

Madison County Zoning Board of Appeals Meeting Minutes
Tuesday, December 13, 2022 at 5:00 p.m.
County Board Room

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

Members Absent: Sharon Sherrill

A. Call to Order

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

B. Approval of Minutes

Chairman Metzler asked for a motion to approve the meeting minutes from November 22, 2022. Thomas Ambrose made a motion to approve. Seconded by Cedric Irby. 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 Z22-0085** – Petition of Vidal Huitron, 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 Mireya and Alberto Villegas 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 **3321 Amherst Avenue, Collinsville**, Illinois, County Board District #16, PIN# 17-2-20-36-03-302-010. A **motion** was made by Mary Goode and **seconded** by Nicholas Cohan that the petition of Vidal Huitron be as follows: **Approved with Conditions.** Roll-call vote. Ayes: Nicholas Cohan, George Ellis, Mary Goode, Cedric Irby. Nays: Thomas Ambrose. **Motion passes.**
2. **Hearing Z22-0087** – Petition of Terry Bernaix, applicant on behalf of IPX 4434 SIU Northern Access Rd, LLC, owner of record, requesting a zoning map amendment to rezone the approximately 16.28 acre tract of land from “R-1” Single-Family Residential District to “A” Agricultural District. This is located in Edwardsville Township at **4434 SIU Northern Access Road, Edwardsville**, Illinois, County Board District #18, PIN# 14-1-15-04-00-000-027. A **motion** was made by Thomas Ambrose and **seconded** by Nicholas Cohan that the petition of Terry Bernaix, on behalf of IPX 4434 SIU Northern Access Rd, LLC, be as follows: **Approved.** Roll-call vote. All ayes. **Motion passes.**
3. **Hearing Z22-0088** – Petition of Mary Miks, 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 Gregory Miller for a period not to exceed 5 years. This is located in

an “R-3” Single-Family Residential District in Chouteau Township at **5003 Lewis Street, Granite City**, Illinois, County Board District #21, PIN# 18-2-14-33-03-301-016. A **motion** was made by Mary Goode and **seconded** by Cedric Irby that the petition of Mary Miks be as follows: **Approved with Conditions**. Roll-call vote. All ayes. **Motion passes**.

4. **Hearing Z22-0089** – Petition of Tracy Wellen, applicant on behalf of Health Sourcer, LLC, owner of record, requesting variances as per §93.025, Section C, Items 3 and 4 of the Madison County Zoning Ordinance for a single-family dwelling currently under construction that is 30 feet from the south property line instead of the required 40 feet and 6 feet from the west property line instead of the required 15 feet. This is located in an “R-2” Single-Family Residential District in Pin Oak Township at **8401 Jade Lane, Edwardsville**, Illinois, County Board District #11, PIN# 10-2-16-15-00-000-036. A **motion** was made by Mary Goode and **seconded** by Nicholas Cohan that the petition of Tracy Wellen, on behalf of Health Sourcer, LLC, be as follows: **Approved**. Roll-call vote. All ayes. **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

Nicholas Cohan made a motion to adjourn the meeting. Seconded by Cedric Irby. Voice-vote. All ayes. Motion passes. Meeting adjourned.

Finding of Fact and Recommendations

Hearing Z22-0085

Petition of Vidal Huitron, 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 Mireya and Alberto Villegas 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 **3321 Amherst Avenue, Collinsville**, Illinois, County Board District #16, PIN# 17-2-20-36-03-302-010

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

Members Absent: Sharon Sherrill

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

1. This Special Use Permit is granted for the sole usage of Mireya and Alberto Villegas 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 Mireya and Alberto Villegas 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 Mireya and Alberto Villegas 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

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 Z22-0087

Petition of Terry Bernaix, applicant on behalf of IPX 4434 SIU Northern Access Rd, LLC, owner of record, requesting a zoning map amendment to rezone the approximately 16.28 acre tract of land from "R-1" Single-Family Residential District to "A" Agricultural District. This is located in Edwardsville Township at **4434 SIU Northern Access Road, Edwardsville, Illinois, County Board District #18, PIN# 14-1-15-04-00-000-027**

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

Members Absent: Sharon Sherrill

A **motion** was made by Thomas Ambrose and **seconded** by Nicholas Cohan that the petition of Terry Bernaix and IPX 4434 SIU Northern Access Rd, LLC be as follows: **Approved.**

The Finding of Fact of the Board of Appeals: **I.** The zoning file, staff report, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Terry Bernaix, applicant, stated that he recently purchased the property and it was previously agricultural ground. He stated that 80% of the ground he purchased is agricultural ground today, and he plans to keep it that way. Mr. Bernaix said he would like to move his farming equipment to this property and put a pole barn on it, and that his grandson might ride his horse occasionally there; **VI.** Thomas Ambrose, ZBA Member, asked if there are any houses on the property. Mr. Bernaix stated that there are none. He said there was an old house there that was being vandalized and had some drug activity, but that was torn down two weeks ago.

Roll-call vote.

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

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 Z22-0088

Petition of Mary Miks, 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 Gregory Miller for a period not to exceed 5 years. This is located in an "R-3" Single-Family Residential District in Chouteau Township at **5003 Lewis Street, Granite City, Illinois**, County Board District #21, PIN# 18-2-14-33-03-301-016

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

Members Absent: Sharon Sherrill

A **motion** was made by Mary Goode and **seconded** by Cedric Irby that the petition of Mary Miks be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Gregory Miller 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 Gregory Miller occupies 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 Gregory Miller vacates 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.** Gregory Miller, the prospective buyer of the subject property, stated that his parents live next door and he would like to purchase the property and fix it up; **VI.** Mary Goode, ZBA Member, asked how long the mobile home has been there. Mr. Milled said since 1974. Ms. Goode asked who owns it now. Mr. Miller said Mary Miks is the owner.

Roll-call vote.

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

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 Z22-0089

Petition of Tracy Wellen, applicant on behalf of Health Sourcer, LLC, owner of record, requesting variances as per §93.025, Section C, Items 3 and 4 of the Madison County Zoning Ordinance for a single-family dwelling currently under construction that is 30 feet from the south property line instead of the required 40 feet and 6 feet from the west property line instead of the required 15 feet. This is located in an "R-2" Single-Family Residential District in Pin Oak Township at **8401 Jade Lane, Edwardsville, Illinois, County Board District #11, PIN# 10-2-16-15-00-000-036**

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

Members Absent: Sharon Sherrill

A **motion** was made by Mary Goode and **seconded** by Nicholas Cohan that the petition of Tracy Wellen and Health Sourcer, LLC be as follows: **Approved.**

The Finding of Fact of the Board of Appeals: **I.** The zoning file, staff report, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Mike Manculich, prospective buyer of the adjoining lot to the west, stated that he had his lot surveyed and he pushed his house back so he will be approximately 36 feet off the corner of their house; **VI.** Tracy Wellen, applicant, stated that she is requesting the variance. She said she and her husband are the builders, and they are building for Health Sourcer. Ms. Wellen stated that the day they staked the basement, her husband had a stroke in his sleep. She said they were supposed to meet the contractor that was doing the foundation the next morning to double-check everything, and she didn't make the call to stop it because he was in the ICU, and that wasn't her first priority that day. Ms. Wellen said the basement went in, and she was under the assumption that when you stake a basement off, you can't dig a basement until it passes an inspection. She said she misunderstood and thought that was part of the inspection, and since she didn't get a call that something wasn't right, she kept the job moving. She said her husband wasn't able to go out there until the house was already framed. Ms. Wellen said it wasn't caught until Mr. Manculich had his lot surveyed and was getting ready to purchase it. She said she's not sure where the mistake happened, but the subcontractor that did the basement has already been paid, and she stated that they are the contractors and they take full responsibility. She said they have talked to Mr. Manculich, who is buying the lot next door, and to the property owner, and since it's in a cul-de-sac, he is able to position his house where it will still look right. She said they know that there are rules for reasons, but unfortunately the house is already bricked and painted on the inside, and they are hoping they can work something out; **VII.** Mr. Manculich said they do have a plat from Sherrill & Associates showing they have more than enough space between their houses. Mr. Manculich said what else can you do but move on. He said you can't make them tear the house down. He said they can't move the house, and they have to work together; **VIII.** Mary Goode, ZBA Member, asked if they did a property line adjustment. Mr. Manculich said no, because he wouldn't have any frontage if you did a property line adjustment. He said the best thing to do is leave the house where it's at and he will put his house 60 or 70 feet back off the curb, because the further you go back in that pie, the lot is 110 or 120 feet wide, and that gives plenty of space on both sides of the lot to make everybody happy. Ms. Goode said it doesn't fix the problem, but rather they are just making an adjustment to the problem. Mr. Manculich said at that point it's really not much of a problem; **IX.** Thomas Ambrose, ZBA Member, asked Ms. Wellen if the home is hers. Ms. Wellen said no, they are building it for Health Sourcer, who is a client of hers. Mr. Ambrose asked if there will be a business run out of the home. Ms. Wellen said no, they are building the house to sell; **X.** George Ellis, ZBA Member, asked if this is essentially a spec house, and Ms. Wellen replied yes. Mr. Ellis asked if there is any opposition to this. Ms. Wellen said no, and they aren't even close to the property line on the other side.

Roll-call vote.

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

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator