

Madison County Zoning Board of Appeals Meeting Minutes
Tuesday, August 23, 2022 at 5:00 p.m.
County Board Room

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

Members Absent: Mary Goode, Sharon Sherrill

A. Call to Order

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

B. Approval of Minutes

Chairman Metzler asked for a motion to approve the meeting minutes from July 26, 2022. Thomas Ambrose made a motion to approve. Seconded by George Ellis. 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

None

H. New Business

1. **Hearing Z22-0054** – Petition of Wayne Melzer, 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 7 chickens instead of the maximum 5 allowed. Also requesting a variance as per §93.100, Section B, Item 5 for the chicken coop and run to be 8 feet from the rear property line instead of the required 20 feet. This is located in an “R-4” Single-Family Residential District in Chouteau Township at **559 Barkley Street, Granite City, Illinois**, County Board District #21, PIN# 18-2-14-27-04-401-026. A **motion** was made by Cedric Irby and **seconded** by Thomas Ambrose that the petition of Wayne Melzer be as follows: **Approved with Conditions**. Roll-call vote. All Ayes. **Motion passes**.
2. **Hearing Z22-0057** – Petition of David Wairimu, owner of record, requesting a zoning map amendment to rezone the approximately 16.37 acre tract of land from “R-2” Single-Family Residential District to “PD” Planned Development District. This is located in Edwardsville Township at **2952 Idle Acres Lane, Edwardsville, Illinois**, County Board District #17, PIN# 14-1-15-29-03-301-006. A **motion** was made by George Ellis and **seconded** by Cedric that the petition of David Wairimu be as follows: **Approved with Attachment “A”**. Roll-call vote. Ayes: Don Metzler, George Ellis, Cedric Irby. Nays: Thomas Ambrose, Nicholas Cohan. **Motion passes**.
3. **Hearing Z22-0059** – Petition of Scott Cope, applicant on behalf of William and Carolyn Simmons, owners of record, requesting a zoning map amendment to rezone the approximately 0.2 acre tract of land from “R-3” Single-Family Residential District to “B-3” Highway Business District to have used car sales and portable building sales on site. This is located in Wood River Township at **33 W MacArthur Drive, Cottage Hills, Illinois**,

County Board District #14, PIN# 19-2-08-11-01-105-032. A **motion** was made by Cedric Irby and **seconded** by Thomas Ambrose that the petition of Scott Cope, on behalf of William and Carolyn Simmons, be as follows: **Approved**. Roll-call vote. All ayes. **Motion passes**.

4. **Hearing Z22-0060** – Petition of Helmsing Development Group Highland, LLC, owner of record, requesting a zoning map amendment to rezone 3 acres of a dual-zoned tract of land from “A” Agricultural District to “M-1” Limited Manufacturing District. This is located in Saline Township at **13480 US Highway 40, Highland, Illinois**, County Board District #4, PIN# 02-1-18-22-00-000-011.002. A **motion** was made by Cedric Irby and **seconded** by Thomas Ambrose that the petition of Helmsing Development Group Highland, LLC, be as follows: **Approved**. Roll-call vote. Ayes: Thomas Ambrose, Nicholas Cohan, George Ellis. Nays: Cedric Irby. **Motion passes**.
5. **Hearing Z22-0061** – Petition of Steve and Julie Smith, owners of record, requesting a Special Use Permit as per §93.025, Section G, Item 20 of the Madison County Zoning Ordinance in order to have chickens on site and a variance in order to have 7 chickens instead of the maximum 5 allowed. Also requesting a variance as per §93.100, Section B, Item 5 for the chicken coop and run to be 8 feet from the west property line and 15 feet from the north property line instead of the required 20 feet. This is located in an “R-3” Single-Family Residential District in Foster Township at **2424 Crislisa Drive, Alton, Illinois**, County Board District #5, PIN# 20-2-02-30-03-308-011. A **motion** was made by Thomas Ambrose and **seconded** by Cedric Irby that the petition of Steve and Julie Smith be as follows: **Approved with Conditions**. Roll-call vote. All ayes. **Motion passes**.
6. **Hearing Z22-0062** – Petition of John Cuvar, Jr., owner of record with Thelma Cuvar, requesting a Special Use Permit as per §93.031, Section D, Item 5 of the Madison County Zoning Ordinance in order to replace the existing mobile home on site with a new mobile home for the occupancy of Schelly Cuvar and family for a period not to exceed 5 years. This is located in a “B-3” Highway Business District in Chouteau Township at **3157 W Chain of Rocks Road, Granite City, Illinois**, County Board District #21, PIN# 18-1-14-32-00-000-010. A **motion** was made by Thomas Ambrose and **seconded** by Cedric Irby that the petition of John Cuvar, Jr., be as follows: **Approved with Conditions**. Roll-call vote. All ayes. **Motion passes**.
7. **Hearing Z22-0063** – Petition of Benito Saavedra-Basilio, owner of record, requesting a Special Use Permit as per §93.025, Section G, Item 9 of the Madison County Zoning Ordinance in order to continue placement of a mobile home on site for the occupancy of Benito Saavedra-Basilio and family for a period not to exceed 5 years. This is located in an “R-4” Single-Family Residential District in Nameoki Township at **3126 Amherst Avenue, Collinsville, Illinois**, County Board District #16, PIN# 17-2-20-36-03-308-010. A **motion** was made by Cedric Irby and **seconded** by George Ellis that the petition of Benito Saavedra-Basilio be as follows: **Approved with Conditions**. 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

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

Finding of Fact and Recommendations

Hearing Z22-0054

Petition of Wayne Melzer, 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 7 chickens instead of the maximum 5 allowed. Also requesting a variance as per §93.100, Section B, Item 5 for the chicken coop and run to be 8 feet from the rear property line instead of the required 20 feet. This is located in an "R-4" Single-Family Residential District in Chouteau Township at **559 Barkley Street, Granite City**, Illinois, County Board District #21, PIN# 18-2-14-27-04-401-026

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

Members Absent: Mary Goode, Sharon Sherrill

A **motion** was made by Cedric Irby and **seconded** by Thomas Ambrose that the petition of Wayne Melzer be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Wayne Melzer. 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 7 chickens (hens only) are permitted on site. Roosters 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.** Wayne Melzer, applicant, stated that he would like to raise chickens and have a little bit more room to raise them. He said he would like to have 7 chickens, and was unaware that he needed a Special Use Permit to have them. Mr. Melzer said it is a retirement project that gives him something to do, and he gives eggs to his neighbors; **VI.** Cedric Irby, ZBA Member, asked Mr. Melzer how he contains the chickens and keep them from being a neighborhood nuisance, since he is right in the middle of a residential neighborhood. Tabatha Melzer, applicant's daughter, stated that they repurposed a dog run for the chickens, and it is attached to the chicken coop, where there are enough nesting boxes for the chickens. She said that this area is covered with a green plastic mesh to keep hawks out. Ms. Melzer said he has had the chickens for over a year, and they have never been out. She said they have plenty of room to roam and he keeps it well-maintained. She said that the neighbors like them and give them tomatoes to feed the chickens. She reiterated that they are well contained, have plenty of room, and are very clean and very well maintained. Ms. Melzer said they don't cause any nuisance; **VII.** Mr. Irby asked what method they use to keep the population from growing. Ms. Melzer said they have no roosters, and you would need roosters to make more chicks. She said they just have hens for eggs, and that's it; **VIII.** Mr. Irby asked if there is noise. Ms. Melzer said there is very little noise. She said that it's rare that you ever hear them. She stated that when they are getting ready to lay eggs, they like to "fuss" with each other, but that's basically it. She said they are pretty quiet for the most part. She said roosters are the ones that make the noise, and they don't have any roosters. She stated that there are a couple of free-roaming roosters in the neighborhood, but they do not belong to them; **IX.** Mr. Irby asked if they could describe the clean-up method. Ms. Melzer said that Mr. Melzer usually rakes out everything and hoses out the nesting boxes. She said it does not smell. Ms. Melzer said it is a retirement project for him and he is out there everyday maintaining them and taking care of them, and puts fresh hay and fresh woodchips in there; **X.** Mr. Irby asked if the neighbors mind the chickens. Ms. Melzer said no, their next door neighbor gives them leftover tomatoes from their garden to feed the chickens, and he gives the neighbor eggs. She said they have had zero complaints about them. She said their 7 hens have never been out of their area; **XI.** Noelle Maxey, Zoning Coordinator, read aloud the following letter of support that was submitted for the record from David R. Miller: "I live at 635 Tennessee. The property closest to the chickens. I have no problem and have never had a problem with the chickens or the roosters. I want the chickens and the roosters to stay. The roosters are not Wayne's. Wayne should not remove the roosters. Animal Control should remove the roosters. The roosters run from everything and not dangerous. Please keep all the chickens and roosters. Thank you."

Roll-call vote.

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

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z22-0057

Petition of David Wairimu, owner of record, requesting a zoning map amendment to rezone the approximately 16.37 acre tract of land from "R-2" Single-Family Residential District to "PD" Planned Development District. This is located in Edwardsville Township at **2952 Idle Acres Lane, Edwardsville, Illinois, County Board District #17, PIN# 14-1-15-29-03-301-006**

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

Members Absent: Mary Goode, Sharon Sherrill

A **motion** was made by George Ellis and **seconded** by Cedric Irby that the petition of David Wairimu be as follows:
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.** David Wairimu, applicant, said they are wanting to create a home for themselves that resembles what they know. Mr. Wairimu said he came here 16 years ago as a student, and Americans opened their doors for him, and taught him how to live in a country that he did not know. He said he has had the opportunity to work with some of the best companies that he could have ever imagined. He said they have a lot of challenges because as immigrants, they live in a place where they cannot find the basic things that they are used to, such as meat and activities. He said that he is trying to raise two boys in a country that looks totally different than it did 16 years ago when he came here. Mr. Wairimu said in his opinion, the formula is very simple, and it involves togetherness and having a place that he can help them identify and understand what their identity is. He said he is here to talk about not just a farm, but a place that can help not just him, but also others. He said he sees this as an institution and a cultural marketplace, where they can teach people a whole lot more about Africa and about its people, not just its animals. Mr. Wairimu said they have a beautiful culture, and they have about 15,000 of them in St. Louis. He said they all have the same needs. He said the elderly community of immigrants is an age group that is significantly underserved. He stated they want to give them a place where they can come and do things that they used to do. He said the Bomas of Thairu is going to be a goat farm because they love goats, they eat goats and love interacting with goats, and they are going to have goat yoga; **VI.** George Ellis, ZBA Member, asked Mr. Wairimu if they will be importing agricultural and animals from Africa. Mr. Wairimu said no, they will not. He said they currently buy goats from Columbia, Missouri and Litchfield, Illinois. He said the problem they have is that they are buying goat meat at \$11 per pound, and his household eats about 11 goats a year. Mr. Wairimu said the idea is not to import or bring goats from Africa, but instead to have a place where they can raise them to feed themselves. Mr. Ellis asked again if they will be importing vegetable or plant products. Mr. Wairimu said most of the vegetables that he speaks of are commonly found here, but the problem is that the market is larger than the supply. He said if you're lucky you can find things like basic arrow roots, different types of collard greens and different types of spinach at Global Foods in Kirkwood. He said pumpkins are another example, and they use the pumpkin leaves for mashed potatoes. Mr. Wairimu said he cannot go to an American farm and buy pumpkin leaves, because they've been sprayed. He said he would like to be able to grow his own pumpkins so his mother can make them food that she used to make for him as a kid. Mr. Ellis asked to clarify that Mr. Wairimu will source all of the farm plants and animals from here in the United States. Mr. Wairimu said yes, and said about 3 weeks ago he met with the local USDA member to help them identify the types of plants and the types of goats that would do well in the area. He said he has about 12 community members that are guiding him through this process, and one of them is a Professor of Agriculture. He said he has the expertise that he needs to be able to do what he needs to do; **VII.** Nicholas Cohan, ZBA Member, asked if this was going to be a commercial enterprise, where people are going to come in and pay fees to do goat yoga and pet goats, and be a for-profit thing. Mr. Wairimu said definitely, and that they do need to make the farm sustainable. He said the same people that have been driving an hour and a half to go to a goat farm now only have to drive 20 minutes. Mr. Wairimu said they hope to provide the same things they have been getting for a slight cost rather than having to drive the distances they have been driving to get the same services. Mr. Cohan asked Mr. Wairimu to clarify whether people will be paying to come there and learn, sort of like Grant's Farm. Mr. Wairimu said close to that, but not to that magnitude. He said one example is that there are about 7 boys that come over every other Saturday and are learning how to do plumbing in the workshop in his basement. He said they do need a way to make the

activities that they want to do sustainable, and there will be a fee for some of the activities; **VIII.** Thomas Ambrose, ZBA Member, said that according to the Madison County Zoning Ordinance, there are 3 uses that can be used for this planned development. He mentioned residential, commercial, or industrial. Mr. Ambrose asked if that is correct, and said that it sounds like Mr. Wairimu is wanting to use it for different uses than this. Chris Doucleff, Building and Zoning Department Administrator, said that is why we have the Planned Districts set up, and said those are all included in what Mr. Wairimu is proposing, except for industrial. He said it will be used for agricultural, residential, and commercial. Mr. Ambrose asked if it he can use it for religious purposes, like a church building, and asked Mr. Wairimu if this is a religion. Mr. Wairimu said he is a Christian, but this is not a church. He said he is not an ordained pastor; **IX.** Mr. Cohan asked if there will be overnight camping, or a campground there. Mr. Wairimu said that camping is one of the things that he knows he cannot do on that property; **X.** Mr. Irby asked if there are other animals in the immediate area. Mr. Wairimu said he does have a neighbor with horses, cows and donkeys, and that he has talked to him with regards to what he's doing, and he hasn't had any issues with it so far; **XI.** Mr. Irby asked if there is just one road leading to the property. Mr. Wairimu said yes, there is one road. Mr. Irby then asked what kind of traffic he thinks he will have. Mr. Wairimu said he has gone to the Department of Transportation and met with the Director of Transportation for Madison County. He said the numbers are a little difficult at this point in the project, but will be ironed out in the details of the project; **XII.** Mr. Irby asked Mr. Wairimu how he contains the goats. Mr. Wairimu said they do have about \$15,000 planned for fencing, and that the goal is to start small with about 5 goats. He said this is a learning process, and as they grow and the number of goats grow, they will fence accordingly; **XIII.** Mr. Irby asked Mr. Wairimu if he will be living on the property. Mr. Wairimu said ideally, long-term, that's the plan. He said the type of house they want to build reflects the environment they grew up in, and because it will take some money, that will come after a couple of years. Mr. Irby asked how many people will be living on the property. Mr. Wairimu said that is a difficult question, because his family structure is totally different than what is commonly known as family here. He said that he has a wife and two kids, however there are many others that his extended family. Mr. Irby asked if he has a limit in mind. Mr. Wairimu said maybe 6 people, but in the month of August, they come to visit and they come in plenty. He said when they come in plenty, he wants to be able to have a place where he can host all of them, and to have a place where he can host them is not something that he takes lightly. He said as they continue to grow, they are going to need that; **XIV.** Mr. Ambrose asked what the 4 big buildings are on the site plan. Mr. Wairimu said right now there are only two buildings. He said his plans show where a house might go, as well as a barn they plan to build, which will have a workshop and goat yoga there. He said everywhere else will be grazing area for the goats and places for farming. He said there is a small pond they would like to extend to help with drainage in the area and also be a place to do catch-and-release. Noelle Maxey, Zoning Coordinator, clarified that the large areas on the site plan are not buildings, but rather grazing areas and areas where there will be produce; **XV.** Mr. Cohan asked if there is already a fish pond there. Mr. Wairimu said there is a pond, but it needs a lot of work; **XVI.** Mr. Irby asked how many people will be farming the land. Mr. Wairimu said based on their business plan, there will be about 8 people; **XVII.** Mr. Cohan asked if there will be a foreign interest involved with this, or if this will be an attraction for foreign countries to come and visit this site. Mr. Wairimu said if you look at what the St. Louis Zoo is trying to do in North County, in regards to an African Safari, what he's trying to do is show people the same thing, but as it pertains to the people of Africa. He said if people can fly into St. Louis to go see an elephant, they should also be able to travel to St. Louis to see something to do with culture.

Roll-call vote.

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

Nays to the motion: Thomas Ambrose, Nicholas Cohan

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

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: 50 feet
 - b. Side Yard Setback: 50 feet
 - c. Rear Yard Setback: 50 feet
2. Additional Requirements: Signs §93.117, Parking §93.147

(C) Permitted Uses

1. Agricultural uses including the growing of farm crops, truck garden crops, nurseries, tree farms, and pasturage.
2. Sales yard and produce stand for agricultural products produced on site, provided adequate off-street parking is available.
3. Private lakes, ponds, or other bodies of water, including fishing or fee fishing, provided any body of water, or building or parking lot associated with it, must be at least 250 feet from any dwelling on an adjacent lot.
4. Single-family dwelling.
5. Physical culture and health services to include holistic teaching and yoga.
6. Trade and skills training center to include welding, carpentry, plumbing, and similar skills as taught by a trained professional.

