

Madison County Zoning Board of Appeals Meeting Minutes
Tuesday, September 26, 2023 at 5:00 p.m.
County Board Room

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

Members Absent: Sharon Sherrill

A. Call to Order

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

B. Approval of Minutes

Chairman Metzler asked for a motion to approve the meeting minutes from August 22, 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 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 hearing 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 Z23-0052** – Petition of Senita Glover, 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 Senita Glover for a period not to exceed 5 years. This is located in an “R-4” Single-Family Residential District in Nameoki Township at **202 Booker Street, Madison**, Illinois, County Board District #10, PIN# 17-2-20-31-05-101-008. A **motion** was made by Mary Goode and **seconded** by Cedric Irby that the petition of Senita Glover be as follows: **Approved with Conditions.** Roll-call vote. All Ayes. **Motion passes.**
2. **Hearing Z23-0053** – Petition of Chris Blakeburn, owner of record with Priscilla Awalt, requesting a variance as per §93.080, Section E of the Madison County Zoning Ordinance for an existing 5 foot tall chain link fence located in the front yard setback area, where fences are not permitted to exceed four feet in height. This is located in an “R-3” Single-Family Residential District in Nameoki Township at **3326 Lake Drive, Granite City**, Illinois, County Board District #20, PIN# 17-2-20-14-01-101-005. A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Chris Blakeburn be as follows: **Approved.** Roll-call vote. All Ayes. **Motion passes.**
3. **Hearing Z23-0054** – Petition of Kathleen Becker, owner of record, requesting a zoning map amendment to rezone the approximately .98 acre tract of land from “R-3” Single-Family Residential District to “B-1” Limited Business District. Also requesting a Special Use Permit as per §93.029, Section D, Item 2 of the Madison County Zoning Ordinance in order to operate an Eating and Drinking Establishment in the existing building on site. This is located in Chouteau Township at **5200 Maryville Road, Granite City**, Illinois, County Board District #21,

PIN# 18-2-14-33-02-201-017. A **motion** was made by Mary Goode and **seconded** by Cedric Irby that the petition of Kathleen Becker be as follows: **Approved with Conditions**. Roll-call vote. All Ayes. **Motion passes**.

4. **Hearing Z23-0055** – Petition of Matthew Barnes, owner of record with Alexandra Barnes, requesting a zoning map amendment to rezone the approximately 6.47 acre tract of land from “R-2” Single-Family Residential District to “A” Agricultural District. This is located in Collinsville Township at **6793 Lebanon Road, Collinsville, Illinois**, County Board District #22, PIN# 13-1-21-25-00-000-013. A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Matthew Barnes be as follows: **Approved**. Roll-call vote. All Ayes. **Motion passes**.
5. **Hearing Z23-0056** – Petition of Jay Warren, applicant on behalf of Timothy Warren, 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 mobile home on site for the occupancy of Jay Warren and family for a period not to exceed 5 years. This is located in an “A” Agricultural District in Omphgent Township at **7849 Dustman Road, Worden, Illinois**, County Board District #3, PIN# 12-1-04-29-00-000-003.002. A **motion** was made by Mary Goode and **seconded** by Cedric Irby that the petition of Jay Warren be as follows: **Approved with Conditions**. Roll-call vote. All Ayes. **Motion passes**.
6. **Hearing Z23-0057** – Petition of Ronald Luedloff, owner of record with Linda Luedloff, requesting a Special Use Permit as per §93.023, Section D, Item 35 of the Madison County Zoning Ordinance in order to have a Type “B” Home Occupation to operate a barber shop on site. This is located in an “A” Agricultural District in Moro Township at **8111 North State Route 159, Moro, Illinois**, County Board District #5, PIN# 16-1-03-22-00-000-015.001. A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Ronald Luedloff be as follows: **Approved with Conditions**. Roll-call vote. All Ayes. **Motion passes**.
7. **Hearing Z23-0058** – Petition of Richard Hanebrink, applicant on behalf of J&M Lots, LLC, owner of record, requesting a Special Use Permit as per §93.030, Section D, Item 1 of the Madison County Zoning Ordinance in order to operate an Eating and Drinking Establishment in the existing building on site. This is located in a “B-2” General Business District in Chouteau Township at **514 East Chain of Rocks Road, Granite City, Illinois**, County Board District #16, PIN# 18-2-14-34-02-201-002. A **motion** was made by Cedric Irby and **seconded** by Mary Goode that the petition of Richard Hanebrink be as follows: **Approved with Conditions**. Roll-call vote. All nays. **Motion fails**.

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

Thomas Ambrose 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 Z23-0052

Petition of Senita Glover, 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 Senita Glover for a period not to exceed 5 years. This is located in an "R-4" Single-Family Residential District in Nameoki Township at 202 Booker Street, Madison, Illinois, County Board District #10, PIN# 17-2-20-31-05-101-008

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

Members Absent: Sharon Sherrill

A **motion** was made by Mary Goode and **seconded** by Cedric Irby that the petition of Senita Glover be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Senita Glover 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 Senita Glover 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 Senita Glover 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.** Senita Glover, applicant, stated that she wishes to place a single-wide mobile home on the lot at 202 Booker Street; **VI.** Mary Goode, ZBA Member, asked if it is a new mobile home. Ms. Glover said yes. Ms. Goode asked if it will be set-up by professionals, and Ms. Glover said yes; **VII.** Thomas Ambrose, ZBA Member, asked Ms. Glover if the mobile home is just for her. Ms. Glover replied yes; **VIII.** Cedric Irby, ZBA Member, asked if there are other mobile homes in the area. Ms. Glover said yes, there are several in the area.

Roll-call vote.

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

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z23-0053

Petition of Chris Blakeburn, owner of record with Priscilla Awalt, requesting a variance as per §93.080, Section E of the Madison County Zoning Ordinance for an existing 5 foot tall chain link fence located in the front yard setback area, where fences are not permitted to exceed four feet in height. This is located in an "R-3" Single-Family Residential District in Nameoki Township at 3326 Lake Drive, Granite City, Illinois, County Board District #20, PIN# 17-2-20-14-01-101-005

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

Members Absent: Sharon Sherrill

A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Chris Blakeburn 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.** Chris Blakeburn, applicant, stated that he didn't know when he put the 5-foot fence up all around his property. He said it's been broken into, and the fence is animal control for the coyotes, foxes, dogs, and bobcats; **VI.** Chris Doucleff, Building and Zoning Administrator, stated that County code states that a fence can only be 4 feet high in a front yard, and this fence is 5 feet tall. Mr. Doucleff stated that he did receive a complaint regarding the fence being a foot too tall in the front yard, and the property is currently under violation for this; **VII.** Mr. Blakeburn said that he wanted to add that the street is kind of "up" and the yard is kind of "down", so when he was thinking about putting a 4 foot fence up, it just didn't seem adequate; **VIII.** Thomas Ambrose, ZBA Member, asked if he has had any complaints. Mr. Doucleff said there was the one complaint, which is why the property was put under violation and why he's asking for the variance to have the 5-foot tall fence in the front yard setback; **IX.** Mr. Blakeburn said his is probably the cleanest property on the street; **X.** Jen Hurley, Zoning Coordinator, read aloud the following letter of opposition that was submitted for the record: "The fence that was put up on 3326 Lake should follow the zoning laws and be taken down to the 4 foot allowance. The owners failed to check the zoning laws before putting up the fence therefore should be denied their petition. The zoning laws are put into place to be followed and by allowing them to ignore those laws it sets a precedent that no one has to follow them."; **XI.** Mr. Ambrose asked how long the fence has been up. Mr. Blakeburn said about two months; **XII.** Mary Goode, ZBA Member, asked if there's any way he could fill in a foot of dirt. Mr. Blakeburn said that's the plan but he's not there yet; **XIII.** Cedric Irby, ZBA Member, asked how much of an issue it would be if he were to drop the portion in front of the house down to 4 feet. Mr. Blakeburn said that's always an option, but it's already there. He said he would like to get away from someone having to come out and take the fence down and trim off the tops; **XIV.** Nicholas Cohan, ZBA Member, said he understands the situation and doesn't see a problem with this; **XV.** Mr. Blakeburn said he cleaned this property up, had a bulldozer out there, knocked down trees, and cleaned up a bunch of stuff his mother had when she was there. He said he doesn't have anyone living there, so he likes to keep it safe since it was broken into before and vandalized; **XVI.** Ms. Goode asked Mr. Blakeburn what he intends to do with the property. He said he's going to keep it in his family and give it to his daughter or granddaughter. He said there will be somebody eventually move in, but inside it needs new cabinets and new flooring.

