

Madison County Zoning Board of Appeals Meeting Minutes
Tuesday, March 23, 2021 at 5:00 p.m.
Virtual Meeting via GoToMeeting & In-Person in the County Board Room

Members Present: Don Metzler, Thomas Ambrose, George Ellis, and Sharon Sherrill

Members Absent: Nicholas Cohan, Mary Goode

A. Call to Order

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

B. Approval of Minutes

Chairman Metzler asked for a motion to approve the meeting minutes from March 9, 2021. Sharon Sherrill made a motion to approve. Seconded by George Ellis. All ayes. Motion approved.

C. Overview of Zoning Petitions and Staff Review

Breana Buncher, Planning Coordinator, gave a brief overview of the two zoning petitions and provided staff review.

D. Explanation of Zoning Hearing Procedures and Swearing in of All Parties

Don Metzler explained hearing procedures to meeting attendees and swore in staff members and all parties wishing to address the Board.

E. Zoning Hearings

The Zoning Board of Appeals conducted the zoning hearings on the two 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 Z21-0012**– Petition of Jesus Reveles, applicant on behalf of Gloria Elisa Reveles, 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 Jesus Reveles Montalvo 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 3327 Arlington Avenue, Collinsville, Illinois, County Board District #23, PIN# 17-2-20-36-03-304-016. A motion was made by Sharon Sherrill and seconded by George Ellis that the petition of Jesus & Gloria Reveles be as follows: Approved with conditions. Roll-call vote. All Ayes. Motion passes.
2. **Hearing Z21-0014** – Petition of Priyan Patel, applicant on behalf of Sejal Patel and SSM Dairy Corporation, owner of record, requesting a zoning map amendment to rezone a tract of land from “R-3” Single-Family Residential District to “B-5” Planned Business District. This is located in Wood River Township at **740 East Airline Drive, East Alton**, Illinois, County Board District #13, PIN# 19-2-08-14-01-106-034. A **motion** was made by Sharon Sherrill and **seconded** by George Ellis that the petition of Priyan & Sejal Patel be as follows: **Approved with “Appendix A”**. Roll-call vote. **Ayes** to the motion: George Ellis, Don Metzler and Sharon Sherrill. **Nays** to the motion: Thomas Ambrose. Motion passes.

I. Planning Coordinator’s Report

None.

J. Adjournment

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

Finding of Fact and Recommendations

Hearing File Z21-0012

Petition of Jesus Reveles, applicant on behalf of Gloria Elisa Reveles, 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 Jesus Reveles Montalvo 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 **3327 Arlington Avenue, Collinsville, Illinois**, County Board District #23, PIN# 17-2-20-36-03-304-016.

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

Members Absent: Nicholas Cohan, Mary Goode

A **motion** was made by Sharon Sherrill and **seconded** by George Ellis that the petition of Jesus and Gloria Reveles be as follows: **Approved with conditions.**

1. This Special Use Permit is granted for the sole usage of Jesus Reveles Montalvo 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 Jesus Reveles Montalvo 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 Jesus Reveles Montalvo and family vacate the structure.
2. The subject property and mobile home is located within the 100-year floodplain. Staff is requiring that a Flood Elevation Certificate be submitted to the Building and Zoning Department within 90 days of approval of this request.

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

Nays to the motion: None

The Finding of Fact of the Board of Appeals: **I.** The zoning file, Comprehensive Plan, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** The applicant was not in attendance and there was no public comment.

Whereupon the Chairman declared the motion duly adopted.

Roll call vote.

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

Nays to the motion: None

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing File Z21-0014

Petition of Priyan Patel, applicant on behalf of Sejal Patel and SSM Dairy Corporation, owner of record, requesting a zoning map amendment to rezone a tract of land from "R-3" Single-Family Residential District to "B-5" Planned Business District. This is located in Wood River Township at **740 East Airline Drive, East Alton, Illinois, County Board District #13, PIN# 19-2-08-14-01-106-034.**

Members Present: Thomas Ambrose, George Ellis, Don Metzler, and Sharon Sherrill

Members Absent: Nicholas Cohan, Mary Goode

A **motion** was made by Sharon Sherrill and **seconded** by George Ellis that the petition of Priyan & Sejal Patel be as follows:
Approved with "Appendix A"

The Finding of Fact of the Board of Appeals: **I.** The zoning file, Comprehensive Plan, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Priyan Patel, applicant, said that he is the owner of Farm Fresh and he has applied to rezone to B-5 to help consider the neighbor's concerns and that they still want to operate as a convenience store and that they want to have the residential zoning be zoned to business district to allow for packaged liquor sales. Mr. Patel said they had a very difficult year because staffing issues due of the pandemic and they do not want anything else but the B-5 for the packaged liquor; **VI.** Mike Babcock, Wood River Township Supervisor, said that last year they came before the Zoning Board of Appeals rejecting the idea of them getting to pour liquor and slot machines and if Mr. Patel rezones to B-5 he will be able to obtain packaged liquor. Mr. Babcock says that the idea of more liquor, slot machine, and a drive-thru at the location is what they do not want and they want to keep it a "Leave it to Beaver" type of community and want to continue to foster it since kids walk in there all the time. Mr. Babcock said that they don't want kids to go into this shop and keep the shots off the counter and they want to keep the place clean; **VII.** Steve Woodson, pastor at the church adjacent to subject property, said they are concerned about the rezoning and asked questions for clarification on what the B-5 District is. Chris Doucleff, Department Administrator, stated that it is just for the convenience store use that can serve packaged liquor and that any change to the B-5 they would have to provide a public notice for it; **VIII.** Henry Martinez, property owner across the street from subject property, said that the trash is a concern but is also concerned about the kids that go to the store. Mr. Martinez said he has lived there for 45 years and that young kids walk back and forth from that store and that there is enough places in the area that sell beer and have gambling and that they want to keep it a bedroom community. Mr. Martinez says he thinks it should remain as it is right now and that once we start on this movement, who says it will stop; **IX.** John Gebline, Rosewood Heights resident, said that he lives a half a mile away and that there is a liquor store by his house and the shot bottles are all over his area and continued to discuss issues with trash in regard to liquor; **X.** Pat Devening, Rosewood Heights resident, said she was opposed to the rezoning last year and she said she would submit a list of people opposed to the package liquor from last year and that she has 252 signatures of people opposed within the community that were opposed to the packaged, pour of liquor and gaming. Ms. Devening asked for clarification on what zoning he would need for a drive-thru and Mr. Doucleff said that B-5 is only for the convenience store use and he would have to come back to the board for a drive-thru. Ms. Devening said that the B-5 is vague and that they are leaving the community in their hands; **XI.** Thomas Ambrose, ZBA member, asked Mr. Patel how the B-5 zoning makes Rosewood Heights more attractive for their citizens and Mr. Patel said the customers change over time and what customers are looking for are a one-stop shop and instead he wants them to be able to buy most items that they are looking for at the store and it gives his residents the options to buy local. Mr. Ambrose asked how it would improve the quality of life for him because he doesn't drink and he doesn't know many people that do and Mr. Patel said that it is about sustaining his business and that is how it would benefit him. Mr. Ambrose said he doesn't see how it is necessary for public convenience as people can get packaged liquor at other locations and asked about safety issues with young people and he said that when he was young he didn't buy it at the right age and got it underage. Mr. Patel said that they check and scan their ID for anyone that purchases alcohol. Mr. Ambrose asked what about the folks that signed the petition and asked if Mr. Patel was just thinking about himself and not the neighbors. Mr. Patel said that there was a misunderstanding that they were against the pouring of alcohol.

Roll-call vote.

Ayes to the motion: George Ellis, Don Metzler, and 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

Appendix A

(A) The applicant will be required to adhere to all district conditions and use requirements below. Should the applicant submit plans with substantive differences than the proposed use and accompanying site plan, the applicant will be required to return to the Building and Zoning Committee for review upon a recommendation from the Zoning Board of Appeals.

(B) District Conditions of Use.

1. Yard areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with the building:
 - a. Front Yard. A front yard setback not less than 20 feet shall be provided.
 - b. Side Yard. A side yard setback of at least 10 feet from the east property line.
 - c. Rear Yard. A rear yard setback of at least 15 feet* shall be provided; however, an accessory building may be located thereon, except for the five feet adjacent and parallel to the rear lot line.
2. Maximum floor area ratio and coverage. The floor area ratio shall not exceed 1.2, and not more than 60% of the lot shall be covered by a building or buildings.
3. There shall be no additional signage or lighting installed on the premises. This excludes residential-style landscape and accent lighting.
4. Additional Requirements: Signs §93.118, Parking §93.147, Loading Area, §93.148.

*Setback distance established based on the location of the existing primary structure on site.

(C) Permitted Uses

1. Convenience Store

(D) Accessory uses. (See § 93.051 (B))

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

1. Off-street parking and loading.
2. Storage of merchandise or inventory usually carried in stock, provided that such storage shall be located within a fully-enclosed accessory structure.
3. Accessory structures.

(E) Prohibited uses.

1. The following uses shall not be permitted: Boarding and rooming houses; dormitories, fraternity and sorority houses; apartment hotels; manufactured homes or manufactured home parks; and any uses for living quarters not specifically provided for in this Appendix.
2. Neither junkyards, the dismantling of vehicles or the storage of dismantled vehicles, petroleum bulk plants, or outside storage of inflammable liquids or explosives, shall be permitted in this district. There shall be no off-site parking permitted in this district.