

Madison County Zoning Board of Appeals Meeting Minutes
Tuesday, November 24, 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: None

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 October 27, 2020. Mr. Ambrose asked for a correction to show in the members present that he was at the meeting. All ayes. Motion approved.

C. Overview of Zoning Petitions and Staff Review

Breana Buncher, Planning Coordinator, gave a brief overview of the five 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 five 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 Z20-0061 – Petition of Theresa Blaes, owner of record, requesting a variance as per §93.023, Section B, Item 1, Subsection (a) of the Madison County Zoning Ordinance in order to create a tract of land 1 acre in size instead of the required minimum of 2 acres. This is located in an “A” Agricultural District in St. Jacob Township at 1945 Marine Road, Highland, Illinois, County Board District #4, PIN# 05-1-23-09-00-000-003.002 A **motion** was made by Sharon Sherrill and **seconded** by Mary Goode that the petition of Theresa Blaes be as follows: **Approved**. Roll-call vote. **Ayes** to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode, and Sharon Sherrill. **Nays** to the motion: None. Motion passes.
2. Hearing Z20-0062 – Petition of Adrian Salazar, 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 Adrian Salazar for a period not to exceed five years. This voids SUP Z14-0039. This is located in an “R-4” Single-Family Residential District in Nameoki Township at 3108 Amherst Avenue, Collinsville, Illinois, County Board District #23, PIN# 17-2-20-36-03-308-004. A **motion** was made by Mary Goode and **seconded** by Sharon Sherrill that the petition of Adrian Salazar be as follows: **Approved with conditions**. Roll-call vote. **Ayes** to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode, and Sharon Sherrill. **Nays** to the motion: None. Motion passes.
3. Hearing Z20-0063 – Petition of Network Real Estate, LLC, applicant on behalf of TLF Communications, LLC, owner of record, requesting a variance per §93.025, Section F, Item 9 of the Madison County Zoning Ordinance in order to construct a telecommunication tower 155 feet in height instead of the maximum 75 feet permitted in the

district. This is located in an “R-1” Single-Family Residential District in Foster Township on Union School Road, Alton, Illinois, County Board District #5, PIN# 20-1-02-31-00-000-011. A **motion** was made by Sharon Sherrill and **seconded** by George Ellis that the petition of Network Real Estate, LLC & TLF Communications, LLC be as follows: **Approved**. Roll-call vote. **Ayes** to the motion: George Ellis, Mary Goode, and Sharon Sherrill. **Nays** to the motion: Thomas Ambrose, Nicholas Cohan. Motion passes.

4. Hearing Z20-0066 – Petition of Rebecca Russell, applicant on behalf of the Estate of Roberta Dunnagan, owner of record, requesting a variance as per §93.023, Section B, Item 1, Subsection (a) of the Madison County Zoning Ordinance in order to create a tract of land 1 acre in size instead of the required minimum of 2 acres. This is located in an “A” Agricultural District in Fort Russell Township at 3252 Rock Hill Road, Wood River, Illinois, County Board District #5, PIN# 15-1-09-30-00-000-004. A **motion** was made by Thomas Ambrose and **seconded** by George Ellis that the petition of Rebecca Russell & the Estate of Roberta Dunnagan be as follows: **Approved**. Roll-call vote. **Ayes** to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, and Mary Goode. **Nays** to the motion: None. **Recusal**: Sharon Sherrill. Motion passes.
5. Hearing Z20-0067 – Petition of Jason Askew, applicant on behalf of Timothy and Beverly Reeb, owners of record, requesting a zoning map amendment to rezone a 10.62 acre tract of land from “A” Agricultural District to “B-5” Planned Business District in order to operate a self-storage facility on site. This is located in Jarvis Township at 1124 Troy Road, Collinsville, Illinois, County Board District #2, PIN# 09-1-22-18-00-000-004.007. A motion was made by Mary Goode and seconded by Sharon Sherrill that the petition of Jason Askew & Timothy & Beverly be as follows: **Approved with Appendix “A”**. Roll-call vote. **Ayes** to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode, and Sharon Sherrill. **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 Thomas Ambrose. Voice-vote. All ayes. Motion approved. Meeting adjourned.

Madison County Zoning Board of Appeals
November 24, 2020 Findings of Fact and Recommendations

Don Metzler, Chairman, called the meeting to order at 5:00 p.m. on GoToMeeting Virtual Meeting & Madison County Board Room

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

Members Absent: None

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 Z20-0061 – Petition of Theresa Blaes (St. Jacob Township)

File Z20-0062 – Petition of Adrian Salazar (Nameoki Township)

File Z20-0063 – Petition of Network Real Estate, LLC & TLF Communications, LLC (Foster Township)

File Z20-0066 – Petition of Rebecca Russell & the Estate of Roberta Dunnagan (Fort Russell Township)

File Z20-0067 – Petition of Petition of Jason Askew & Timothy and Beverly Reeb (Jarvis Township)

Finding of Fact and Recommendations

Hearing File Z20-0061

Petition of Theresa Blaes, owner of record, requesting a variance as per §93.023, Section B, Item 1, Subsection (a) of the Madison County Zoning Ordinance in order to create a tract of land 1 acre in size instead of the required minimum of 2 acres. This is located in an "A" Agricultural District in St. Jacob Township at 1945 Marine Road, Highland, Illinois, County Board District #4, PIN# 05-1-23-09-00-000-003.002

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

Members Absent: None

A **motion** was made by Sharon Sherrill and **seconded** by Mary Goode that the petition of Theresa Blaes 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.** Theresa Blaes, applicant, stated that she is requesting to give her daughter the one acre tract because she does not need two acres of land. Mr. Ambrose asked why she could not give her daughter two acres, and Mrs. Blaes said she has MS and would not be able to take care of the two acres.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode, and 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 File Z20-0062

Petition of Adrian Salazar, 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 Adrian Salazar and family for a period not to exceed 5 years. This voids SUP Z14-0039. This is located in an "R-4" Single-Family Residential District in Nameoki Township at 3108 Amherst Avenue, Collinsville, Illinois, County Board District #23, PIN# 17-2-20-36-03-308-004.

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

Members Absent: None

A **motion** was made by Mary Goode and **seconded** by Sharon Sherrill that the petition of Adrian Salazar be as follows:
Approved with conditions.

1. This Special Use Permit is granted for the sole usage of Adrian Salazar 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 Adrian Salazar 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 Adrian Salazar 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.** Adrian Salazar, applicant, said that he is requesting to renew the Special Use Permit on the mobile home that he owns.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode, and 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 File Z20-0063

Petition of Network Real Estate, LLC, applicant on behalf of TLF Communications, LLC, owner of record, requesting a variance as per §93.025, Section F, Item 9 of the Madison County Zoning Ordinance in order to construct a telecommunication tower 155 feet in height instead of the maximum 75 feet permitted in the district. This is located in an "R-1" Single-Family Residential District in Foster Township on Union School Road, Alton, Illinois, County Board District #5, PIN# 20-1-02-31-00-000-011

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

Members Absent: None

A **motion** was made by Sharon Sherrill and **seconded** by George Ellis that the petition of Network Real Estate, LLC and TLF Communications, LLC 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.** Jake Gain, applicant, said they are contracted by AT&T to find properties that will work for their network and trying to extend their coverage in the area so that they do not need additional facilities in the area. Mr. Gain said that they meet all FAA regulations. Mr. Gain continued to discuss their proposed location, why it was chosen, and the reason for the tower; **VI.** Breana Buncher, Planning Coordinator, read aloud public opposition that was submitted for record via email; **VII.** Larry & Betty Hunt submitted the following letter via email; I would like to voice my objection to the construction of the telecommunication tower at Union School Road and Alad Drive. This would change the property from R-1 to what? It would be an eye sore to the homes in the area. It would lower the property value of the homes in the area. It could be a possible danger to my property and body if it should fall. I and my neighbors oppose this project; **VIII.** Thomas Ambrose, ZBA member, said that one of the neighbors stated that she had concerns about the tower and was wondering why we were having the hearing for the tower when everything is shut down because she can't talk to her neighbors about it. Mr. Ambrose said she is concerned about the timing and that there are some safety and health issues with the telecommunication towers. Mr. Ambrose said that there have been studies from Germany that discuss the health issues, and that they are not allowed to be close to schools because of tower radiation. Mr. Ambrose continued to discuss the health concerns with towers. Mr. Gain said that all of the towers are federally regulated, and these waves are not different than any other type of waves that have been around for many years; **XV.** Mary Goode, ZBA member, asked if they could move the tower back on the property, and Mr. Gain said that the location was the landlord's choice and they intend on farming the property still. Mr. Gain said that if they are permitted a variance there will be another tower not that far from the proposed one in order to meet the demand of the area. Mr. Gain said that when this tower is built it will be a 4G tower but in the future it will be a 5G; **X.** Sharon Sherrill, ZBA member, asked if they are setting back 200 feet from the property line and if the whole tower were to fall it would fall on the property. Mr. Ambrose asked if there were any power lines around and Mr. Gain stated that there were not. Mr. Gain said that the County requires a landscape buffer and that the proposed are will have a buffer with different types of trees.

Roll-call vote.

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

Nays to the motion: Thomas Ambrose, Nicholas Cohan

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 Z20-0066

Petition of Rebecca Russell, applicant on behalf of the Estate of Roberta Dunnagan, owner of record, requesting a variance as per §93.023, Section B, Item 1, Subsection (a) of the Madison County Zoning Ordinance in order to create a tract of land 1 acre in size instead of the required minimum of 2 acres. This is located in an "A" Agricultural District in Fort Russell Township at 3252 Rock Hill Road, Wood River, Illinois, County Board District #5, PIN# 15-1-09-30-00-000-004.

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

Members Absent: None

A **motion** was made by Thomas Ambrose and **seconded** by George Ellis that the petition of Rebecca Russell and the Estate of Roberta Dunnagan 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.** Rebecca Russell, applicant, said she is applying for the variance in order to have the home and one acre separated from the remaining 10 acres to be in accordance with the will of Roberta Dunnagan.

Roll-call vote.

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

Nays to the motion: None

Recusal: Sharon Sherrill

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 Z20-0067

Petition of Jason Askew, applicant on behalf of Timothy and Beverly Reeb, owners of record, requesting a zoning map amendment to rezone a 10.62 acre tract of land from "A" Agricultural District to "B-5" Planned Business District in order to operate a self-storage facility on site. This is located in Jarvis Township at 1124 Troy Road, Collinsville, Illinois, County Board District #2, PIN# 09-1-22-18-00-000-004.007

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

Members Absent: None

A **motion** was made by Mary Goode and **seconded** by Thomas Ambrose that the petition of Jason Askew and Timothy & Beverly Reeb be as follows: **Approved with Appendix "A"**.

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.** Jason Askew, applicant, stated he is asking to rezone the 10.62 acres off of Troy Road for an outdoor storage facility with the intention of doing self-storage on the property in the future. Mr. Askew says he owns the adjoining property to the east, and with the approval of zoning he will purchase the property from Timothy & Beverly Reeb; **VI.** William Scott, adjoining property owner, said that there have been issues with rezoning the property before because of stormwater issues on the property. Mr. Scott said if they build sheds they don't know what the retention on the land will be, and the business won't help their property values. Mr. Scott stated he doesn't think the land will hold the water, and they aren't saying anything about retention ponds on the property. Mr. Scott said that there was a meeting for the dance studio that is there, a lot of the water comes off the parking lot that should have went towards the highway, and they still have problems with that so this isn't going to make their problems any easier. Mr. Scott stated it will be an eyesore, and he and a lot of other neighbors are opposed to the request; **VII.** Linda Curry, adjoining neighbor, said that since they put the dance studio in, they were supposed to have the runoff go to the ditch but it floods their yard, and if there is more on the property it will get worse; **VIII.** Mary Goode, ZBA member, said she was not aware of the self-storage facility being proposed, to which Mr. Askew said it would be at a later date, and he knows he will have to come back through to ZBA for approval. Mr. Askew stated runoff would soak through the gravel, and the dance studio is not his property or project so it shouldn't have any effect on what he is trying to do; **IX.** Breana Buncher, Planning Coordinator, read aloud public opposition that was submitted for record via email: I live in the neighborhood to the west of the property. My neighbors living here and to the South of the property are mostly concerned about the increase in surface runoff and in the increase of wind due to the removal of the trees. We have experienced water issues with the newest building and parking located just west of 1200 Troy Rd. With new pavement, grading and aggregate and especially the possibility of additional buildings, we are afraid of more water issues without a proper storm water detention design. From what I can see, the existing pond that would provide detention has been filled in. The current line of trees along the old railroad grade provides our neighborhood with considerable protection against wind and sound. As much as possible each of us has planted trees to attenuate the traffic sound, wind and dust from the interstate. We would find it difficult to provide the same protection against wind from the east if the line of trees were removed. We were wondering how far south the removal of trees will extend for the additional storage area. Is it possible to get a proposed plat? Lastly, several neighbors are concerned with the type of traffic the new plans will bring into our area. Will the storage area be for personal vehicles and storage or commercial and construction? Truly, an increase in heavy construction vehicles will put our kids at risk since we have school bus stops at the next three streets to the west as well as a bicycle crossing. We have already seen accidents and close calls from the construction vehicles heading from the lumber yard at the end of Troy Rd. If you already have this information, I would appreciate being able to share it with my neighbors prior to the meeting on Tuesday. If not, I would very much like to hear these issues brought up in the meeting; **X.** Mr. Askew said that he has no intention of removing any trees on the property and almost the entire property is cleared and is farmable land. Mr. Askew said that the trees on the back of the property are up to Madison County Transit and what they want to do with the trees; **XI.** Nicholas Cohen, ZBA member, asked about the drainage issues on the property. Mr. Askew said that there is fairly large creek that runs through there and the land is a natural waterway. Mr. Askew stated the increased stormwater is from the dance studio so they

should address these issues with them, and that this should not be a concern about what he is doing because it is a separate property; **XII.** Mr. Cohen asked how the drainage is now that he hasn't built anything, and Mr. Scott said that the majority of the land drains to his adjoining property. Mr. Scott said that there are low water creeks on the property and in the middle of the property that drain to the west to his property. Mr. Cohen asked if there are drainage issues right now, and Mr. Scott said that there is, and if there is more development there will be more issues. A discussion ensued about the drainage of stormwater on the property.

Roll-call vote.

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

Appendix "A"

(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 Planning & Development Committee for review upon a recommendation from the Zoning Board of Appeals.

(B) Conditions of Use

1. Yard areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with the building:
 - a. Front Yard. A front yard setback of at least 50 feet shall be provided.
 - b. Side Yard. A side yard setback of at least 50 feet shall be provided.
 - c. Rear Yard. A rear yard setback of at least 50 feet shall be provided.

(C) Permitted Uses.

1. Self-storage facilities, including outdoor storage of RVs, campers, boats, vehicles, and the like, provided that the outdoor storage be kept in a neat and orderly condition and does not create a health hazard or an eye-sore to the general area.

(D) Special Uses. The following uses may be allowed by special uses permit in accordance with provisions of §93.162 & §93.178.

1. Utilities, electrical substations, other public utility distribution facilities.

(E) Accessory uses. Accessory uses that are clearly associated with and supplementary to the principal uses of the lot or tract of land.

1. Off-street parking and loading.

(F) Prohibited uses.

1. The following uses shall not be permitted: Boarding and rooming houses; dormitories, fraternity and sorority houses; apartment hotels; manufactured homes or manufactured home parks; and any uses for living quarters not specifically provided for in this section.
2. Neither junkyards, the dismantling of vehicles or the storage of dismantled vehicles, petroleum bulk plants, or outside storage of inflammable liquids or explosives, shall be permitted in this district.
3. Vehicles, such as automobiles, buses, and trucks that do not bear a current set of license plates; or are not in running condition; or are in such a condition that they are inoperable on public streets shall not be permitted. Restaurants or bars that feature nude dancing in any form.