

Madison County Zoning Board of Appeals Meeting Minutes
Tuesday, July 14, 2020 at 5:00 p.m.
Virtual Meeting via GoToMeeting & In-Person in the County Board Room

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

Members Absent: Tyrone Echols

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 voice vote on the meeting minutes from June 9, 2020. All ayes. Motion approved.

C. Overview of Zoning Petitions and Staff Review

Breana Buncher, Madison County Planning and Development, 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

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 six agenda items. *Please see the Findings of Facts attached for a summary of each zoning hearing and public comment.*

F. Citizens Wishing to Address the Zoning Board of Appeals

Please see the Findings of Facts attached for a summary of each zoning hearing and public comment.

G. Unfinished Business

1. Hearing Z19-0056- Petition of Thomas and Deborah Burgess, owners 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 Thomas and Deborah Burgess and family for a period not to exceed five years. This is located in an "R-3" Single-Family Residential District in Wood River Township at 76 Circle Drive, Cottage Hills, Illinois, County Board District #13, PIN#19-2-08-11-01-107-013.001. A motion was made by Nicholas Cohan and seconded by Mary Goode that the petition of Thomas and Deborah Burgess be as follows: Approved with conditions.
2. Hearing Z20-0018- Petition of Steven Blair, Jr., owner of record, and Anne Barriger requesting a variance as per §93.023, Section B, Item 2 of the Madison County Zoning Ordinance in order to construct a single-family dwelling that will be 20 feet from a private roadway and utility easement instead of the required 50 feet. This is located in an Agricultural District in Foster Township on Piggott Lane, Alton, Illinois, County Board District #5, PIN#20-1-02-08-00-000-016.021. A motion was made by Nicholas Cohan and seconded by Mary Goode that the petition of Steven Blair Jr., & Anne Barriger be as follows: Approved with conditions.

H. New Business

1. Hearing Z20-0022- Petition of Joseph and Kenny Muller, owners of record, requesting a Special Use Permit as per §93.036, Section D, Item 2 of the Madison County Zoning Ordinance in order to construct an attached garage addition to an existing single-family dwelling in an "M-3" Heavy Manufacturing District. This is located in Venice Township at 659 Old Rock Road, Granite City, Illinois, County Board District #23, PIN#21-1-19-01-00-000-015. A motion was made by Mary Goode and seconded by Nicholas Cohan that the petition of Joseph and Kenny Muller be as follows: Approved with conditions.

2. Hearing Z20-0028- Petition of James Majerus & Cortney Spradling, 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 a detached garage 21' from the north property line instead of the required 40'. This is located in an "R-2" Single-Family Residential District in Saline Township at 3444 Highron Drive, Pocahontas, Illinois, County Board District #3, PIN#02-2-18-23-07-201-033. A motion was made by Sharon Sherrill and seconded by Mary Goode that the petition of James Majerus & Cortney Spradling be as follows: Approved.
3. Hearing Z20-0029- Petition of Dianne Peters, owner of record, and James Peters, requesting a zoning map amendment to rezone a 1.93 acre tract of land from "B-3" Highway Business District to "R-1" Single-Family Residential District. This is located in Fort Russell Township at 6465 Miller Drive, Edwardsville, Illinois, County Board District #5, PIN#15-1-09-23-03-301-024. A motion was made by Nicholas Cohan and seconded by Mary Goode that the petition of Dianne and James Peters be as follows: Approved.
4. Hearing Z20-0030- Petition of Meadowbrook Public Water District, applicant, on behalf of Fort Russell Township, owner of record, requesting a Special Use Permit as per §93.025, Section G, Item 5 of the Madison County Zoning Ordinance in order to have a governmental use on site. This is located in an "R-3" Single-Family Residential District in Fort Russell Township at 112 Clover Street, Moro, Illinois, County Board District #14, PIN#s15-2-09-08-02-204-001, 15-2-09-08-02-204-002, & 15-2-09-08-02-204-003. A motion was made by Mary Goode and seconded by Nicholas Cohan that the petition of Fort Russell Township & Meadowbrook Public Water District be as follows: Approved with conditions.

I. Planning Coordinator's Report

None.

J. Adjournment

Mary Goode made a motion to adjourn the meeting. Seconded by Nicholas Cohan. Voice-vote. All ayes. Motion approved. Meeting adjourned.

Madison County Zoning Board of Appeals
July 14, 2020 Findings of Fact and Recommendations

Don Metzler, Chairman, called the meeting to order at 5:00 p.m. on GoToMeeting Virtual Meeting & Madison County Board Room

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

Members Absent: Tyrone Echols

The Board of Appeals, established by the Chairman and the Board of Supervisors and provided for under the terms of the Madison County Zoning Ordinance, 1963 and all subsequent amendments and revisions thereto does hereby submit the Reports and Recommendations on the following:

File Z19-0056 – Petition of Thomas & Deborah Burgess (Wood River Township)

File Z20-0018 – Petition of Steven Blair Jr., & Anne Barriger (Foster Township)

File Z20-0022 – Petition of Joseph & Kenny Muller (Venice Township)

File Z20-0028 – Petition of James Majerus & Cortney Spradling (Saline Township)

File Z20-0029 – Petition of Dianna & James Peters (Fort Russell Township)

File Z20-0030 – Petition of Fort Russell Township & Meadowbrook Public Water District (Fort Russell Township)

Finding of Fact and Recommendations

Hearing File Z19-0056

Petition of Thomas and Deborah Burgess, owners 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 Thomas and Deborah Burgess and family for a period not to exceed five years. This is located in an "R-3" Single-Family Residential District in Wood River Township at **76 Circle Drive, Cottage Hills, Illinois, County Board District #13, PIN#19-2-08-11-01-107-013.001**

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

Members Absent: Tyrone Echols

A **motion** was made by Nicholas Cohan and **seconded** by Mary Goode that the petition of Thomas and Deborah Burgess be as follows: **Approved with conditions.**

1. This Special Use Permit is granted for the sole usage of Thomas and Deborah Burgess 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 Thomas and Deborah Burgess 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 Thomas and Deborah Burgess and family vacate the structure.

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.** Thomas and Deborah Burgess, applicants, did not attend the meeting.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode, and 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 File Z20-0018

Petition of Steven Blair, Jr., owner of record, and Anne Barriger requesting a variance as per §93.023, Section B, Item 2 of the Madison County Zoning Ordinance in order to construct a single-family dwelling that will be 20 feet from a private roadway and utility easement instead of the required 50 feet. This is located in an Agricultural District in Foster Township on **Piggott Lane, Alton**, Illinois, County Board District #5, PIN#20-1-02-08-00-000-016.021

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

Members Absent: Tyrone Echols

A **motion** was made by Nicholas Cohan and **seconded** by Mary Goode that the petition of Steven Blair Jr., & Anne Barriger be as follows: **Approved with conditions.**

1. At the time of building the single-family dwelling, the owner shall provide the Planning and Development Department with a Property and Topographic Survey (by a licensed land surveyor) including:
 - a. the centerline of the road and the existing right-of-way line
 - b. the location and dimensions for any other easements on the lot
 - c. the elevation of the road along the lot frontage
 - d. the limits and elevation of the dam within 100' of the building
 - e. the elevation of the pond and the overflow elevation
 - f. the existing elevation of the building site
2. At the time of building the single-family dwelling, the owner shall provide the Planning and Development Department a Proposed Site Plan (by a licensed professional engineer) showing:
 - a. The building location with dimensions to building corners from all property lines
 - b. Proposed elevation at the building corners, including the elevation of any basement or walkout level
 - c. Proposed driveway grades including the intersection with the road
 - d. Proposed grading around the building to determine limits of disturbance near the dam
3. At the time of building the single-family dwelling, the owner shall provide the Planning and Development Department a Geotechnical Report (by a licensed professional engineer) including:
 - a. Delineation of the limits of dam within 100' of the building
 - b. A profile showing the building and dam
 - c. A statement confirming that the building and proposed private sewage system will not affect the stability of the dam OR
 - d. A plan showing the measures proposed to insure stability of the dam.

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.** Steven Blair Jr., applicant, said he and Anne had purchased the property in December from a realtor that had listed it as a buildable lot, and as soon as it was purchased, they were told 50 foot setback from all property lines and when the survey was done they discovered it is 50 foot from the roadway easement, not the front property line. Mr. Blair said if they had to meet the setback from the roadway easement the house would be right on the lake. Mr. Blair said the side of the house is not interfering with the dam construction and their footings for their walkout would be above the water level of the overflow level of the dam; **VI.** Mary Goode, Zoning Board of Appeals member, asked what the square footage requirements within the subdivision and Mr. Blair said there is minimum of 1,800 square feet for a ranch or 1,200 for a story and a half or two story and they would be building more than that; **VII.** Thomas Ambrose, Zoning Board of Appeals member, said that there is a key dam and if you mess with the keys then you would affect the integrity of the dam, and Mr. Blair said that the location of the house on the site plan is not correct and it would be more to the west; **VIII.** Blake Schrupf, adjacent property owner, said he is not against him building a home but he is concerned about the integrity of the dam, and they want an engineering firm to look at the potential effect of building on the lot, and if the integrity of the dam is compromised he doesn't know what the homeowners are supposed to do at that point. Mr. Schrupf said that for a variance, there has to be a hardship and there isn't a hardship; **IX.** Mr. Blair said the height of

their plot is the same height of Mr. Schrupf's property, and the dam is a very small portion of the lot they are trying to build on; **X.** Roxanne Wittman, nearby property owner, said she is concerned about the integrity of the lake and she would hate to have someone build on the lot and something happens to the lake and it ends up on their property then they will have a problem; **XI.** George Ellis, ZBA member, asked what the square footage of the home will be and Mr. Blair said that they are looking at a 4 to 5 bedroom home. Mr. Ellis said that this lot was only intended to have a 1,800 square foot home, and Mr. Blair said that is just the minimum requirement. Mr. Blair said he does not have any issues doing any engineering for this project; **XII.** Breana Buncher, Planning Coordinator, read aloud public comment that was sent to staff via email for those who did not want to attend the meeting in person. Mrs. Buncher indicated that she would only read for 3 minutes of each comment letter submitted; **XIII.** Sue Jano, nearby property owner, submitted the following via email: Dear Zoning Board Members, I am writing to oppose the request for variance for File #Z20-0018. Please understand that I do not oppose the applicant's desire to build a home on the property, I simply oppose the request to change the building standards, requirements and limitations existing at the time this property was purchased. Each property owner at one time or another purchased a piece of land and built a home IAW the restrictions within the county and within the covenants for the Piggott community. The staff summary report states that, "there are hardships with building a dwelling on the property that would meet the setback requirements due to the location of the private roadway and utility easements and the lake on the back of the property." There is a legal threshold for an issue to be considered an "unnecessary hardship". The legal definition has many requirements- all of which must be met, including that it cannot be considered a hardship if it is self-created. This "hardship" is indeed self – created. The applicant is a self-employed general contractor whose background includes building homes and improving structures. His background is ideal for selecting the right piece of property to build a particular home. Rather than asking the county and neighbors to accommodate the applicant's desire for a preferred home, the easiest solution is to build a home consistent with the requirements and limitations existing at the time of purchase. Analogy: If the applicant bought a small Ford pick-up truck in 2018 and then decided to buy a 30 feet camper with a weight exceeding the towing capacity of his truck, should Ford be required to upgrade him to a larger truck at no extra cost to accommodate his desire for a large camper? Or, should he either buy a camper suitable for the truck he owns or buy a larger truck to tow the camper he wants? Without the building plans, it is difficult to understand the impact of the waiver on the size/location of the home. If this request is approved, will other waivers/variances be required. If approved, will it be approved with prejudice in that no other waivers will be granted? How will this variance impact future road improvements and utility upgrades? If the property was located at the terminal end of the road, potential impacts would be minimized. In this case, the property is at the west side of the road, close to a primary road and any restrictions permitted along this property could create a choke point for those further east. If this is planned to be a large home, how will the septic be installed /operated? Is there enough land to manage the run-off without it impacting the lake or dam or neighbors? With the north boundary line across the lake, how will the 50ft setback distance from the north boundary be measured? We have learned there is no setback requirement for a house from the water, but strangely, there are requirements for how far a lake/pond needs to be built from a house or property line. Breana Buncher indicated that it had been three minutes and that the Board could continue reading on in their packets if they wanted; **XIV;** Jeffrey Mollett with Silver Lake Group, submitted the following via email: Dear Madison County Planning and Development Department, our law firm represents various landowners in the subdivision in which the above referenced property is located, including Edward and Sue Kreitner, Blake and Katelynn Schrupf, and Mike and Roxanne Wittman. We have reviewed the information provided by our clients, the limited information submitted by the Applicant, and the various rules, regulations and ordinances which we believe apply to the application and process. Per your Department's letter of May 21, 2020 to various property owners in the area of the Applicant's parcel, it is our understanding is that the application of Mr. Blair is set for a "virtual" hearing on June 9, 2020 at 5 p.m. It is further our understanding that this is a quasi-judicial administrative process after which a decision or recommendation will be made. As such, principles of due process must, of necessity and by law, apply. Mrs. Buncher indicated this was about the virtual aspect of the meeting and continued on to the issues Mr. Mollett had in regard to the request. That said, there are numerous questions which our clients have raised, all of which appear to be inadequately addressed in any of the correspondence we have seen, and all of which are certainly not addressed in the application submitted by Mr. Blair. 1. By a way of background, it is of note and relevance that Mr. Blair is a professional contractor. The current legal status, condition, and topography of the lot in question, when purchased, was known to him, and to all, by a virtue of the applicable surveys, topographical maps, and covenants and restrictions applicable to the subdivision and by way of a simple physical inspection of the lot. Further, the County's zoning ordinances were and had for many years been in place and effect. For the applicant to allege that due to his purchase something has changed with the statute of the lot is disingenuous at best. All of the conditions for which the applicant complains were in existence and present

when the lot was purchased. Further, for the County's report to imply (without Applicant even so stating) that a "hardship" somehow now exists is simply not supported by the record. The Applicant should not be allowed to complain that the status quo is somehow now a "hardship" to him as there are no special circumstances or conditions in existence to support such a conclusion. Applicant's variance request is confusing at best. The setback requirements, purported measurements, and limited facts are simply handwritten notes on a piece of paper or information generated by the County. In short, the application was and is woefully insufficient, and one could argue should have been rejected out of hand as such rather than have county employees spending their time and effort gathering information and developing a report that should have come from the Applicant. Based on the scant information at hand (most of which and that which is relevant appearing to have been generated by the County), the public has no ability to determine the true starting point for the various dimensions or measurements, and no ability to determine what the resulting set-backs or available construction are might be. Mrs. Buncher indicated it had been three minutes and told the Board to continue reading on in their packets if they wanted; **XV.** Katelynn Scrupft, nearby property owner, submitted the following via email: I concur with the letters from Silver Lake Group and Sue Jano. The variance, by law, should not be approved. Most likely the lot was designed to support a 1200 sq ft home which is the minimum size outlined in the covenants and is almost double the size of a minimum home outlined in the Madison County Zoning guidance under dwelling standards in section 93.023 section B (4). Asking for a variance to build a home beyond the minimum requirement is most likely outside the intent of how the original property was laid out. The lot has a dam on it that holds a 6 acre lake. Many homes will be impacted if the rules and regulations are not followed. Engineers and inspectors should be hired to ensure the integrity of the dam and lake are not affected by the building of a home on this lot; **XVI.** Randy Heil, nearby property owner, submitted the following via email: I have no issues with the requested variance in order to build a house on this lot. Even though there are supposed restrictions, on property in Lake Lynn and Piggott Lane none of these have ever been enforced. One example is the large solar array placed along Piggott Lane. Home owners had no say in the placement along Piggott Lane. People have not put the required amount of brick on homes, they've built sheds, not had their chimney totally bricked. All of these items are listed in restrictions and were not enforced. As I stated previously I believe the variance should be granted. This will have no effect on Piggott Lane in the future; **XVII.** Shawn Allen, nearby property owner, submitted the following via email: I live at 461 Piggott Ridge and utilize Piggott Lane. This is the only access road to the 19 homes off of Piggott Lane. I am opposed to the Z20-0018 Blair Primary Structure Setback Variance. I agree with the letter from Sue Jano and have the same concerns with the easement encroachment and the potential damage to the earthen dam; **XVIII.** Kelly Flaherty, nearby property owner, submitted the following via email: I live at the end of Piggott Lane, Alton Illinois (#5 Sun Valley Drive). Regarding your hearing this evening, I oppose Mr. Steven Blair's request to change the building standards and requirements set forth at the time of Mr. Blair's purchase of the property on Piggott Lane. I am not opposed to Mr. Blair building on the property he purchased on Piggott Lane, but am asking you and the board deny Mr. Blair's request and require the building to be built according to the statutes in place at the time of his purchase.

Roll-call vote.

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

Finding of Fact and Recommendations

Hearing File Z20-0022

Petition of Joseph and Kenny Muller, owners of record, requesting a Special Use Permit as per §93.036, Section D, Item 2 of the Madison County Zoning Ordinance in order to construct an attached garage addition to an existing single-family dwelling in an "M-3" Heavy Manufacturing District. This is located in Venice Township at 659 Old Rock Road, Granite City, Illinois, County Board District #23, PIN#21-1-19-01-00-000-015

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

Members Absent: Tyrone Echols

A **motion** was made by Mary Goode and **seconded** by Nicholas Cohan that the petition of Joseph and Kenny Muller be as follows: **Approved with conditions.**

1. The Special Use Permit for the dwelling is granted for the current owners of the property and shall be transferrable to subsequent owners, so that a change of property ownership will not require an updated Special Use Permit.
2. Any further development for the residential use on the property shall be permitted and shall adhere to 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, 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.** Kenny Muller, applicant, said they are requesting a Special Use Permit in order to construct a 28' x42' garage to the existing house and they would like to have a place to park their cars.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode, and 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 File Z20-0028

Petition of James Majerus & Cortney Spradling, 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 a detached garage 21' from the north property line instead of the required 40'. This is located in an "R-2" Single-Family Residential District in Saline Township at **3444 Highron Drive, Pocahontas, Illinois, County Board District #3, PIN#02-2-18-23-07-201-033**

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

Members Absent: Tyrone Echols

A **motion** was made by Sharon Sherrill and **seconded** by Mary Goode that the petition of James Majerus & Cortney Spradling be as follows: **Approved.**

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.** James Majerus, applicant, said that they are looking to build a garage for their vehicles as well as other storage on the property. The proposed location is the most well suited with their driveway right next to it so that is why they are asking for the variance; **VI.** Thomas Ambrose, Zoning Board of Appeals member, asked what is on the north side of the house and Mr. Majerus said there is a home on the north side; **VII.** Sharon Sherrill, ZBA member, asked Mr. Majerus said that what they are requesting sits it right in front of their home and in front of their neighbor's property. Mrs. Sherrill said that the point of the setback is for the line of sight and the proposed location could cause an issue and she is concerned it would be too close to the road. Mr. Majerus said that the site plan is skewed and that the structure would be in line with the backside of their home and it would be in line with the neighbor's house. Mr. Majerus said he has spoken with his neighbors and they had not expressed any concern about the sight line. Mr. Majerus also mentioned that the accessory structure would provide some privacy for house backyard as well.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode, and 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 File Z20-0029

Petition of Dianne Peters, owner of record, and James Peters, requesting a zoning map amendment to rezone a 1.93 acre tract of land from “B-3” Highway Business District to “R-1” Single-Family Residential District. This is located in Fort Russell Township at **6465 Miller Drive, Edwardsville, Illinois, County Board District #5, PIN#15-1-09-23-03-301-024**

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

Members Absent: Tyrone Echols

A **motion** was made by Nicholas Cohan and **seconded** by Mary Goode that the petition of Dianne and James Peters be as follows: **Approved.**

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.** Jim Peters, applicant, said that the house was established in the early 50s, and at the time it was built, the business was attached along with it. Mr. Peters said the property was split from the business in the 70s, and now they are wanting to making improvements on the property but they couldn’t because it was zoned “B-3”.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode, and 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 File Z20-0030

Petition of Meadowbrook Public Water District, applicant, on behalf of Fort Russell Township, owner of record, requesting a Special Use Permit as per §93.025, Section G, Item 5 of the Madison County Zoning Ordinance in order to have a governmental use on site. This is located in an "R-3" Single-Family Residential District in Fort Russell Township at **112 Clover Street, Moro**, Illinois, County Board District #14, PIN#s15-2-09-08-02-204-001, 15-2-09-08-02-204-002, & 15-2-09-08-02-204-003

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

Members Absent: Tyrone Echols

A **motion** was made by Mary Goode and **seconded** by Nicholas Cohan that the petition of Fort Russell Township & Meadowbrook Public Water District be as follows: **Approved with conditions.**

1. The Special Use Permit is granted for the sole usage of Meadowbrook Public Water District and shall not be transferred to subsequent property owners.
2. The Special Use Permit is for governmental uses on the property only. Any other use, except those permitted within the Zoning District, shall be prohibited.
3. Any development on the property shall adhere to 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, 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.** Todd Shaw, applicant, said he is the roadway commissioner for Fort Russell Township, and they are looking to sell these properties. Mr. Shaw stated Meadowbrook Public Water expressed interest in the property, and they thought they would be able to operate out of the property in the same manner but found out they could not without a Special Use Permit.

Roll-call vote.

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