

Madison County Zoning Board of Appeals Meeting Minutes
Tuesday, June 27, 2023 at 5:00 p.m.
County Board Room

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

Members Absent: Mary Goode, Sharon Sherrill

A. Call to Order

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

B. Approval of Minutes

Chairman Metzler asked for a motion to approve the meeting minutes from May 23, 2023. George Ellis made a motion to approve. Seconded by Cedric Irby. Voice-vote. All ayes. Motion approved.

C. Overview of Zoning Petitions and Staff Review

Jen Hurley, 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 Z23-0036** – Petition of Spencer Homes, applicant on behalf of Michelle Dyer, owner of record, requesting a variance as per §93.025, Section D, Item 3 of the Madison County Zoning Ordinance in order to construct a new front porch to an existing single-family dwelling that will be 20 feet from the west property line instead of the required 25 feet. This is located in an “R-3” Single-Family Residential District in Moro Township at **1422 Biscay Drive, Edwardsville**, Illinois, County Board District #5, PIN# 16-2-03-25-04-402-003. A **motion** was made by Cedric Irby and **seconded** by Nicholas Cohan that the petition of Spencer Homes & Michelle Dyer be as follows: **Approved**. Roll-call vote. All Ayes. **Motion passes**.
2. **Hearing Z23-0037** – Petition of Cas Sheppard of Sheppard, Morgan & Schwaab, Inc., applicant on behalf of Karabas Investments, LLC, owner of record, requesting a zoning map amendment to rezone an approximately 8.13 acre tract of land from “A” Agricultural District to “M-1” Limited Manufacturing District in order to operate a tractor trailer storage yard. This is located in Nameoki Township **at the Intersection of Horseshoe Lake Road and Route 111, Granite City**, Illinois, County Board District #20, PIN# 17-1-20-14-00-000-017. A **motion** was made by Nicholas Cohan and **seconded** by Cedric Irby that the petition of Cas Sheppard & Karabas Investments, LLC be as follows: **Approved**. Roll-call vote. All ayes. **Motion passes**.
3. **Hearing Z23-0038** – Petition of Michael Lowenstein, 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 the property and a variance to have 6 chickens instead of the maximum 5 allowed. Also requesting variances as

per §93.100, Section B, Items 5 and 6 for the chicken coop and run to be 5 feet from the north property line instead of the required 20 feet. This is located in an “R-3” Single-Family Residential District in Wood River Township at **340 Westerholdt Street, East Alton**, Illinois, County Board District #13, PIN# 19-2-08-14-03-304-024. A **motion** was made by George Ellis and **seconded** by Cedric Irby that the petition of Michael Lowenstein be as follows: **Approved with Conditions**. Roll-call vote. Ayes: Nicholas Cohan, George Ellis, Don Metzler. Nays: Thomas Ambrose, Cedric Irby. **Motion passes**.

4. **Hearing Z23-0039** – Petition of Michael Dudley of CBA Realty, LLC, owner of record, requesting a zoning map amendment to rezone an approximately .32 acre tract of land from “B-1” Limited Business District to “R-3” Single-Family Residential District. This is located in Wood River Township at **100 East Airline Drive, East Alton**, Illinois, County Board District #13, PIN# 19-1-08-15-12-201-022. A **motion** was made by Nicholas Cohan and **seconded** by Cedric Irby that the petition of Michael Dudley be as follows: **Approved**. Roll-call vote. All Ayes. **Motion passes**.
5. **Hearing Z23-0040** – Petition of Danny and Lynda Watkins, owners of record, requesting a variance as per §93.051, Section A, Item 3, Subsection (d) of the Madison County Zoning Ordinance in order to construct an accessory structure on a corner lot that will be 15 feet from the north property line instead of the required 25 feet. This is located in an “R-3” Single-Family Residential District in Wood River Township at **204 Westerholdt Street, East Alton**, Illinois, County Board District #13, PIN# 19-2-08-14-03-304-007. A **motion** was made by Nicholas Cohan and **seconded** by George Ellis that the petition of Danny and Lynda Watkind be as follows: **Approved**. Roll-call vote. All Ayes. **Motion passes**.
6. **Hearing Z23-0041** – Petition of Bianca Keys, applicant on behalf of Catherine Steward, owner of record, requesting a Special Use Permit as per §93.029, Section D, Item 2 of the Madison County Zoning Ordinance in order to operate an Eating and Drinking Establishment in the existing building on site. This is located in a “B-1” Limited Business District in Nameoki Township at **217A Roosevelt Street, Madison**, Illinois, County Board District #10, PIN# 17-2-20-31-09-101-001. A **motion** was made by George Ellis and **seconded** by Cedric Irby that the petition of Bianca Keys & Catherine Steward be as follows: **Approved with Conditions**. Roll-call vote. Ayes: George Ellis, Cedric Irby, Don Metzler. Nays: Thomas Ambrose, Nicholas Cohan. **Motion passes**.

I. Zoning Coordinator’s Report

Jen Hurley, 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 Z23-0036

Petition of Spencer Homes, applicant on behalf of Michelle Dyer, owner of record, requesting a variance as per §93.025, Section D, Item 3 of the Madison County Zoning Ordinance in order to construct a new front porch to an existing single-family dwelling that will be 20 feet from the west property line instead of the required 25 feet. This is located in an "R-3" Single-Family Residential District in Moro Township at 1422 Biscay Drive, Edwardsville, Illinois, County Board District #5, PIN# 16-2-03-25-04-402-003

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

Members Absent: Mary Goode, Sharon Sherrill

A **motion** was made by Cedric Irby and **seconded** by Nicholas Cohan that the petition of Spencer Homes & Michelle Dyer 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.** Dustin Raddick with Spencer Homes, applicant, stated that they currently have a significantly large remodel project at the subject property. He said once they are complete with this project, everything from the roof to the basement will be entirely new, from top to bottom and inside and out. Mr. Raddick said they are requesting the variance for the front porch to help address the aesthetics of the front porch and bring to life the curb appeal of the home. He stated that Holiday Shores has approved the variance request already. He said the virtual renderings provided are a good copy of what the home will look like. Mr. Raddick said this home is roughly 1500 square feet, and has a new pool, new deck, and will have all new windows, siding and garage doors.

Roll-call vote.

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

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z23-0037

Petition of Cas Sheppard of Sheppard, Morgan & Schwaab, Inc., applicant on behalf of Karabas Investments, LLC, owner of record, requesting a zoning map amendment to rezone an approximately 8.13 acre tract of land from "A" Agricultural District to "M-1" Limited Manufacturing District in order to operate a tractor trailer storage yard. This is located in Nameoki Township at the Intersection of Horseshoe Lake Road and Route 111, Granite City, Illinois, County Board District #20, PIN# 17-1-20-14-00-000-017

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

Members Absent: Mary Goode, Sharon Sherrill

A **motion** was made by Nicholas Cohan and **seconded** by Cedric Irby that the petition of Cas Sheppard & Karabas Investments, LLC be as follows: **Approved.**

The Finding of Fact of the Board of Appeals: **I.** The zoning file, staff report, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance; **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Walt Blotevogel, with Sheppard, Morgan & Schwaab, Inc., applicant, stated that the project is 8.13 acres at the intersection of Route 111 and Horseshoe Lake Road. He said the goal of his client is to expand his operations, which is in Pontoon Beach, just north of the subject property. Mr. Blotevogel said it is a truck-affiliated business. He said they are running out of storage for trailers, and that is the sole purpose for the rezoning of this property, so they can have additional storage area. He said the property is currently used for agricultural purposes, and the goal is to be serving the area in tractor trailer operations. Mr. Blotevogel said they have touched base with IDOT and other agencies, and there are permits to be secured, but everything appears to be in good order moving forward with that; **VI.** Cedric Irby, ZBA Member, asked Mr. Blotevogel to give him an idea of what that will look like as far as daily operations, what kind of equipment, and what kind of traffic they anticipate. Mr. Blotevogel said the site will be used totally for trailer storage, so there won't be any other warehousing or anything like that. He said they will just move trailers in and out. Mr. Blotevogel said they don't have a traffic count yet as to how many they anticipate coming in and out every day, but it will compliment the existing business that they have. He said it's anticipated that the trailers parked in this location, which is remote from the site just to the north, will be minimal as compared to the operation that's going on with all of their other equipment. He said beyond just coming in to pick up a trailer or to drop off a trailer, that will be the total business taking place there; **VII.** Mr. Irby asked if they will need an additional widening of that road for the large tractor trailers coming in and out. Mr. Blotevogel said that the permit they will secure from the Illinois Department of Transportation will be off of Horseshoe Lake Road. He said it will be necessary at that time that they meet all of the requirements with IDOT as far as any lane changes or pavement widening; **VIII.** Jen Hurley, Zoning Coordinator, read aloud the following letter that was submitted for the record: "Dear Ms. Hurley and members of the Madison County Zoning Board of Appeals: I am expressing concern about the rezoning of the property located on Horseshoe Lake Road and Route 111, Granite City. As the owner of the 80 acres of agricultural land across from the property and bordering Highway 111, I am opposed to the rezoning of the property from agricultural to commercial with the intent of operating yet another tractor trailer storage yard in the area. While there are other such facilities nearby, i.e. Air Products and several along Highway 111, the construction of another can only contribute to the deterioration of the township and the area. A little history, when Air Products was allowed to locate a trucking lot on the adjacent property and between Arlington Drive and Horseshoe Lake Road, there was much opposition; but the rezoning took place and the permit was issued nonetheless. It has been an eyesore since. I understand that the zoning change will enable the county to collect more property tax revenue. And, I feel no ill will toward the businesses. But, let's consider the ultimate cost to the landscape, future property values, and the future of our community. There was foresight involved when nearby Horseshoe Lake Park was developed in an effort to help save our environment and enhance the appeal of the area, as when the bicycle trail that replaced the railroad tracks was surfaced. Let's not allow industrial development to reverse these positive contributions. Respectfully, I ask that the Board consider my concerns. Thank you for your attention. Sincerely, Betty Hanfelder Kirksey"

Roll-call vote.

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

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z23-0038

Petition of Michael Lowenstein, 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 the property and a variance to have 6 chickens instead of the maximum 5 allowed. Also requesting variances as per §93.100, Section B, Items 5 and 6 for the chicken coop and run to be 5 feet from the north property line instead of the required 20 feet. This is located in an "R-3" Single-Family Residential District in Wood River Township at 340 Westerholdt Street, East Alton, Illinois, County Board District #13, PIN# 19-2-08-14-03-304-024

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

Members Absent: Mary Goode, Sharon Sherrill

A **motion** was made by George Ellis and **seconded** by Cedric Irby that the petition of Michael Lowenstein be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Michael Lowenstein. 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 6 chickens (hens only) are permitted on site. Roosters and free-range chickens 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.** Michael Lowenstein, applicant, stated that he is requesting a Special Use Permit to have chickens on his property, with 6 hens instead of the maximum 5 allowed, and 5 feet from the north property line as opposed to the required 20 feet. He said he does have approval from his neighbor at that location. Mr. Lowenstein said he started this project before there was an ordinance. He said it took some planning and some time to gather up the materials, and said there was a change in the ordinance during the process; **VI.** Cedric Irby, ZBA Member, asked why 5 chickens isn't good enough, and why one extra chicken would make a difference. Mr. Lowenstein said they actually already have the six, and since two of them were born with the flock, he just didn't want to take them away from the flock. He said he started this project because he was a little nervous about shortages on the shelves, including most recently with eggs, and with his family of five, he just doesn't feel that five hens is enough. He said he knows that one hen doesn't seem like that much more, but it does make a difference for their situation; **VII.** Mr. Irby asked Mr. Lowenstein if he was going to come back for seven, or eight or nine, as he continues to have more chickens. Mr. Lowenstein said no, he doesn't have roosters, so there won't be any more additions to it; **VIII.** Mr. Irby asked if the chicken coop is closer to Mr. Lowenstein's home or closer to the neighbor's home. Mr. Lowenstein said it is actually closer to his home. Mr. Lowenstein said the run is expanded on both ends and goes in front of the coop and to the side. He said it is a 10x10, so he has the amount of space that's required to accommodate the six hens; **IX.** Thomas Ambrose, ZBA Member, asked if there is room in there for laying eggs. Mr. Lowenstein said there are actually 4 laying boxes; **X.** Mr. Irby asked Mr. Lowenstein to describe the clean-up of the coop. Mr. Lowenstein said he is using a deep litter method. He said you go in, stir it up, and it creates its own compost method. He said the hens will go in and scratch it up and kick it up for him, so it's very little maintenance. He said he cleans it all up about twice a year, and puts it in his compost bin for it to breakdown. Mr. Lowenstein said this process eliminates any chance of smell, and he ends up using the compost for his garden beds in the spring.

Roll-call vote.

Ayes to the motion: Nicholas Cohan, George Ellis, Don Metzler

Nays to the motion: Thomas Ambrose, Cedric Irby

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z23-0039

Petition of Michael Dudley of CBA Realty, LLC, owner of record, requesting a zoning map amendment to rezone an approximately .32 acre tract of land from "B-1" Limited Business District to "R-3" Single-Family Residential District. This is located in Wood River Township at 100 East Airline Drive, East Alton, Illinois, County Board District #13, PIN# 19-1-08-15-12-201-022

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

Members Absent: Mary Goode, Sharon Sherrill

A **motion** was made by Nicholas Cohan and **seconded** by Cedric Irby that the petition of Michael Dudley 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.** Michael Dudley, applicant, stated that he bought this property at the beginning of May, listed it as commercial property for rent, and he has shown it one time. He said about 5 people have inquired about renting it as a house. Mr. Dudley said it wouldn't take much to convert it back, as it already looks like a house from the outside. He said he is asking for permission to convert it back to residential.

Roll-call vote.

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

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z23-0040

Petition of Danny and Lynda Watkins, owners of record, requesting a variance as per §93.051, Section A, Item 3, Subsection (d) of the Madison County Zoning Ordinance in order to construct an accessory structure on a corner lot that will be 15 feet from the north property line instead of the required 25 feet. This is located in an "R-3" Single-Family Residential District in Wood River Township at 204 Westerholdt Street, East Alton, Illinois, County Board District #13, PIN# 19-2-08-14-03-304-007

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

Members Absent: Mary Goode, Sharon Sherrill

A **motion** was made by Nicholas Cohan and **seconded** by George Ellis that the petition of Danny and Lynda Watkins 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.** Lynda Watkins, applicant, said they are requesting a variance to have a carport over their driveway. She said they babysit their great granddaughter and don't have any large trees anywhere in the yard, and they need shade for her to play. Ms. Watkins said they have a one-car garage, so it would also benefit their truck in the winter time. She said this would be a removable carport and not a permanent structure, that would be over the asphalt driveway. Ms. Watkins said this would be an extension of their garage but won't be connected to the garage.

Roll-call vote.

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

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z23-0041

Petition of Bianca Keys, applicant on behalf of Catherine Steward, owner of record, requesting a Special Use Permit as per §93.029, Section D, Item 2 of the Madison County Zoning Ordinance in order to operate an Eating and Drinking Establishment in the existing building on site. This is located in a "B-1" Limited Business District in Nameoki Township at 217A Roosevelt Street, Madison, Illinois, County Board District #10, PIN# 17-2-20-31-09-101-001

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

Members Absent: Mary Goode, Sharon Sherrill

A **motion** was made by George Ellis and **seconded** by Cedric Irby that the petition of Bianca Keys & Catherine Steward be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Bianca Keys and is not transferable to future owners/tenants. Any change of owner/tenant of the property will require a new Special Use Permit.
2. The owner/tenant/operator shall keep the property in compliance with all Madison County Ordinances, including but not limited to the Madison County Zoning Ordinance.

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.** Bianca Keys, applicant, and her husband Tobias Keys, also known as Comedian Jim Dandy, said they are the 4th generation in her family to have this property. She said they are wanting to open this not only as a comedy restaurant, but to also have a family area and community area for this location, since it has been pretty much abandoned for awhile. She said they want to be able to have live music, since the location has a strong history with blues in the past. Mr. Keys said they plan to have a Sunday jazz brunch, and they plan on having things in the summer for the children on a different piece of land they own across the street. He said this isn't just a comedy restaurant, but something more family-oriented to keep the small community together; **VI.** Cedric Irby, ZBA Member, asked what the use of the building was when it was in operation. Mr. Keys said previously it was a bar and restaurant with music; **VII.** Mr. Irby asked how they plan on separating the alcohol they will serve from the activities with children. Mr. Keys said the activities with children will not be on the property and will be a phase two of the project across the street. He said the comedy club will be for ages 35 and up. He said the children's events will be things like a bouncy house or a petting zoo, separate from the bar; **VIII.** Mr. Irby asked if there are business establishments or homes nearby, and he asked them to discuss safety and security measures. Ms. Keys said they are looking into a company called Black Diamond Security to make sure the property is secure, and they are also going to make sure there's proper lighting outside. She said they host a lot of comedy shows and never have any incidents. Ms. Keys said a lot of their crowd is working class, and they don't have any issues at any of their events. She said there is a home next to it that their family owns as well, and on the next phase of the project, they are thinking of revamping that as an Air B&B or a place for some of their guests, comedians, or musicians to stay in; **IX.** George Ellis, ZBA Member, asked where they hold their events now. Ms. Keys said they currently hold them at Hollylou in Ferguson. She said they have a lot of different jazz events and a lot of different comedy shows. Ms. Keys said they are part of different community organizations, so they do a lot of work in the communities and have a lot of different fundraisers. Mr. Keys said they will donate money to a scholarship foundation through some of the fundraisers they may have; **X.** Mr. Ellis asked if they own any other buildings where they operate now. Mr. Keys said no, they rent out the space; **XI.** Thomas Ambrose, ZBA Member, asked if they have a liquor license. Ms. Keys said no; **XII.** Nicholas Cohan, ZBA Member, asked if they would be serving alcoholic beverages at the comedy club. Ms. Keys said they would like to have all beverages available as well as food; **XIII.** Mr. Ellis asked if they have applied for a liquor license. Ms. Keys said not yet. Chris Doucleff, Building and Zoning Department Administrator, said that they would need to have the Eating and Drinking Establishment approved in order to get that; **XIV.** Mr. Doucleff asked Ms. Keys if she had said it would be for ages 35 and over. Ms. Keys said for a lot of the events it will. Mr. Doucleff asked for the reasoning behind that. Mr. Keys said that gives a mature-minded crowd and keeps down on some of the ruckus that we see on the news every day. Ms. Keys said that Sunday brunch will be for all ages. Mr. Doucleff asked if this will be a full service restaurant. Ms. Keys said yes. She said they have a restaurant section for to-

go orders that they are doing to lease out, so that person can do to-go orders throughout the week; **XV.** Mr. Ellis asked if they know most of their neighbors. Ms. Keys said they don't. She said her family has been there the entire time, and she is the 4th generation of having this property. She said they recently moved to help take care of her dad. Mr. Ellis asked if he owned the previous business. Ms. Keys said yes, he owns the majority of that property. Mr. Ellis asked how long that business has been shut down. Mr. Keys said 2014 was the last time there were operations there; **XVI.** Jen Hurley, Zoning Coordinator, read aloud the following letter that was submitted for the record: "Dear Ms Hurley, Thank you for the opportunity to be advised of Ms Keys' application to establish a Eating and Drinking Establishment near my property. Per your letter dated June 8th, this email serves as my written notice of opposition to Ms Keys' application. I ask that my written statement be included in testimony on this hearing. My name is Harelyn C. Johnson, I have been a resident of 201 Hare Street , Madison (Eagle Park) for more than 45 years. I am familiar with the property and past owners of both property and businesses. I ask the Board in deciding on the application, to include in their review of the history of this location and crimes surrounding it, you will find without such an establishment, crime in this area has dropped, thus reducing additional pressure on law enforcement. The image of Eagle Park area has improved, people are working diligently to improve their community, safety is more enhanced for bicyclist utilizing bike trails and reduction in outside traffic has reduced criminal activities. For me, I have always tried to support the community but I have also suffered losses through the years for such businesses being at this location. I have sustained property damage on frequent occasions and to prevent my insurance from increasing my rates or possibly cancelling me out, I paid out of pocket for repairs. I once had a bullet hole in my home siding due to a shooting at the business, late hours of operation for the establishment impeded my ability to go to bed at a reasonable hour due to the noise pollution from loud music and talking, car doors slamming and loud cars, thus affecting my health. Since the last operational business, I am a older Senior Citizen, retired, on a fix income and have health issues. I cannot afford to endure what I have in the past nor do I have the income to incur expenses that having this type of business near my home may cause. On the surface the business is always presented as a eating and drinking establishment when actually functions as a tavern/bar. Lastly, I have known the Gathright Family practically all my life. When researching who the applicant and owner of the property was I was surprised to learn they were family members of Mr William Gathright Jr.. In the past I vocalized complaints about activities at this building to Mr Gathright and to no avail. I have no confidence things will change; **XVII.** Ms. Keys said they are aware of a lot of different activities and negativity that surrounds this building. She said they feel that this is their opportunity to change that and to change the image of that property. Ms. Keys said no one has the ability or financial capability to take over that building and beautify that corner. She said she is disappointed in some of the things that have happened in that establishment, but she doesn't want to be viewed based off of that. She said she would like the opportunity to make that change and make that shift with the positive things they would like to implement in the neighborhood. Ms. Keys said they would like to acquire more property in the neighborhood as well and to add a positive change to the area; **XVIII.** Mr. Ellis asked what the hours of operation will be. Ms. Keys said it will Thursday through Sunday from 5 p.m. till midnight, and noon to 7 p.m. on Sundays.

Roll-call vote.

Ayes to the motion: George Ellis, Cedric Irby, Don Metzler

Nays to the motion: Thomas Ambrose, Nicholas Cohan

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator