

Madison County Zoning Board of Appeals Meeting Minutes
Tuesday, August 24, 2021 at 5:00 p.m.
Virtual Meeting via GoToMeeting & In-Person in the County Board Room

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

Members Absent: None

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 27, 2021. Nicholas Cohan made a motion to approve. Seconded by Mary Goode. 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 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 Z21-0045** – Petition of Nathan and Wilhelmina Roney, owners of record, requesting a minor bulk variance as per §93.051, Section A, Item 3, Subsection (c) of the Madison County Zoning Ordinance in order to construct an accessory structure that will be 45 feet from the south property line instead of the required 50 feet. This is located in an “A” Agricultural District in Collinsville Township at **6345 Makayla Brooke Lane, Maryville**, Illinois, County Board District #27, PIN# 13-1-21-15-00-000-010.007. A motion was made by Mary Goode and seconded by Nicholas Cohan that the petition of Nathan and Wilhelmina Roney be as follows: **Approved.** Roll-call vote. All Ayes. Motion passes.
2. **Hearing Z21-0051** – Petition of James Holmes, 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 mobile home on site for the occupancy of James H. Holmes, Sr., for a period not to exceed 5 years. This is located in an “R-3” Single-Family Residential District in Chouteau Township at **5178 Nameoki Road, Granite City**, Illinois, County Board District #16, PIN# 18-1-14-33-04-401-005. A motion was made by Thomas Ambrose and seconded by Sharon Sherrill that the petition of James Holmes be as follows: **Approved with Conditions.** Roll-call vote. All Ayes. Motion passes.
3. **Hearing Z21-0053** – Petition of Aaron Wells, on behalf of SW Properties, owner of record, requesting a Special Use Permit as per §93.025, Section G, Item 11 in order to have a private recreational area on site consisting of dirt tracks for personal recreational vehicles. This is located in an “R-2” Single-Family Residential District in Collinsville Township at **1211 Clifton Street, Collinsville**, Illinois, County Board District #29, PIN# 13-2-21-26-

01-106-007. A motion was made by Thomas Ambrose and seconded by George Ellis that the petition of Aaron Wells and SW Properties be as follows: **Denied**. Roll-call vote. All Ayes. Motion passes.

4. **Hearing Z21-0054** – Petition of Craig Engeling, owner of record, requesting a variance as per §93.051, Section A, Item 3, Subsection (c) of the Madison County Zoning Ordinance in order to construct a new accessory structure that will be 28 feet from the north property line instead of the required 50 feet. This is located in an “A” Agricultural District in Collinsville Township at **5360 State Route 162, Glen Carbon**, Illinois, County Board District #25, PIN# 13-1-21-05-00-000-002.001. A motion was made by Mary Goode and seconded by George Ellis that the petition of Craig Engeling be as follows: **Approved**. Roll-call vote. All Ayes. Motion passes.
5. **Hearing Z21-0056** – Petition of Craig and Lauren Watson, owners of record, requesting a zoning map amendment to rezone approximately 1.8 acres of a dual-zoned lot from “M-1” Limited Manufacturing District to “R-3” Single-Family Residential District. This is located in Edwardsville Township at **6005 Old Poag Road, Edwardsville**, Illinois, County Board District #17, PIN# 14-1-15-10-05-101-001.001. A motion was made by Mary Goode and seconded by Nicholas Cohan that the petition of Craig and Lauren Watson be as follows: **Approved**. Roll-call vote. All Ayes. Motion passes.
6. **Hearing Z21-0058** – Petition of Bill Branz, applicant on behalf of Charles D and Ann L Moore Family Revocable Trust, owner 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 single-family dwelling that will be 44 feet from the north property line instead of the required 50 feet. This is located in an “A” Agricultural District in Moro Township at **8270 Old Moro Road, Dorsey**, Illinois, County Board District #5, PIN# 16-1-03-19-00-000-005. A motion was made by George Ellis and seconded by Nicholas Cohan that the petition of Bill Branz and Charles D and Ann L Moore Family Revocable Trust be as follows: **Approved**. Roll-call vote. All Ayes. Motion passes.
7. **Hearing Z21-0059** – Petition of Mary Jo Guinn, applicant on behalf of Agape Farms, LLC, owner of record, requesting a Special Use Permit as per §93.023, Section D, Item 38 of the Madison County Zoning Ordinance in order to have public stables and horse boarding on site. This is located in an “A” Agricultural District in Jarvis Township at **8176 Lebanon Road, Troy**, Illinois, County Board District #2, PIN# 09-1-22-33-00-000-004.001. A motion was made by Mary Goode and seconded by George Ellis that the petition of Mary Jo Guinn and Agape Farms, LLC, 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 date and time of the Building & Zoning Committee meeting, where their requests will be heard next.

J. Adjournment

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

Finding of Fact and Recommendations

Hearing Z21-0045

Petition of Nathan and Wilhelmina Roney, owners of record, requesting a minor bulk variance as per §93.051, Section A, Item 3, Subsection (c) of the Madison County Zoning Ordinance in order to construct an accessory structure that will be 45 feet from the south property line instead of the required 50 feet. This is located in an "A" Agricultural District in Collinsville Township at **6345 Makayla Brooke Lane, Maryville, Illinois, County Board District #27, PIN# 13-1-21-15-00-000-010.007**

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

Members Absent: None

A **motion** was made by Mary Goode and **seconded** by Nicholas Cohan that the petition of Nathan and Wilhelmina Roney 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.** Wilhelmina Roney, applicant, stated that they are wanting to build a detached garage, and they have a large front yard and small backyard, and the property is all hills except for along the driveway. Mrs. Roney stated the proposed location is the only reasonable place to put the structure since it's the only flat area; **VI.** Mary Goode, ZBA member, stated she saw that there was one opposition to it, but it seemed like it was from the people farthest from their property; **VII.** Mrs. Roney stated that the property to the north is all wooded, and there is a creek between them, so she doesn't understand what the opposition would be for, and she doesn't think they could even see it because of all the trees.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode, 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 Z21-0051

Petition of James Holmes, 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 mobile home on site for the occupancy of James H. Holmes, Sr., for a period not to exceed 5 years. This is located in an "R-3" Single-Family Residential District in Chouteau Township at **5178 Nameoki Road, Granite City**, Illinois, County Board District #16, PIN# 18-1-14-33-04-401-005

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

Members Absent: None

A **motion** was made by Thomas Ambrose and **seconded** by Sharon Sherrill that the petition of James Holmes be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of James H. Holmes, Sr., 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 James H. Holmes, Sr., 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 James H. Holmes, Sr., 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.** James Holmes, applicant, stated that the back lot used to have a mobile home and already has all the utility hookups, and he had the property lines redone so that he could move his dad's mobile home to the back property. Mr. Holmes stated his father is currently living in a mobile home park, and they are raising his rent every year. Mr. Holmes stated his father is aging, and he wants him close by while still being independent.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode, 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 Z21-0053

Petition of Aaron Wells, on behalf of SW Properties, owner of record, requesting a Special Use Permit as per §93.025, Section G, Item 11 in order to have a private recreational area on site consisting of dirt tracks for personal recreational vehicles. This is located in an "R-2" Single-Family Residential District in Collinsville Township at **1211 Clifton Street, Collinsville, Illinois, County Board District #29, PIN# 13-2-21-26-01-106-007**

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

Members Absent: None

A **motion** was made by Thomas Ambrose and **seconded** by George Ellis that the petition of Aaron Wells and SW Properties be as follows: **Denied.**

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.** Aaron Wells, applicant, stated that when they were cited, some friends had dumped some stuff in his yard, and he burns a lot of branches, and he didn't know he wasn't allowed to do that so that's why there were other things in the burn pile that shouldn't have been. Mr. Wells stated that the vehicles were the neighbors' vehicles, and that he was told that would be removed, and he was asked if he wanted to make a complaint about the vehicles, but that's his neighbor's property and not his business. Mr. Wells stated they bought four-wheelers for their kids, and they all have mufflers so they're quiet, and they just putt around the track and have a good time. Mr. Wells stated that 65-70% of the neighbors around them also ride four-wheelers on their properties, and they don't bother anybody and try to keep to themselves; **VI.** David Brandon, adjacent property owner, spoke in opposition, stating that Mr. Wells has a 50 foot wide lot and brought in a bobcat to clear everything out, so all he gets is dust. Mr. Brandon stated that they ride around for 3-4 hours at a time just kicking up dust the whole time. Mr. Brandon stated that Mr. Wells parks out in the road with a large trailer with four-wheelers, and their road is only 30 feet wide with ditches on both sides. Mr. Brandon stated that Mr. Wells said he only wants it for family, but he knows he'll have more than just family out there; **VII.** Linda Brandon, adjacent property owner, spoke in opposition, stating that the dust is so severe that she has tried to eat dinner on their back porch and had to go back inside because the dust was settling on the food so much you could see it. Mrs. Brandon stated that when he first did the track, it went back behind their shed and went into the property on the other side and onto the city easement around a power pole. Mrs. Brandon stated that the circle area is about 10 feet from the bedroom window of the neighbor on the other side. Mrs. Brandon stated you can hear the four-wheelers from within their house, and they have decent windows and also a magnetic window on the inside to help cut down the noise; **VIII.** Mary Goode, ZBA member, asked Mrs. Brandon if other people in the neighborhood ride their ATVs, to which Mrs. Brandon responded yes, but they run them through the grass for a little while, and they aren't creating a dirt track to run several of them, resulting in the amount of dust and noise that Mr. Wells does; **IX.** Thomas Ambrose, ZBA member, stated that he looked at the property, and the one house is right on their line. Mr. Wells stated that neighbor is a sweet lady, and they ran their four-wheelers onto their property a couple times, and she asked them to stop so they did. Mr. Wells stated that they can get a sprinkler system to cut down the dust, and their kids just want to have fun. Mr. Ambrose stated that it sounds like he's wanting to have a lot of people there with this permit and asked how many people he'd have there at a time, to which Mr. Wells responded that he has 6 kids and 4 of them ride the four-wheelers, and he does not ride four-wheelers anymore since he's not a kid; **X.** Noelle Maxey, Zoning Coordinator, read aloud the following three letters of public opposition that were submitted for the record via email: (1) I am contacting you about Parcel number 13-2-21-26-01-106-007 Rezoning of 1211 Clifton Street. I live next door and I DO NOT want a recreational area for dirt tracks for riding personal recreational vehicles. This is a quiet neighborhood. Our properties are so close together. It will be too noisy and messy with dirt flying into our yards. I am a senior citizen and wish this to remain a residential property. If they wish to ride their dirt bikes, have them go to a track especially made for that. If this happens, they will invite other friends over and I do not wish to have that many strangers around. The kids get too much into riding which they also come slightly onto my property, mainly on my banks. They forget that my property is not their property. Since our homes are so close together, they ride right under my living room window. Which is very annoying. Please DO NOT APPROVE this request. Thank you; (2) To whom it may concern, A special use permit for 1211

Clifton Street Collinsville, IL is not permitted for the size of the lot and how close we live to each other. We would love to attend this meeting but do to threats from our neighbor at 1211 Clifton Street, Collinsville, IL we can not attend. Attached are pictures of the dust cloud created from the use of an ATV in his backyard from our property. We object for several reasons why our neighbor at 1211 Clifton Street, Collinsville, IL should not obtain a special use permit.

1. Safety concerns, they have rolled over in the ditch several times on that property. They go up and down the street without proper safety gear in place for a ATV. There was a near miss at the corner of Clifton St and Lester St involving an automobile.
2. Environmental concern, he built a bridge on his property for the ATV to go over the creek. The creek backup flooding the other neighbors property behind us.
3. Air quality, the dust cloud created from just one ATV in pictures attached shows how the wind blows it through the neighborhood and makes it hard to breathe.
4. On weekends there are several ATV's on the property from friends being over so imagine 1-3 above, but tens times worse;



(3) Madison County Zoning/ Planning Commission: It is my opinion that this request for special use permit should be declined. The negative impact in terms of noise and

dust generated by multiple ATVs will greatly impact the health and safety of neighbors to this property. I personally believe there are others that would like to speak up but are afraid to do so. Again, for the health, safety, and peace of mind in the neighborhood, I urge you to decline this request for a special use permit; **XI.** Mary Good, ZBA member, stated she appreciates that Mr. Wells wants his kids to have fun, but she has never seen a kid "putt" on a four-wheeler, it's always full-throttle or nothing, so it does seem like a safety issue; **XII.** Mr. Wells stated that all the kids wear helmets, and none of them have gotten hurt. Mr. Wells stated they've been riding on the property since they moved there for 11 years, and there have been no incidents or proof of what these people are saying, and they just don't like him, and he doesn't say anything about what they do on their properties; **XIII.** Sharon Sherrill, ZBA member, asked if he's ever been cited for noise or dust pollution, to which Mr. Wells stated he has not. Ms. Sherrill asked if this is the first time in 11 years that he's had opposition from the neighbors, to which Mr. Wells stated it was, and he paid \$300 for this so his kids can have fun in their yard. Mr. Wells stated they have not done any riding on their property since this brought up, and they won't ride until they get approval. Ms. Sherrill asked if there are conditions of approval that they would have to abide by, to which Chris Doucleff, Department Administrator, stated they are in the packet; **XIV.** Nicholas Cohan, ZBA member, noted that Mr. Wells said his neighbors don't like him and asked him to explain. Mr. Wells stated he had a dispute with Mr. Brandon and had apologized and admitted he was wrong, but Mr. Brandon didn't want to hear what he had to say and has been rude to him since. Mr. Wells stated other than that, the Brandons are good neighbors. Mr. Cohan stated that one of the neighbors said they didn't come to the meeting because of threats from 1211 Clifton, to which Mr. Wells stated if they feel threatened then why don't they call the police, and he doesn't have time to threaten people. Mr. Cohan asked if there is any merit to the statement of threats, to which Mr. Wells says they're false. Mr. Cohan asked if he's ever had the police called on him, to which Mr. Wells stated he hasn't; **XV.** Mr. Brandon stated that there has been police called on Mr. Wells multiple times, and Mr. Brandon stated he's known to shoot guns in the backyard, and there are houses back there. Mr. Brandon stated that there was a time Mr. Wells brought out his rifle, and told Mr. Brandon that this is what he gets for hurting his kids; **XVI.** Mr. Wells stated that Mr. Brandon had been mowing without a shield, and it was shooting rocks at his kids so he told Mr. Brandon that he was going to shoot someone's eye out, and Mr. Brandon called the police saying that he was threatening him with a firearm. Mr. Wells stated no one was arrested, and it was dropped.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode, 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 Z21-0054

Petition of Craig Engeling, owner of record, requesting a variance as per §93.051, Section A, Item 3, Subsection (c) of the Madison County Zoning Ordinance in order to construct a new accessory structure that will be 28 feet from the north property line instead of the required 50 feet. This is located in an "A" Agricultural District in Collinsville Township at **5360 State Route 162, Glen Carbon**, Illinois, County Board District #25, PIN# 13-1-21-05-00-000-002.001

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

Members Absent: None

A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Craig Engeling be as follows:
Approved with the requested 22 foot setback.

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.** Kenny Engeling, the applicant's son, stated the variance is to allow them to build an agricultural building to help expand their horseradish operation. Mr. Engeling stated the house on the property is only 22 feet from the front property line, so this new building would be farther from the road or equal to the house, so they are wanting to actually request a 22 foot setback instead of 28 feet. Mr. Engeling stated the new building would be attached to the existing horseradish handling building, and attaching them will help them maintain their food safety requirements; **VI.** Noelle Maxey, Zoning Coordinator, confirmed with Mr. Engeling that they are wanting to request 22 feet instead of 28 feet and said she would update everything to reflect that. Chris Doucleff, Department Administrator, stated that the site plan had shown 28 feet, which is why there was a little bit of a miscommunication regarding the setback being requested; **VII.** Mary Goode, ZBA member, asked about the road setback, to which Mr. Engeling stated there is an easement on Route 162 that is 40 feet out from the centerline of the roadway, so they would be an additional 22 feet from that.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode, 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 Z21-0056

Petition of Craig and Lauren Watson, owners of record, requesting a zoning map amendment to rezone approximately 1.8 acres of a dual-zoned lot from "M-1" Limited Manufacturing District to "R-3" Single-Family Residential District. This is located in Edwardsville Township at **6005 Old Poag Road, Edwardsville, Illinois, County Board District #17, PIN# 14-1-15-10-05-101-001.001**

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

Members Absent: None

A **motion** was made by Mary Goode and **seconded** by Nicholas Cohan that the petition of Craig and Lauren Watson 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.** Craig Watson, applicant, stated that they wanted to put in a swimming pool and found out they are dual-zoned so they want to make the whole property residential.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode, 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 Z21-0058

Petition of Bill Branz, applicant on behalf of Charles D and Ann L Moore Family Revocable Trust, owner 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 single-family dwelling that will be 44 feet from the north property line instead of the required 50 feet. This is located in an "A" Agricultural District in Moro Township at **8270 Old Moro Road, Dorsey, Illinois, County Board District #5, PIN# 16-1-03-19-00-000-005**

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

Members Absent: None

A **motion** was made by George Ellis and **seconded** by Nicholas Cohan that the petition of Bill Branz and Charles D and Ann L Moore Family Revocable Trust 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.** Charles Moore, property owner, stated they are adding a garage and breezeway, and how it is laid out would only be 44 feet from the property line so they are requesting a variance for the setback; **VI.** Noelle Maxey, Zoning Coordinator, read aloud a letter of support that was submitted for the record via email: I own the adjacent property north of the Charles D and Ann L Moore property. I have No Objection to their request for a variance. Barbara Boley Adelman, trustee of the Barbara Boley Adelman revocable trust.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode, 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 Z21-0059

Petition of Mary Jo Guinn, applicant on behalf of Agape Farms, LLC, owner of record, requesting a Special Use Permit as per §93.023, Section D, Item 38 of the Madison County Zoning Ordinance in order to have public stables and horse boarding on site. This is located in an "A" Agricultural District in Jarvis Township at **8176 Lebanon Road, Troy, Illinois**, County Board District #2, PIN# 09-1-22-33-00-000-004.001

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

Members Absent: None

A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Mary Jo Guinn and Agape Farms, LLC, be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Mary Jo Guinn and Agape Farms, LLC. Any change of ownership or operation will require a new Special Use Permit.
2. There shall be no off-site parking on Lebanon Road.
3. All outdoor storage shall be kept in a neat and orderly condition and shall not create a health hazard or eyesore to the surrounding area.
4. All waste from the horses or otherwise shall be disposed of properly and shall not create a health hazard or eyesore to the surrounding area.
5. The owner/operator/applicant shall keep the property in compliance with all Madison County Ordinances, including but not limited to the Madison County Zoning Ordinance.
6. Failure to adhere to the conditions of this Special Use Permit will cause revocation of the same, and require immediate removal of the public stables, horse boarding, and riding lesson business.

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.** Mary Jo Guinn, applicant, stated they recently purchased a piece of land that was part of a larger piece, and they would like to have a Special Use Permit to operate a horse boarding business and continue the use of the property as it had been used prior.

Roll-call vote.

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