Roll-call vote.

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

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z23-0054

Petition of Kathleen Becker, owner of record, requesting a zoning map amendment to rezone the approximately .98 acre tract of land from "R-3" Single-Family Residential District to "B-1" Limited Business District. Also requesting a Special Use Permit as per §93.029, Section D, Item 2 of the Madison County Zoning Ordinance in order to operate an Eating and Drinking Establishment in the existing building on site. This is located in Chouteau Township at 5200 Maryville Road, Granite City, Illinois, County Board District #21, PIN# 18-2-14-33-02-201-017

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

Members Absent: Sharon Sherrill

A **motion** was made by Mary Goode and **seconded** by Cedric Irby that the petition of Kathleen Becker be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Kathleen Becker and is not transferable to future owners/tenants. Any change of owner/tenant of the property will require a new Special Use Permit.
2. The owner/tenant/operator shall keep the property in compliance with all Madison County Ordinances, including but not limited to the Madison County Zoning Ordinance.

The Finding of Fact of the Board of Appeals: **I.** The zoning file, 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.** Ashley Becerra, Manager of Inn Between Tavern and applicant's daughter, stated that her mother purchased the tavern July 1st of this year. Ms. Becerra said Inn Between Tavern has been operating as an eating and drinking facility in its current location for over 70 years. She said in order to continue operating the bar, restaurant and video gaming, they are requesting to be rezoned from an "R-3" to a "B-1", as well as a Special Use Permit to continue operating this facility in its current location; **VI.** Nicholas Cohan, ZBA Member, asked if there have been any police incidents or bar fights there. Ms. Becerra said nothing major in the last five years or so. She said it's a very clean establishment and they run a very tight ship. She said her mother has worked there for 20 years, and she herself has been there for seventeen.

Roll-call vote.

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

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z23-0055

Petition of Matthew Barnes, owner of record with Alexandra Barnes, requesting a zoning map amendment to rezone the approximately 6.47 acre tract of land from "R-2" Single-Family Residential District to "A" Agricultural District. This is located in Collinsville Township at 6793 Lebanon Road, Collinsville, Illinois, County Board District #22, PIN# 13-1-21-25-00-000-013

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

Members Absent: Sharon Sherrill

A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Matthew Barnes 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.** Matthew Barnes, applicant, stated that he is asking to have his property rezoned to Agricultural, as he would like to raise chickens on his property, and maybe goats. Mr. Barnes said another reason is that they are building an 1800 square-foot ranch home with a garage attached, and he wants to put barn metal on the roof and walls, and that isn't allowed in Residential zoning. He said there is an easement that comes to the property, but that they won't be using the property for driving any farm equipment or any big equipment that would tear up the roads; **VI.** George Ellis, ZBA Member, asked if there would be any crops. Mr. Barnes said no, but they would like to have a big garden; **VII.** Mary Goode, ZBA Member, asked how long he has owned the property. Mr. Barnes said they closed on it April 18th of this year. Ms. Goode asked where his house is. Mr. Barnes said his house will be in the very far back north corner of the property. He said you can't see it from any other roads, and their driveway will be 1100 feet long; **VIII.** Ms. Goode asked what the purpose is of going from Residential to Agricultural. Chris Doucleff, Building and Zoning Administrator, said the purpose is to be able to have extra chickens. Jen Hurley, Zoning Coordinator, added that Mr. Barnes has turned in a building permit for his house, and to have the vertical metal siding that he wants, he has to have the Ag zoning for that; **IX.** Cedric Irby, ZBA Member, asked if he will need another permit to have chickens and goats. Mr. Doucleff said no, not for Ag. Mr. Irby asked if the properties adjacent to him are residential and how they might be affected by chickens and goats. Mr. Barnes said it won't affect them at all, and they aren't going to be anywhere near their homes. Mr. Barnes said he isn't sure about the zoning around him, but that the parcel next door is zoned commercial. Mr. Barnes said if you aren't up there on his property, you won't see his house; **X.** Rich Korte, adjoining property owner, stated that he has a problem with this request. He said Mr. Barnes is going to be driving on Mr. Korte's property to get to his property, and he has an easement that states residential only. Mr. Korte said he doesn't want a farm behind him because it's a nice, quiet neighborhood and he would like to keep it that way. Mr. Doucleff said it is only going to be used for residential, and not for farming. Mr. Korte asked if it will be used for a business, and Mr. Doucleff said no. Mr. Korte said he's of the understanding that Mr. Barnes is changing to Ag zoning for tax purposes. Mr. Korte says he pays \$8,000 and will change his property to Agricultural if he can get away from paying taxes.

Roll-call vote.

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

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z23-0056

Petition of Jay Warren, applicant on behalf of Timothy Warren, 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 mobile home on site for the occupancy of Jay Warren and family for a period not to exceed 5 years. This is located in an "A" Agricultural District in Omphgent Township at 7849 Dustman Road, Worden, Illinois, County Board District #3, PIN# 12-1-04-29-00-000-003.002

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

Members Absent: Sharon Sherrill

A **motion** was made by Mary Goode and **seconded** by Cedric Irby that the petition of Jay Warren and Timothy Warren be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Jay Warren and family 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 Jay Warren 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 Jay Warren 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.** Jay Warren, applicant, stated that he is applying for a Special Use Permit to put a mobile home on the property. Mr. Warren said that him and his wife have reached the age where they've decided it's time to downsize, as their current house was getting to be too much to take care of, so they sold it. He said his son said they could move onto his property, and put a mobile home there, so they would be closer for somebody to take care of them if needed; **VI.** Thomas Ambrose, ZBA Member, asked if there are any other mobile homes in that area. Mr. Warren said that there are, and while he couldn't say exactly how close they are, he believes there is one within a mile of them; **VII.** Cedric Irby, ZBA Member, asked if they have purchased the mobile home. Mr. Warren said no, he will have to purchase one but won't do it until he is approved to do so; **VIII.** Mr. Irby asked if it will be professionally installed, and Mr. Warren said yes.

Roll-call vote.

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

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z23-0057

Petition of Ronald Luedloff, owner of record with Linda Luedloff, requesting a Special Use Permit as per §93.023, Section D, Item 35 of the Madison County Zoning Ordinance in order to have a Type "B" Home Occupation to operate a barber shop on site. This is located in an "A" Agricultural District in Moro Township at 8111 North State Route 159, Moro, Illinois, County Board District #5, PIN# 16-1-03-22-00-000-015.001

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

Members Absent: Sharon Sherrill

A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Ronald Luedloff be **Approved with Conditions** as follows:

1. The Special Use Permit is granted for the sole usage of Ronald Luedloff. Any change of ownership/tenant will require a new Special Use Permit to operate the same type of business on site.
2. Any change or expansion of the Type "B" Home Occupation shall be subject to further review, and another zoning hearing to amend this Special Use Permit may be required.
3. The Type "B" Home Occupation shall adhere to all Madison County Ordinances, including but not limited to the Madison County Zoning Ordinance, particularly §93.083 Home Occupations.
4. Failure to comply with the conditions of the Special Use Permit will cause revocation, and immediate removal of the use will be required.

The Finding of Fact of the Board of Appeals: **I.** The zoning file, staff report, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance; **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Ron Luedloff, applicant, stated that he and his wife are new to the area, and purchased this property to restore and cleanup, which they have done. He said he is a retired master barber, and he thought it might be fun to setup his chair in his back room and have a little barber shop. Mr. Luedloff said he doesn't know if anybody will even show up way out there where he lives, but even if they do, he's not going to let it get too big because he doesn't want to work that hard. He said he is asking for permission, but he's not even sure he's going to do this; **VI.** Thomas Ambrose, ZBA Member, said there are some stipulations for advertising and signage. Mr. Luedloff said he will need the rules for that. Jen Hurley, Zoning Coordinator, said that a sign on the property would not be permitted for a Home Occupation. Mr. Luedloff said people wouldn't even know he was there. A short discussion ensued regarding other ways to advertise, including Facebook and word of mouth.

Roll-call vote.

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

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z23-0058

Petition of Richard Hanebrink, applicant on behalf of J&M Lots, LLC, owner of record, requesting a Special Use Permit as per §93.030, Section D, Item 1 of the Madison County Zoning Ordinance in order to operate an Eating and Drinking Establishment in the existing building on site. This is located in a "B-2" General Business District in Chouteau Township at 514 East Chain of Rocks Road, Granite City, Illinois, County Board District #16, PIN# 18-2-14-34-02-201-002

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

Members Absent: Sharon Sherrill

A **motion** was made by Cedric Irby and **seconded** by Mary Goode that the petition of Richard Hanebrink and J&M Lots, LLC be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Richard Hanebrink and is not transferable to future owners/tenants. Any change of owner/tenant of the property will require a new Special Use Permit.
2. The owner/tenant/operator shall keep the property in compliance with all Madison County Ordinances, including but not limited to the Madison County Zoning Ordinance.

The Finding of Fact of the Board of Appeals: **I.** The zoning file, 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.** Richard Hanebrink, applicant, said he owns a Kokomo Joe's at two other locations, one in Troy and one in Mascoutah. He said he is looking to open a third one in Mitchell, so they are seeking a Special Use Permit for an Eating and Drinking Establishment. Mr. Hanebrink said it's approximately 2100 square feet, and will have dartboards for leagues, Golden Tee, a pool table, and a full operational bar. He said that Kokomo Joe's specializes in frozen slush drinks, and the median age is 35-65. Mr. Hanebrink said they never have any issues at all at the other locations, and it's a nice, quiet place that people can come and sit down and have a couple drinks. He said people don't even stay long enough to get drunk. Mr. Hanebrink said that it's a different environment for people to come to, and he and his wife sold the one in Mascoutah but are looking to open up in Mitchell. He said they do plan on applying for video gaming as well, just as they have in the other ones; **VI.** Nicholas Cohan, ZBA Member, asked if that is right next to the post office in Mitchell. Mr. Hanebrink said it is basically two units, 514 and 516. He said to the right of him used to be Itty Bitty Restaurant, but they are closed down; **VII.** Mary Goode, ZBA Member, asked Mr. Hanebrink what his hours are in that location. Mr. Hanebrink said in the past, they usually open up at 11 on Sundays through Thursdays, and close at 10. He said that usually changes to opening at 3 and closing at 10. Mr. Hanebrink said if they have some people in there, he asks the bartenders to stay open until 11, but if there's no one in there between 9 and 10, go ahead and close up at 10. He said on weekends, they like to get out of there at 12, and they will close up early if no one is in there between 11 and 12; **VIII.** Cedric Irby, ZBA Member, asked what business was there before Mr. Hanebrink. Mr. Hanebrink said it was an insurance office before him, and he is renting it in hopes of getting the Special Use Permit. He said he is a retired union carpenter, and they will have to go in there and build a bar and get plumbing and electrical work done to meet code. Mr. Hanebrink said he will do what he's capable of doing, and will hire an electrician and a licensed plumber for the rest; **IX.** Mr. Cohan asked if it's going to be a dine-in restaurant. Mr. Hanebrink said they plan on serving TJ Pizzas, and they are looking into possibly a small grill and a fryer. He said that's not in the immediate plans, but he did talk to the landlord, and he would make additional space available if they wanted to pursue that route; **X.** Ms. Goode asked if Mr. Hanebrink knows why the Township Supervisor is in opposition. Mr. Hanebrink said he thinks it's because it's a small town and there's only one bar in the whole town, Luna's Café, and they have gaming and the little grocery store has gaming as well; **XI.** Jen Hurley, Zoning Coordinator, read aloud the following letters of opposition that were submitted for the record: (1) "As township supervisor I wish to object to the petition of Richard Hanebrink. On behalf of the people of our community. The people of the area don't want another bar and eating establishment setting between the school and the church. We feel that we don't need another place with alcohol and video gaming. Eddie Lee, Township Supervisor."; (2) "I am responding to the above referenced petition to operate an eating and drinking establishment. I do not believe this would be in the best interest of the community for the following reasons: 1) I understand that alcohol would be served in this facility and that would not be appropriate for this location since it is located approximately halfway between the Mitchell School to its right and to an active church to the left, both

less than 500 feet away. Numerous children walk past this location on their way to and from school daily. Cars leaving this location could easily hit some of these children since in some cases the driver may be impaired from alcohol intake. 2) I do not believe there are enough parking spaces available to accommodate as many cars that may be required on a busy night. The other existing business establishments already have a problem with the parking situation on certain days. Other businesses have had to ask drivers to remove their vehicles from the parking area belonging to those businesses. My business, The Flower Emporium, being one of them. Our lot is already too small for the customers that we have. 3) We don't need a business of this sort to be in this area perhaps keeping late hours after the rest of us have closed and left for the day. Mitchell already has a lot of existing crime, and we sure don't need any more which this type of business could bring. 4) Finally, there was a family restaurant in this location for many years. Good reputation, good food, no alcohol served, and overall, an asset to the community. I would like to see another restaurant in this location. Rumor has it that a few people have and are still considering opening such a business in this location if this bar proposal fails and terms can be agreed upon with the building owner. Thank you for this opportunity to respond to the above request for Special Use Permit application. Frank Hollis, owner of The Flower Emporium.”; **XII.** Ms. Goode asked Mr. Hanebrink how much parking he has. She said he still has a business at the end that's empty. She asked Mr. Hanebrink if he has parking for 18-20 cars. He said “correct”. Ms. Goode asked if that's enough spaces. Mr. Hanebrink said the business to the left is a hippie shop, so their customers are in and out, and there's nothing to the right. He said from what he gathers, the same guy that owns the hippie shop rents the unit on the other end, and there's talk that he wants to reopen that as a restaurant, so there could be some kind of opposition to that. He said as far as the Flower Emporium, it is a totally different and separate parking. Mr. Hanebrink said within the State of Illinois he has to be 100 feet from the church, and his location is at least 500 feet if not more. He said his wife worked at the Itty Bitty Restaurant, and he doesn't recall kids walking through there. He said when they would open, school would be out. He said he thinks it is just the fact that they don't want to have a bar in the area, but they do have a liquor store that sells packaged liquor and they have gaming in the back. He said the only other place that serves liquor is Luna Café and they've been there a very long time. He said other than that, the people of Mitchell don't really have a choice to go anywhere, and they have to drive somewhere else; **XIII.** Ms. Goode said that the Township Supervisor made a broad statement by saying “on behalf of the people of our community”; **XIV.** Darlene Rutkowski-Hanks, spoke on behalf of her mother, who owns the commercial property to the west. She said their biggest concern is parking. She stated that when looking at the floor plan that is included in the packet, it shows it is 1,755 square feet, with a proposed seating arrangement of 38 seats. She said if you look at the Madison County Zoning Ordinance, for restaurants and taverns it states that one parking spot shall be provided for each five seats, or for each 50 square feet of floor area used for assembly or seating purposes, whichever gives the greater number of spaces. Ms. Rutkowski-Hanks said that based on the Madison County parking ordinance, for the greater number of parking spaces you would have to use the area of the proposed establishment. She said if you take out restrooms and bar area and just look at the floor plan space that would be used for assembly area, that comes out to 1500 square feet. She said if you divide 1500 square feet by 50, that would yield 30 required parking spaces for this establishment, and the existing parking lot has 20 striped parking spaces. She said those 20 spaces are for the whole building, while the proposed establishment would only be occupying 50% of the building. Ms. Rutkowski-Hanks said it is greatly undersized from a parking perspective. She said it's not a matter of “if” there's enough parking, and said that they know from experience there's not enough parking. She said when the Itty Bitty Restaurant was operating, her mother continued to have overflow parking in her parking lot, and the Itty Bitty Restaurant is 50% of the size of what's being proposed for this new establishment. She said that is their number one concern. Ms. Rutkowski-Hanks said their second concern is that a restaurant and bar is being proposed, but the floor plan does not show a kitchen. She said Mr. Hanebrink's other facilities operate as a bar and a casino-style slot machine facility, not serving food. She said without seeing a kitchen on this plan, she doesn't know that the correct terminology is to ask for a restaurant. Ms. Rutkowski-Hanks said the third item is the concern of the drinking environment being so close to a church, school, and neighboring residential properties. She said Mr. Hanebrink's other businesses are tiki bar-style vibe and seem really fun and cool, but she doesn't think this is the right location for that business model. Ms. Hurley added for the record that Mr. Hanebrink has stated he is going to serve food there. Ms. Rutkowski-Hanks said what she heard is that was a future plan and said there is no space for it on the layout; **XV.** Mr. Hanebrink said that he talked to the owner about additional space, and it's not in the immediate plans, but something they are looking into. He said for right now they are doing pizzas, since they would need additional equipment and licenses. He said he never claimed it would be a full-blown restaurant, but instead a tiki bar environment that would serve food. Chris Doucleff, Building and Zoning Administrator, said bars and restaurants are both classified as Eating and Drinking Establishments, and it's the same Special Use Permit that they would apply for, whether its just a straight bar, a bar and restaurant, or just a restaurant. Mr. Hanebrink said they would just have a pizza maker to start off, since they have quite a bit investment they have to do in

the property. He said right now they are renting the property but it is sitting vacant until they get approved; **XVI.** Ms. Goode said she is concerned about the parking. She said she thought Mr. Hanebrink had 18-20 spaces that were just his, but if that space is for the whole facility, he is encroaching on the neighbors for parking. Mr. Hanebrink said it would be everybody's parking, but their businesses would typically be closed when he is operating, just like they would likely park in his spots when he's not open; **XVII.** Dan Rinehart, neighboring resident, said he is against this; **XVIII.** Eddie Lee, Chouteau Township Supervisor, said he received two more objections to this today. He said the parking has been a problem with this building for year. Mr. Lee said the little restaurant that was in there before had a temp service next to them, and the temp service was for the warehouses at that time, and on Tuesdays and Thursdays you couldn't get in the restaurant, but only two tables had people but the parking lot was full of people going into the temp service. He said the other thing is, talking to people in the community, they don't need another tavern and gaming place. He said they have four more in Mitchell they can go to. Mr. Lee said they have trouble with these flags they put up to advertise the gaming. He said they are all over the place and there's no regulations on them. He said it looks terrible and does nothing but hurts the community; **XVIII.** Sherri Beeman, owner of Hippie Spirit in that strip mall, said she is very aware of the parking issues. She said she has operated that business for 13 years. She said she also knows what it's like to try to come into Mitchell in a business that has a little bit of opposition to it. Ms. Beeman said her business does many things for the community, and she has a place where you have to be 21 once you get to a certain point, but she purposely built it to be family-friendly where anybody could still walk through her door. She said there are absolutely kids that walk across that parking lot, not just during the school year, but in the summer more so than any other time. Ms. Beeman said she also owns and rents the location to the other side, which she had previously filed permits for electric and plumbing for Copper Penny Café. She said they started renting that place January 1, 2020, and we all know what happened to the world come March of 2020. She said they have gutted, stripped out and ripped out every last thing that was Itty Bitty, including all the grease. She said they have done all the plumbing, had their inspections come back, and unfortunately the person that approved the plans sent a different inspector to come inspect the place. She said he decided he wanted more, and it was a \$20,000 change that they have to do to that, and in Covid times that took about 9 months to a year. She said in that time she has opened up another business, that has sucked up her time, but she is still under lease. Ms. Beeman said her concern is that when they do decide to finish this property, what will happen to her Special Use Permit if he is approved, and she has no parking. She said if Mr. Hanebrink is allowed there, she's pretty sure she is getting denied. She said she already has about \$90,000 invested into this building with electric, HVAC, etc. so she is concerned. She said Mitchell does not have its own police department, and they have zero police support other than from Madison County. She said you could look up how many times Hippie Spirit has had to call Madison County for a drunk person from 508 wandering into their store not wanting to leave. She said she has a very predominate female staff. She said 508 does have a gaming room and serves alcohol and that's the place they want to come loiter. Ms. Beeman said her prime time of business is 4 p.m. to 8 p.m. She said she is concerned about how much money she has already invested in a business next door that she might not get approval for if Mr. Hanebrink gets approved; **XIX.** Ms. Goode asked why she wouldn't get approved for her business. Ms. Beeman said because the work isn't done yet. Ms. Goode asked if she plans on waiting until she has the money to get it done. Ms. Beeman said she has the money but doesn't have the time. Ms. Goode asked if she's just going to let it sit until she has the time, and Ms. Beeman said yes. She said they have contracts out for concrete work; **XX.** Mr. Cohan asked to clarify that she was approved but a different inspector wanted more than what the first one told her. Ms. Beeman said yes, and said that's a huge problem for them and to get the plumber back out for a urinal was a bigger issue; **XXI.** Mike Davis, pastor of New Creation Fellowship, said he doesn't see that its going to be very productive for their community to have a place that they have to worry not only about the parking issue, but he can almost assure that if people can't find a place to park they will find another place that will either be the Flower Emporium or the church parking lot. He said the environment that kind of issue produces in an area where there's a school and a church...he said they don't want to be in competition to try to find parking places while they are trying to find extra parking places and trying to blend in with the congregation's cars. He said there's also the issue of people getting drunk. Mr. Davis said while nobody intends for somebody to get drunk, there's always somebody that can bend the rules and go past what they're supposed to do. He said crimes have been committed many times because people did something while they were under the influence. Mr. Davis said its not a good influence for the children at the school, and the parking issue is going to be a tremendous issue. He said the people are going to look for subsidy parking, and even though they might have to walk 500 feet, they're going to want to go to the bar. He said and then they will be in their car, and he doesn't know anybody that wants to be driving around someone that's already been influenced by liquor; **XXII.** Ms. Rutkowski-Hanks said she has looked at Mr. Hanebrink's establishment in Troy, and their happy hour special is \$1 16-ounce pint glasses of beer, served Monday through Friday from 3-6. She said that's an extremely cheap price for a substantial size of alcohol, so she feels that reinforces the pastor's concern; **XXIII.**

Ray Hunt, said that Mr. Hanebrink calls the one shop the “hippie shop”, and that place gets busy at times. He said if you only have 18-20 parking spots, you’ve got a problem. He said he used to go over to Itty Bitty, and at times you could not get in there. He said as a parent, he doesn’t need his kids walking by a liquor place. Mr. Hunt said Pontoon is a small family community, and they don’t need any more alcohol places than what they’ve got. He said it’s not a good place for kids and it's not a good place for parking. Mr. Hunt said it has too many things against it as it does for it, especially the parking and the alcohol; **XXIV.** Ms. Goode asked Mr. Hanebrink how big his facility is in Troy. Mr. Hanebrink said it’s only about 450 square feet, with 4 parking spots behind, parking on the main road, and parking on the side road; **XXV.** Mr. Irby asked Mr. Hanebrink to respond to the opposition. Mr. Hanebrink said what he keeps hearing is about the parking. He said he finds it ironic that they want to open a restaurant at the end of the strip mall, when they keep saying it was a parking issue before. He said if they open that restaurant, where are they going to park. Mr. Hanebrink said that would mean the building in the middle has nowhere to park. He said the parking thing is just their way of stopping the permit from going through. He said there is only one bar and restaurant in the town, which is Luna’s Café.

Roll-call vote.

Ayes to the motion: None

Nays to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode, Cedric Irby

Whereupon the Chairman declared the motion denied. Petition recommended for denial.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator