

Madison County Zoning Board of Appeals Meeting Minutes
Tuesday, July 26, 2022 at 5:00 p.m.
County Board Room

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

Members Absent: 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 June 28, 2022. 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 seven zoning petitions and provided staff review.

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

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

E. Zoning Hearings

The Zoning Board of Appeals conducted the zoning hearings on the seven agenda items.

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

F. Citizens Wishing to Address the Zoning Board of Appeals

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

G. Unfinished Business

1. **Hearing Z22-0043** – Petition of Blake Tourville, owner of record, requesting a variance as per §93.051, Section A, Item 3, Subsection (b) of the Madison County Zoning Ordinance in order to construct an accessory building that would be 4 feet from the south property line instead of the required 15 feet. This is located in an “A” Agricultural District in Moro Township at 8702 North State Route 159, Dorsey, Illinois, County Board District #5, PIN# 16-1-03-15-00-000-006. A **motion** was made by George Ellis and **seconded** by Thomas Ambrose that the petition of Blake Tourville be as follows: **Approved**. Roll-call vote. All ayes. **Motion passes**.
2. **Hearing Z22-0045** – Petition of I-55 RV Park & Campground, LLC, applicant on behalf of Jeffrey and Pamela Bladdick, owners of record, requesting a Special Use Permit as per §93.023, Section D, Item 31 of the Madison County Zoning Ordinance in order to operate a travel trailer/RV park on site. This is located in an “A” Agricultural District in Pin Oak Township at 4260 Blackburn Road, Edwardsville, Illinois, County Board District #11, PIN# 10-1-16-09-00-000-004.001. A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of I-55 RV Park & Campground, LLC, be as follows: **Approved with Conditions**. Roll-call vote. All ayes. **Motion passes**.

H. New Business

1. **Hearing Z22-0048** – Petition of Michael Moehle, owner of record, requesting a zoning map amendment to rezone an approximately 0.45 acre tract of land from “R-3” Single-Family Residential District to “B-1” Limited Business District in order to have a plumbing office and shop on site. This is located in Fort Russell Township at 5127 State Route 140, Bethalto, Illinois, County Board District #14, PIN# 15-2-09-08-02-206-026. A **motion** was made by Mary Goode and **seconded** by Cedric Irby that the petition of Michael Moehle be as follows: **Approved**. Roll-call vote. All Ayes. **Motion passes**.

2. **Hearing Z22-0049** – Petition of Mike Moniger, application on behalf of Max Moniger, owner of record, requesting a zoning map amendment to rezone three parcels totaling approximately 0.77 acres from “R-3” Single-Family Residential District to “PD” Planned Development District in order to have commercial and personal storage and a small self-storage facility on site. This is located in Fort Russell Township at 112 Clover Street, Bethalto, Illinois, County Board District #14, PIN#s 15-2-09-08-02-204-001, 15-2-09-08-02-204-002, 15-2-09-08-02-204-003. A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Mike and Max Moniger be as follows: **Approved with Attachment “A”**. Roll-call vote. Ayes: Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode. Nays: Cedric Irby. **Motion passes.**
3. **Hearing Z22-0050** – Petition of Justin and Hillary McLaughlin of Mac’s Family Fun Time, LLC, owner of record, requesting a zoning map amendment to rezone the 7.21 acre dual-zoned tract of land from “A” Agricultural District and “B-2” General Business District to “B-5” Planned Business District in order to expand the operation to include a miniature golf course. This is located in Saline Township at 13229 US Highway 40, Highland, Illinois, County Board District #4, PIN# 02-1-18-27-00-000-006.003. A **motion** was made by Mary Goode and **seconded** by Cedric Irby that the petition of Justin and Hillary McLaughlin be as follows: **Approved with Attachment “A”**. Roll-call vote. Ayes: Nicholas Cohan, George Ellis, Mary Goode, Cedric Irby. Nays: Thomas Ambrose. **Motion passes.**
4. **Hearing Z22-0051** – Petition of Adam Honegger, applicant on behalf of Keith and Joy Honegger, owners of record, requesting Special Use Permits as per §93.023, Section D, Items 28 and 40 of the Madison County Zoning Ordinance in order to have a sales yard and Agritourism Operation on site. Also requesting a variance as per §93.117, Section C, Item 1 in order to have up to 10 square feet of signage instead of the 4 square feet allowed. This is located in an “A” Agricultural District in Edwardsville Township along Old Troy Road, Glen Carbon, Illinois, County Board District #24, PIN# 14-1-15-25-00-000-012. A **motion** was made by Cedric Irby and **seconded** by Nicholas Cohan that the petition of Adam Honegger be as follows: **Approved with Conditions**. Roll-call vote. Ayes: Nicholas Cohan, George Ellis, Mary Goode. Nays: Thomas Ambrose, Cedric Irby. **Motion passes.**
5. **Hearing Z22-0052** – Petition of Michael Carlson, applicant on behalf of Justin and Margaret Litteken, owners of record, requesting a variance as per §93.023, Section B, Item 2 of the Madison County Zoning Ordinance in order to construct an attached garage addition to an existing home that would be 26 feet from the south property line instead of the required 50 feet. This is located in an “A” Agricultural District in Pin Oak Township at 8759 Maple Grove Road, Edwardsville, Illinois, County Board District #11, PIN# 10-2-16-27-00-000-013. A **motion** was made by Mary Goode and **seconded** by Nicholas Cohan that the petition of Michael Carlson, on behalf of Justin and Margaret Litteken, be as follows: **Approved**. 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 Mary Goode. Voice-vote. All ayes. Motion passes. Meeting adjourned.

Finding of Fact and Recommendations

Hearing Z22-0043

Petition of Blake Tourville, owner of record, requesting a variance as per §93.051, Section A, Item 3, Subsection (b) of the Madison County Zoning Ordinance in order to construct an accessory building that would be 4 feet from the south property line instead of the required 15 feet. This is located in an "A" Agricultural District in Moro Township at **8702 North State Route 159, Dorsey**, Illinois, County Board District #5, PIN# 16-1-03-15-00-000-006

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

Members Absent: Sharon Sherrill

A **motion** was made by George Ellis and **seconded** by Thomas Ambrose that the petition of Blake Tourville 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.** Blake Tourville, applicant, stated that he is wanting to build a garage 4 feet off the property line instead of 15, to make it convenient for him to be able to get in and out of his property with his camper, boat, and car hauler. He stated that he is asking permission to build this garage to store some old classic cars in. Mr. Tourville said he obtained permission from one neighbor, and also obtained permission from the other neighbor who has since passed away, so he has permission from the daughter. He stated that his house is ¼ mile from 159, and that nobody will ever be able to see the garage he is wanting to build. He explained that if he were to put the garage 15 feet from the property line, it would sit in the middle of his yard, and he wouldn't have a way to get in and out with anything, due to the angle you get when you come down the driveway. Mr. Tourville mentioned that he had an old barn that was destroyed by a tornado in December. He stated that he is trying to build this new building so he can store his hotrods in a new safer building that will be on security cameras, instead of way back in the woods; **VI.** Mary Goode, ZBA Member, asked Mr. Tourville if he had the property surveyed. Mr. Tourville said yes, they had it surveyed last week, and the property lines are all where they thought they were; **VII.** Nicholas Cohan, ZBA Member, asked Mr. Tourville how long he has lived on the property. Mr. Tourville replied that he has lived there 23 years; **VIII.** Cedric Irby, ZBA Member, asked Mr. Tourville if he is getting this building from a professional company. Mr. Tourville said yes; **IX.** Noelle Maxey, Zoning Coordinator, read aloud the following letter of support that was submitted for the record via email: "In regards to the petition of Blake Tourville requesting a variance to construct an accessory building on his property, we have no objection. We would rather for our neighbor to be able to shelter his stuff than to leave it out in the opening. Which would be an eyesore, in our opinion. Sincerely, James & Shirley Bentley."

Roll-call vote.

Ayes to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode, 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 Z22-0045

Petition of I-55 RV Park & Campground, LLC, applicant on behalf of Jeffrey and Pamela Bladdick, owners of record, requesting a Special Use Permit as per §93.023, Section D, Item 31 of the Madison County Zoning Ordinance in order to operate a travel trailer/RV park on site. This is located in Pin Oak Township at **4260 Blackburn Road, Edwardsville,** Illinois, County Board District #11, PIN# 10-1-16-09-00-000-004.001

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

Members Absent: Sharon Sherrill

A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of I-55 RV Park & Campground, LLC & Jeffrey and Pamela Bladdick be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for I-55 RV Park & Campground, LLC, and JPKL, LLC. Any change in ownership/tenant would require a new Special Use Permit to continue operating the RV Park & Campground.
2. The applicant/owner/operator shall keep the property in compliance with all Madison County Ordinances, including but not limited to the Madison County Zoning Ordinance.
3. Failure to comply with the conditions of the Special Use Permit will cause revocation and immediate removal of the use will be required.

The Finding of Fact of the Board of Appeals: **I.** The zoning file, staff report, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance; **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Jeff Bladdick, applicant, stated that he and his wife, Kim, are the legal owners of the subject property. He said Pamela is his sister and is no longer an owner of that property. The property they are wanting to make into an RV park has been in their family for almost 20 years. Mr. Bladdick stated they look forward to establishing their business and contributing to the growth and prosperity of the community; **VI.** Kim Bladdick stated that she and Mr. Bladdick have been retired for 3 years and live in their RV fulltime. Mrs. Bladdick said they decided to volunteer at some parks, which led them to believe that this is their life calling. She said they are very excited about opening this RV and campground off of I-55. Mrs. Bladdick stated that there will be 19 full hookup sites. She stated that there were over 600,000 campers built last year alone, which is a 40% increase in 2021. She said their guests will either be traveling from Point A to Point B, traveling in town to see their family, visiting the greater St. Louis area, or going to a race at the track which is nearby, it will be contributing to the local community's revenue, as campers will need gas, restaurants, groceries, and even haircuts. Mrs. Bladdick said that research has shown that their occupancy rate will be around 69%, and they plan on opening all year around; **VII.** Mary Goode, ZBA Member, asked to confirm if they have 19 sites. Mrs. Bladdick said yes, that is correct. Ms. Goode asked what the campers pay for, and what is provided. Mrs. Bladdick stated that they provide a full hookup, which is electricity, sewer and water. She said they will be charging \$45-\$50 per night. Ms. Goode asked if people will be able to stay for long periods of time, or if this is a day-to-day or month-to-month type of setup. Mrs. Bladdick said that their target customers will be traveling from Point A to Point B, looking for large sites right off the highway, and they would only offer longer term, up to 30 day, sites in the off-season, and that would be after they do a background check. Mrs. Bladdick said that for every 3 campers, there is only 1 campsite. Ms. Goode asked if the Bladdicks will be living in this park. Mrs. Bladdick replied yes, that this will be their home; **VIII.** Cedric Irby, ZBA Member, asked who will be managing the day-to-day operations at the park, and who will be doing the background checks. Mrs. Bladdick replied that she and her husband will be on site 24/7, and they will hire a company with the National Association of Campgrounds for the background check service; **IX.** Chris Doucleff, Building & Zoning Administrator, asked the Bladdicks if they will be living on the property. Mr. Bladdick replied yes. Mr. Doucleff asked if they will be living in a home, and Mr. Bladdick stated that they have a 2021 fifth wheel. Mr. Doucleff said that was never brought up in the plans, and that they cannot live in a camper permanently; **X.** Mary Goode asked if they can have an office, and if their camper can be their office. Mr. Doucleff replied yes, but that they cannot live in a camper; **XI.** Nicholas Cohan, ZBA Member, asked if they could spend a couple nights there. Mr. Doucleff said yes, but they cannot be permanent residents. Mr. Cohan asked if Mr. Doucleff could explain a little more about what they are allowed to do and what they aren't allowed to do. Mr. Doucleff replied that you aren't allowed to live in a camper permanently. Mr. Bladdick said that they have been living in their camper for almost 3 years now, and that probably

millions of people do live in their campers fulltime. Mr. Doucleff stated that this is against the zoning code. Mr. Cohan asked if they can live in a trailer. Mr. Doucleff said they can live in a mobile home with a Special Use Permit. Mr. Cohan asked if they can put their travel trailer on a base. Mr. Doucleff said no, it has to be a permanent structure, per the Zoning Ordinance. Mrs. Bladdick asked for the definition of a “home”, and asked if they could have a tiny home there. Mr. Doucleff responded that they would have to have a minimum square footage of 620 square feet; **XII.** Jean Carter, Pin Oak Township resident, said that she read the report from Sherrill Associates noting the last line said the anticipated impact of the campground is expected to be minimal. Ms. Carter said that she knows the people that live next door and right across the street, and their lives are going to be very impacted on Blackburn Road, due to traffic, including RV traffic and utility cart traffic that comes with campers. Ms. Carter said that she has nothing against camping but she wouldn’t want to go camping in somebody’s backyard, and that’s what this feels like to those that live out there. She said they are putting a living situation right next to the cornfields that are in their backyards. Ms. Carter said she anticipates that people that come to camp will want to take a walk and take their dogs, which could lead to people letting their dogs run free because they are in the country. She said the residents there like the country for its lack of lights, lack of noise and lack of traffic, and she feels that this provides an opportunity for a lot of transient people to buzz in and out of their backyards. She said another concern she has is about the ground water out there. She said there are other homes being built, and they are not on city water, and that new wells are being dug deeper which has an impact on the older wells. Ms. Carter said they already have people that have to go get water during dry spells and haul it to their home because the well couldn’t sustain it. She said now they are talking about sustaining 19 “homes” basically at the RV Park plus any additional houses that are built out there, so she would like someone to address what the impact will be on her well. Ms. Carter said they keep hearing about how wonderful this is going to be, but for the residents, it is not going to be wonderful; **XIII.** Jean Kuethe, adjoining property owner to the south, and resident on the west side of Blackburn Road, said she also owns agricultural ground that will be directly across from the campground. She stated that she is concerned about safety, as that is her home there. She asked if there would be a park attendant always on site in case there were problems. Ms. Kuethe said people shouldn’t be staying there more than one or two nights, as there is no lake or playground or anything else to do. She asked if there would be a curfew time so there wouldn’t be loud music or partying. She stated that lighting has been an issue before with commercial businesses on Blackburn Road, and she doesn’t want any lights shining at her home. Ms. Kuethe said she is also concerned about fire hazards from campfires, since they are so close to agriculture crops. She said that even though the owner’s research shows that there is a demand for overnight camping, she referenced a park named Red Barn Rendezvous that was right down the road, but is now out of business; **XIV.** Thomas Ambrose, ZBA Member, asked Ms. Kuethe if she thinks this will affect her property value. Ms. Kuethe said she does think that having 19 campers in and out of Blackburn Road would affect the property values of the whole township corridor. She said it is a residential area with about 100 families within a 3-mile area, and this would change the dynamic of their neighborhood; **XV.** Mr. Bladdick said that the campground would not be next to her farmland, but instead would be next to Dex’s Tree Service. He also stated that he spoke with the people that owned Red Barn Rendezvous, and said they are older are retired, and closed their park not due to lack of business, but because they ran it for 30 years and they were done.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode, 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 Z22-0048

Petition of Michael Moehle, owner of record, requesting a zoning map amendment to rezone an approximately 0.45 acre tract of land from "R-3" Single-Family Residential District to "B-1" Limited Business District in order to have a plumbing office and shop on site. This is located in Fort Russell Township at **5127 State Route 140, Bethalto**, Illinois, County Board District #14, PIN# 15-2-09-08-02-206-026

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

Members Absent: Sharon Sherrill

A **motion** was made by Mary Goode and **seconded** by Cedric Irby that the petition of Michael Moehle 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 Moehle, applicant, stated that he has spoken with the neighbors directly to the right of him, which have a successful landscaping company there. He said that this is right on Hwy 140, directly across the street from Parts Stop Auto Store. Mr. Moehle stated that in his opinion, about 80% of the properties right there are all commercial. He said that the subject property sat vacant from the 1970's until now, and there was a home on the property years ago, but all that was left was the foundation. Mr. Moehle feels this will be an upgrade to the community. He is proposing to put a 50x80 steel building there, not a pole barn, with 16 foot sidewalls; **VI.** Mary Goode, ZBA Member, asked Mr. Moehle if he has highway access in one spot or two spots. Mr. Moehle replied that he currently has access in one spot, but the county recently replaced the culvert, and he has asked them to expand the culvert so it's easier to get in and out of, and they have said that shouldn't be an issue. Ms. Goode asked Mr. Moehle if he's doing any retail business out of that location. Mr. Moehle replied no, and said the only traffic that will be coming in and out of there will be his service trucks and occasionally delivery trucks. Ms. Goode asked how many employees he has, and Mr. Moehle responded that right now he only has 3, but he is looking to expand to have between 6 and 10 within five years. He said it is a small company and they take a lot of pride in giving people quality service for a reasonable rate. He stated that they are a member of the Better Business Bureau with an excellent rating, and he's also on Angie's List and Home Advisor, and his ratings are excellent; **VII.** Thomas Ambrose, ZBA Member, asked Mr. Moehle where his office is located now. Mr. Moehle replied that right now, his office is in his garage. He said he started out 12 years ago, and his business grew to the point that he couldn't handle everything by himself; **VIII.** Rhonda Cato, neighboring property owner, said that there are at least 8 commercial properties around this lot. She said this lot has been an eyesore to Madison County for 25 years. She feels that this business would bring more revenue to the county and would make that area a lot nicer driving through, and she thinks it is a great idea.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode, 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 Z22-0049

Petition of Mike Moniger, application on behalf of Max Moniger, owner of record, requesting a zoning map amendment to rezone three parcels totaling approximately 0.77 acres from "R-3" Single-Family Residential District to "PD" Planned Development District in order to have commercial and personal storage and a small self-storage facility on site. This is located in Fort Russell Township at **112 Clover Street, Bethalto**, Illinois, County Board District #14, PIN#s 15-2-09-08-02-204-001, 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, Cedric Irby

Members Absent: Sharon Sherrill

A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Mike Moniger and Max Moniger be **Approved with Attachment "A"**.

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.** Mike Moniger, applicant, stated that he and his son purchased this property from Fort Russell Township. He said the property has 3 pole barn buildings, and they are just looking to store stuff there; **VI.** Mary Goode, ZBA Member, asked Mr. Moniger if he plans on leasing the buildings out. Mr. Moniger replied yes, that he would let someone rent a whole building out if they wanted to. Ms. Goode asked Mr. Moniger if he is storing his equipment in there also. He said not at this time, but he's not sure if he will in the future. Ms. Goode asked if his intention is to have some outdoor storage and possibly add more buildings to the property. Mr. Moniger said he will possibly add another building, and the outdoor storage would be on a daily basis for boats and campers, instead of long term for personal items, furniture, etc. Mr. Moniger said he will put a fence around it; **VII.** Noelle Maxey, Zoning Coordinator, read aloud the following two letters of opposition that were submitted for the record via email: (1) "This is a quiet little neighborhood, and we would like to keep it that way. We do not want to hear people in and out of storage facilities all hours of the day and night nor the extra traffic. Please keep the commercial businesses away from our home." (2) "We submit our objection to the rezone of the three parcels at 112 Clover St, Bethalto, to "PD" Planned Development District. The building of public storage buildings could cause safety concerns for the neighbors in the Zone "R-3" Single Family Residential."; **VIII.** Mr. Moniger reiterated that the storage would not be for personal items like clothing and furniture. It would be more like storage over the winter months, where there might only be one person a month coming there, which would be less traffic than Fort Russell had there while coming in and out with backhoes and other equipment.

Roll-call vote.

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

Nays to the motion: Cedric Irby

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Attachment "A" – "PD" District Conditions of Use

(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 & Zoning Committee for review, upon a recommendation from the Zoning Board of Appeals.

(B) District Conditions of Use.

1. Yard areas. No building or structure shall be erected or enlarged unless the following yards are provided and maintained:
 - a. Front Yard Setback: 40 feet
 - b. Side Yard Setback: 15 feet
 - c. Rear Yard Setback: 25 feet
2. A fence at least 6 ft in height is required where the properties abut Residential or Agricultural Districts.
3. Additional Requirements: Signs §93.118, Parking §93.147

(C) Permitted Uses

1. Storage and Warehousing, where all storage of vehicles, equipment, materials, etc. is located inside of the buildings on the property.
2. Self-storage facility.
3. Contractor's offices and shops, where no fabrication is done on the premises and where storage of materials and equipment is located inside of the buildings on the property.

(D) Accessory Uses (See § 93.051 (B))

1. Accessory uses that are clearly associated with and supplementary to the principal uses of the lot or tract of land.
2. Off-street parking and loading.

(E) Prohibited uses.

1. Any uses not listed in the above Permitted and Accessory Uses sections.
2. Outdoor storage of materials, vehicles, equipment, etc. is not permitted on the properties.

Finding of Fact and Recommendations

Hearing Z22-0050

Petition of Justin and Hillary McLaughlin of Mac's Family Fun Time, LLC, owner of record, requesting a zoning map amendment to rezone the 7.21 acre dual-zoned tract of land from "A" Agricultural District and "B-2" General Business District to "B-5" Planned Business District in order to expand the operation to include a miniature golf course. This is located in Saline Township at **13229 US Highway 40, Highland**, Illinois, County Board District #4, PIN# 02-1-18-27-00-000-006.003

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

Members Absent: Sharon Sherrill

A **motion** was made by Mary Goode and **seconded** by Cedric Irby that the petition of Justin and Hillary McLaughlin be **Approved with Attachment "A"**.

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.** Justin McLaughlin, applicant and owner of Mac's Family Fun Time, said that he and his wife are coming up on their 10 year anniversary of owning The Lory Theater in downtown Highland. He said they have an excellent reputation that proceeds them as owners of that business, and that they were able to open Mac's Family Fun Time as a silver lining of Covid. Mr. McLaughlin stated that with the shutdowns of the theater industry during Covid, they were able to sell frozen custard out the front door of the Lory Theater and maintain that business through the closures. He said after a year and a half of closures, they still made money and had a tax return. They took that money to the bank and asked for a loan, which allowed them to open this additional business. He said they initially thought they would build new, but then they fell in love with this property that was built in 1989 as a church, that has been a dance studio for the last 14 years. Mr. McLaughlin said the property is very large, and the zoning was correct to do what they wanted to initially in the existing structure. He said they did know that down the road they would have to apply to have the surrounding acreage rezoned correctly in order to expand. He said they are approaching their first year on the 31st, and are having their one year, week long celebration this week, and had a large crowd there today with a full parking lot. Mr. McLaughlin said they do need to expand the parking lot, and they would like to add a miniature golf course as their first outdoor attraction. They would use a construction company that is an expert at miniature golf and other family attractions, and they have already met with them and toured their facilities in Tennessee. He stated that they did reach out to their neighbors, so he was a little deflated when he learned that there were letters of opposition, and he hopes he can quell any concerns they may have; **VI.** Mary Goode, ZBA Member, asked what other business they are wanting to do with the putt-putt golf. Mr. McLaughlin said they only have plans for the golf right now. Ms. Goode asked how much of the 7 acres the golf will take up. Mr. McLaughlin responded that the existing building is a 7500 square foot building. Ms. Goode asked Mr. McLaughlin if he thinks that building plus the parking takes up a couple acres, and if the putt-putt golf will take up another couple acres. Mr. McLaughlin responded yes, that he thinks that is approximately accurate. Ms. Goode asked if they would still have acreage left over. Mr. McLaughlin said yes; **VII.** Cedric Irby, ZBA Member, asked Mr. McLaughlin if he has spoken with the city as to whether or not there might be a turn lane there at some point. Mr. McLaughlin said based on his understanding of the jurisdiction of that area, he has not had any conversations like that. He stated that the middle school only has a 2-lane road, so he assumes if the middle school does not have a turn lane, then they probably will not get a turn lane either. Mr. Irby asked if Mr. McLaughlin thinks that this will just be an expansion of what they already have there, and no extra traffic will be generated from the miniature golf. Mr. McLaughlin replied that he does believe miniature golf has a broader appeal than a bounce house. He is hoping they will broaden their appeal to other age groups; **VIII.** Thomas Ambrose, ZBA Member, asked Mr. McLaughlin where he lives. Mr. McLaughlin said they live in Highland, less than a 5 minute drive from this facility. Mr. Ambrose asked how many employees he thinks he will need for the golf course. Mr. McLaughlin said their employee count is currently at 24, and he doesn't believe that would increase significantly. He said it might increase to 30, depending on the season; **IX.** Nicholas Cohan, ZBA Member, asked if these are 24 fulltime employees. Mr. McLaughlin said no, they are mostly teenagers and college students that work part time. He said they have one salaried employee, and they have 2-3 other managers that are getting enough hours to be considered fulltime; **X.** Joe Schumacher, neighboring property owner, said he didn't approach Mr. McLaughlin, because he received the letter from him while they

were gone on vacation. Mr. Schumacher said that building was a church, then the church went under, and aerobics were being done in that building. He said when that place went under, it went to a business, and that little area of the parcel is the only part that is zoned for business, while the rest is agricultural. Mr. Schumacher said he doesn't have a problem with putt-putt golf, but when he zones it for business and then sells it, he is concerned what else might go out there. He said they have lived there since 1991, there have been people on the property in the middle of the night since there's nobody out there, and said it would be a good place for kids to go hide. Mr. McLaughlin stated that is no longer the case, since they have a full camera system. Mr. Schumacher said he has cattle next to this property as well as bees. He said it is a bad turn into there and they have seen plenty of wrecks through the years. He also said if they ever have to call the police, they have to wait for the County to come out, and they aren't close. Mr. Schumacher said the biggest concern he has is what would happen if the putt-putt golf doesn't make it; **XI.** Noelle Maxey, Zoning Coordinator, said that since this is a "B-5" Planned Business District, what is approved in the Conditions of Use, which is the amusement center and miniature golf course, those are the only uses that would be allowed on the property. She said if anyone in the future wanted to do anything different, they would have to come back and do this same process again to amend the "B-5" district or to rezone it to a different district; **XII.** Ms. Maxey read aloud the following letters of opposition that were submitted for the record via email: (1) "This is David Munie, about the ZBA File Number Z22-0050 property, we are very concerned about more traffic in and out of the entrance. There have been several accidents at that entrance in the past with minimal traffic. The more that is at this location will bring more traffic with a greater possibility of more accidents. The entrance is close to the crest of the hill to the north. Traffic does not have much notice if someone is turning. We do not want someone seriously injured. Thank you for letting me voice my concerns." Mr. McLaughlin stated that he reached out to the County to request a sign that would say something about "entrance to business in 500 feet" or something like that. He said a representative from the County did come on site, and explained how that type of sign is not applicable for them due to the speed limits and other things, and he assured Mr. McLaughlin that they don't need it. He said he does still think a sign would be helpful, if that would help quell that concern. He said he shares that concern and would like there to be a safer way to go in and out. Ms. Maxey continued reading aloud the opposition letters: (2) "My firm has been retained by David Munie who was provided notice of this hearing. I anticipated being hired to represent other landowners near the subject property as well. The petition of Justin and Hillary McLaughlin to rezone the above-referenced property to "B-5" Planned Business District should be denied. The text for the "B-5" Planned Business District in the Madison County Zoning Ordinance states that the subject area should be favorable for commercial growth but be experiencing a variety of developmental problems. This specific property is not favorable for commercial growth as it is completely surrounded by residential and agricultural land. Further, developmental problems, if any, of this parcel would be due to not being located near any other commercial properties. The intrusion of an expanded commercial use at the subject property would also have a serious negative effect on the value of neighboring properties and on the quality of life for the residents both abutting and completely surrounding the subject parcel. These negative issues include, but are not limited to, noise, safety, privacy, lights, littering, and aesthetic views. The rezoning of this property would have other adverse impacts on all surrounding residential properties. At present the traffic at this location is dangerous due to a nearby hill with no visibility and the excessive speed that vehicles travel in both directions. It is hazardous to turn onto US Hwy 40 already in this area and adding more vehicles for expanded commercial use, including the requirement of these vehicles entering and exiting the subject parcel, will only increase this danger. The undersigned has previously reported this traffic issue to Saline Township. Any additional traffic would absolutely make an already dangerous situation even worse. The applicants were, or should have been, aware of current zoning when they purchased the property as well as aware that surrounding area is entirely residential with some agricultural land. In fact, I believe that the subject property is on either a septic system or aeration system, which is more suited to residential property. The owners were, or should have been, on notice that expansion is not feasible for all the reasons mentioned herein. Any change in zoning to the subject property would be spot zoning which does not conform to, and is inconsistent with, the surrounding area for which the character is residential. I request that the Zoning Board of Appeals review all of these concerns as stated prior to making a decision and thereafter deny this petition. Thank you, Duane C. Clarke, Esquire."; **XIII.** Mr. Irby asked Mr. McLaughlin to clarify if he is in business right now. Mr. McLaughlin responded yes, they are currently celebrating their 1-year anniversary. He said they are doing pretty well, and their parking lot was full today. Mr. McLaughlin said they have been in business successfully approaching one year, and feels they are an asset to the community. Mr. Irby asked Mr. McLaughlin if there are any other businesses like his in the community. Mr. McLaughlin responded no, that the only close family entertainment centers are in Edwardsville, such as Edison's or Altitude Trampoline Park; **XIV.** Ms. Maxey continued reading aloud the opposition letters: (3) "I am Pamela K. Schumacher, a resident/farm owner living at 13205 US Highway 40 in Highland. I have been a resident of this property for over 53 years, and have raised horses, cattle, hogs, chickens, sheep, goats, etc. and also currently have honey bees

housed on our property. I am writing to express my opposition to the proposed rezoning and development of property at Mac's Family Fun Time at 13229 US Highway 40 in Highland, Illinois. The rezoning of this property from "A" Agricultural District and "B-2" General Business District to "B-5" Planned Business District is stated to include a miniature golf course but with the rezoning would enable property owner to also add additional businesses and buildings to the property. The original rezoning of this agricultural property was for a church and if/when the church was no longer housing a church it was to go back to all agriculture. Several owners back, skirted that by having "Yoga for the Lord" or something along those lines. The existing property was never rezoned back to agricultural and was dropped. The property which is currently in agricultural district at this address was not kept as agricultural as stated by current owners' personal letter to us – to save on taxes. All the property was to go back to agriculture, but was again skirted. Our opposition is also based on these potential/probable negative effects: there are currently existing issues with this property with drainage as their parking lot drains onto the easement of the 13217 property and our property at 13205 causing our pasture land to continually be wet. If this is identified as "B-5" and additional businesses are able to be constructed on this property, it will also cause additional issues with sewage, and an already stressed power grid for our area. A decrease in the market value of my home/farm. Increased traffic congestion adding to an already dangerous situation at the crest of a hill on an already busy US Highway 40. The destruction of green space as well as driving animals out of the area onto Highway 40 causing accidents. This type of business does not fit into the agricultural neighborhood – if it was in the city limits of Highland, I could understand where kids could walk and ride bikes to the current establishment but now with the rezoning push, I believe it is a step towards adding additional business/buildings to a property. Please do not rezone this site to "B-5". Once the property is rezoned, the property owner can change the original concept within the approved "B-5" zoning." (4) "I am writing to express my strong opposition to the change of the zoning from "A" Agricultural District and "B-2" General District to "B-5" Planned Business District, the proposed rezoning at 13229 US Highway 40 I have lived on my farm property for over 60 years and while the local community may believe this to be good for the children, which I too would believe if it was in an area where kids were able to safely walk and ride bikes to, but on a very busy US Highway 40, I personally do not believe this is the correct area for this type of business. Believe that a majority of adjacent property owners are completely opposed to the addition of businesses/buildings on this property, which in turn will cause additional traffic and safety problems, creating even more problems with destroying local wildlife habitat, and lowering the property values of the existing residential/farm area. Traffic and safety are major areas of concern. Traffic coming west bound on US Highway 40 through a dip and on the crest of a hill is currently extremely dangerous during some of the busiest times of the day which are morning and evening rush hours, on again a very busy US Highway 40. Additional drainage and septic system issues. I believe septic issues killed at least 8 of our black walnut trees when the establishment was a church. Property values are likely to go down in the area due to business/buildings which are inconsistent with the current development in the area. Wildlife is abundant in this area, and any additional development will destroy their habitat. Additional planned development of the property should consider the continuing impact to local wildlife habitat. I urge you to disapprove the proposed rezoning, and from discussions with neighbors, I know my opinions are shared by many who will not be able to attend meetings or write letters and emails. Do not believe this rezone is entirely for the proposed "miniature golf course" but to enable the owners to add additional business/buildings to property. Thank you for your continued service and support of our farming community. Best regards, Roberta Cruthis." (5) "I would like to voice concern for the rezoning request being made by Justin and Hillary McLaughlin of Mac's Family Fun Time. My main concern is safety on the highway at the entrance to their business. It's just a bad spot. Cars approach too quickly heading east and are many times not prepared to stop for traffic turning into this property. Westbound cars have limited visibility, as the entrance is too close to the crest of the hill. We've witnessed accidents there through the years and many near accidents. We've already that farmland being zoned to special use for a church, then the next owners had it rezoned "B-2" General Business for the Dance House, and now the new owners are wanting to expand that permit to a "B-5" Planned Business District. We're concerned about what will happen next with that property when this business is gone. The pattern seems to be that buyers are buying, then rezoning. My question is, did the McLaughlins not know this property wasn't zoned correctly when they financed it? I'm not opposed to the vision that the McLaughlins have, and mean no ill will. I just think this is an inappropriate place for increased traffic caused by an expansion of a business. This is a residential neighborhood, and we'd like to keep it that way. Thank you, Donna Munie."; **XV.** Mr. McLaughlin said if he had to sense a theme in those letters, it seems to be traffic, and danger of the traffic. He said he would actually concede the point. He said on his end of people exiting the business, he could make a very nice sign that says "please use extra caution with high speed traffic on the road" to remind drivers going back onto the road to be cautious. Mr. McLaughlin stated that he would go back to the County again and tell them this is a concern for the residents in the area for the growth of his business, and he would request again a sign for traffic entering and leaving the road. He feels that this could all be addressed through additional

signage; **XVI.** Ms. Goode said it appears that Mr. McLaughlin has plenty of property along the road there, and that maybe he could consider using part of his property as an easement for access. Mr. McLaughlin said he would be very open to anything like that and thinks it is a phenomenal idea if it is possible; **XVII.** Mr. Cohan asked Mr. McLaughlin if he had said earlier that he approached the city and they said the sign wouldn't be needed. Mr. McLaughlin responded that the County Highway Department had visited and said a sign was not needed for traffic entering and leaving the highway, and said this didn't fulfill the requirements to request this type of sign, so he was not allowed to pursue it any further. He said it had to do with distance to the entrance, the speed limit, and other factors. Mr. McLaughlin said it is a clearly a concern by the neighbors, and that concerns him; **XVIII.** Mr. Ambrose asked about runoff, noting some of the opposition was in regards to runoff. Mr. McLaughlin said they have a gravel lot, so he's not really sure what the runoff is referring to. He stated that their septic system was updated and upgraded when they did their initial purchase a year ago. He said it was inspected by the County as well and is all to spec, so he is not sure what runoff is being referred to. He said they don't have any standing water of any kind. Mr. Schumacher said that the runoff goes across his property, no matter what kind of septic system was put in, and said that's why the trees died. He said when the building got put in, they raised the lot between their properties, and now his property drains very slow. Mr. McLaughlin said, to reiterate, that was before they owned the property; **XIX.** Mr. Cohan asked if the septic system is still a problem now. Mr. Schumacher said he didn't replant the trees in fear that they would die again. He said he had problems with the previous two owners, but he didn't bring it up with Mr. McLaughlin. Mr. Cohan asked again, if Mr. Schumacher is still having a problem now. Mr. Schumacher said yes, that his yard takes forever to drain, where it used to drain much faster. Mr. McLaughlin said he is grateful to Mr. Schumacher for attending this meeting, and he can assure him if there was an issue with drainage between their two properties, if there's anything he can do to prevent or plan for to make it better for Mr. Schumacher, he will do so. Mr. Schumacher said since it's going to get rezoned, he doesn't know how it could get better. Mr. Cohan suggested if there are still problems, that maybe someone from the County would need to go out and do a more thorough job of looking at it. Mr. McLaughlin stated that the County did inspect it prior to and after the construction of the new system that was put in when they acquired the building. Chris Doucleff, Building and Zoning Department Administrator, said he remembers Mr. McLaughlin getting the new system, and said the system would have to be completely on their property; **XX.** Ms. Goode asked Mr. McLaughlin if he remembered who put the system in. Mr. McLaughlin responded that he could get that information off of his phone, but that it was a company from Highland that was from a list of licensed private sewage installers. Mr. Doucleff said that any effluent from any system would have to be contained on the property, and that there is plenty of room out there. He said any discharge would have to meet state or county code for the setbacks from the property lines. Mr. Doucleff said if there is effluent running off the property onto a neighboring property, that would be a violation. He said this is a new system and we haven't gotten any complaints on it, so as far as he knows there are no problems with the private sewage system whatsoever. Mrs. McLaughlin said one of the reasons they put in a new system, was because the previous system was in a huge disrepair, and that could have easily been part of the problem; **XXI.** Mr. Irby asked Mr. Schumacher if the larger issue is the septic system or the traffic issue. Mr. Schumacher said the buildings that could possibly be added if it is rezoned is the concern. Mr. Doucleff reiterated that if the McLaughlins walk away from this, any other use would have to come back for approval since this is a Planned District. He said they will be allowed to do the amusement facility, miniature golf course, and ice cream shop.

Roll-call vote.

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

Nays to the motion: Thomas Ambrose

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Attachment "A" – "B-5" District Conditions of Use

(A) The applicant will be required to adhere to all district conditions and use requirements below. Should the applicant submit plans with substantial differences than the proposed use(s) and accompanying site plan, the applicant will be required to return to the Building & 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 Setback: 50 feet
 - b. Side Yard Setback: 25 feet
 - c. Rear Yard Setback: 50 feet
2. Additional Requirements: Signs §93.118, Parking §93.147, Loading Area, §93.148.

(C) Permitted Uses

1. Amusement establishments: Bowling alleys, pool halls, dance halls, skating rinks, and other similar places of recreation
2. Miniature golf courses
3. Candy and ice cream shops

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

1. Accessory uses that are clearly associated with and supplementary to the principal uses of the lot or tract of land.
2. Off-street parking and loading.

(E) Prohibited uses.

1. Any uses not listed in the above Permitted and Accessory Uses sections.

Finding of Fact and Recommendations

Hearing Z22-0051

Petition of Adam Honegger, applicant on behalf of Keith and Joy Honegger, owners of record, requesting Special Use Permits as per §93.023, Section D, Items 28 and 40 of the Madison County Zoning Ordinance in order to have a sales yard and Agritourism Operation on site. Also requesting a variance as per §93.117, Section C, Item 1 in order to have up to 10 square feet of signage instead of the 4 square feet allowed. This is located in an "A" Agricultural District in Edwardsville Township **along Old Troy Road, Glen Carbon**, Illinois, County Board District #24, PIN# 14-1-15-25-00-000-012

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

Members Absent: Sharon Sherrill

A **motion** was made by Cedric Irby and **seconded** by Nicholas Cohan that the petition of Adam Honegger & Keith and Joy Honegger be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Adam Honegger. Any change of ownership/tenant will require a new Special Use Permit to operate the same types of businesses.
2. The Agritourism Operation must meet the requirements listed in §93.105 AGRITOURISM of the Madison County Zoning Ordinance.
3. The owner shall keep the property in compliance with all Madison County Ordinances, including but not limited to the Madison County Zoning Ordinance.
4. Failure to comply with the conditions of the Special Use Permits 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.** Adam Honegger, applicant, stated that earlier this year, he and his wife started a small business called "Woven Flower House", which includes a flower farm set on a small portion of his family's farm along Old Troy Road, owned by his parents. They used about 2.5 acres along Old Troy Road for field-grown flowers and flower beds. Mr. Honegger said that coming out of Covid lockdown, they had a desire to share beauty and joy with their community by growing flowers. He said for this permit specifically, they applied for the Sales Yard Permit to be allowed to sell flowers and other local products at a farm stand. He said without the Sales Yard Permit, they are only allowed to sell products that they grow on site, which would require them to have a larger farm operation than they intend to have. They want to be able to use the flowers in their arrangements that they buy from other local farmers, and from the flower market in St. Louis, and this Sales Yard Permit would allow them to do that. Mr. Honegger said they would like to offer other local products like honey and eggs at the farm stand. He said for the Agritourism Permit, they would like to offer floral design workshops, farm tours, school fieldtrips, family days, and U-Pick flowers. He said the flower farm is adjacent to his parents' house, so any concern for safety or traffic would be a concern of theirs as well. He said their plan is to offer these activities on select days and times, and that most activities would require preregistration. Mr. Honegger said they don't have any plans or desires to become a large-scale operation; **VI.** Mary Goode, ZBA Member, asked how long they have been doing this. Mr. Honegger said they started business this February. Ms. Goode then asked if the Honeggers have been involved in the florist business before. Mr. Honegger stated that his wife has been taking floral design classes, and has been doing flowers for weddings for a number of years for family and friends. Ms. Goode asked if this would be more of a hobby than an income. Mr. Honegger said yes, that he has an "off-farm" job as his primary source of income. Ms. Goode asked to clarify that they do plan on this being a business down the road. Mr. Honegger said yes, that they have gotten a lot of positive feedback from community members that have stopped at the farm stand already, and there seems to be a lot of interest and excitement about having this in town, so they are hopeful that it will become a business; **VII.** Brian Smith, from the Ebbetts Field neighborhood HOA, said the neighbors don't fully understand the request. He said there are a lot of questions about how this is going to impact their neighborhood and the area around them. Mr. Smith said they would like more information on what the Honeggers have planned and how they can get behind this as a neighborhood to support it. Mr. Honegger said he understands the questions that are being brought up, and he put together a document and met with some of the neighbors to try to answer some of their questions. Mr. Honegger said the parcel is 65 acres, and while they have no intention of using the whole 65 acres, the parcel isn't subdivided. He said at most they would be using 5 or 6 acres right

off of Old Troy Road; **VIII.** A neighboring resident named Mary Beth said she lives right across the street from this property and is also part of the Ebbetts Field HOA, and is trying to gather information. She thinks the flower farm portion sounds lovely, but her concern is with the Agritourism part of the operation. She said there is no guarantee that this won't become something bigger. She wants to know what happens in the future if they are done with the flower farm business and this property is now zoned for agritourism. She asked if that then gives everyone a "free pass" to work within the regulations of agritourism to include camping, fishing, hiking, tours, horseback riding and petting zoos. She also noted that alcohol is allowed on these sites, and said there is no guarantee that this is what it will stay. She expressed concerns for the safety of her children and the other children that live in the surrounding area, and said she doesn't feel that they have enough information. Mary Beth said this starts out as a flower farm, but despite not wanting to expand to a larger operation at this time, what is the guarantee that they couldn't? She feels that there should be plans in place for the granting of this permit. She said they built their home last year and it was going to be their forever home. Ms. Goode asked Mary Beth if there are other operations like this in the area. Mary Beth mentioned Rinkel Farms and Eckerts. She is concerned that there is no guarantee that they won't expand into something larger, like Eckerts, and then there will be bounce houses and rides and the like; **IX.** Ms. Goode asked if there would be any way to section off 5 acres of that property to where it could just be used for that. Chris Doucleff, Building & Zoning Department Administrator, said the property would have to be subdivided. Mary Beth said this would make her feel better, because as it stands now, she could look out her driveway, and across the street she could potentially have a camping site. She said it is concerning to think of having to sell her home with that across the street; **X.** Mr. Honegger said they started the business this year and are figuring things out. He said while he can't project the future, he can share what his plans are now and what his hopes would be. His vision is no more than 5 or 6 acres. Ms. Goode asked Mr. Honegger if he would entertain a one time split of 5 acres. Mr. Honegger said that it would be up to his parents, as it is their property. Mr. Honegger said the reason they want to apply for the agritourism permit now in order to plan for the future, and they want to offer floral design workshops, educational opportunities, farm tours and U-Pick. He said the only way to be able to do those things is to apply for the agritourism permit. Mr. Honegger said that Rinkel pumpkin farm down the street on Old Troy Road sells pumpkins, but his operation is limited to the pumpkin season. He said the flower farm is unique for this area, and there are other local flower farmers in the area, but mostly they are doing it at their house or they sell only to florists; **XI.** Thomas Ambrose, ZBA Member, asked if this special use permit is the only way he can move forward. Mr. Honegger said the special use permit allows them to do the other things they want to do and provide these other products at the farm stand, like eggs and honey, and other flowers they acquire elsewhere. Mr. Ambrose said the neighbors are concerned about different issues. Mr. Honegger said yes, he believes the main concern is the agritourism aspect of the special use permit and how big the operation could get; **XII.** Cedric Irby, ZBA Member, asked Mr. Honegger what he would say to the neighbors about this "sky's the limit growth". Mr. Honegger said their vision is 5 to 6 acres right off of Old Troy Road. He said again that his parents live the closest to the operation they are running now with the flower farm and intending to use these permits for. He said safety concerns, how big does it get, how many people are coming, and all other concerns that are valid, are their concerns first and foremost because they live on site. Mrs. Honegger spoke and said she has really enjoyed meeting the community members that have come by, and she would love their farm to be a place where community members and school children are welcome to come, and they can teach them and educate them about what they do, and that is one unique reason that they would need the agritourism permit, to welcome people onto the farm and discuss what they do; **XIII.** Diane Hoffman, neighboring property owner, said they are ok with the farm stand being there, but their concern is future expansion. She asked what the timing is of that, and if there would be fencing or screening from the parking lot for the residents there. Mr. Honegger said their intention would be to meet the requirements of the special use permit for agritourism, and that they would have those things in place; **XIV.** Kim Osmer, neighboring property owner, said she has a huge amount of respect for Mr. Honegger's parents, and that they helped them a lot when they had a flood in their cul-de-sac. She said her only question is what is going to happen to the water runoff once they start to establish new topography there. She also asked if it is possible to put a large distance between where the houses' backyards end, and where the farm operation starts, since these neighbors have a lot of money in their houses. Mr. Honegger said his parents' parcel extends back along most of the homes in Ebbetts Field, and since it is not part of the flower farm, there is a buffer of several hundred feet. He said any sort of structure of building they put up in the future would be done to code and would meet any requirements for drainage; **XV.** David Nichols, neighboring property owner, said he had questions about the plans, so he went to talk to the Honeggers, and now he completely supports what they are trying to do; **XVI.** Noelle Maxey, Zoning Coordinator, read aloud the following letters that were submitted for the record via email: (1) "Thank you for your time in allowing me to propose my questions related to the application request for Adam Honegger File Number Z22-0051 as I was a resident who received a letter. I will not be able to attend due to prior obligations. However, I wanted to submit my questions

ahead of time for the hearing. Can you please explain the current operational intent as well as any other future intent of the use of the land that is now under consideration of being rezoned for agritourism? Are there any drafted plotted plans, drafted designs made ready to review of current or future intent of the considered? Will they be made public for review? While research shows that agritourism has the potential to help revitalize rural economies, educate the public about agriculture, and preserve agricultural heritage operations like this it also increases pollution through traffic emissions, littering, increased sewage production, privacy concerns, increased theft, risk of liability for accidents and noise. What are the plans to mitigate exposure to these risks to the adjacent subdivisions? Will this land be considered commercial, and if minds are changed on how the initial use of the land will be, will there be free will to decide on what it will be used for? What is the effective date of when the agritourism operation will be up and running? What parameters are in place to ensure the privacy of the adjacent subdivision homeowners who will be impacted by this said operation? What is the traffic volume anticipation for said agritourism operation? How will this potentially decrease the value of homes ranging from \$500,000-\$1 million in Ebbets as well as those adjacent subdivisions? What are the safety precautions being taken for unwanted visitors of the subdivision so close? How will this impact residential taxes? Thank you, Christie Fussell.” (2) “Questions and comments regarding ZBA File Number Z22-0051, petition of Adam Honegger. I am concerned about the agritourism operation permit being combined with the sales yard permit. There are no details describing what the agritourism might include, other than mention of farm tours, workshops, or a u-pick operation, or other possible agritourism activities. Farm tours would require some sort of a farm to be erected, or at least a type, or types, of plants, or perhaps animals, to be on the property. Plus, there would be some sort of roads or paths and probably vehicular conveyances necessary. Workshops – would these be held in the sales yard area, or would they require other buildings? U-pick – what types of fruits and/or vegetables would be included? People picking produce would be close to many houses in the adjacent housing areas. There would have to be some sort of procedures for people to get to the produce to be picked, company conveyances, individual vehicles, or foot traffic. This could cause noise, and various disruptions to people who live there. There might be a concern about security of homes. Or other possible allowable agritourism activities – what might these be? The referenced 93.105 agritourism, section A, presents a list of possible things, including camping and picnicking, wagon/sleigh rides, and petting zoo. Hours of operation says shall be 7:00 a.m. to 7:00 p.m. Monday through Sunday. The petition mentions “a thriving and beautiful flower farm with selected agritourism activities will boost the value and allure of the neighborhood.” This depends upon many factors, only one of which is flowers past their prime may not be beautiful. I believe that there needs to be a detailed plan describing the agritourism operation before a special use permit can be considered for it. From Joseph Michlitsch, owner of adjacent property.”; **XVII.** Ms. Maxey said, just to remind the zoning board, they do have the ability to approve one of the special use permits and not the agritourism one, just to let them know all of their options.

Roll-call vote.

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

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 Z22-0052

Petition of Michael Carlson, applicant on behalf of Justin and Margaret Litteken, owners of record, requesting a variance as per §93.023, Section B, Item 2 of the Madison County Zoning Ordinance in order to construct an attached garage addition to an existing home that would be 26 feet from the south property line instead of the required 50 feet. This is located in an "A" Agricultural District in Pin Oak Township at 8759 Maple Grove Road, Edwardsville, Illinois, County Board District #11, PIN# 10-2-16-27-00-000-013

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

Members Absent: Sharon Sherrill

A **motion** was made by Mary Goode and **seconded** by Nicholas Cohan that the petition of Michael Carlson & Justin and Margaret Litteken 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.** Justin Litteken, property owner, stated that they bought this property in December, and to the northeast of it is Fawn Meadows subdivision, which is a nice newer subdivision with concrete streets and bigger houses. He said they are just looking to help increase the aesthetics of their house and help keep property values up. Mr. Litteken said currently there is an old white shed on the property that's dilapidated, so they are looking to add the addition straight onto the house to give access right into the house, to not worry about running out into the rain.

Roll-call vote.

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