

Madison County Zoning Board of Appeals Meeting Minutes
Tuesday, August 22, 2023 at 5:00 p.m.
County Board Room

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

Members Absent: George Ellis

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 27, 2023. Thomas Ambrose made a motion to approve. Seconded by Mary Goode. Voice-vote. All ayes. Motion approved.

C. Overview of Zoning Petitions and Staff Review

Jen Hurley, Zoning Coordinator, gave a brief overview of the four zoning petitions and provided staff review.

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

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

E. Zoning Hearings

The Zoning Board of Appeals conducted the zoning hearing on the six agenda items.

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

F. Citizens Wishing to Address the Zoning Board of Appeals

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

G. Unfinished Business

None

H. New Business

1. **Hearing Z23-0046** – Petition of Nicole Jones, owner of record, requesting a Special Use Permit as per §93.025, Section G, Item 20 of the Madison County Zoning Ordinance in order to keep chickens on the property and a variance to have 6 chickens instead of the maximum 5 allowed. Also requesting a variance as per §93.100, Section B, Item 5 for the chicken coop to be 17 feet from the east property line instead of the required 20 feet. This is located in an “R-3” Single-Family Residential District in Chouteau Township at **521 E Chain of Rocks Road, Granite City, Illinois**, County Board District #21, PIN# 18-2-14-27-04-406-009. A **motion** was made by Nicholas Cohan and **seconded** by Thomas Ambrose that the petition of Nicole Jones be as follows: **Approved with Conditions**. Roll-call vote. All Ayes. **Motion passes**.
2. **Hearing Z23-0048** – Petition of Ed Tidwell, owner of record, requesting a Special Use Permit as per §93.025, Section G, Item 9 of the Madison County Zoning Ordinance in order to place a single-wide mobile home on site for the occupancy of Aaron Tidwell and Briana Tidwell for a period not to exceed 5 years. This is located in an “R-4” Single-Family Residential District in Wood River Township at **1342 1st Street, Cottage Hills, Illinois**, County Board District #5, PIN# 19-2-08-03-04-406-012. A **motion** was made by Mary Goode and **seconded** by Sharon Sherrill that the petition of Ed Tidwell be as follows: **Approved with Conditions**. Roll-call vote. Ayes: Thomas Ambrose, Mary Goode, Cedric Irby, Sharon Sherrill. Nays: Nicholas Cohan. **Motion passes**.
3. **Hearing Z23-0050** – Petition of Edwin Winkler, owner of record, requesting a Special Use Permit as per §93.023, Section D, Item 20 of the Madison County Zoning Ordinance in order to place a double-wide mobile home on site for the occupancy of Marilyn Stevens for a period not to exceed 5 years. This is located in an “A”

Agricultural District in Pin Oak Township at **9029 Pin Oak Road, Edwardsville**, Illinois, County Board District #11, PIN# 10-1-16-14-00-000-001.004. A **motion** was made by Sharon Sherrill and **seconded** by Mary Goode that the petition of Edwin Winkler be as follows: **Approved with Conditions**. Roll-call vote. All Ayes. **Motion passes**.

4. **Hearing Z23-0051** – Petition of Clifton Arbuckle, applicant on behalf of Kelly Mensman, owner of record, requesting a Special Use Permit as per §93.025, Section G, Item 20 of the Madison County Zoning Ordinance in order to keep chickens on the property and a variance to have 12 chickens instead of the maximum 5 allowed. Also requesting a variance as per §93.100, Section B, Item 6 for the chicken run to be 12 feet from the east property line instead of the required 20 feet. This is located in an “R-3” Single-Family Residential District in Fort Russell Township at **373 Maple Drive, Bethalto**, Illinois, County Board District #14, PIN# 15-2-09-08-04-405-011. A **motion** was made by Mary Goode and **seconded** by Sharon Sherrill that the petition of Clifton Arbuckle and Kelly Mensman be as follows: **Approved with Conditions**. Roll-call vote. Ayes: Nicholas Cohan, Mary Goode, Sharon Sherrill. Nays: Thomas Ambrose, Cedric Irby. **Motion passes**.

I. Zoning Coordinator’s Report

Jen Hurley, Zoning Coordinator, informed all applicants of the upcoming Building & Zoning Committee meeting, where their requests will be heard next.

J. Adjournment

Mary Goode made a motion to adjourn the meeting. Seconded by Cedric Irby. Voice-vote. All ayes. Motion passes. Meeting adjourned.

Finding of Fact and Recommendations

Hearing Z23-0046

Petition of Nicole Jones, owner of record, requesting a Special Use Permit as per §93.025, Section G, Item 20 of the Madison County Zoning Ordinance in order to keep chickens on the property and a variance to have 6 chickens instead of the maximum 5 allowed. Also requesting a variance as per §93.100, Section B, Item 5 for the chicken coop to be 17 feet from the east property line instead of the required 20 feet. This is located in an "R-3" Single-Family Residential District in Chouteau Township at 521 E Chain of Rocks Road, Granite City, Illinois, County Board District #21, PIN# 18-2-14-27-04-406-009

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

Members Absent: George Ellis

A **motion** was made by Nicholas Cohan and **seconded** by Thomas Ambrose that the petition of Nicole Jones be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Nicole Jones. Any change of tenant or ownership will void the Special Use Permit, and a new Special Use Permit will have to be obtained to keep domestic farm animals on the property.
2. A maximum of 6 chickens (hens only) are permitted on site. Roosters and free-range chickens are prohibited.
3. The owner/applicant shall keep the property in compliance with all Madison County Ordinances, including but not limited to §93.100 Domestic Farm Animals.
4. Failure to comply with the conditions of the Special Use Permit will cause revocation, and immediate removal of the chickens, run, and coop will be required.

The Finding of Fact of the Board of Appeals: **I.** The zoning file, staff report, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance; **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Nicole Jones, applicant, said that she wasn't aware that she needed a permit for the chickens. She said she checked with the township website. Ms. Jones stated that they looked into having chickens and researched them for a couple years, and then finally got the chickens about a year ago. She said she is asking for the variance for the number of chickens because they have enough run space for six. Ms. Jones said the coop is a permanent structure that used to be a shed, so since it can't be moved, she is asking for a variance for that as well; **VI.** Thomas Ambrose, ZBA Member, asked Ms. Jones how big her lot is. Ms. Jones said it is .56 acres; **VII.** Mr. Ambrose asked Ms. Jones if she has talked to the Department of Livestock. Ms. Jones said she has not; **VIII.** Cedric Irby, ZBA Member, asked Ms. Jones why she needs to have six chickens. Ms. Jones said they previously had 8 chickens, but found out they didn't have enough space for eight, so she gave two to a family member that had the space. Mr. Irby asked Ms. Jones if she would be ok with five, and she said yes, if she has to.

Roll-call vote.

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

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z23-0048

Petition of Ed Tidwell, owner of record, requesting a Special Use Permit as per §93.025, Section G, Item 9 of the Madison County Zoning Ordinance in order to place a single-wide mobile home on site for the occupancy of Aaron Tidwell and Briana Tidwell for a period not to exceed 5 years. This is located in an "R-4" Single-Family Residential District in Wood River Township at 1342 1st Street, Cottage Hills, Illinois, County Board District #5, PIN# 19-2-08-03-04-406-012

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

Members Absent: George Ellis

A **motion** was made by Mary Goode and **seconded** by Sharon Sherrill that the petition of Ed Tidwell be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Aaron Tidwell and Briana Tidwell for a period not to exceed 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 Aaron Tidwell and Briana Tidwell 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 Aaron Tidwell and Briana Tidwell vacate the structure.

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.** Ed Tidwell, applicant, stated that he is requesting this Special Use Permit for his son, who lives in Worden and is disabled, in order for him to be able to move back home and put his mobile home on this lot. He said his son would be closer to BJC Health Systems and closer to his four brothers; **VI.** Mary Goode, ZBA Member, asked if it is a new mobile home. Mr. Tidwell said it was a one-owner mobile home that is in perfect condition. Ms. Goode asked if the lot is set up for the mobile home. Mr. Tidwell said he is waiting for his soil samples, and then he will determine if he's going to go with 2 feet of concrete on each side or 8 pillars. He said he signed a contract with someone to put it in; **VII.** Cedric Irby, ZBA Member, asked how many other mobile homes are in the area. Mr. Tidwell said there are quite a few, and one is right across the street. Mr. Irby asked what Mr. Tidwell thought about the person not wanting him to have the mobile home. Mr. Tidwell said with everything good and bad, there's going to be complaints. He said they live in Forest Homes, and there might be overgrowth that they wouldn't consider overgrowth. Mr. Tidwell said with the help of Building and Zoning, they have taught him how to keep things trimmed and what needs to go so there wouldn't be a lot of complaints; **VIII.** Mr. Irby asked if this is a professional company that's going to be placing the mobile home. Mr. Tidwell said yes, they work for Clayton Homes and are out of Missouri, and have been in business for 48 years; **IX.** Nicholas Cohan, ZBA Member, asked if the derelict vehicles that were previously on the property are still there, or if the property is in compliance. Chris Doucleff, Building and Zoning Department Administrator, said that the property is in compliance now. Mr. Tidwell said that he had a lot of cars because he had 10 kids that are all adults now. He said he has always had classic cars for his kids, and he has always kept them busy in Forest Homes with hobbies to keep them away from drugs. He said his children do not have any drug use or crime and they are very responsible; **X.** Thomas Ambrose, ZBA Member, asked who all of the vehicles belong to that are on his lot. Mr. Tidwell said he had a building in East Alton where cars were auctioned. He said they had about 26 classic cars over the years and he just never got rid of them and he kept them in good shape for his kids to have as hobbies; **XI.** Jen Hurley, Zoning Coordinator, read aloud the following letter that was submitted for the record: "Dear Madison County Zoning Board of Appeals, we have received your letter about my neighbor, Ed Tidwell's request for a special use permit to place a single-wide mobile home on his property for occupancy. We are unable to attend the public hearing to voice my concerns about this request, but we hope you consider them when making your decision. During the time that Ed Tidwell has owned this property, he has parked unused and abandoned vehicles, an RV, and busses on the land with no concern about how this impacts the property values around him. He also has a condemned house on the lot that should be dealt with immediately. The attached pictures evidence the condition of his property. Because of his neglect and lack of care in maintaining his property, we have serious reservations about him being permitted to place a mobile home on the land for occupancy. However, we would be open to the request if he was required to remove the accumulated trash and abandoned vehicles, demolish the condemned house, and continue maintaining the property

throughout his ownership. If this is not done, we fear that the condition of his property will continue to get worse. We hope that you take my concerns into account when deciding on his permit request. Thank you for your consideration, Elisha and Micheal Bechtold, owners at 1350 1st Street.”; **XII.** Mr. Doucleff clarified that there is not a condemned house on this property. He said there’s a house on the neighboring property, which was Ed’s father’s house. Mr. Doucleff said that it is not condemned and it is on a separate parcel.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, Mary Goode, Cedric Irby, Sharon Sherrill

Nays to the motion: Nicholas Cohan

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z23-0050

Petition of Edwin Winkler, owner of record, requesting a Special Use Permit as per §93.023, Section D, Item 20 of the Madison County Zoning Ordinance in order to place a double-wide mobile home on site for the occupancy of Marilyn Stevens for a period not to exceed 5 years. This is located in an "A" Agricultural District in Pin Oak Township at 9029 Pin Oak Road, Edwardsville, Illinois, County Board District #11, PIN# 10-1-16-14-00-000-001.004

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

Members Absent: George Ellis

A **motion** was made by Sharon Sherrill and **seconded** by Mary Goode that the petition of Edwin Winkler be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Marilyn Stevens for a period not to exceed 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 Marilyn Stevens occupies 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 Marilyn Stevens vacates the structure.

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.** Edwin Winkler, applicant, said he is requesting a Special Use Permit for his mother, Marilyn Stevens. He said he would like to bring in a brand new, double-wide, manufactured home for her to live in. Mr. Winkler said she is getting up in age and having trouble, so he is wanting to move her on the farm so he can help take care of her. He said he is legally blind, so he can't just drive over to her house everyday to help her out; **VI.** Mary Goode, ZBA Member, asked Mr. Winkler where his mother lives now. He said she currently lives in a home in Troy but is no longer able to take care of it.

Roll-call vote.

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

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z23-0051

Petition of Clifton Arbuckle, applicant on behalf of Kelly Mensman, owner of record, requesting a Special Use Permit as per §93.025, Section G, Item 20 of the Madison County Zoning Ordinance in order to keep chickens on the property and a variance to have 12 chickens instead of the maximum 5 allowed. Also requesting a variance as per §93.100, Section B, Item 6 for the chicken run to be 12 feet from the east property line instead of the required 20 feet. This is located in an "R-3" Single-Family Residential District in Fort Russell Township at 373 Maple Drive, Bethalto, Illinois, County Board District #14, PIN# 15-2-09-08-04-405-011

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

Members Absent: George Ellis

A **motion** was made by Mary Goode and **seconded** by Sharon Sherrill that the petition of Clifton Arbuckle & Kelly Mensman be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Clifton Arbuckle and Kelly Mensman. Any change of tenant or ownership will void the Special Use Permit, and a new Special Use Permit will have to be obtained to keep domestic farm animals on the property.
2. A maximum of 12 chickens (hens only) are permitted on site. Roosters and free-range chickens are prohibited.
3. The owner/applicant shall keep the property in compliance with all Madison County Ordinances, including but not limited to §93.100 Domestic Farm Animals.
4. Failure to comply with the conditions of the Special Use Permit will cause revocation, and immediate removal of the chickens, run, and coop will be required.

The Finding of Fact of the Board of Appeals: **I.** The zoning file, staff report, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance; **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Clifton Arbuckle, applicant, said they have 12 chickens. He said his girlfriend got them in 2015, and only had 5 or 6 of them for the past few years. He said neither one of them knew they needed any sort of permit. Mr. Arbuckle said about two years ago, she got more chickens from some people that were moving out of state and couldn't take care of them. He said they have plenty of space for them and that their run space is approximately 1100 feet. He said they move it around every year so they have new grass. He stated that the chicken run and coop is at least 150 feet from any other structure, and said the coop is actually getting moved further from any neighbors. Mr. Arbuckle said they have just under an acre for property; **VI.** Cedric Irby, ZBA Member, asked Mr. Arbuckle why they need 12 chickens. Mr. Arbuckle said they don't necessarily need 12 chickens, but it's just what they ended up with. He said they are all like their pets and have names, and they give the eggs to neighbors, friends and family, and they don't sell them; **VII.** Mr. Irby asked if someone is moving, can they just rely on dropping their chickens off with Mr. Arbuckle. Mr. Arbuckle said no, 12 is it. He said they didn't really want these but they took them, because nobody knows what to do with chickens. Mr. Irby asked if they don't get approved to keep the 12 chickens, what will they do with them. Mr. Arbuckle said he honestly has no clue but could maybe find an acquaintance that lives further out; **VIII.** Mr. Irby asked how the neighbors feel about the chickens. Mr. Arbuckle said that as far as he knows, nobody has complained until here recently, which is a whole other matter. Mr. Irby asked him to explain. Mr. Arbuckle said he doesn't have any knowledge of exactly who complained about the chickens, but he has a good guess and it's a retaliatory thing for other legal matters. Mr. Arbuckle said the chickens are not in view of anybody. He said the chicken run was placed behind the shed, and behind the shed is a wooded area and a creek. He said he is in the process of building a new coop with an automatic door so they can see them from their house. Mr. Arbuckle said that is a 120 foot distance from the back of their house. He said they don't have roosters, and the chickens are not loud; **IX.** Mary Goode, ZBA Member, said she is surprised that something hasn't gotten the chickens. Mr. Arbuckle said he caught a red fox in there one day and it actually did get one of them; **X.** Thomas Ambrose, said that this property is on a hillside and asked if there's any trouble with residue running down in the ditch. Mr. Arbuckle said no. He said their yard is pretty much one big hill. He said the street level from where the chickens sit is a good 12-15 feet, and most of that part is flat. **XI.** Vicki Reed, adjoining property owner to the east, said her neighbors don't need that many chickens. She said they do sell the eggs. She said the chickens come over in their yard and she's never had a problem with it, but it has gotten

ridiculous, and Mr. Arbuckle doesn't even live there all the time. She said his girlfriend owns the house and he stays there most of the time. Ms. Reed said there's no kids there anymore, so there's no reason to have 12 chickens unless you're selling eggs. She said where the coop is, there are two of them there now, and they never got a permit to do that. Ms. Reed said that Mr. Arbuckle just had the land surveyed between them, and the property line goes right up against the chicken fence where the coops are. Mr. Arbuckle said they have never sold any eggs to anyone. He said that Ms. Reed teaches yoga to older, mobility-restricted people, and a lot of his eggs go to them, his mom, her mom and their nieces. He said the property line dispute is ridiculous, and he wanted to make sure the shed was within the legal limits of the property line since it's supposed to be 5 feet from the line. He said it's actually 7. He said they had a survey done because the Reeds actually extended their driveway and placed a shed on their property. Mr. Arbuckle said they were planning on putting up a fence because they've had problems with them before and an incident where their dog got out. He said they had a survey done to know where the property line is and where to put the fence. He said he is pretty certain that they are the ones that complained as a retaliatory measure for sending them a letter informing them that their driveway, their cars and their shed is on Mr. Arbuckle and Ms. Mensman's property by over 15 feet. Mr. Arbuckle said he has lived there consecutively for over 4 years now; **XII**. Mr. Ambrose asked if they would be ok with 5 chickens. Mr. Arbuckle said they would be ok with 5 chickens, but asked if anybody had any suggestions on where he could move 7 of them. He said he has no idea what to do with them; **XIII**. Ms. Reed's son, Justin, said the runoff does come onto their property. He said Mr. Arbuckle just moved the fence when he had it surveyed. He said none of the area is covered, even though he believed it was supposed to be enclosed. Mr. Reed said they have tried to say that his dog has killed their chickens, but that never happened. He said it is wide open to owls, hawks and snakes. He said that they can't contain what they've got, and he doesn't even see them containing five. Mr. Reed said if a fox can get in, chickens can surely get out. He said they don't clip their wings, and they are more just pets and they have been over in his yard. He said a personal friend of his said he buys eggs from them. Mr. Reed said they have broke every law that there is, and now they are asking to break two more, and it's ridiculous.

Roll-call vote.

Ayes to the motion: Nicholas Cohan, Mary Goode, Sharon Sherrill

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