(D) Accessory Uses (See § 93.051 (B))

1. Accessory structures.
2. Farm and Domestic Farm Animals, provided any buildings used for housing these animals be at least 50 feet from all property lines and at least 100 feet from any dwelling on an adjacent lot. Not more than 1 livestock animal (goat, cattle, horse, pig, sheep) is allowed per acre, not more than 10 fowl (chickens, ducks, or similar) are allowed per acre, and not more than 5 honeybee colonies are allowed on site. All grazing areas must be fenced. The keeping of bees, goats, or chickens must comply with the regulations of §93.100 Domestic Farm Animals in the Madison County Zoning Ordinance, except for the above setback requirements.
3. 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 Z22-0059

Petition of Scott Cope, applicant on behalf of William and Carolyn Simmons, owners of record, requesting a zoning map amendment to rezone the approximately 0.2 acre tract of land from "R-3" Single-Family Residential District to "B-3" Highway Business District to have used car sales and portable building sales on site. This is located in Wood River Township at **33 W MacArthur Drive, Cottage Hills**, Illinois, County Board District #14, PIN# 19-2-08-11-01-105-032

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

Members Absent: Mary Goode, Sharon Sherrill

A **motion** was made by Cedric Irby and **seconded** by Thomas Ambrose that the petition of Scott Cope, on behalf of William and Carolyn Simmons 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.** Scott Cope, applicant, said he is hoping to open a small used car lot there, as well as do car detailing, and portable buildings and carport sales there. Mr. Cope said this will be something for him to do in retirement to keep himself busy and allow him to spend more time with his family; **VI.** Cedric Irby, ZBA Member, said that there's a home right next door to this property. Mr. Cope said yes, there is a rental property there. Mr. Irby asked if the owners have expressed any concern about having a car lot next to them. Mr. Cope said no, that no one has sent letters or said anything about the hearing signs that are posted; **VII.** Bill Simmons, owner of the subject property, stated that he and his wife purchased this property about 18 years ago, and said that prior to World War II, this building was a pharmacy. Mr. Simmons said that after World War II, it was a dry cleaning business. He said that he and his wife bought it as an investment, and that he was surprised that it had to be rezoned since it had always been used for a business, and they have paid commercial rates for the utilities there.

Roll-call vote.

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

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z22-0060

Petition of Helmsing Development Group Highland, LLC, owner of record, requesting a zoning map amendment to rezone 3 acres of a dual-zoned tract of land from "A" Agricultural District to "M-1" Limited Manufacturing District. This is located in Saline Township at **13480 US Highway 40, Highland**, Illinois, County Board District #4, PIN# 02-1-18-22-00-000-011.002

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

Members Absent: Mary Goode, Sharon Sherrill

A **motion** was made by Cedric Irby and **seconded** by Thomas Ambrose that the petition of Helmsing Development Group Highland, LLC be as follows: **Approved.**

The Finding of Fact of the Board of Appeals: **I.** The zoning file, staff report, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Erin Kennedy, attorney for Helmsing Development Group, stated that the applicant currently operates its manufacturing for specialty trailers on the "upper lot", and entered into a purchase agreement for the 3-acre lot right behind the building with Virgil Straeter, who owned 5.25 acres. The applicant is only purchasing the 3 acres, and the remaining 2.25 acres will remain agricultural. Ms. Kennedy said the applicant is asking for this rezoning to keep conformity with its current use on the "M-1" zoning lot. She said they have no plans of doing anything on this lot, but that it would be nice to have in the future and they can still operate their business; **VI.** Cedric Irby, ZBA Member, asked if they are going to grow something in this area. Ms. Kennedy said right now it's just a green field, and the purpose right now is just to remain as-is, but if they do anything it will look very similar to the lot that the current building is on; **VII.** Mark Maschmeier, neighboring property owner, said he was here to express his opposition to the zoning change. He referenced a letter of opposition that was sent in, and said for all the reasons in that letter, he can only add that there will be loss of enjoyment to this residential area and that property values will be decreased. Mr. Maschmeier said that the road that runs along this property is barely more than a paved farm road. He said there is a lot of pedestrian traffic and kids playing there, and this would increase the potential for accidents. He said while there may be no immediate plan to grow that manufacturing facility, it does give them the ability to grow. Mr. Maschmeier said he hasn't talked to a single person in the neighborhood that was "for" this; **VIII.** Noelle Maxey, Zoning Coordinator, read aloud the following letter of opposition that was submitted for the record: "Dear Madison County Zoning Board of Appeals, I am writing to express my strong opposition to Z22-0060, the proposed rezoning that is located in the Saline Township at 13480 US Highway 40, Highland, IL. Many of the residents in the Hunters Hollow subdivision are completely opposed to the addition of 3 acres of dual-zoned tract of land from "A" Agricultural District to "M-1" Limited Manufacturing District. That will cause traffic and safety problems and lower the property values of the existing community. Traffic and safety of pedestrians are one of the other major areas of concern. The traffic surge during morning rush hours will also negatively impact safety for children, since students get picked up opposite the location mentioned in the mornings and early afternoon. In general, the area traffic is continuing to increase. Final Drive is still the same size. Wildlife has been observed in the area, and any development will destroy their habitat. Any planned development of the property should consider the continuing impact to local wildlife habitat I urge you to disapprove the proposed rezoning. From recent discussions with my neighbors, I know my opinions are shared by many who have not managed to attend the meeting or write letters and emails. Thank you for your continued service and support of our communities. Best regards, Concerned Neighbor."; **IX.** Ms. Kennedy added that where the operation is, that was rezoned to "M-1" in 2018, because the previous owner was already operating a manufacturing facility that was a legal nonconforming use. She said that when it was sold to Helmsing, they rezoned to "M-1"; **X.** Mr. Irby asked how long this company has been in business. Ms. Kennedy said they have operated there since 2018, but she doesn't know how long the previous owner operated there; **XI.** Chris Doucleff, Building and Zoning Department Administrator, said that he received one phone call about this property. He stated that it wasn't in total opposition, but more concern; **XII.** Mr. Irby asked Mr. Maschmeier if he lives in this area. Mr. Maschmeier said yes, he lives at 13513 Meghan Lane. Mr. Irby asked Mr. Maschmeier how long the current company has been there, and why this is something negative at this point. Mr. Maschmeier responded that currently when the wind blows, the trash from that building covers their neighborhood. He said if they grow that will only increase traffic there and will be a problem for accidents on that road, which is nothing

more than a paved farm road. He said with noise and increased traffic, they all feel it will decrease their property values and will decrease the enjoyment of what they purchased. Mr. Maschmeier said he has lived there since 2016 and it's a nice quiet neighborhood. He said the facility there maintains normal business hours till 5:00 in the afternoon, and then things get pretty quiet around there, and they would like to keep it that way.

Roll-call vote.

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

Nays to the motion: 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 Z22-0061

Petition of Steve and Julie Smith, owners of record, requesting a Special Use Permit as per §93.025, Section G, Item 20 of the Madison County Zoning Ordinance in order to have chickens on site and a variance in order to have 7 chickens instead of the maximum 5 allowed. Also requesting a variance as per §93.100, Section B, Item 5 for the chicken coop and run to be 8 feet from the west property line and 15 feet from the north property line instead of the required 20 feet. This is located in an "R-3" Single-Family Residential District in Foster Township at **2424 Crislisa Drive, Alton, Illinois**, County Board District #5, PIN# 20-2-02-30-03-308-011

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

Members Absent: Mary Goode, Sharon Sherrill

A **motion** was made by Thomas Ambrose and **seconded** by Cedric Irby that the petition of Steve and Julie Smith be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Steve & Julie Smith and family. 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 7 chickens (hens only) are permitted on site. Roosters 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, goats, 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.** Julie Smith, applicant, stated that prior to getting the chickens, she did not know that she needed a Special Use Permit. She said they got the chickens because their son is on the Autism spectrum, and he loves them and loves to feed them. Mrs. Smith said all of the neighbors around them seem to love it and get eggs from them. She said she would like to keep the chickens for her son and for eggs. Mrs. Smith said she believes the only reason there was a complaint was because they had a rooster, and they got rid of the rooster. She said the problem was the noise, and now there is no noise. Mrs. Smith said they have a privacy fence so nobody can even see them, much less hear anything. She stated that one neighbor wrote a letter and one drove here and brought a letter in because she doesn't have email and was determined. She said that neighbor enjoys having them there and comes over sometimes and watches the chickens. Mrs. Smith said she just wants to give a little piece of farm life to her kids and give them something to do and teach a little responsibility; **VI.** Noelle Maxey, Zoning Coordinator, read aloud the following two letters of support that were submitted for the record: (1) "This is in regards of Steve and Julie Smith wanting to have chickens on their property at 2424 Crislisa Drive, Alton, Illinois. I live next door at 2420 Crislisa Drive. I support them and I have no problem with them having their chickens. They have a privacy fence all around their property and no one can see the chickens. Barbara Hawley." (2) "Hello. I am reaching out in regards of the petition for Steve and Julie Smith. My husband and I, home owners of 2428 Crislisa Drive in Alton, Illinois approve of any number of chickens instead of the maximum number of 5 allowed and approve of any kind of chicken coop and run. We as neighbors sincerely enjoy the chickens and the free eggs. My kids love getting to see the chickens in their backyard. They are of no nuisance to us as their next-door neighbors. Thank you, Ryan and Kaitlyn Stalcup."

Roll-call vote.

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

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z22-0062

Petition of John Cuvar, Jr., owner of record with Thelma Cuvar, requesting a Special Use Permit as per §93.031, Section D, Item 5 of the Madison County Zoning Ordinance in order to replace the existing mobile home on site with a new mobile home for the occupancy of Schelly Cuvar and family for a period not to exceed 5 years. This is located in a "B-3" Highway Business District in Chouteau Township at **3157 W Chain of Rocks Road, Granite City, Illinois, County Board District #21, PIN# 18-1-14-32-00-000-010**

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

Members Absent: Mary Goode, Sharon Sherrill

A **motion** was made by Thomas Ambrose and **seconded** by Cedric Irby that the petition of John Cuvar, Jr. be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Schelly Cuvar and family for a period not to exceed five (5) years, but may be extended either through an amendment to this Special Use Permit or through an administrative review process, if qualified, as long as Schelly Cuvar and family occupy the structure, notwithstanding any violations, nuisance, or change in occupancy. The owner shall remove the mobile home from the site or apply for a new Special Use Permit once Schelly Cuvar and family 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.** Schelly Cuvar, applicant's daughter, said that they are requesting to replace their current mobile home with a new mobile home, where they have ran their business for 41 years.

Roll-call vote.

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

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z22-0063

Petition of Benito Saavedra-Basilio, owner of record, requesting a Special Use Permit as per §93.025, Section G, Item 9 of the Madison County Zoning Ordinance in order to continue placement of a mobile home on site for the occupancy of Benito Saavedra-Basilio and family for a period not to exceed 5 years. This is located in an "R-4" Single-Family Residential District in Nameoki Township at **3126 Amherst Avenue, Collinsville**, Illinois, County Board District #16, PIN# 17-2-20-36-03-308-010

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

Members Absent: Mary Goode, Sharon Sherrill

A **motion** was made by Cedric Irby and **seconded** by George Ellis that the petition of Benito Saavedra-Basilio be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Benito Saavedra-Basilio and family for a period not to exceed five (5) years, but may be extended either through an amendment to this Special Use Permit or through an administrative review process, if qualified, as long as Benito Saavedra-Basilio and family occupy the structure, notwithstanding any violations, nuisance, or change in occupancy. The owner shall remove the mobile home from the site or apply for a new Special Use Permit once Benito Saavedra-Basilio and family 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.** Roberto, translator for the applicant, stated that the applicant did not know he needed a Special Use Permit for the property, but he would like to have the Special Use Permit for him and his family to be able to live there; **VI.** Cedric Irby, ZBA Member, asked if the mobile home would be professionally installed. Chris Doucleff, Building and Zoning Department Administrator, stated that this mobile home is already there. He explained that it is a routine thing for Building and Zoning to check that all mobile homes that aren't in a mobile home park have a Special Use Permit. Mr. Doucleff said that it was discovered that the applicant did not have a Special Use Permit; **VII.** Nicholas Cohan, ZBA Member, asked if the applicant had been living there since 2015. Noelle Maxey, Zoning Coordinator, explained that it was previously approved for continued placement, but the applicant bought it since then, so the current Special Use Permit is under someone else's name. The translator for the applicant said he bought it in 2020 and did not know he needed a Special Use Permit. Mr. Doucleff added that Building and Zoning requires a renewal of the Special Use Permit every 5 years, or a new Special Use Permit if there is a change in the owner.

Roll-call vote.

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

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator