

Madison County Zoning Board of Appeals Meeting Minutes
Tuesday, March 21, 2023 at 5:00 p.m.
County Board Room

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

Members Absent: None

A. Call to Order

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

B. Approval of Minutes

Chairman Metzler asked for a motion to approve the meeting minutes from February 21, 2023. 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 six 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 hearing on the six 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 Z23-0016** – Petition of Gary Stahlhut, applicant on behalf of Scott Stahlhut, owner of record, requesting a variance as per §93.023, Section B, Item 2 of the Madison County Zoning Ordinance in order to construct an addition to an existing single-family dwelling that will be 38 feet from the private roadway easement instead of the required 50 feet. This is located in an “A” Agricultural District in Helvetia Township at **11513 Hoyt Monken Road, Highland**, Illinois, County Board District #1, PIN# 01-1-24-19-00-000-002.003. A **motion** was made by Mary Goode and **seconded** by Sharon Sherrill that the petition of Gary Stahlhut be as follows: **Approved.** Roll-call vote. All ayes. **Motion passes.**
2. **Hearing Z23-0017** – Petition of Leaning Fence Therapy Center, LLC, applicant on behalf of George and Jennifer Koranyi, owners of record, requesting a Special Use Permit as per §93.023, Section D, Item 35 of the Madison County Zoning Ordinance in order to have a Type “B” Home Occupation to operate an equine therapy center on site. This is located in an “A” Agricultural District in Omphgent Township at **8453 S Schiller Street, Dorsey**, Illinois, County Board District #3, PIN# 12-1-04-18-00-000-011.002. A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Leaning Fence Therapy Center, LLC, and George & Jennifer Koranyi be as follows: **Approved with Conditions.** Roll-call vote. All ayes. **Motion passes.**
3. **Hearing Z23-0018** – Petition of Jillian Chance, owner of record with Brian Chance, requesting a Special Use Permit as per §93.025, Section G, Item 20 of the Madison County Zoning Ordinance in order to keep chickens on site and a variance as per §93.100, Section B, Item 5 in order for the chicken coop and run to be 13 feet

from the east property line instead of the required 20 feet. This is located in an “R-3” Single-Family Residential District in Edwardsville Township at **672 E Vandalia Street, Edwardsville**, Illinois, County Board District #18, PIN# 14-2-15-12-09-103-009. A **motion** was made by Nicholas Cohan and **seconded** by Mary Goode that the petition of Jillian Chance be as follows: **Approved with Conditions**. Roll-call vote. All ayes. **Motion passes**.

4. **Hearing Z23-0019** – 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. 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 Nicholas Cohan that the petition of Ryan Lybarger be as follows: **Approved with Conditions**. Roll-call vote. Ayes: Thomas Ambrose, Nicholas Cohan. Nays: George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill. **Motion fails**.
5. **Hearing Z23-0020** – Petition of James Castelli, owner of record with Amy Castelli, requesting a zoning map amendment to rezone the 5.08 acre tract of land from “R-2” Single-Family Residential District to “A” Agricultural District. Also requesting a Special Use Permit as per §93.023, Section D, Item 38 of the Madison County Zoning Ordinance in order to operate a Riding Academy on site. This is located in Edwardsville Township at **2866 Idle Acres Lane, Edwardsville**, Illinois, County Board District #17, PIN# 14-1-15-29-03-301-009. A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of James Castelli be as follows: **Approved with Conditions**. Roll-call vote. All ayes. **Motion passes**.
6. **Hearing Z23-0021** – Petition of Timothy Smith, owner of record, requesting a Special Use Permit as per §93.025, Section G, Item 20 of the Madison County Zoning Ordinance in order to keep chickens on site and a variance as per §93.100, Section B, Item 2 in order to have 7 chickens instead of the maximum 5 allowed. This is located in an “R-3” Single-Family Residential District in Chouteau Township at **520 English Place, Granite City**, Illinois, County Board District #21, PIN# 18-2-14-27-04-405-030. A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Timothy Smith be as follows: **Approved with Conditions**. 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

Thomas Ambrose 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 Z23-0016

Petition of Gary Stahlhut, applicant on behalf of Scott Stahlhut, owner of record, requesting a variance as per §93.023, Section B, Item 2 of the Madison County Zoning Ordinance in order to construct an addition to an existing single-family dwelling that will be 38 feet from the private roadway easement instead of the required 50 feet. This is located in an "A" Agricultural District in Helvetia Township at **11513 Hoyt Monken Road, Highland, Illinois**, County Board District #1, PIN# 01-1-24-19-00-000-002.003

