent: Nicholas Cohen, Tyrone Echols

A **motion** was made by George Ellis and **seconded** by Thomas Ambrose that the petition of Sandy Harlan be as follows:
Approved with Conditions.

1. The Special Use Permit is granted for Sandy Harlan and is not transferable to future property owners.
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.
3. The Type “B” Home Occupation shall adhere to all Madison County Ordinances, including but not limited to the Madison County Zoning Ordinance, especially §93.083 Home Occupations.

The Finding of Fact of the Board of Appeals: **I.** The zoning file, Comprehensive Plan, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Sandy Harlan, applicant, stated she has been in business as a hairdresser for 38 years, she’s had issues with landlords, and her current landlord is in financial trouble so she wanted to look at other options. Mrs. Harlan stated she would work 3 days a week, only have one customer at a time, and won’t have any employees; **VI.** George Ellis, ZBA member, asked if the property is on a septic system, to which Mr. Doucleff stated that it is on sewers and would not be allowed on a private sewage system; **VII.** Thomas Ambrose, ZBA member, noted a dangerous intersection nearby, to which Mrs. Harlan has never had issues with the intersection and there are hardly ever accidents there.

Roll-call vote.

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

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 File Z20-0051

Petition of Brittany Carroll, 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 double-wide mobile home on site for the occupancy of Brittany Carroll, Anthony Wilson, and family for a period not to exceed 5 years. This is located in an "R-3" Single-Family Residential District in Chouteau Township at 1342 Chouteau Place Road, Granite City, Illinois, County Board District #21, PIN# 18-2-14-31-03-301-005

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

Members Absent: Nicholas Cohen, Tyrone Echols

A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Brittany Carroll be as follows:

Approved with Conditions.

1. This Special Use Permit is granted for the sole usage of Brittany Carroll, Anthony Wilson, 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 Brittany Carroll, Anthony Wilson, 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 Brittany Carroll, Anthony Wilson, and family vacate the structure.

The Finding of Fact of the Board of Appeals: **I.** The zoning file, Comprehensive Plan, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Brittany Carroll, applicant, stated they are wanting to put a double-wide mobile home on site for herself, her fiancé, and their children. Ms. Carroll stated that it would be on a concrete foundation and not able to be moved; **VI.** Beth Marie Howell, nearby property owner, spoke in opposition of the request. Ms. Howell stated that the hearing says it is only good for 5 years, but she just stated that it would never be able to be moved, and asked what happens after 5 years. Mr. Doucleff stated that after 5 years, they would have to get a new SUP, and if it's the same owner, they would just have to get administrative approval. Ms. Howell stated that the area is zoned for built homes, and she is opposed to bringing a new mobile home in; **VII.** Thomas Ambrose, ZBA member, asked if there is a mobile home there now, to which Ms. Carroll stated there is not now but there used to be, and there are mobile homes on either side.

Roll-call vote.

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

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 File Z20-0054

Petition of Mark Sax, owner of record with Heather Sax, requesting a variance as per §93.051, Section A, Item 3, Subsection (b) of the Madison County Zoning Ordinance in order to construct a detached garage 10 feet from the north property line instead of the required 15 feet. This is located in an "A" Agricultural District in Marine Township at 101 Savannah Court, Marine, Illinois, County Board District #4, PIN# 06-2-17-30-00-000-040

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

Members Absent: Nicholas Cohen, Tyrone Echols

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

The Finding of Fact of the Board of Appeals: **I.** The zoning file, Comprehensive Plan, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Mark Sax, applicant, stated the variance would allow for them to build where the ground is level and not have to bring in dirt to level out an area of the property.

Roll-call vote.

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

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 File Z20-0056

Petition of Brenda Plocher, on behalf of Plocher Family Farms, LLC, owner of record, requesting a Special Use Permit to continue placement of a double-wide mobile home on site for the occupancy of Brandon and Stephanie Merkle and family for a period not to exceed 5 years. This is located in an "A" Agricultural District in Saline Township at 14027 Trestle Road, Highland, Illinois, County Board District #3, PIN# 02-1-18-25-00-000-007.002

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

Members Absent: Nicholas Cohen, Tyrone Echols

A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Brenda Plocher, on behalf of Plocher Family Farms, LLC, be as follows: **Approved with Conditions.**

1. This Special Use Permit is granted for the sole usage of Brandon and Stephanie Merkle 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 Brandon and Stephanie Merkle 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 Brandon and Stephanie Merkle and family vacate the structure.

The Finding of Fact of the Board of Appeals: **I.** The zoning file, Comprehensive Plan, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Brenda Plocher, applicant, stated that they're wanting to continue the SUP for the mobile home on the property; **VI.** Mary Goode, ZBA member, asked if there have been violations on the property, to which Mr. Doucleff stated there are not currently any violations. Ms. Goode asked if the outbuildings were already on the property, to which Mrs. Plocher stated all the buildings on the property were there when they bought it.

Roll-call vote.

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

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator