

Madison County Zoning Board of Appeals Meeting Minutes
Tuesday, November 23, 2021 at 5:00 p.m.
County Board Room

Members Present: Don Metzler, Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode, 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 26, 2021. Thomas Ambrose made a motion to approve. Seconded by Nicholas Cohan. Voice-vote. All ayes. Motion approved.

C. Overview of Zoning Petitions and Staff Review

Noelle Maxey, Zoning Coordinator, gave a brief overview of the four 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 four agenda items.

Please see the attached Findings of Facts for a summary of each zoning hearing and public comment.

F. Citizens Wishing to Address the Zoning Board of Appeals

Please see the attached Findings of Facts for a summary of each zoning hearing and public comment.

G. Unfinished Business

None

H. New Business

1. **Hearing Z21-0070** – Petition of Ronda Vallery, 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 double-wide mobile home on site for the occupancy of Leanna Smith and family for a period not to exceed 5 years. This is located in an “R-4” Single-Family Residential District in Wood River Township at **511 North Stanley Road, Cottage Hills, Illinois, County Board District #13, PIN# 19-2-08-03-04-401-026**. A motion was made by Mary Goode and seconded by Thomas Ambrose that the petition of Ronda Vallery be as follows: **Approved with Conditions**. Roll-call vote. All Ayes. Motion passes.
2. **Hearing Z21-0077** – Petition of Amanda Abernathy, owner of record, requesting a variance as per §93.080, Section E of the Madison County Zoning Ordinance for an existing 6 foot tall solid-type fence located in the front yard setback area, where fences are required to be at least 50% open and a maximum of 4 feet tall. This is located in an “R-3” Single-Family Residential District in Collinsville Township at **2381 Keebler Road, Collinsville, Illinois, County Board District #25, PIN# 13-2-21-16-02-202-023**. A motion was made by Nicholas Cohan and seconded by Thomas Ambrose that the petition of Amanda Abernathy be as follows: **Denied**. Roll-call vote. Ayes to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, Sharon Sherrill. Nays to the motion: Mary Goode. Motion passes.
3. **Hearing Z21-0078** – Petition of Amy Voborsky, owner of record with Greg Voborsky, requesting a Special Use Permit as per §93.023, Section D, Items 28 and 35 of the Madison County Zoning Ordinance in order to operate a Sales Yard for wholesale and retail sale of flowers, as well as a Type “B” Home Occupation for flower

arrangement workshops on site. This is located in an “A” Agricultural District in Collinsville Township at **1153 Frontage Road, Collinsville**, Illinois, County Board District #25, PIN# 13-1-21-21-00-000-030. A motion was made by Mary Goode and seconded by Nicholas Cohan that the petition of Amy Voborsky be as follows: **Approved with Conditions.** Roll-call vote. All Ayes. Motion passes.

4. **Hearing Z21-0079** – Petition of Kinnarkumar Patel, applicant on behalf of Anne and Gary Mordis, owners of record, requesting a Special Use Permit as per §93.029, Section D, Item 2 of the Madison County Zoning Ordinance in order to operate an Eating and Drinking Establishment in the existing structure on site. This is located in a “B-1” Limited Business District in Nameoki Township at **3125 Fairmont Avenue, Collinsville**, Illinois, County Board District #23, PIN# 17-2-20-36-03-309-040. A motion was made by Nicholas Cohan and seconded by Thomas Ambrose that the petition of Kinnarkumar Patel and Anne and Gary Mordis be as follows: **Denied.** Roll-call vote. Ayes to the motion: Thomas Ambrose, Nicholas Cohan. Nays to the motion: George Ellis, Mary Goode, Sharon Sherrill. Motion fails. Petition of Kinnarkumar Patel and Anne and Gary Mordis **Approved with Conditions.**

I. Zoning Coordinator’s Report

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

J. Adjournment

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

Finding of Fact and Recommendations

Hearing Z21-0070

Petition of Ronda Vallery, 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 double-wide mobile home on site for the occupancy of Leanna Smith and family for a period not to exceed 5 years. This is located in an "R-4" Single-Family Residential District in Wood River Township at **511 North Stanley Road, Cottage Hills, Illinois, County Board District #13, PIN# 19-2-08-03-04-401-026**

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

Members Absent: None

A **motion** was made by Mary Goode and **seconded** by Thomas Ambrose that the petition of Ronda Vallery be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Leanna Smith 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 Leanna Smith 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 Leanna Smith 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.** Ronda Vallery, applicant, was present and confirmed her request. She stated she had nothing further to add; **VI.** Thomas Ambrose, ZBA member, asked how long the mobile home has been on the property. Ms. Vallery responded that she is unsure, as she just purchased the property within the past year. Chris Doucleff, Building & Zoning Administrator, added that the change of ownership is the reason for the request for the Special Use Permit.

Roll-call vote.

