

Madison County Zoning Board of Appeals Meeting Minutes
Tuesday, December 14, 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 November 23, 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 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 Z21-0081** – Petition of Prime Auto & Metal Recycling, LLC, applicant on behalf of Moniger Excavating Co., Inc., owner of record, requesting to amend the existing “PD” Planned Development District to include a “junk yard and automobile wrecking yard” on site for this recycling business. This is located in Fort Russell Township at **5965 State Route 140, Moro**, Illinois, County Board District #5, PIN# 15-1-09-09-04-401-011. A motion was made by Sharon Sherrill and seconded by Mary Goode that the petition of Prime Auto & Metal Recycling, LLC, and Moniger Excavating Co., Inc. be as follows: **Postponed until the January Meeting.** Roll-call vote. All Ayes. Motion passes.
2. **Hearing Z21-0082** – Petition of Extreme Rush Blends, LLC, applicant on behalf of Moniger Excavating Co., Inc., owner of record, requesting a zoning map amendment to rezone a 1 acre tract of land from “PD” Planned Development District to “B-3” Highway Business District to operate a health services center on site. This is located in Fort Russell Township at **5955 State Route 140, Moro**, Illinois, County Board District #5, PIN# 15-2-09-09-04-401-012. A motion was made by Thomas Ambrose and seconded by Nicholas Cohan that the petition of Extreme Rush Blends, LLC, and Moniger Excavating Co., Inc. 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 Extreme Rush Blends, LLC, and Moniger Excavating Co., Inc. **Approved.**
3. **Hearing Z21-0084** – Petition of Ryan and Amy Lockett, owners of record, requesting a zoning map amendment to rezone a dual-zoned lot from “A” Agricultural District and “B-2” General Business District to “R-1” Single-Family Residential District. This is located in Fort Russell Township at **6432 Karr Lane, Edwardsville**, Illinois,

County Board District #24, PIN# 15-2-09-26-03-301-027. A motion was made by Mary Goode and seconded by Nicholas Cohan that the petition of Ryan and Amy Lockett be as follows: **Approved**. Roll-call vote. All Ayes. Motion passes.

4. **Hearing Z21-0085** – Petition of Ronald and Kenna Ellinger, owners of record, requesting a zoning map amendment to rezone approximately 2.78 acres of a dual-zoned lot from “B-2” General Business District to “R-1” Single-Family Residential District. This is located in Fort Russell Township at **6476 Karr Lane, Edwardsville**, Illinois, County Board District #24, PIN# 15-2-09-26-03-301-026. A motion was made by Mary Goode and seconded by Nicholas Cohan that the petition of Ronald and Kenna Ellinger be as follows: **Approved**. Roll-call vote. All ayes. Motion passes.
5. **Hearing Z21-0086** – Petition of Madison County Sand, LLC, applicant on behalf of Kim Pamatot, owner of record, requesting a Special Use Permit as per §93.023, Section D, Item 19 of the Madison County Zoning Ordinance in order to operate a sand dredging business on site. This is located in an “A” Agricultural District in Collinsville Township along **Keller Lane, Collinsville**, Illinois, County Board Districts #16 and #25, PIN# 13-1-21-07-00-000-003. A motion was made by Nicholas Cohan and seconded by Mary Goode that the petition of Madison County Sand, LLC, and Kim Pamatot be as follows: **Approved with Conditions**. Roll-call vote. All ayes. Motion passes.
6. **Hearing Z21-0087** – Petition of Rachel Crow, owner of record, requesting a zoning map amendment to rezone a 0.37 acre tract of land from “B-1” Limited Business District to “R-2” Single-Family Residential District. This is located in Saline Township at **12358 State Route 143, Highland**, Illinois, County Board District #4, PIN# 02-1-18-30-16-401-006. A motion was made by Thomas Ambrose and seconded by Nicholas Cohan that the petition of Rachel Crow be as follows: **Approved**. Roll-call vote. All ayes. Motion passes.
7. **Hearing Z21-0088** – Petition of Ryan Lybarger, owner of record with Jason Askew, requesting a Special Use Permit as per §93.023, Section D, Item 32 of the Madison County Zoning Ordinance in order to operate a Landscaping Services business on site, and a variance to construct a building that would be 35 feet from the west property line instead of the required 150 feet. This is located in an “A” Agricultural District in Jarvis Township along **Troy Road, Collinsville**, Illinois, County Board District #2, PIN# 09-1-22-18-00-000-004.007. A motion was made by Sharon Sherrill and seconded by Mary Goode that the petition of Ryan Lybarger be as follows: **Approved with Conditions**. Roll-call vote. Ayes to the motion: Nicholas Cohan, George Ellis, Mary Goode, Sharon Sherrill. Nays to the motion: Thomas Ambrose. Motion passes.

I. Zoning Coordinator’s Report

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

J. Adjournment

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

Finding of Fact and Recommendations

Hearing Z21-0081

Petition of Prime Auto & Metal Recycling, LLC, applicant on behalf of Moniger Excavating Co., Inc., owner of record, requesting to amend the existing "PD" Planned Development District to include a "junk yard and automobile wrecking yard" on site for this recycling business. This is located in Fort Russell Township at **5965 State Route 140, Moro, Illinois**, County Board District #5, PIN# 15-1-09-09-04-401-011

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

Members Absent: None

A **motion** was made by Sharon Sherrill and **seconded** by Mary Goode that the petition of Prime Auto & Metal Recycling, LLC, and Moniger Excavating Co., Inc. be as follows: **Postponed until the January Meeting**

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, stated that the applicants had made an official request to postpone this hearing until the January meeting, and staff are requesting a motion to postpone.

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 Z21-0082

Petition of Extreme Rush Blends, LLC, applicant on behalf of Moniger Excavating Co., Inc., owner of record, requesting a zoning map amendment to rezone a 1 acre tract of land from "PD" Planned Development District to "B-3" Highway Business District to operate a health services center on site. This is located in Fort Russell Township at **5955 State Route 140, Moro**, Illinois, County Board District #5, PIN# 15-2-09-09-04-401-012

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

Members Absent: None

A **motion** was made by Thomas Ambrose and **seconded** by Nicholas Cohan that the petition of Extreme Rush Blends, LLC, and Moniger Excavating, Co., Inc. 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.** Angela Jones, applicant, stated that they are requesting the rezoning in order to open a wellness center to offer wellness and holistic treatments to the community and the surrounding community; **VI.** Thomas Ambrose, ZBA member, shared his concerns about float therapy, lifestyle coaching, sound therapy and infrared therapy that will all be offered at this wellness center; **VII.** Mary Goode, ZBA member, asked if the applicant has a facility they are currently operating out of or if this will be their first facility. Ms. Jones responded that this will be their first facility to offer all of their services under one roof. She stated that they currently have a retail location in Alton for the sale of their natural products. Ms. Goode asked if there were any citations at that location, to which Ms. Jones responded that there are not; **VIII.** Nicholas Cohan, ZBA member, asked if there have been any issues with adverse reactions to treatments. Ms. Jones responded no, and stated that every client signs waivers that explains all health benefits and dangers associated with the treatments; **IX.** Larry Bell, adjoining property owner, asked if the business will have anything to do with marijuana or any kind of drugs. Ms. Jones responded no; **X.** Mr. Bell expressed his concern about a separate upcoming zoning hearing on a neighboring parcel. He also stated that the hearing sign for this hearing was not posted on the property as it should have been, and that the neighbors didn't know about it until just two or three days prior to the hearing. Noelle Maxey, Zoning Coordinator, stated that it was posted, and that the Building & Zoning Department has pictures of the sign as it was posted. Chris Doucleff, Department Administrator, reiterated that pictures are taken of each sign, and that it was posted. He stated that a staff member from the Building & Zoning Department did notice that the sign had fallen down, and immediately contacted the property owner and the sign was reposted; **XI.** Mr. Ambrose asked how many neighbors were in attendance at the hearing, and it was noted that several individuals raised their hands; **XII.** Mike Moniger, property owner, stated that the hearing sign was posted; **XIII.** Mr. Bell asked why the applicant is requesting to rezone to "B-3" Highway Business District instead of "B-1". Ms. Maxey replied that "B-3" is already in the area currently, therefore "B-1" would be spot zoning; **XIV.** Terry Marshall, adjoining property owner, asked if this business will be selling any kind of drugs or using any drugs in their therapy. Ms. Maxey responded that marijuana is not permitted in unincorporated Madison County, and that this business will not be selling/dispensing/using marijuana. Mr. Marshall expressed concern that he has horse stables on his property, and that he would not want drug use at this business due to his clientele being mostly comprised of young kids; **XV.** Mr. Ambrose asked Ms. Jones how many customers her business currently has. Ms. Jones replied that she doesn't keep count in the current location, but that several people have expressed interest in the services that will be offered at the new location; **XVI.** Mr. Ambrose asked the age range of her customers. Ms. Jones stated that they have clients of all ages, from children to seniors; **XVII.** Nicholas Cohan, ZBA member, asked about the process for treating minors. Ms. Jones replied that the client has to be 18 or older, and that some services are offered to children under 18 but only if a parent is present; **XVIII.** Mr. Marshall asked if the zoning on this property could be changed again in the future. Mr. Doucleff and Ms. Maxey explained that any future zoning changes would have to go through this same hearing process with the Zoning Board of Appeals, the Building & Zoning Committee, and the County Board; **XIX.** Mr. Bell asked what would happen if this business closes and someone would subsequently want to have a bar on the property. Mr. Doucleff responded that it would have to go through the hearing process again; **XX.** Ms. Maxey commented that this property was previously zoned "B-4" Wholesale Business District and was rezoned to "PD" Planned Unit Development District, which is more restrictive.

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. Petition of Extreme Rush Blends, LLC, and Moniger Excavating Co., Inc. is hereby **Approved**.

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z21-0084

Petition of Ryan and Amy Lockett, owners of record, requesting a zoning map amendment to rezone a dual-zoned lot from "A" Agricultural District and "B-2" General Business District to "R-1" Single-Family Residential District. This is located in Fort Russell Township at **6432 Karr Lane, Edwardsville, Illinois, County Board District #24, PIN# 15-2-09-26-03-301-027**

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 Ryan and Amy Lockett 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.** Walter Blotevogel was present to represent the property owners. Mr. Blotevogel stated that the property owners are requesting this rezoning in order to correct the dual zoning on the parcel.

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 Z21-0085

Petition of Ronald and Kenna Ellinger, owners of record, requesting a zoning map amendment to rezone approximately 2.78 acres of a dual-zoned lot from "B-2" General Business District to "R-1" Single-Family Residential District. This is located in Fort Russell Township at **6476 Karr Lane, Edwardsville, Illinois**, County Board District #24, PIN# 15-2-09-26-03-301-026

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 Nicholas Cohan that the petition of Ronald and Kenna Ellinger 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.** Walter Blotevogel was present to represent the property owners. Mr. Blotevogel stated that the property owners are requesting this rezoning in order to correct the dual zoning on the parcel for the intended use.

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 Z21-0086

Petition of Madison County Sand, LLC, applicant on behalf of Kim Pamatot, owner of record, requesting a Special Use Permit as per §93.023, Section D, Item 19 of the Madison County Zoning Ordinance in order to operate a sand dredging business on site. This is located in an "A" Agricultural District in Collinsville Township along **Keller Lane, Collinsville, Illinois**, County Board Districts #16 and #25, PIN# 13-1-21-07-00-000-003

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 Mary Goode that the petition of Madison County Sand, LLC, and Kim Pamatot be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Madison County Sand, LLC. Any change of ownership or operation will require a new Special Use Permit to operate this same type of business on site.
2. The owner/operator/applicant shall keep the property in compliance with all Madison County Ordinances, including but not limited to the Madison County Zoning Ordinance.
3. 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.** Erin Kennedy, legal representative for Madison County Sand, LLC, stated that Madison County Sand, LLC currently has a long-term lease on the subject property and is currently seeking a Special Use Permit to operate a sand dredging business on site. She stated that the applicant owns the adjacent property where there is a current sand quarry, and the intention is to utilize a conveyor system along I-255 to convey the bulk sand from the subject property over to the sand quarry; **VI.** Don Willaredt, adjoining property owner, expressed his concerns regarding how this sand dredging business will affect his property. Chris Byron, legal representative for Madison County Sand, LLC, responded that IDNR and IL Department of Mining regulates the operations that occur on site and ensures that all regulations are being followed; **VII.** Nicholas Cohan, ZBA Member, asked how the sand dredging operation works and what the possible effects could be on neighboring properties. Mr. Byron explained the process, essentially stating that the sand would be separated from the water and then conveyed to the quarry on the adjacent parcel. He stated that there are margins that prevent dredging to the edges of the boundaries and explained that the State of Illinois regulates these types of businesses, and that the existing quarry operations have always been in compliance and will continue to be in compliance.

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 Z21-0087

Petition of Rachel Crow, owner of record, requesting a zoning map amendment to rezone a 0.37 acre tract of land from “B-1” Limited Business District to “R-2” Single-Family Residential District. This is located in Saline Township at **12358 State Route 143, Highland**, Illinois, County Board District #4, PIN# 02-1-18-30-16-401-006

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

Members Absent: None

A **motion** was made by Thomas Ambrose and **seconded** by Nicholas Cohan that the petition of Rachel Crow 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.** Rachel Crow, owner, stated that the house on the subject property is currently being leased to an insurance agent, but that tenant is relocating, and her intent is to rezone the property back to “R-2” Single-Family Residential District in order to list the property for sale as a residence.

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 Z21-0088

Petition of Ryan Lybarger, owner of record with Jason Askew, requesting a Special Use Permit as per §93.023, Section D, Item 32 of the Madison County Zoning Ordinance in order to operate a Landscaping Services business on site, and a variance to construct a building that would be 35 feet from the west property line instead of the required 150 feet. This is located in an "A" Agricultural District in Jarvis Township along **Troy Road, Collinsville**, Illinois, County Board District #2, PIN# 09-1-22-18-00-000-004.007

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

Members Absent: None

A **motion** was made by Sharon Sherrill and **seconded** by Mary Goode that the petition of Ryan Lybarger be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Ryan Lybarger. Any change of ownership/tenant will require a new Special Use Permit to operate the same type of business.
2. The owner shall keep the property in compliance with all Madison County Ordinances, including but not limited to the Madison County Zoning Ordinance.
3. 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.** Ryan Lybarger, owner, stated that they are hoping to construct a building to store equipment for his landscaping business. He stated that they won't be doing business out of this building, only picking up and dropping off equipment, and they are requesting the variance so they can continue farming the rest of the property; **VI.** Kay Waldram, adjoining property owner, was present and stated that she had a letter of opposition signed by 25 neighboring property owners. Ms. Waldram stated that she feels the building is too large considering there is no residence on that parcel, and that granting the variance would put the building too close to the neighbors' back yards. She expressed her concern about stormwater management given that they already have issues with flooding on their properties. Ms. Waldram also expressed concern about increased construction traffic with nearby bus stops and bicycle trails, and feels this is more of a commercial business than a Special Use; **VII.** Mr. Lybarger stated that this is not a commercial building, but an equipment storage building. He stated that the only increase in traffic would be three or four vehicles when his employees are picking up and dropping off equipment. Mr. Lybarger said that in regards to stormwater management, there will not be any drastic changes to the land, and he will be putting in a gravel driveway to access the building; **VIII.** Ms. Waldram stated that having a building that large on the property will increase the runoff, and the water will ultimately go to the neighboring back yards; **IX.** Nicholas Cohan, ZBA Member, asked if the building will be a pole barn. Mr. Lybarger responded that it will be a metal pole barn; **X.** Noelle Maxey, Zoning Coordinator, read aloud the following letter of public opposition that were submitted for the record via email: Please accept the following comments regarding the special use permit application number above. My husband and I own and reside at the address 1 Cowgirl LN to the east of the parcel subject to the special use request. From the "sketch: of the subject building and its placement on the parcel there is no discussion of gravel or paving or any sense of drainage. I understand that theoretically comes with building permit but at this point public has no comment rights. As for lot line variance, this is a large parcel and should have sufficient space to not require a variance. The plan does not tell building height but size alone should have to maintain required setback due to adjacent residential neighbors. I cannot attend the meeting tonight but wanted to get my comments in the record. Dianna Tickner; **XI.** Mr. Cohan asked if there is already an existing driveway where the building will be constructed. Mr. Lybarger responded that there is not. He stated there will not be any asphalt or concrete, but only just a rock drive to access the building; **XII.** William Scott, adjoining property owner, expressed concern over the property being subdivided for commercial use. Ms. Maxey replied that the property is not being subdivided, and that this hearing is for a Special Use Permit and a variance for building placement, and the zoning on this parcel will remain "A" Agricultural District. Ms. Maxey explained that Landscaping Services is a Special Use in an "A" Agricultural District with 5 acres or greater, and this property is over 10 acres; **XIII.** Mr. Cohan asked Mr. Lybarger if this is the first time that he has applied for this type of permit. Mr. Lybarger stated that yes,

this is the first time; **XIV.** Ms. Waldram expressed concern that, if this Special Use Permit is granted, does this make it more likely that a future request to rezone to commercial would be approved. She also reiterated that the neighbors are in opposition of this large building which seems to be a commercial building that will house commercial equipment for a business; **XV.** Ms. Maxey stated that for agricultural uses on agricultural property that is 5 acres or greater, a building similar to the one that is being proposed can be constructed without there being a residence on the property, and no hearing would be required. Chris Doucleff, Department Administrator, added that this hearing is for a Special Use Permit for the business and a variance for the building; **XVI.** Mr. Scott asked Mr. Lybarger if he is the owner of the subject property. Mr. Lybarger responded that yes, he is the owner; **XVII.** Sharon Sherrill, ZBA Member, asked Mr. Lybarger if, given the drainage issues on the neighboring properties, is there a way to comply with the setback on that side of the property, by flipping the building, for example. Mr. Lybarger responded that the building is as close as it can be to the front of the property, due to the way the power lines run through the property. He stated that he believes the drainage ditches that the neighbors are referring to are actually on the subject property.

Roll-call vote.

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