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

A **motion** was made by Mary Goode and **seconded** by Sharon Sherrill that the petition of Gary Stahlhut 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.** Gary Stahlhut was present, representing his son, Scott Stahlhut. Mr. Stahlhut stated that his son is wanting to put an addition onto his home that will be 17 by 24 feet. He said right now there's a private road which provides access to his property along with another individual past his property to the north. Mr. Stahlhut said that according to the ordinance, you have to be 50 feet from the existing right-of-way line to the front of the house. He said right now it's 55 feet, and if he puts a 17-foot extension on to the west, it will be 38 feet instead of 50 feet. He stated that his son is in an agricultural area, with a 9-foot wide rock access road, and he doesn't foresee anything in the future as far as asphalt or concrete improvements, so his viewpoint is that it will strictly be a private road from now on; **VI.** Cedric Irby, ZBA Member, asked Mr. Stahlhut if they will have a construction company doing the work for them. Mr. Stahlhut said no, they will be doing the work themselves. Mr. Irby asked if they were licensed to do that. Mr. Stahlhut said his son-in-law is a carpenter by trade, and he himself is a professional engineer. He said this is the second addition he has done; he did one for his daughter in Troy.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill
Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z23-0017

Petition of Leaning Fence Therapy Center, LLC, applicant on behalf of George and Jennifer Koranyi, owners of record, requesting a Special Use Permit as per §93.023, Section D, Item 35 of the Madison County Zoning Ordinance in order to have a Type “B” Home Occupation to operate an equine therapy center on site. This is located in an “A” Agricultural District in Omphgent Township at **8453 S Schiller Street, Dorsey, Illinois, County Board District #3, PIN# 12-1-04-18-00-000-011.002**

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

Members Absent: None

A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Leaning Fence Therapy Center, LLC, and George & Jennifer Koranyi be **Approved with Conditions** as follows:

1. The Special Use Permit is granted for the sole usage of Leaning Fence Therapy Center, LLC, and George and Jennifer Koranyi. Any change of ownership/tenant will require a new Special Use Permit to operate the same type of business on site.
2. Any change or expansion of the Type “B” Home Occupation shall be subject to further review, and another zoning hearing to amend this Special Use Permit may be required.
3. The Type “B” Home Occupation shall adhere to all Madison County Ordinances, including but not limited to the Madison County Zoning Ordinance, particularly §93.083 Home Occupations.
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.** Jennifer Koranyi, owner of the subject property, stated that they bought the property in July 2020. She said there is an existing pole barn and existing fencing with a pasture in the front and a fenced-in sand arena. Mrs. Koranyi said they would like to open an office in the corner of the pole barn. She said they have an existing room structure that they are using for hay in order to keep the area clean and as dust-free as possible. She stated that they are proposing to put in a 14 by 15 foot office in the corner of the barn. She said they have put in two windows and will build ADA-compliant windows when the floor is put in. Mrs. Koranyi said they will meet the requirements of egress and will have an ADA-compliant ramp to come into the office. She said she will do work in the office with clients, but will also do some unmounted psychotherapy work in the sand arena and also in the stall areas as needed, according to the client’s needs. She stated that they have four horses on the property already, and said they follow industry standards as far as hygiene and control of manure; **VI.** Cedric Irby, ZBA Member, asked Mrs. Koranyi how many acres they have. She said they have 10 acres; **VII.** Mary Goode, ZBA Member, said she isn’t familiar with what the Koranyis are doing, but she read through their application and noted the detail, so she assumes Mrs. Koranyi knows what she’s doing. Ms. Goode asked Mrs. Koranyi to explain exactly who her clients are and what she does. Mrs. Koranyi said she is a licensed clinical social worker in the state of Kentucky and in the state of Illinois. She said she works with clients for their mental health, and she is specifically trained in eye-movement desensitization and reprocessing, so she is starting to specialize in trauma work, first responders, people who have single-incident traumas, and people who have childhood and attachment traumas. She said she does have a history of using the horses for therapeutic activities in the states of Hawaii and Kentucky. Mrs. Koranyi said she didn’t do any clinical work with them because she wasn’t licensed at the time, but she does have a background in using them in activity-type work. She said she would take them into nursing homes, schools, hospitals, libraries, and places like that to provide therapeutic activities. She stated that her work will basically be unmounted because she’s not licensed to do mounted therapy work. She said the horses will be used as a type of modality, basically just using them to help people with attachment and boundary issues and things like that; **VIII.** Ms. Goode asked Mrs. Koranyi if she trains the horses herself. Mrs. Koranyi said yes. Ms. Goode asked if these are older horses. Mrs. Koranyi said she has two 9-year olds and two 5-year olds; **IX.** Thomas Ambrose, ZBA Member, asked Mrs. Koranyi how many people she expects to help in a year. Mrs. Koranyi said that really depends, but said she currently has a caseload of 28 and she works part time. She said she doesn’t plan on doing group

work anytime soon, although that will hopefully be in the future. She said generally she works with one client at a time in one-hour slots, so it just depends on referrals, insurance status, and things like that. Mr. Ambrose asked if she expects any traffic problems, and Mrs. Koranyi said not at all. She said she did go through and talk to the neighbors, and they were all agreeable and had no issues with it. She said it's a very quiet town, and the only traffic they have is farmers and people visiting Prairietown Inn. Mrs. Koranyi said her goal is to eventually bring on physical therapists, occupational therapists and speech therapists to do more of the integrated wrap-around services that people really benefit from; **X.** Nicholas Cohan, ZBA Member, asked if the practice is regulated by the government, or if she is medically certified to do what she does. Mrs. Koranyi said yes, that there are two parts to that. She said first, because she is a licensed clinical social worker, she is bound by the governing boards of Kentucky and Illinois. She said she has to get continuing education and she has to reapply for her license on a regular basis. Mrs. Koranyi said second is, for the modalities, she is working on getting credentialed in the eye movement desensitization and reprocessing, so she will fall under a governing body for that. She said as for the equine assisted psychotherapy, there isn't necessarily a governing body, however, she is enrolled in the University of Denver's equine assisted practitioner certificate program, so she will fall under a semi-governing body for that. She said as a licensed practitioner, she also seeks consultation on a regular basis just to ensure that what she's doing is the right thing; **XI.** Mr. Cohan asked Mrs. Koranyi if she is licensed and certified to be recognized by insurance companies. Mrs. Koranyi said yes, as a licensed clinical social worker in the state of Kentucky, she accepts most insurances. She said she should be able to take Medicare, Medicaid, commercial, and Tricare in Illinois; **XII.** Mr. Irby asked Mrs. Koranyi if she has contacted the Mental Health department in Madison County. She said she has not, but asked Mr. Irby if he suggests that she do that. Mrs. Koranyi said as she gets rolling she will definitely start tapping into the resources in the area, and that would be one of them; **XIII.** George Koranyi, the applicant's husband, stated that his employer, VA St. Louis Health Care, is interested in the program as well. He said they bring horses to a facility right now about twice a year, and they see the benefits of that. He said it's an experience you have to see to believe. Mr. Koranyi said when his wife started doing this in Hawaii, when he saw the first interactions with these little horses, the horses can sense emotions and respond to that and they become a creature of comfort. He said it's crazy how a person in a wheelchair that hasn't spoken in years all of a sudden starts to coo when these horses approach them. Mr. Koranyi said it's crazy how magical it can be. Mrs. Koranyi said she originally started doing this for their son with autism and ADHD as a way to try find a way to help him connect and get in touch with things outside of himself. She said they bought two horses in Hawaii and eventually started a pilot project there with family members of special needs individuals, and they had quite a few children and families come out and it really made a big difference. She said she knew she was on the right track and when she started graduate school she made sure she specialized in this type of thing. She said she feels pretty qualified in what she's doing; **XIV.** George Ellis, ZBA Member, asked if these are miniature horses. Mrs. Koranyi said yes, she has 3 minis and a large pony; **XV.** Mr. Irby asked Mrs. Koranyi if she has volunteers. She said not at this time, but she did have volunteers when she did it in Hawaii and also in Kentucky because it was a non-profit.

Roll-call vote.

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

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z23-0018

Petition of Jillian Chance, owner of record with Brian Chance, requesting a Special Use Permit as per §93.025, Section G, Item 20 of the Madison County Zoning Ordinance in order to keep chickens on site and a variance as per §93.100, Section B, Item 5 in order for the chicken coop and run to be 13 feet from the east property line instead of the required 20 feet. This is located in an “R-3” Single-Family Residential District in Edwardsville Township at **672 E Vandalia Street, Edwardsville, Illinois, County Board District #18, PIN# 14-2-15-12-09-103-009**

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

Members Absent: None

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

1. This Special Use Permit is granted for the sole usage of Jillian and Brian Chance. Any change of tenant or ownership will void the Special Use Permit, and a new Special Use Permit will have to be obtained to keep domestic farm animals on the property.
2. A maximum of 5 chickens (hens only). Roosters are prohibited.
3. The owner/applicant shall keep the property in compliance with all Madison County Ordinances, including but not limited to §93.100 Domestic Farm Animals.
4. Failure to comply with the conditions of the Special Use Permit will cause revocation, and immediate removal of the chickens, goats, run, and coop 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.** Noelle Maxey, Zoning Coordinator, read aloud the following letter from an adjacent neighbor that was submitted for the record: “To Whom It May Concern, In response to the March 3, 2023 Notice of Public Hearing. I, Christine (Snell) Schmidt, am the sole owner of 680 East Vandalia, Edwardsville, Illinois 62025, located in Madison County. As of April 2023, my family has owned and resided on this property over 55 years. I have no objection to the neighboring property owners being issued a zoning permit to keep chickens (hens only) in accordance with the regulations and guidelines set forth by the respective governing agency. I have 2 concerns I would like noted: I feel it is necessary to disclose I have been made an offer to sell my property. In light of the current negotiations, it is not proper for me to impose or obligate another party into any agreement concerning the property line. The petition notes the current placement of coop/run at 13 feet from the east property line. I am concerned about the accuracy of measurement from current placement of coop/run to the actual property line being improperly noted. I simply wish to avoid any possible future issue or misunderstanding with respect to property line distinction and accurate lot dimensions. Thank you, Christin Schmidt.”; **VI.** Jillian Chance, applicant, stated that she didn’t know she needed to do this entire process, so she has actually had the chickens since last July. She said she hasn’t had any complaints from neighbors regarding smell or noise or anything like that, so she’s hoping it isn’t an issue; **VII.** Mary Goode, ZBA Member, asked Ms. Chance why she ended up coming in, and wanted to know if someone called her out. Ms. Chance said not that she knows of, but said she did have a lady from the City stop by, but she honestly thinks she was there to check on neighbors a couple of doors down that she knows have had other issues, and she thinks someone just happened to look over and see her hens in the backyard and checked paperwork; **VIII.** Cedric Irby, ZBA Member, asked Ms. Chance how many chickens she has. She said she currently has six, but her mother is coming in a couple weeks to take one home with her, so she will only have five; **IX.** Ms. Maxey read aloud the following letter that was submitted for the record: “Dear Madison County Zoning Board, as their immediate neighbor, I support Jillian and Brian Chance’s request to keep chickens and for the chicken coop to be less than the required 20 feet. I support this request as the chickens are well taken care of, with food and water daily, and seasonal accommodations. The chickens and the coop are clean and sturdy and not an eyesore. Thank you, Ariel Burgess.”

Roll-call vote.

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

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z23-0019

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. 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, Nicholas Cohan, Thomas Ambrose, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

Members Absent: None

A **motion** was made by Sharon Sherrill and **seconded** by Nicholas Cohan that the petition of 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. If approved, the owner must apply for a building permit within 60 days to install at least one bathroom and mop sink in the existing building on site as per State of Illinois requirements. One bathroom is required for businesses with 5 or fewer employees; at least two bathrooms are required for businesses with 6 or more employees.
3. If approved, there must be potable water available in the existing building on site.
4. The owner shall keep the property in compliance with all Madison County Ordinances, including but not limited to the Madison County Zoning Ordinance.
5. 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.** Noelle Maxey, Zoning Coordinator, read aloud the following letters of opposition from adjacent property owners that were submitted for the record: (1) "We are in receipt of the notice regarding ZBA Z23-0019 regarding Mr. Lybarger. I have to be out of town for work the day of the hearing so am requesting my comments be included by proxy. Nothing has changed in the period since his original application other than he has constructed the building he had originally asked for the variance and now sends additional water runoff to the neighbors just like the dance studio. The Special Use Permit he is requesting has no additional buildings so the drainage issue will likely not be addressed. Other than the dance studio, this is a residential neighborhood with some agriculture bordering it. This is not the correct place to locate a business. How many of the members would want this next to their house? Please do not approve this Special Use request. I am an adjacent property owner with significant property boundary and view of this property. Thank you, Dianna Tickner." (2) "The undersigned adjacent landowners and residents strongly oppose the Special Use Permit for the property located at 1124 Troy Rd, Collinsville, IL in Jarvis Township which would allow a landscaping business to operate on agricultural farmland. We are owners of more than 20% of the shared property line and we oppose this Special Use Permit. Already, we are being impacted by the increase in stormwater runoff from the large building flooding some of our yards. We opposed the Special Use request to build a business structure on this same piece of agricultural land last year. It was denied by the Zoning Board in February 2021, ZBA file number Z21-0088. We opposed rezoning this same piece of agricultural land in 2020 for the purpose of building a 10-acre aggregate lot and commercial storage facility. Commercial rezoning was also denied by the Zoning Board in December 2020. It is our understanding the owners stated they planned to begin sod farming the land and received a building permit for an agricultural building. The owners built a very large building with several large equipment bays and now request a special permit to operate their business from this location. It seems this was their intention all along: to build a commercial building for a business. Possibly a commercial storage facility. As we stated in the previous two petitions, we are afraid, if this Special Use Permit is granted, that the next step will be to rezone commercial. If the board votes against our wishes and grants the Special Use Permit, we request the following: no lighting of the land surrounding the building which would be visible from our homes, detention of stormwater runoff, no construction equipment or work vehicles parked outside, no construction material stored outside, sight screen on the west and south sides of the building, and no aggregate or pavement parking lot due to further increase

in stormwater runoff.”; **VI.** Rachel Lybarger, applicant’s wife, said her husband, Ryan Lybarger, is the owner of Lybarger Landscaping and the property in question at 1124 Troy Road. She said their sole intent was, they applied for a Special Use Permit to operate their landscaping services with this building. She said they have invested in a beautiful building and she wanted to point out a few things about that. Mrs. Lybarger said they have applied for this before, and they have built this building with the sole intent to operate Lybarger Landscaping. She stated that the zoning ordinance states that a landscaping service business shall only be permitted as a Special Use Permit in agricultural districts. She said they are in compliance with all of those requirements in that section. Mrs. Lybarger said the opposition to the petition that they have against this property is “afraid that if this Special Use Permit is granted, the next step will be to rezone commercial”. She said this has not been their request. She said they requested a Special Use Permit and not to be zoned commercial. Mrs. Lybarger said they hope this decision is based on the fulfillment of the written requirements in the zoning ordinance, and they will take any questions that anyone may have at this time; **VII.** Mary Goode, ZBA Member, asked Mrs. Lybarger when they first built this building, did they apply for it as a landscaping facility? Ms. Goode said she thought she read when they applied to have the building built, that it was just an agricultural building and it wasn’t designated as landscaping. She asked if that is correct or if she read something wrong. Ryan Lybarger stated that they received a building permit from the County. He said you can get a building permit on agricultural ground and put up a building 50 feet on agricultural ground just normally. Ms. Goode said yes, but they do ask you what you intend to use the building for. Mr. Lybarger said it’s on agricultural ground, they put it up at 150 feet, and this was their intent. Mrs. Lybarger said right, their sole intent was for that; **VIII.** Cedric Irby, ZBA Member, asked Mr. Lybarger if he can give him a brief synopsis of the landscaping business. Mr. Lybarger said basically the guys show up in the morning, pick up the equipment, and go to work at the job. He said there’s no work that’s done on site, everything is at the customer’s house; **IX.** Mr. Irby asked how many employees they have. Mr. Lybarger said they have 5 employees right now. Mrs. Lybarger said one of the stipulations she read in the ordinance was that no employees shall be permitted on site except to pick up or drop off equipment, and that is fully adhered to; **X.** Ms. Goode said she is concerned that if they built this building expecting to get this permit, and if they didn’t get the permit, what was their plan if this didn’t go through, because that’s a lot of money to spend on the whim that you’re going to get something that pertains to your landscaping business. Mr. Lybarger said they basically went through this whole process last year. He said they got all the way to the very end, it was approved, but the next day they found out that it had to pass by a 75% vote, and they didn’t know that until the next day. He said they were within two votes of it passing, so he felt like it was worth trying; **XI.** Don Metzler, ZBA Chairperson, asked how close the driveway is to the dance studio. Mr. Lybarger said the drive is about 25 feet off the property line. He said there’s commercial buildings on both sides. He said they’re an agricultural district and he feels like they aren’t wanting to go commercial, they are just wanting to keep it agricultural. Mrs. Lybarger said they did their research prior to this, and determined, based on the zoning ordinances, that they were adhering to, that they did have a chance for this; **XII.** Nicholas Cohan, ZBA Member, asked if they are basically going to store their equipment there, and asked if there will be equipment parked outside of the building. Mr. and Mrs. Lybarger both said no. Mr. Lybarger said basically in the landscaping services it says that you can’t have materials stored outside, and everything has to be stored inside. He said that’s why the building has to be so big so everything can fit inside. He said they are just going by what the ordinance says. Mrs. Lybarger added that they won’t have customers at this site, but rather they go to job sites to work. She said they won’t be selling anything at this location. She said everything that’s listed in this section 93.104 is something that they are adhering to; **XIII.** George Ellis, ZBA Member, asked if they have discussed with the neighbors their concerns. Mrs. Lybarger said they had multiple occasions where they tried to compromise last year with the petitioners, and last year the sole concern was the building and the variance this was originally about. She said they offered several solutions last year and there was no compromise that could be met, so they moved forward this year with that. Mrs. Lybarger said they have talked to them before, but there’s been no compromise that has been reached at this time. Mr. Ellis said in looking at a copy of the letter of opposition, they have made some requests if the zoning change is approved. He said they made 6 different requests. Mr. Ellis asked what the Lybargers think of this list of items. Mrs. Lybarger said she thinks that is very far from the requirements. Mr. Lybarger said he feels like last time they came in they tried for a 35 foot variance. They were trying to not go by the 150 feet, but they were trying to make it closer so it didn’t sit in the middle of the property. He said now the building is basically sitting in the middle of the field. He said they were trying to come to an agreement with doing a berm with pine trees, a retention pond for stormwater runoff, and a lot of things they brought to the table originally. He said with no compromise, nobody is budging anywhere, so this is where we’re at. Mrs. Lybarger said for example, one of them is no lighting of the land surrounding the building. She said that is a safety and security issue in their opinion and many that they have talked to. She said they would never want to have a building without lighting around the building. Mrs. Lybarger said along with everything in the area there, that building on both sides has outdoor lighting as well. She