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

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z21-0077

Petition of Amanda Abernathy, owner of record, requesting a variance as per §93.080, Section E of the Madison County Zoning Ordinance for an existing 6 foot tall solid-type fence located in the front yard setback area, where fences are required to be at least 50% open and a maximum of 4 feet tall. This is located in an “R-3” Single-Family Residential District in Collinsville Township at **2381 Keebler Road, Collinsville**, Illinois, County Board District #25, PIN# 13-2-21-16-02-202-023

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

Members Absent: None

A **motion** was made by Nicholas Cohan and **seconded** by Thomas Ambrose that the petition of Amanda Abernathy be as follows: **Denied.**

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.** Amanda Abernathy, applicant, stated that she put the fence up because the neighbor was pushing grass clippings onto her driveway when he would mow, and eventually her car windshield was cracked. She stated that there was still a disagreement after that and the neighbor kept blowing grass and debris onto their property, so they put the fence up along where they park their cars. Ms. Abernathy stated that they do own several cars and want to protect them, and there had been mention of a business being run on her property, but said the County has verified the titles for the vehicles on her property, and stated they are their personal vehicles that there’s no business being run on the property. She stated that she called and asked if she needed a permit for the fence, and was told no. She felt the fence was the quickest way to end the dispute with the neighbor. Ms. Abernathy stated that she did not know the fence could not be 6 feet tall and solid board in front of the house. She stated there is a gap between the roofs of her home and her detached garage, which sits in front of the house, and she was told that if she connected the two roofs, she would no longer be in violation for the fence. She stated that getting a variance approved at this point is the best option for her financially and the fastest resolution to the neighbor dispute; **VI.** George Ellis, ZBA member, asked if she would be connecting the two roofs. Ms. Abernathy responded no, that due to financial reasons they will not be connecting the two roofs, and she is hoping to be approved for the variance instead; **VII.** Mr. Ellis asked if a 4 foot fence would solve the problem, and Ms. Abernathy stated that would not solve the problem, as the damage to the car was higher than 4 feet. She also expressed concern about the fence having to be 50% open, as she feels debris from the mower would still get through; **VIII.** Robert Doorman, adjacent neighbor, stated that he purchased a zero-degree lawn mower due to the neighbor complaining about the grass being blown onto their driveway. Mr. Doorman said there has never been rocks or debris there, only grass, as there has been a concrete driveway there since the house was built. He stated that he believes there is a business being run on the subject property and said they were cited for and were in violation for this. Mr. Doorman stated that there are photos on social media that show a business being run on the property and specifically mentioned cars being painted. Mr. Doorman said they have so many vehicles that they have to park them in their front yard. He stated he told Ms. Abernathy that she should talk to an attorney before putting the fence up. Mr. Doorman stated that the fence is actually on his property and that he paid for a survey that shows it. He then read a text message from Ms. Abernathy, in which she asked if they could cut the grass by their driveway so that grass clippings don’t get on the new paint jobs of the cars they work on; **IX.** Nicholas Cohan, ZBA member, asked Mr. Doorman if the fence is on his property. Mr. Doorman replied yes, that the fence is built like an arc and is 9 inches on his property; **X.** Mr. Doucleff corrected the record, and stated that Ms. Abernathy was not cited for running a business, but rather for having two unlicensed vehicles. She has since gotten rid of one of the cars and has a valid sticker for the other one; **XI.** Mr. Doorman added that there is a sign there that says Outlaw Customs; **XII.** Mr. Cohan asked if the main issue is that the fence is in violation. Mr. Doorman stated yes, the fence is 6 feet tall and should be 4 feet tall and 50% open, and that it’s partly on his property. Noelle Maxey, Zoning Coordinator, stated that the portion of Mr. Doorman’s complaint about the fence being on his property is a civil matter, and Mr. Doucleff stated that the department doesn’t address property lines disputes; **XIII.** Mr. Cohan asked if the County approved the fence, and if it’s on Mr. Doorman’s property, does that need to be addressed before this variance would be approved or denied. Mr. Doucleff responded no, this variance request is just about the height of the fence and type of fence, and that anything to do with the property line is a civil matter; **XIV.** Mr. Ellis asked Mr. Doorman if there was legal action pending in this case. Mr. Doorman said there

will be. Mr. Ellis asked if he has retained an attorney at this point, and Mr. Doorman said he has a couple of attorneys on retainer for other issues; **XV.** Mary Goode asked if Ms. Abernathy was aware that the fence was over her property line, to which Ms. Abernathy responded that she has video of Mr. Doorman moving the stakes after the survey. She stated that the previous homeowner had a survey done, and according to that survey, the fence does not go over her property line; **XVI.** Mary Goode asked Ms. Abernathy if they actually work on cars there for other people, and Ms. Abernathy responded no, she works full time and her boyfriend works on their own vehicles. Ms. Goode asked Ms. Abernathy what her boyfriend does for a living, to which Ms. Abernathy stated that he is currently not working, as he lost his employment due to Covid. Ms. Goode asked Ms. Abernathy how hard it would be to cut the 6 foot fence down to 4 feet, and Ms. Abernathy said she doesn't have the answer to that, but her concern with that would be debris still flying over the fence. Ms. Goode said that she's still in violation, so cutting the fence down to 4 feet would be a suggestion. Mr. Doucleff said the fence would still have to be 50% open, so every other slat would have to be removed. He also said Ms. Abernathy would be allowed to have a shadow box type fence but that it would still have to be 4 feet tall; **XVII.** Mr. Cohan asked if the County looks at the fence plans prior to approval, and Mr. Doucleff explained that a permit is not required for a fence, so there is no approval process, but the fence would still need to meet County ordinances; **XVIII.** Mr. Doorman stated that he texted Ms. Abernathy and told her she should talk to an attorney before putting the fence up; **XIX.** Sharon Sherrill, ZBA member, noted that Ms. Abernathy's detached garage is in front of her house. She asked if the fence line can only go as far as the house, and Ms. Goode asked if a variance was requested for the garage. Mr. Doucleff responded no, the garage has been there a long time and is a legal non-conforming; **XX.** Ms. Sherrill also asked to clarify that there is no business on the property and that they are only voting on the height and type of fence. Mr. Doucleff confirmed that Ms. Abernathy was never cited for running a business, and they are only voting on the fence matter.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, Sharon Sherrill

Nays to the motion: Mary Goode

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z21-0078

Petition of Amy Voborsky, owner of record with Greg Voborsky, requesting a Special Use Permit as per §93.023, Section D, Items 28 and 35 of the Madison County Zoning Ordinance in order to operate a Sales Yard for wholesale and retail sale of flowers, as well as a Type "B" Home Occupation for flower arrangement workshops on site. This is located in an "A" Agricultural District in Collinsville Township at **1153 Frontage Road, Collinsville, Illinois, County Board District #25, PIN# 13-1-21-21-00-000-030**

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

Members Absent: None

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

1. This Special Use Permit is granted for the sole usage of Amy and Greg Voborsky. Any change of ownership/tenant will require a new Special Use Permit to operate the same types of businesses.
2. The Type "B" Home Occupation must meet the requirements listed in §93.083 HOME OCCUPATIONS of the Madison County Zoning Ordinance.
3. The owner shall keep the property in compliance with all Madison County Ordinances, including but not limited to the Madison County Zoning Ordinance.
4. Failure to comply with the conditions of the Special Use Permit will cause revocation and immediate removal of the use will be required.

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.** Amy Voborsky, applicant, stated she grows flowers and makes bouquets; some are sold wholesale to local florists, and some arrangements will be made available for customers to pickup from her home. She stated she was informed that she needed to apply for the Special Use Permit in order for customers to come to her property; **VI.** Mary Goode, ZBA Member, asked Ms. Voborsky if she has had any violations on her property, to which Ms. Voborsky responded there are none that she has been made aware of. Ms. Goode asked if Ms. Voborsky is aware of any opposition to her request, to which Ms. Voborsky stated no, she is not; **VII.** Thomas Ambrose, ZBA member, asked how Ms. Voborsky will advertise her business. Ms. Voborsky stated that right now she utilizes the Collinsville Connection facebook page as well as a business facebook page.

Roll-call vote.

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

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z21-0079

Petition of Kinnarkumar Patel, applicant on behalf of Anne and Gary Mordis, owners of record, requesting a Special Use Permit as per §93.029, Section D, Item 2 of the Madison County Zoning Ordinance in order to operate an Eating and Drinking Establishment in the existing structure on site. This is located in a "B-1" Limited Business District in Nameoki Township at **3125 Fairmont Avenue, Collinsville**, Illinois, County Board District #23, PIN# 17-2-20-36-03-309-040

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

Members Absent: None

A **motion** was made by Nicholas Cohan and **seconded** by Thomas Ambrose that the petition of Kinnarkumar Patel be **Denied**.

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.** There was no one present to represent the applicant at the hearing **VI.** Noelle Maxey, Zoning Coordinator, stated that the applicant has expressed that they may not change the name of the establishment, but since there is a change of ownership and for purposes of obtaining a liquor license, the Special Use Permit is necessary; **VII.** Thomas Ambrose, ZBA member, mentioned that there are almost 400 liquor licenses in Madison County. He quoted CDC figures relating to excessive use of alcohol and expressed his concerns about the sale of packaged liquors at this site. Mary Goode, ZBA member, stated that there is already a bar there, to which Mr. Ambrose responded that there is not currently a special license to sell packaged liquors at this site; **VIII.** George Ellis, ZBA member, clarified that the licensing is not under Building & Zoning's purview.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, Nicholas Cohan

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

Motion to deny fails. The proposed conditions for approval are as follows:

1. This Special Use Permit is granted for the sole usage of Kinnarkumar Patel and is not transferable to future owners/tenants. Any change of owner/tenant of the property will require a new Special Use Permit.
2. The owner/tenant/operator shall keep the property in compliance with all Madison County Ordinances, including but not limited to the Madison County Zoning Ordinance.

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator