

Madison County Zoning Board of Appeals Meeting Minutes
Tuesday, November 22, 2022 at 5:00 p.m.
County Board Room

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

Members Absent: None

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 October 25, 2022. Thomas Ambrose made a motion to approve. Seconded by Sharon Sherrill. Voice-vote. All ayes. Motion approved.

C. Overview of Zoning Petitions and Staff Review

Noelle Maxey, Zoning Coordinator, gave a brief overview of the seven 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 seven 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 Z22-0076** – Petition of Manuel Romero, 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 Guadalupe Torres and family for a period not to exceed 5 years. This is located in an “R-4” Single-Family Residential District in Nameoki Township at **3110 Princeton Avenue, Collinsville**, Illinois, County Board District #16, PIN# 17-2-20-36-03-308-024. A **motion** was made by Nicholas Cohan and **seconded** by Mary Goode that the petition of Manuel Romero be as follows: **Approved with Conditions**. Roll-call vote. Ayes: Nicholas Cohan, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill. Nays: Thomas Ambrose. **Motion passes**.
2. **Hearing Z22-0079** – Petition of Nallely Barboza-Barron, 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 Jose A. Barbosa and family for a period not to exceed 5 years. This is located in an “R-3” Single-Family Residential District in Collinsville Township at **1712 California Avenue, Collinsville**, Illinois, County Board District #29, PIN# 13-2-21-23-04-401-017. A **motion** was made by Sharon Sherrill and **seconded** by Nicholas Cohan that the petition of Nallely Barboza-Barron be as follows: **Approved with Conditions**. Roll-call vote. All ayes. **Motion passes**.
3. **Hearing Z22-0080** – Petition of Ryan High, applicant on behalf of Big Sky Land Company, LLC, owner of record, requesting a Special Use Permit as per §93.023, Section D, Item 39 of the Madison County Zoning Ordinance

in order to have a Reception Venue on site. This is located in an “A” Agricultural District in Fort Russell Township at **7118 Fields Drive, Moro**, Illinois, County Board District #5, PIN# 15-1-09-04-00-000-011.010. A **motion** was made by Cedric Irby and **seconded** by Sharon Sherrill that the petition of Ryan High and Big Sky Land Company, LLC, be as follows: **Approved with Conditions.** Roll-call vote. All nays. **Motion fails.**

4. **Hearing Z22-0081** – Petition of Kirk Chapman, owner of record, requesting a zoning map amendment to rezone the 4.89 acre dual-zoned tract of land from “B-1” Limited Business District and “B-3” Highway Business District to “M-2” General Manufacturing District in order to have a Motor Freight Terminal on site. This is located in Chouteau Township at **3140 West Chain of Rocks Road, Granite City**, Illinois, County Board District #21, PIN# 18-1-14-29-04-402-017. A **motion** was made by Mary Goode and **seconded** by Nicholas Cohan that the petition of Kirk Chapman be as follows: **Approved.** Roll-call vote. All ayes. **Motion passes.**
5. **Hearing Z22-0082** – Petition of Michael and Diane Bell, owners of record, 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 165 feet from a dwelling on an adjacent lot instead of the required 250 feet. This is located in an “A” Agricultural District in Foster Township at **7719 Bethalto Road, Bethalto**, Illinois, County Board District #5, PIN# 20-2-02-25-00-000-030. A **motion** was made by Mary Goode and **seconded** by Sharon Sherrill that the petition of Michael and Diane Bell be as follows: **Approved.** Roll-call vote. All ayes. **Motion passes.**
6. **Hearing Z22-0083** – Petition of John Barry Julian and Gayvonna Francine Julian, owners of record, requesting a zoning map amendment to rezone approximately 80 acres of a dual-zoned lot from “R-1” Single-Family Residential District to “A” Agricultural District. This is located in Foster Township at **1705 Seiler Road, Alton**, Illinois, County Board District #7, PIN# 20-1-02-18-00-000-003. A **motion** was made by Mary Goode and **seconded** by Cedric Irby that the petition of John Barry Julian and Gayvonna Francine Julian be as follows: **Approved.** Roll-call vote. All ayes. **Motion passes.**
7. **Hearing Z22-0084** – Petition of Fata Celebic, owner of record, requesting a zoning map amendment to rezone the approximately 8.27 acre tract of land from “A” Agricultural District to “PD” Planned Development District in order to continue operating the existing slaughterhouse on site. This is located in Leef Township at **13712 Meffert Road, Pocahontas**, Illinois, County Board District #3, PIN# 03-1-12-23-00-000-002.006. A **motion** was made by Sharon Sherrill and **seconded** by Cedric Irby that the petition of Fata Celebic be as follows: **Approved with Attachment “A”.** Roll-call vote. Ayes: Don Metzler, Thomas Ambrose, Nicholas Cohan, Sharon Sherrill. Nays: George Ellis, Mary Goode, Cedric Irby. **Motion passes.**

I. Zoning Coordinator’s Report

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

J. Adjournment

Cedric Irby 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 Z22-0076

Petition of Manuel Romero, 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 Guadalupe Torres and family for a period not to exceed 5 years. This is located in an "R-4" Single-Family Residential District in Nameoki Township at **3110 Princeton Avenue, Collinsville**, Illinois, County Board District #16, PIN# 17-2-20-36-03-308-024

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

Members Absent: None

A **motion** was made by Nicholas Cohan and **seconded** by Mary Goode that the petition of Manuel Romero be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Guadalupe Torres 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 Guadalupe Torres 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 Guadalupe Torres 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.

Roll-call vote.

Ayes to the motion: Nicholas Cohan, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

Nays to the motion: Thomas Ambrose

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z22-0079

Petition of Nallely Barboza-Barron, 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 Jose A. Barbosa and family for a period not to exceed 5 years. This is located in an "R-3" Single-Family Residential District in Collinsville Township at **1712 California Avenue, Collinsville**, Illinois, County Board District #29, PIN# 13-2-21-23-04-401-017

Members Present: Don Metzler, Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill
Members Absent: None

A **motion** was made by Sharon Sherrill and **seconded** by Nicholas Cohan that the petition of Nallely Barboza-Barron be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Jose A. Barbosa 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 Jose A. Barbosa 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 Jose A. Barbosa 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.** Noelle Maxey, Zoning Coordinator, read aloud the following two letters of opposition that were submitted for the record: (1) "I, Jerry Keller, am opposed to any mobile homes. I do not want to see such a thing across from my home." (2) "Good morning, unfortunately we all have the flu so will not be able to attend meeting today, however we are against having a single wide mobile home outside our bedroom windows, not only is this an eyesore it would also bring value of our home down, and we are looking to possibly put our adjoining property where our home sits up on the market within that 5 year time. Our property 1708 and the property 1712 are touching. There is already a house on that property and across the street that need a lot of attention but are under construction as we speak and they look horrible. I understand they are trying to fix up homes however that should be done 1st. Owners already live in a house across the street so there shouldn't be any reason for a single wide mobile home as well. Please look at our point of view on this matter. Thank you, Bodimer residents at 1708 California Avenue."; **VI.** Nallely Barboza-Barron, owner of the subject property, said she had never been to one of these meetings, so she didn't know how it worked until she saw everyone else come up for their hearing. She said she just wanted everyone to know she was in attendance before a decision was made.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode, Cedric Irby, 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 Z22-0080

Petition of Ryan High, applicant on behalf of Big Sky Land Company, LLC, owner of record, requesting a Special Use Permit as per §93.023, Section D, Item 39 of the Madison County Zoning Ordinance in order to have a Reception Venue on site. This is located in an "A" Agricultural District in Fort Russell Township at **7118 Fields Drive, Moro, Illinois**, County Board District #5, PIN# 15-1-09-04-00-000-011.010

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

Members Absent: None

A **motion** was made by Cedric Irby and **seconded** by Sharon Sherrill that the petition of Ryan High and Big Land Sky Company, LLC be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Ryan High, the prospective buyer of the subject property. Any change of ownership will void the Special Use Permit, and a new Special Use Permit will have to be obtained to continue operating the reception venue on site.
2. There shall be no off-site parking for the Reception Venue operation.
3. The Reception Venue shall not operate past 12 a.m.
4. All lighting on the property shall be arranged in such a manner as to direct the light away from neighboring properties.
5. The owner shall keep the property in compliance with all Madison County Ordinances, including but not limited to the Zoning Ordinance, particularly §93.103 Reception Venues.
6. The owner's failure to adhere to the conditions of the Special Use Permit will cause revocation of the same, and require immediate removal of the Reception Venue Operation.

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.** Ryan High, applicant, stated that he is requesting a Special Use Permit to build and operate a 6,000 square foot wedding venue on the 9.69 acres at 7118 Fields Drive. Mr. High said they are looking to raze the building that is there existing on the top of the hill and put in a brand new structure and improve the land. He said that the map shows the proposed utilities, where utility routing is coming in, and parking at the top of the property to account for the parking load requirement; **VI.** Thomas Ambrose, ZBA Member, asked if it will be up on top of the hill. Mr. High said yes. Mr. Ambrose asked if they use the road down at the bottom. Mr. High said the road leading in will be the drive to get to the barn at the top of the hill. He said there is a gate at the entryway, and then as it goes down and turns back to the right it comes up the hill and will lead into where the existing building is, and the new building will be angled just a little more toward the tree line to protect the view and any future noise concerns that anyone may have. Mr. Ambrose asked how many acres they have, and Mr. High said it is 9.69 total; **VII.** Sharon Sherrill, ZBA Member, said she assumes this will just be a one night situation, and that people aren't going to be staying. Mr. High said that is correct, and that it is essentially a 12-hour rental, starting in the morning to load in, everything will conclude by 11 p.m. for the reception, and then by 12 a.m. they will have everyone off the property. Mr. High said they will have shuttle busses available and will be encouraging all of the wedding parties for the guests that will be staying remotely to arrange pickup from a hotel, parking lot, etc. just to reduce the amount of traffic that is coming in. He said that is common practice for venues like this around the country; **VIII.** Mary Goode, ZBA Member, asked Mr. High if he has a facility like this somewhere else. Mr. High replied no, that this would be their first facility. He said their background is in food and beverage, and the wedding industry as well, but not from an actual facilities standpoint. Ms. Goode asked where the food and beverage is located. Mr. High stated there are two businesses: from the food side, he is the owner of Sugar Fire Smokehouse, and from the beverage side, he is the owner of Global Brew Tap House. He said from a catering standpoint, their businesses would be taking care of that, so they would be a licensed retailer with a catering license to be able to serve alcohol per all of the requirements in the state of Illinois. He said they would have their off-site catering prep, and then they would just be plating-up and serving guests at the venue. He said there wouldn't be any on-site food prep. Ms. Goode asked Mr. High if he is the sole owner. Mr. High replied that he and his wife are the owners; **IX.** George Ellis, ZBA Member, asked if there are any other commercial businesses in that area. Mr. High said more agriculture-commercial, but from this type of venue or this segment, not at all; **X.** Nicholas Cohan, ZBA

Member, asked how many people the building will seat. Mr. High responded at maximum it is 250 guests in the venue, and he feels that their average would be more in the 200-realm. He said that is why they are saying on-site parking versus the shuttling in will suffice for what is typically done in this industry; **XI.** Noelle Maxey, Zoning Coordinator, read aloud the following four letters of opposition that were submitted for the record: (1) "Hello, my name is Tara Smith and I live at 7129 Fields Drive in Moro. I am writing in regards to the proposed wedding venue at 7118 Fields Drive. I am not able to attend the meeting due to a previous commitment that day. I strongly oppose this. We did not move out to "the country" to live across the street from a wedding venue. The traffic on our road along with the noise it would cause are two of the many reasons I oppose this. Please do not let this pass. Thank you, Tara Smith." (2) "I am writing to express my concerns regarding the property at 7118 Fields Dr. in Moro and the proposed reception venue planned there. I am a resident of Moro and live within a mile of this location. I specifically moved to this area because I did not want to live within city limits and deal with city traffic and noise. I do not feel that this is an appropriate area for this type of venue. A reception venue in this area would ruin this peaceful country setting, create increased traffic and increased noise, and put drivers who have been consuming alcohol on our roads. As a citizen of Moro, I am respectfully asking you to reject any proposed plans for a reception venue. Thank you. Sincerely, Lori Guess, 452 Pheasant Lane." (3) "To the Board, My name is Tammy Watters, I live at the corner of Fields and 140. I was made aware of the hearing for a Special Use Permit for a Reception Venue @7118 Fields Dr. This is in no way the right area for said venue. The number of accidents that happen in front of my house from people trying to turn onto Fields Drive from 140 is unreal and now this would be adding more vehicles trying to turn on Fields to get to said property. Below is a few reasons and concern: First of all; Fields Drive is a narrow country road that is already heavily traveled by not only vehicles but by big Semi farm trucks as well as very wide farm implements which takes up the whole road at times. I feel that adding more traffic heading to said venue is going to cause more traffic issues for not only our community residents but for our farmers. Second; The guests going to said venue would be turning into the entrance just after a hill which could lead to accidents. There have been accidents there in the past. Third; This is a residential and farm community. That being said, depending on the time of year the venue is being used the guests would be subject to the dust from the fields being worked up, the dust and particles when the grain is being cut and not to mention the smell of the fertilizer and chemicals that get put down on the farm land. Also, you would be looking at the insects that the farm animals bring as well as the odor from the nearby Hog Farm. Is this the atmosphere a bride is going to want for her special day? I don't think so! A question I do have is will this venue be allowed to serve alcohol? If so, what will keep them from making it into a drinking establishment later if the reception venue doesn't work out? Again, I do not feel this is an appropriate location for a reception venue. Tammy Watters" (4) "We live at 7112 Fields Drive and are one of the adjoining property owners. We are against the request for a wedding venue and our reasons for objection are due to the traffic hazards and loud noise it will cause from music and people. This property sits in between 2 hills on Fields Drive, we have to watch pulling out of our driveway due to cars flying down Fields Drive. Installing a parking lot will cause excessive water run off that we do not need. We moved to the country to get away from noise and do not need the added stress and aggravation this would cause to us, and our farm animals. Sincerely, Karl and Debi Reinke."; **XII.** Ms. Goode asked Mr. High if he will be competing with Laux in Bethalto. Mr. High said yes, in terms of the venue. Ms. Goode asked Mr. High where he lives, and he stated that he lives in Glen Carbon; **XIII.** Doug Ahlers, adjoining property owner at 5934 Moro Road, said he and his wife have lived there about 28 years. Mr. Ahlers said he talked to all of the adjoining land owners, and all are greatly opposed. He said many of the reasons have been listed, along with alcohol consumption and late hours. He said this is highly agricultural, where Laux is in the center of town next to City Hall. Mr. Ahlers stated that no neighbors in that area have anyone close to their property. He said there are large acres of farmland around the majority of those properties, so this is a complete shift in that property, and they greatly oppose; **XIV.** Mr. Ambrose asked how long Mr. High has owned the property. Mr. Ahlers said around one year; **XV.** Larry Bell, property owner at the end of Fields Drive at 5884 State Route 140, said he drives down Fields Drive on a regular basis, and it is a very narrow road. He said two cars have difficulty passing each other without making sure the wheels are almost into the ditch, because it is that narrow. Mr. Bell said that Mr. High is proposing 200-250 people coming in there, on top of the fact that they are adding alcohol, and then leaving this property and driving down Fields Drive. He said this is very dangerous, and this road is not capable of handling that. Mr. Bell said the neighborhood would not be for this. He said it is a residential and agriculture type area, and with alcohol being involved and late nights, it is such a difficult road to traverse, and he thinks there will be all kinds of accidents because of it. Mr. Cohan asked if Fields Drive is a 2-lane or 4-lane road. Mr. Bell said it is a very narrow country 2-lane road, and when 2 vehicles pass, you have to be almost to the edge of the road. He said when the semis come down for the farmers, which they only do during the daytime, you can't pass; **XVI.** Karl Reinke, adjoining property owner, stated that they have a lot of problems getting out of their driveway. He said when a car comes over either hill, it's just a matter of time before someone hits a tractor, a kid, or even him pulling out of his own driveway.

He said they fly down Fields Drive. Mr. Reinke said the water runoff is a concern of his too. He said Mr. High is going to be putting in a parking lot and will have to add another lane for cars to go back up in there since it's just a single lane drive, and he said the way it is now it is not going to park 250 cars. He said the runoff is unreal. Mr. Reinke said he has farm animals also and wants to know what the extra added traffic is going to do. He feels that it will stress them out. He said they have been there 10 years, and he doesn't want to see something like this coming in and ruining the country for them; **XVII.** Mr. High said that in response to the concerns about traffic on Fields Drive, this is the reason for the shuttle service that they are pushing and requiring of their wedding parties to use. He said they are looking to reduce the amount of traffic. Mr. High said it can hold 250 people, but they know that would be a maximum. He said they aren't bringing 250 cars through there every single day of the week. Mr. High said this venue will be used for 2 days out of the week, typically on Fridays and Saturdays, and it won't be an all-day affair from a traffic standpoint. He said they will be utilizing shuttles which will minimize the amount of traffic that will be on Fields Drive; **XVIII.** Mr. Cohan asked if people will be shuttled from Fields Drive. Mr. High said the shuttle will be off-site, whether they are coming from different hotels, or different parking lots where they are congregating, or the churches, they are bringing them from there, up Fields Drive, and onto the land up to the venue. Mr. Cohan asked Mr. High to clarify if they will be picking people up from different locations. Mr. High said yes; **XIX.** Cedric Irby, ZBA Member, asked Mr. High if he is planning on widening the road from 2 lanes to 4 lanes. Mr. High said that is not the plan; **XX.** Mr. Cohan asked if guests are going to be picked up in a golf cart. Mr. High said no, they will be using 15-passenger shuttles; **XXI.** Mr. Ahlers said he isn't trying to oppose or give anyone a hard time, but he is asking the ZBA to think about if this were your home that you had invested in for decades, in a private country location, would you want this to come next door. He said that 15-passenger shuttle isn't a small vehicle. Mr. Ahlers said with this crowned country road, it will be similar to a tractor taking the majority of the road. He said in addition, water comes from 159 and Moro Road, and it runs straight down that hill. He said that creek runs along the road through his property and right along the lane that goes up to where Mr. High is talking about building this facility. Mr. Ahlers said in rain seasons, like the spring when it comes down hard, when all that water comes down that road, at times it's 30-feet wide and at least 10-feet deep. He said it goes over the top of Fields Drive at times, and that lane is under water more times than not. Mr. Ahlers said he has a lot of major concerns, not to mention late hours and late hours with people making choices that are altered by alcohol; **XXII.** Crystal Meyers, property owner at 5877 Route 140, said that creek, because of the flooding, gets larger every year. She said they have had to claim some of their property as flood, and they can't have animals or grow anything in that area because of how much water comes out of that creek every time it rains. She said if the creek gets bigger, her property continues to get smaller.

Roll-call vote.

Ayes to the motion: None

Nays to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

Whereupon the Chairman declared the motion denied. Petition recommended for denial.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z22-0081

Petition of Kirk Chapman, owner of record, requesting a zoning map amendment to rezone the 4.89 acre dual-zoned tract of land from "B-1" Limited Business District and "B-3" Highway Business District to "M-2" General Manufacturing District in order to have a Motor Freight Terminal on site. This is located in Chouteau Township at **3140 West Chain of Rocks Road, Granite City, Illinois, County Board District #21, PIN# 18-1-14-29-04-402-017**

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

Members Absent: None

A **motion** was made by Mary Goode and **seconded** by Nicholas Cohan that the petition of Kirk Chapman 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.** Kirk Chapman, owner of the subject property, stated that the property was a motor terminal before it was a trucking company. He said in the middle of the property is a general office building that they are going to rehab. He said the property was derelict when he bought it, but they have cleaned a lot of stuff up already, with plans to clean up more. Mr. Chapman said he has 9 trucks, and all they do is service Ameren. They don't come in and out day and night. He said their hours are mainly 7:00-3:30, with nothing super late unless they get storm emergencies, and no weekends; **VI.** Thomas Ambrose, ZBA member, asked Mr. Chapman how he gets in and out of the property. Mr. Chapman said there are 3 driveways that are there from previous owners, but that they are probably going to eliminate one toward the west due to it being a little shallow. He said the one directly across from Dial Road will be their main entrance. Mr. Ambrose asked if the entrances would be off of Chain of Rocks. Mr. Chapman said yes, both the main entrances are off Chain of Rocks. Mr. Ambrose asked if there are houses nearby. Mr. Chapman said yes, to the east, but there's a business next to them that blocks them from the road to the east; **V.** Eddie Lee, Chouteau Township Supervisor, said they are objecting to the zoning change because there is too many unanswered questions. He said first of all, what kind of materials they are handling and shipping, the amount of traffic it's going to add, and the property adjacent and behind them, which is theirs, what is going to become of that property and access to it? He asked if they are going to come off a residential street into that back property. Mr. Lee said they are having problems with the businesses next to it and the car repair place out there. He said they look like junkyards, and they sure don't want another one coming in which would be more of a headache; **VI.** Jeff Scholebo, Chouteau Township Road Commissioner, said his concern is if this gets developed now, he believes there's a portion of property right behind this that Mr. Chapman probably owns too, and that would be blocked off by his property. He said the side street that has residences on it, the only way there would be to get to that back property is through his property. Mr. Scholebo said his concern is that he doesn't need truck traffic on his road on South Thorngate. He said there's already 5 houses there, and they don't need any entrances or exits on South Thorngate. He said it's only a 5 ton weight limit, and he has hard enough trouble keeping his roads up as they are, and he doesn't need any more traffic; **VII.** Nicholas Cohan, ZBA Member, asked if any neighbors are complaining. Mr. Scholebo said yes, all of the neighbors on South Thorngate are complaining. He said it isn't just this property, but this property needs a whole lot of cleaning up. He emphasized not just a little bit of cleaning up, but a whole lot of cleaning up. He said it has been let go for years and it's in bad shape. Mr. Scholebo said his concerns are South Thorngate and the residents. He said he doesn't need the traffic on that street. He said if this goes in, that back property, 10 years from now, could get developed by somebody else if they sell it off, and the only way to get to it is through his property; **VIII.** Mary Goode, ZBA Member, asked how long Mr. Chapman has owned this property. Mr. Scholebo said probably just a month or two. Ms. Goode noted that he hasn't even had a chance to clean it up yet. Mr. Scholebo said no, but that it does look better and he will give him that, but said it needs a lot of work; **VIX.** Ms. Goode asked Mr. Chapman where he is housing his trucks now. Mr. Chapman said they are currently in Collinsville at 710 Cedar at the old concrete plant. Ms. Goode asked if he has any violations there or if anyone complains, and Mr. Chapman said no. Mr. Chapman said this property actually was in violation, and they cleaned it up. He said Thorngate is not an option, and they will never go down that road. He said he does own the back property, but they aren't even entertaining anything to go back there. Ms. Goode asked if he can split the property, and how many acres he has. Mr. Chapman said it's right at 17 acres. Ms. Goode asked if he could use the part he's trucking on and split that part off for

this zoning. Mr. Chapman said no, they are just wanting to rezone since it's one parcel. He said the back is a wooded area. Ms. Goode asked how the back is zoned. Noelle Maxey, Zoning Coordinator, said it is also dual-zoned as B-1 and B-3; **X.** Gary Gaines, property owner at 132 South Thorngate, said he wanted to point out that to the left of the property is an LP Gas storage tank, and to the right, due to lax enforcement of the codes, is a junkyard. He said on the other side of South Thorngate is another junkyard, and he has been fighting both of them for 15 years. He said his point is that previous speakers said they were afraid of seeing their neighborhood go downhill, and that is what they have seen. He said all of those 6 houses are an R-5, and the other side with woods has a couple that has lived there since before 270 went in. Mr. Gaines said according to the Illinois Department of Natural Resources, he can't do anything with that woods anyhow. He said he can only deal with this property that he wants to rezone. He said they don't want to see their residential neighborhood go away. Mr. Gaines said on behalf of the residents of South Thorngate, they don't like the idea. He said he understands he is a small business owner, and he supports them, but he doesn't like the idea; **XI.** Ms. Goode said she has family on Thorngate, and if he has all these junkyards, who would want to buy that piece of property and do anything with it. She said she would think cleaning it up would be a plus. Mr. Gaines said he would like to see the properties cleaned up. He said he is 72 years old, and when he dies, who is going to want to buy his house; **XII.** Mr. Cohan said Mr. Chapman can't control what's around the property, and he's already cleaned up a lot of the property, so he thinks that is a positive for the neighborhood; **XIII.** Mr. Chapman said in respect to the neighborhood, he understands where he is coming from. He said they have no plans of going anywhere to the east, but they are mainly just talking about what's there now, which has always been a trucking company. He said they have hauled almost 30 tons of garbage to the landfill and got rid of 56 tires from the property. He said they want it to look nice and presentable and said that it has a nice frontage there with a 100 year old oak tree. Mr. Chapman said he wanted to tell the neighbors that they aren't there to make the neighborhood look worse, but that they want to have a nice trucking company that looks nice where they can bring their customers to and show them and be respectful to everyone; **XIV.** Mr. Ambrose asked Mr. Chapman what if he would happen to sell it. Mr. Chapman said he doesn't plan on selling it. Mr. Ambrose asked if it would be in writing where they can't bring trucks down the side street. Mr. Chapman said they will never go over there. He said it's a 5 ton weight limit. He said their heaviest truck is 70,000, but Thorngate is not an option. Noelle Maxey, Zoning Coordinator, stated the subject property doesn't even touch Thorngate and can only be accessed from W Chain of Rocks Road.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode, Cedric Irby, 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 Z22-0082

Petition of Michael and Diane Bell, owners of record, 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 165 feet from a dwelling on an adjacent lot instead of the required 250 feet. This is located in an "A" Agricultural District in Foster Township at **7719 Bethalto Road, Bethalto**, Illinois, County Board District #5, PIN# 20-2-02-25-00-000-030

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

Members Absent: None

A **motion** was made by Mary Goode and **seconded** by Sharon Sherrill that the petition of Michael and Diane Bell 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.** Michael Bell, applicant and owner of the subject property, stated that he is requesting a variance for the location of his pond that is inside of the 250 foot requirement. He said they spoke with the adjacent property owner numerous times, and he has never expressed any opposition to this, but in fact has been in favor of it. Mr. Bell said that area down there has always been a low spot, and when it rains it collects the water very heavy, and it actually flood McCoy Road there. He said since they started digging the pond, the last 2 or 3 heavy rains they have had in late summer or early fall, the neighbor has had no water on his property or on McCoy Road, and it has all gone into the pond. Mr. Bell said they have talked to the neighbor several times and he has never expressed any opposition; **VI.** Sharon Sherrill, ZBA Member, asked Mr. Bell what he has for overflow. Mr. Bell said there will be an overflow pipe put in out to the ditch; **VII.** Nicholas Cohan, ZBA Member, asked Mr. Bell how deep the pond will be. Mr. Bell said it will be 9-12 feet; **VIII.** Thomas Ambrose, ZBA Member, asked what the size of it would be when it's filled. Mr. Bell responded that it will be a little less than a third of an acre, maybe around a quarter of an acre; **IX.** Mary Goode, ZBA Member, asked Mr. Bell if he is doing this because he wants to sell off a parcel. Mr. Bell said no, he is doing it simply because that is always a low spot that gathers water, it's always wet, and he is just trying to help with that situation with the runoff. Mr. Bell said they bought the property in 2018, and they have talked to numerous people out there, and that area has been a nightmare with the flooding on McCoy Road for years. He said since they have been there, there have been 2 or 3 times that he has seen Illinois Transportation and county and township trucks out there talking about it. Ms. Goode asked if it's a detention area, and Mr. Bell said yes, but he wants to make it a nice little pond; **X.** Noelle Maxey, Zoning Coordinator, read aloud the following letter from an adjacent neighbor that was submitted for the record: "Dear Building and Zoning Department, My husband and I are the residents of one of the properties within 250 feet of Bell's proposed (in process) pond site. While we fully support our neighbors building their home to fit their desires and lifestyle, we do have a few concerns about the effect it may have on our property. Due to the natural lay of the land we'd like to avoid any possibility of flooding or erosion that could become an issue for us later down the line. We would like to know if they have a plan for overflow or a spillway that would be directed away from our property. We would also like to know if they plan to install a fountain system or stock the pond with fish to keep the pond from becoming stagnant, as living next to a cesspool for mosquitoes falls far below our line of ideal. Again, we support the Bells desire to grow their property, we just would like to be kept informed of these few items because of the risk associated to our land, lifestyle, and future building plans of our own. If the Bells are unable to provide their plans in order to ensure our land will not be affected then we cannot support the completion of their pond. Thank you very much, Tracie and Chris Brobst 4755 McCoy Road"; **XI.** Mr. Bell said in response to the letter, yes, they do plan to put a fountain in the pond, and they do plan to stock it with fish. He said the last several heavy rains they have had, where the neighbor would have normally been under water down there, he has had absolutely no water, and the water has all gone into the pond. He said he can't guarantee every single drop of water is going to go there, but he can say the majority of the runoff that used to go to his property is now going to the pond.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode, Cedric Irby, 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 Z22-0083

Petition of John Barry Julian and Gayvonna Francine Julian, owners of record, requesting a zoning map amendment to rezone approximately 80 acres of a dual-zoned lot from "R-1" Single-Family Residential District to "A" Agricultural District. This is located in Foster Township at **1705 Seiler Road, Alton**, Illinois, County Board District #7, PIN# 20-1-02-18-00-000-003

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

Members Absent: None

A **motion** was made by Mary Goode and **seconded** by Cedric Irby that the petition of John Barry Julian and Gayvonna Francine Julian 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.** Barry Julian, owner of the subject property, said as he listened to why everyone else wanted to change their zoning, his is a little different. He said everybody so far has wanted to change something, but what he's wanting to do is change the zoning to conform to the usage of the property. Mr. Julian said he bought Ed Ragsdale's farm about a year ago. He said he had been trying to buy it for a long time, but he would never sell, but then he moved to Florida and finally did sell him the farm. He said at the time he bought it, he didn't realize that the southern half of it was zoned R-1, while the northern half is agricultural. Mr. Julian said what he is doing with that property is raising cattle. He said that he and his son altogether have 4 farms. He said they have 48 heads of Angus cattle on this farm and 20 calves. Mr. Julian said that Ed Ragsdale farmed it for 50 years, doing the same thing that he's doing, which is raising cattle. He said Mr. Ragsdale was able to handle the cattle with the only complaints from the neighbors being that they would get out of his fence and get in the road. Mr. Julian said he rebuilt all the fence so that won't be a problem. He said what he is asking is to change the property from R-1 back to Agricultural. He said it's been an agricultural use for many, many years. He said there is one house on the property and one little hay barn/shed that he has a demolition permit for, and he will be tearing it down soon. Mr. Julian said his plan is to build a barn, and the building permit has been semi-approved, pending the change in zoning. He said the reason it is semi-approved is the height of the barn. Mr. Julian said the height of an accessory building can't be more than 20 feet in an R-1, and you can't store a lot of hay in under 20 feet. He said he knows most of the neighbors, and he has had numerous people pull up the drive and ask him if he is going to subdivide this property, but he said no, they are going to raise cattle, and that's all they intend to do there. He said they aren't going to butcher or slaughter them there. Mr. Julian said they will be born there, and at times they will move cattle to one of the other farms; **VI.** Noelle Maxey, Zoning Coordinator, read aloud the following letters from adjacent neighbors that were submitted for the record: (1) "Good morning. I am in favor of the Julian's request for rezoning this parcel to agricultural. I live at 1634 Seiler Road (directly across the street from the parcel in question). Thank you, Stephen Healey." (2) "I am an adjoining land owner to the property that John and Gayvanna Julian are requesting a zoning change for located at 1705 Seiler Road, Alton. I have three questions I would like addressed at the hearing. One, Is a commercial business such as (pay to hunt) allowed on property in an Agricultural A District? There have been a number of new hunting blinds delivered to the 1705 Seiler Road property recently, ready to install. If so is there a limit to the number of hunters on the property and one time or one day? How close to neighboring property lines will ground blinds or tree stands be located? I walk my property daily and am concerned about stray ammunition and meeting hunters trailing injured animals. Thank you, Ada Kercher, 1877 Straube Lane." Ms. Maxey noted that she did respond to her and let her know that commercial businesses are not allowed in Agricultural Districts, and hunting is controlled by the Illinois Department of Natural Resources, not our department; **VII.** Mr. Julian said that the hunting blinds are going somewhere else. He said as soon as they get assembled they truck them to the other farms, and he may put one on the subject property. He said he owns about 1,200 acres of farmland, and they didn't buy that farm to hunt on, although he's sure that one of their grandsons or someone may go out there to shoot a deer, or try at least.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode, Cedric Irby, 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 Z22-0084

Petition of Fata Celebic, owner of record, requesting a zoning map amendment to rezone the approximately 8.27 acre tract of land from "A" Agricultural District to "PD" Planned Development District in order to continue operating the existing slaughterhouse on site. This is located in Leef Township at **13712 Meffert Road, Pochontas, Illinois, County Board District #3, PIN# 03-1-12-23-00-000-002.006**

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

Members Absent: None

A **motion** was made by Sharon Sherrill and **seconded** by Cedric Irby that the petition of Fata Celebic be as follows:
Approved with Attachment "A".

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.** Michael Hertz spoke on behalf of the property owners, Fata Celebic and her husband Alan Merdzic, who together operate a slaughterhouse on the subject property. Mr. Hertz said the slaughterhouse is both licensed and regularly inspected by the United States Department of Agriculture. He said the property is currently zoned Agricultural, and they began operating the slaughterhouse not knowing that was not a permitted use under the zoning. He said he believes it is a type of use that is contemplated under Agricultural zoning. He said there is a Special Use for animal feed, storage, preparation, grinding and mixing. Mr. Hertz said they suggested that as a Special Use, but in working with the Building and Zoning office, it was determined that they should submit this as an application for a Planned Development, and so that's what they've done. He said they have worked with Building & Zoning to address any of their concerns. He said there was a concern about the sewage being disposed of properly, so they had a sewage inspector go out and look at it and report back that everything was fine. Mr. Hertz said this is not a meat packing plant, and the only thing that happens here is the slaughtering, and then the animals are taken over to their facility in St. Louis where they are processed and sold. He said this is all done under the careful supervision of the United States Department of Agriculture, and that anytime there's slaughtering that takes place out there, it happens in the presence of the USDA Inspector. He said this is one of the only places in the area that provides kosher and halal meat, so they believe they are providing something that is wanted by the community; **VI.** Mary Goode, ZBA Member, asked how long they have owned this, and Mr. Merdzic said since 2016. Ms. Goode asked how many years it was a slaughterhouse before they bought it, and Mr. Merdzic said he had no idea. Mr. Hertz asked Mr. Merdzic if it was a slaughterhouse before he bought it, and Mr. Merdzic replied that it was. Mr. Merdzic said Tim Johnson sold him the property, and he had a pole barn that he built and raised horses. Mr. Merdzic said he did modifications on the pole barn, but it was built when he bought it. Mr. Merdzic said the slaughterhouse operation started in 2017. Ms. Goode asked Mr. Merdzic how much work he had to do to make it a slaughterhouse, and how much he spent to turn it into a slaughterhouse, and Mr. Merdzic said \$150,000. Ms. Goode asked where he got his permit and who inspected that. Mr. Merdzic said he didn't know he had to pull permits. Ms. Goode said that if he would have gone to get a permit, they would have told him right then that it probably couldn't be a slaughterhouse, and he would have saved \$150,000. Mr. Merdzic said he didn't pull a permit, and that's why he's making all of this right. Mr. Hertz said that is another thing they are addressing, and said they have submitted building plans and as-built building plans. He said they have tried to address all of the concerns and that they are trying to work with the County to bring this into compliance. Mr. Hertz said he does feel it is an agricultural-related use that's going on out there, and they are really trying to work with everyone. Ms. Goode said it seems more commercial to her than agricultural. Mr. Hertz said they aren't selling anything there, and the only thing that happens there is the slaughtering. Mr. Merdzic said they have a special company with a truck that comes every Thursday to take all the blood, guts, and everything to haul away. He said twice a week the inspector comes to make sure all the animals are healthy. He said when they do it, they just do a couple sheep and a couple cattle, and hang them in the cooler, with a separate cooler for all the guts, and the company hauls them away. He said there are no flies or smell. Ms. Goode asked, if this zoning doesn't go through, is there any other use for that building. Mr. Merdzic said of course, but he would probably have to sell the farm if he doesn't win the case. He said that is why he bought the property, he takes his family over there, and his whole family likes animals. He said it's not abusing animals at all. Mr. Merdzic said he has employees right now that live over in the mobile home. He said he lives in St. Louis, but you can always see him there

working on the farm. He said he came to the United States in 2000 with only \$50, and he lives the American dream and isn't afraid to get dirty. He said this is a great country, and a lot of people don't respect what they've got here. Mr. Merdizic said they run a business out there, a lot of it is kosher or halal meat people can buy in St. Louis, and that's the only thing he's doing; **VII.** Diane Branz, Edwardsville resident, stated that her family owns the farm directly to the east of this, and it has been in her family for 4 generations. She said she recently lost her father, and he was watching what was going on with this property, and it slowly morphed from farm. She said they really want to keep it agricultural and keep their lifestyle the way it is. Ms. Branz said they have concerns about that, and they have concerns about water and waste treatment. She said they do have a petition with 4 pages of names of people that have concerns; **VIII.** Beth Steiner, Diane Branz's sister, said it is true that the land adjacent to the south and east are a centennial farm, and her father and ancestors stewarded the land for over 100 years. She said all of the surrounding farms are equivalent types of agricultural land. Ms. Steiner said they are very concerned about this enterprise, and it is not consistent with the zoning of Agricultural, and that they all feel very strongly that it should remain Agricultural. She said there are many neighbors in attendance who have expressed concerns in letters and have signed the petition. Ms. Steiner said the one letter supporting the rezoning change is from their other sister. She said 3 of the sisters are here in attendance and one is not, and the one who wrote the letter is the one not in attendance. She said she does not live locally, but lives in Charleston and her name is Karen Steiner. She said Karen does not understand the issues or the facts, and in the first letter she wrote, she said she was the future owner of that 40 acres to the south of the property. Ms. Steiner said that is not true. She said their mother owns it, and it will be part of an LLC. He said Karen also wrote a second letter saying that she did not understand the facts, and she defers to the voices of the neighbors, and that whatever the neighbors signed the petition for, she defers to them; **VIX.** Noelle Maxey, Zoning Coordinator, read aloud the following letters from Ms. Karen Steiner: (1) "Original letter: As per my parents' estate planning, I am to be the recipient of the adjacent property upon my mother's passing. I have no objections to the zoning change and wish Mr. Celebic well with his business." (2) "Updated letter: "It has been pointed out to me by a sister that my inheritance may only include the Steiner family home place at 5916 Fairview Road not the former Schoen field across the road. I think it is important that I clarify that. I am also informed that a sister is aware of issues other neighbors have encountered. I have no experience with these issues & my information is hearsay. My concern is that regulations & laws are being followed. For that reason, I do not object to the zoning change should the board approve it. I defer to the neighbors to provide information about problems they have encountered. Thank you again. Karen Steiner Clausing." Ms. Beth Steiner added that they have had neighbors that have had their dogs drag home bones from this operation, and it was determined by the local entity that it was a cattle bone. She said they are very concerned about the law and following ordinances and inspections. She said they are also very concerned about the impact on public health with storing, essentially, entrails, on the property for a week at a time; **X.** Ms. Maxey read the following letters of opposition from adjacent property owners: (1) "I moved to the country six and a half years ago, before Alan farms moved in to get away from commercial businesses, for peace of mind, quiet surroundings and fresh country air. In the heat of the summer, the smell is awful coming from that direction. You never know when the animals are going to be partying in the middle of the street, because they are new and don't know their boundaries. (happens several times a year). Depending on the Holidays and other things, there can be an outrageous amount of animals on the 8.26 acres. I don't mean to hurt the business, but it would be better off not so close to neighbors. Sincerely, Alan and Debra Valenti, 13724 Meffert Rd."; (2) "Concerning file number Z22-0084 rezoning of land from agriculture to slaughter house. To who it may concern we do not support the rezoning of the farm next to us into a slaughterhouse. The slaughterhouse that exist now creates much unwelcome noise and smell especially in the summer months. The animals that rotate through the farm often escape the fencing and block the roads creating an unsafe environment for children and for driving. We do not believe that rezoning this area would be appropriate. Thank you for your consideration. Marci and Brian Bennett, 5971 Fairview Road."; (3) Ms. Maxey noted that the following letter had a video that she forwarded to the ZBA. A screenshot of the video is included after the following letter: "This is what happened Sunday morning. It is MY driveway with all these sheep coming to visit me. I have no animals for a reason. I don't want animal droppings all over and don't want my plants eaten. Debra Valenti"



XI. Nicholas Cohan, ZBA Member, asked about the comment from Ms. Steiner that neighbors' animals were bringing home guts and entrails. He asked how other animals would get to their property. Mr. Merdzic said he respects his neighbors, and he said this is Agricultural, and he will probably keep it all the same. He said he just needs that business to work. He said everything will be the same and nothing changed. He said he's not going to build anything on the property, but he is just changing for his business. He said he understands the neighbors point since they will be there forever, and he's not planning on selling. Mr. Merdzic said he wants to spend the rest of his life there and maybe one day build a house. He said he needs this to work, and he has a wife and three kids. He said maybe sometimes the animals escape, but he put a new fence around the property that cost him \$8,000 so these animals don't go outside. He said he doesn't understand how the dog escaped and pulled the bones, because most of the guts and everything else are in the coolers. He said he sees how the neighbors feel, but hopes they understand his point too. Mr. Merdzic said they don't do anything over there suspicious, and he has the USDA Department following him all the time. He said they all are welcome to come to his meat shop in St. Louis, and you will see he has inspectors over there. Mr. Cohan said his question is, when they slaughter the animals, is that done inside. Mr. Merdzic replied yes, and when the animals go, the USDA makes sure the animals have water and feed and they have to be healthy. He said when inside, the animals have to be slaughtered on the top of the barrel, and all the blood goes inside of the barrel, and the company comes and takes it all away. Mr. Cohan said his question is, how animals get into his shop. Mr. Merdzic said they have loading docks with corrals. Mr. Cohan said no, he means the neighbors' animals bringing in entrails to their property. Mr. Merdzic said they take the whole carcass down to St. Louis. He said the blood and guts go inside the cooler and the truck picks it up. Mr. Cohan asked Mr. Merdzic if he thinks these bones are from his property, and he said no, he doesn't think so; **XII.** Mr. Hertz said he just wanted to again say that they have been working closely with the Zoning office and have tried to answer any questions or concerns they have had throughout the process. He said when there was a concern about the sewage, they had a sewage inspector go out and they gave them a report that everything is fine with that. He said this is an Agricultural use, and no more of a business than running a farm is a business. He said they are not opening up a shop there, it's not meat packing, the slaughtering is done by hand, and they have procedures in place to mitigate any issues with noise or smell. Mr. Hertz said it's done indoors, the product is put in coolers, and after it's done it is hauled away weekly. He said it is all done under the careful supervision of the United States Department of Agriculture. He said the USDA is well aware of this slaughterhouse, and they are there every time slaughtering takes place, so this isn't something they've been trying to do in secret but they are trying to do this all in compliance and bring zoning into compliance as well. Mr. Hertz said the Zoning office has the sewage inspection report and the USDA authorization; **XIII.** Mr. Cohan asked if everything then is done by the rules. Mr. Hertz said absolutely, because anytime the slaughtering takes place, there's a USDA inspector present. Mr. Cohan said he heard some complaints about smells, so he would like someone to address that in more detail. Mr. Merdzic said when the truck comes and it is loading, the wind could take that, but most everything is kept under 30 degrees inside the coolers. He said maybe in summertime when the truck is loading, maybe the wind takes it. Mr. Cohan asked if there's a continuous

smell, and Mr. Merdzic said no; **XIV.** Cary Brown, adjacent property owner, said his concern is that this has been going on for a while. He said he doesn't know how they could have inspectors there when a lot of this is going on during the weekends. He said sometimes there's 50-70 lambs out there, and the next day they are gone, so this is not a small thing. Mr. Brown said there is smell, and there have been other problems. He said they blocked off the waterway, and the mobile home is not in compliance at this point. He said they built three sheds without permits, so where is this going to stop. He wants to know if they get this permit if they are going to bring in a lot more animals. He said there are animals out quite often. He also asked when the rendering started, because someone in a truck asked him for directions, so he thinks that just started. Mr. Merdzic said the rendering has happened for 2 years, but sometimes they switch the drivers. Mr. Brown said sometimes the road is blocked on both sides with cars and a lot of people there, like sometimes it's a party. He said it seems like there's always something happening there, and he's afraid it's not going to stop. He said he is planning on his children building a house there eventually, and he's not going to build it next to a slaughterhouse. Mr. Brown said these are his concerns, and they're a lot of his neighbor's concerns also; **XV.** Mr. Cohan asked if the smell is pretty constant, since the owner said it was just when they transport the waste. Mr. Brown said he thinks it has gotten better in the last year or so, but for a while it was bad, and it sat on the truck for a while before he started having it be picked up, and he thinks that is a recent thing. Mr. Cohan asked how many employees there are. Mr. Brown said at certain times there have been crowds there with lots of kids running around and multiple vehicles. Mr. Brown said he thought Mr. Merdzic lived there, but now he's finding out he doesn't, and the trailer is not supposed to be there; **XVI.** Mr. Cohan asked Mr. Merdzic how many employees there are. Mr. Merdzic said when he bought the property, the trailer had been put there by the previous owner. He said he has a Mexican family living there, and their family comes to visit on the weekends, and they might have 10 cars over there, but that's maybe just the weekends. Mr. Cohan asked how many employees there are. Mr. Merdzic said there are 9 employees. He said himself, his father-in-law, and a few people that only work on Tuesdays and Fridays.

Roll-call vote.

Ayes to the motion: Don Metzler, Thomas Ambrose, Nicholas Cohan, Sharon Sherrill

Nays to the motion: George Ellis, Mary Goode, Cedric Irby

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Attachment "A" – "PD" District Conditions of Use

(A) The applicant will be required to adhere to all district conditions and use requirements below. Should the applicant submit plans with substantive differences than the proposed use and accompanying site plan, the applicant will be required to return to the Building & Zoning Committee for review, upon a recommendation from the Zoning Board of Appeals.

(B) District Conditions of Use.

1. Yard areas. No primary building or structure shall be erected or enlarged unless the following yards are provided and maintained:
 - a. Front Yard Setback: 50 feet
 - b. Side Yard Setback: 50 feet
 - c. Rear Yard Setback: 50 feet
2. Uses to occur without disturbances. Any activity on the property shall take place without creating disturbances to the use and occupancy of adjoining properties.
3. Slaughtering on the property shall only occur within completely enclosed buildings.
4. Waste from the slaughterhouse shall be removed from the property on a weekly basis.
5. Plumbing and private sewage systems for the slaughterhouse operation shall be properly maintained.
6. Additional Requirements: Signs §93.120, Fencing §93.080.

(C) Permitted Uses

1. Single-family dwelling, including a mobile home in compliance with §93.101.
2. Living quarters for persons employed in agricultural or related activities conducted on the premises.
3. Agricultural uses including the growing of farm crops, truck garden crops, nurseries, tree farms, sod farms, and pasturage.
4. Stock yard and slaughterhouse.

(D) Accessory Uses (See § 93.051 (B))

1. Accessory structures as per §93.051, Section B and §93.097, Section C.
2. Off-street parking and loading.

(E) Prohibited uses.

1. Any uses not listed in the above Permitted and Accessory Uses sections.