said they are a well-lit safe area. Mr. Ellis asked if they feel that the request for the detention of stormwater runoff is something that is reasonable. Mr. Lybarger said he has talked to an engineer, and he told him that if he needs to get something drawn up for stormwater runoff, he would be more than happy to draw something up. He said you could go out there and look at it, but the water does not even run to the neighbors, but the neighbors' water does run onto them. Mr. Lybarger said they've been saying this the whole time, but anybody that goes out there and looks at it will see that it doesn't run onto their property; **XIV**. Ms. Maxey stated that she wished to clarify something. She said when this building permit application was taken out, the County was told that it was going to be for agricultural use. Ms. Maxey said the County does not allow buildings to be built on agricultural properties without a primary structure like a home, unless they're being used for agricultural purposes. She said if they would have come to the County and said this is strictly for their landscaping business, the permit would have been denied. She said the County was told it was to be used for agricultural purposes on the property. Mrs. Lybarger asked if that is documented somewhere. Ms. Maxey said it's in the zoning ordinance in section 93.023, and with the building permit application also; **XV**. Mr. Cohan said it looks pretty flat where they're at, and he can see where the neighbors are running off onto the Lybargers' property. Mr. Lybarger said they are 150 feet, or half of a football field, off of the property line. He said their residences are at least another 100 yards, or 300 feet, from the property line. He said so they aren't sitting right next to each other, but rather there's a couple hundred yards of distance between this building and the neighbors. Mr. Lybarger said the neighbor has a pole barn, not of this size, but there's a pole barn on it that has water runoff that comes onto their property. He said it's an opinionated situation; **XVI**. Mr. Irby asked how they plan on controlling their growth, if, say, business is booming one or two years from now. Mr. Lybarger said they've been in business for 20 years and they basically stay about the same size, with nothing really changing. He said in business you either get to the point where you keep going or you stay where you're at. He said there are a lot of factors, but they are pretty much staying where they're at; **XVII**. Mr. Ellis asked where they are storing their equipment now. Mr. Lybarger said it's at another residence. Ms. Goode asked if it's at their home residence. Mr. Lybarger said some of it is, and some of it is at another place; **XVIII**. Mr. Cohan asked if Mr. Lybarger if he can store his equipment there now with it being agricultural. Mr. Lybarger said no, not for his landscape business. He said he can store his personal equipment, he assumes, if it is for agricultural use; **XIX**. Sharon Sherrill, ZBA Member, asked Ms. Maxey about the additional conditions for approval, and if it's still applicable in regards to one bathroom and one mop sink. Ms. Maxey said yes, it is. Ms. Sherrill asked if that is in the building currently, and Mr. Lybarger said no, it would need to be approved before he would do those; **XX**. Ms. Sherrill asked if it currently has just a gravel drive, and the applicant responded 'yes'; **XXI**. Kay Waldram, nearby property owner in the subdivision to the west of the subject property, said in addition to the petition that the adjoining landowners submitted, the neighbors from the next two streets also have a petition. She said they are opposed to this. She said according to section 93.178, the Board must consider the Special Use Permit's negative impact on other property in the neighborhood and the effect on traffic. Ms. Waldram said the Special Use Permit allows storage of the construction material. She said they are concerned about safety at the 3 bus stops to the west, because the kids will be out there during construction traffic. She said from the beginning, they have been concerned about stormwater runoff from the site, and those concerns were mentioned in their last two petitions. Ms. Waldram said they were told the County would address the issue of flooding caused by construction of this site. She said she included a printout of the areas already affected by stormwater runoff in the last month after the construction of the large building, and said they submitted pictures of the area. She said the one area in particular is very much lower than the land, and said the land is not flat except for the very beginning, and then slopes back to a creek at the south side. She said their big concern has always been the damage from the water runoff, and they are seeing that right now, because this is a 100x80 foot building, and all of that water has to go somewhere that would have normally soaked into the ground. Ms. Waldram said it does slope from the frontage road back and toward their subdivision. She said next they are wondering what the building will be used to store. She said according to the ordinance, outside storage of goods or materials not intended for use on the premises is prohibited, and inside storage of gravel, topsoil, and other aggregate has to be 1,000 feet away from residences, according to the ordinance. She said she included a drawing showing that all of the homes are closer than 1,000 feet. She said they are just worried that this is a case of asking for forgiveness instead of permission. Ms. Waldram said they built this knowing it was denied, and they went ahead and built the building; **XXII**. Mr. Cohan asked Ms. Waldram if she had a water issue before he built the building. Ms. Waldram said they have a high water table there, but there is an old road beside the farm ground, between the homes and the farm ground, and there are culverts that go under. She said there was always water problems, but they have increased, and that is what their concern has been, that the addition of buildings and the lack of detention would increase the water problem. Mr. Cohan asked if the building is in the middle, is it damming up any water drainage. Ms. Waldram said they have smoothed out the ground so the water comes off in sheaths right now. She said they are opposed to this going as a business or

commercial, but if it's going to be approved, they are begging for stormwater detention; **XXIII.** Mr. Cohan asked if they are more opposed to it because of the business or the water. Ms. Waldram said they are opposed to the business, and they are opposed to it going commercial, and they are worried about the water. She said they have a high water table so they have been concerned that there would be a water problem. She said when they built the dance studio, the water from the parking lot and the building goes over into the neighbors' yards to the west and just to the south, so that's why they started opposing these petitions, as they didn't want to see more water damage; **XXIV.** Mrs. Lybarger said that Mrs. Waldram does not have a property that butts up against their property. She said the gravel driveway for this property is located on the frontage road. She said it is a frontage road, and bus traffic and school traffic. She said their business would be the least affected by any school traffic. She said there are multiple bus stops along the frontage road, and there's a 4-way intersection right underneath the overpass of the highway when you're heading to Collinsville, and that neighborhood is bus traffic. Mrs. Lybarger said she has lived in Troy her whole life, and there would be absolutely nothing that she would do to hinder the appearance of the town or the safety of the town.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, Nicholas Cohan

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

Whereupon the Chairman declared the motion to approve failed.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z23-0020

Petition of James Castelli, owner of record with Amy Castelli, requesting a zoning map amendment to rezone the 5.08 acre tract of land from "R-2" Single-Family Residential District to "A" Agricultural District. Also requesting a Special Use Permit as per §93.023, Section D, Item 38 of the Madison County Zoning Ordinance in order to operate a Riding Academy on site. This is located in Edwardsville Township at **2866 Idle Acres Lane, Edwardsville, Illinois**, County Board District #17, PIN# 14-1-15-29-03-301-009

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

Members Absent: None

A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of James Castelli be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of James and Amy Castelli. Any change of tenant or ownership will void the Special Use Permit, and a new Special Use Permit will have to be obtained to continue operating a Riding Academy on site.
2. One horse per acre is allowed on site for a maximum of 5 horses.
3. The owner/applicant shall keep the property in compliance with all Madison County Ordinances.
4. Failure to comply with the conditions of the Special Use Permit will cause revocation, and immediate removal of the Riding Academy 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.** James Castelli, owner of the subject property, said when they bought this property in 2017, it was zoned residential, and everything around it, including their extra parcel, was agricultural. He said he didn't really understand why and it wasn't an issue, but what he has several neighborhood kids that want to learn how to ride a horse. He said he wants to get a Special Use Permit but he can't do that with residential insurance, so if he gets rezoned "Ag" he can get agricultural insurance. Mr. Castelli said he had to sign an affidavit with his insurance company that those are his personal horses being kept on there, and that they would only be used for his use. He said to be able to do this the right way and to have the coverage that they need on insurance, he needs to rezone to agriculture, just like the surrounding properties, and be able to get agricultural permit. He said that he and his wife do jumping with some of the rescue horses that their nonprofit has. He said to be able to do a building that they need, they can't do a 20-foot peak, and that's residential per the code. He said they need to go up to 24 foot. Mr. Castelli said the reason why, is you take 4 foot off for the trusses, you put a big fan that drops 8 feet, and then you put a 5-foot obstacle up with a 5-foot horse and a guy like him, you need the 24 feet to allow for a safety distance; **VI.** Cedric Irby, ZBA Member, asked how much fencing he will have. Mr. Castelli said eventually he wants to fence the whole property in and make that into 3 pastures so he can rotate the horses; **VII.** George Ellis, ZBA Member, asked Mr. Castelli how many horses he has now. Mr. Castelli said currently on that property they have two, because the limit on that is two horses right now for residential, even though it is 5.08 acres; **VIII.** Nicholas Cohan, ZBA Member, said he is familiar with Idle Acres, and asked how many houses are out there now. Mr. Castelli said there are eight houses there now. Mr. Cohan said he is familiar with the area, and last time he remembered there were only 3 houses out there. Mr. Castelli said that's why he didn't understand why this parcel is the only one zoned residential, because it was all farm fields. He said he converted it into pasturage, and they did build their home there on the residential parcel; **IX.** Cedric Irby, ZBA Member, asked Mr. Castelli how much experience he has with horses. Mr. Castelli said he started riding when he was 5 years old, and he's 47 now. He said at 17, he was the top youth rider with Tennessee Walkers in the Midwest. He said he's been rescuing horses since he was 7 or 8, so he has tons of horse experience and he's trained a lot of people. Mr. Castelli said he trains his own horses, and every horse he has is 100% safe; **X.** Lou Cassidy, nearby property owner to the east of Mr. Castelli, said he also spoke to Mark Wehrle, who also owns property to the east of Mr. Castelli, and they support his efforts on this. He said there is no opposition and they are 100% for it.

Roll-call vote.

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

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z23-0021

Petition of Timothy Smith, owner of record, requesting a Special Use Permit as per §93.025, Section G, Item 20 of the Madison County Zoning Ordinance in order to keep chickens on site and a variance as per §93.100, Section B, Item 2 in order to have 7 chickens instead of the maximum 5 allowed. This is located in an “R-3” Single-Family Residential District in Chouteau Township at **520 English Place, Granite City, Illinois**, County Board District #21, PIN# 18-2-14-27-04-405-030

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

Members Absent: None

A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Timothy Smith be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Timothy and Inocencia Smith. Any change of tenant or ownership will void the Special Use Permit, and a new Special Use Permit will have to be obtained to keep domestic farm animals on the property.
2. A maximum of 7 chickens (hens only) are permitted on site. Roosters are prohibited.
3. The owner/applicant shall keep the property in compliance with all Madison County Ordinances, including but not limited to §93.100 Domestic Farm Animals.
4. Failure to comply with the conditions of the Special Use Permit will cause revocation, and immediate removal of the chickens, run, and coop 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.** Noelle Maxey, Zoning Coordinator, read aloud the following three letters of opposition from adjacent neighbors that were submitted for the record: (1) “My husband and I have lived at our address for 30+ years, next to the proposed site. We strongly object to application number Z23-0021 by applicant Timothy Smith. Our primary concerns regarding this application relate to: Noise – The use of machinery during construction and daily operation would cause substantial noise, as would farming 5-7 chickens. Odor – The smell that would be produced would be highly offensive for those of us living near the property. Water – The applicant’s property slopes downward and floods the alley and neighboring property during heavy rains. There is a high probability of animal excrement and feed running off into our backyards during torrential rainfalls. Human Health – There would be health risks to the local people, especially to those with allergies. Local Biodiversity – Local biodiversity would be negatively affected by either displacement, habitat destruction or habitat contamination. Neighborhood – A quiet neighborhood with the same residents occupying the adjoining property for 30-50+ years have come to love and enjoy our surroundings. The special use would be detrimental to the essential character of our community. To allow the Smith family (new to the neighborhood) to use chickens as pets and egg layers for their own satisfaction would be an injustice to those who live nearby. On these grounds, we strongly urge you to decline the consent application. We wish to be heard as we are unable to attend the scheduled meeting. Yours sincerely, Stephen and Alice Heidbrink, 525 Fleming Street, Granite City, IL.” (2) This is David and Sandra Grant at 525 English Place in Mitchell. We are very against having a chicken coop across the street from us at 520 English Place due to the smell for the summer, and it’s going to draw more rodents and wild animals to our neighborhood.” (3) I am writing you in concern of the hearing to allow my neighbors at 520 English Place in Granite City, Illinois (Mitchell) to have chickens on their property. We are not in favor of them having the chickens on property due to other neighbor’s concern of noise and mess. We are mostly retired in this neighborhood and we want to keep it clean and quiet. Thank you, JoAnn & Ralph Morris, 521 Fleming Place, Granite City, IL.”; **VI.** Timothy Smith, owner of the subject property, said they are new to the neighborhood, but he has lived in Mitchell his whole life. He said his grandfather built the house on the next street over. Mr. Smith said they moved there with the intent to help take care of his parents when they aren’t in the best of health. He said his wife used to live on a farm, so she wanted some chickens, and they know there are some families in the area that have chickens, and they knew they needed a permit to have them. He said they wanted to do things the right way and petition to have them so his wife could have chickens like she did back in the day. He said they are willing to do everything in accordance to guidelines. Mr. Smith said he knows there are other people with chickens near them, and the noise hasn’t been an issue

nor has the smell since he's lived there his whole life. He said they moved uptown into Granite for about 9 years, but other than that he was in Mitchell his whole life and it has never been an issue. Mr. Smith said three houses down from them there was a house with chickens and they never had an issue with smell or sound; **VII.** Mary Goode, ZBA Member, asked if they have children. Mr. Smith said they would like to, but they don't have any yet; **VIII.** Cedric Irby, ZBA Member, asked why they want seven chickens, and why not two. Mr. Smith said lucky number seven. Mrs. Smith said they didn't know how many were allowed, so if they suggest they just have four, that would be fine. Chris Doucleff, Building and Zoning Administrator, said they would be allowed to have five. Mr. Smith said that should be fine. He said they were thinking lucky number seven, so his wife could pick out six and he could pick one for himself. Mrs. Smith said she knows that neighbors worry about the smell, but she knows how to keep it all clean, and they want to keep their neighborhood nice. Mr. Smith said they aren't planning on having it that close to the neighbor behind them, and that they plan on having it moved a little further up. He said he talked to the neighbors across the street, and the neighbor next to them used to have a pony back in the day, and she's ok with it. He said even the neighbor that sent in the letter said they were concerned about the other neighbors, but she said she supports them; **IX.** Thomas Ambrose, ZBA Member, asked Mr. Smith if he has tried to reach out to any of these folks that complained. Mr. Smith said he didn't know who complained, but he had an idea of who might because they are troublemakers in the neighborhood. He said they are quiet people, they don't party, they just go home, cook, eat, watch tv and go to bed. He said they like the quiet, safe atmosphere, and they didn't feel safe in Granite. He said they wanted to move back to be close to his parents and take care of them; **X.** Mr. Irby asked if they are ok with a lesser number of chickens. Mr. Smith said if they don't approve seven and it has to be five, then they are fine with that.

Roll-call vote.

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

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator