

Madison County Zoning Board of Appeals Meeting Minutes
Tuesday, September 27, 2022 at 5:00 p.m.
County Board Room

Members Present: Don Metzler, Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode Cedric Irby, 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 August 23, 2022. Thomas Ambrose made a motion to approve. Seconded by Cedric Irby. Voice-vote. All ayes. Motion approved.

C. Overview of Zoning Petitions and Staff Review

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

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

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

E. Zoning Hearings

The Zoning Board of Appeals conducted the zoning hearings on the four 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 Z22-0053** – Petition of Dedicated Electric, Inc., owner of record, requesting a zoning map amendment to rezone two parcels totaling approximately 5.59 acres from “R-1” Single-Family Residential District and “B-2” General Business District to “B-4” Wholesale Business District in order to operate an electrical contractor’s office and shop and self-storage facility on site. This is located in Fort Russell Township at **3689 and 3663 Edwardsville Road, Edwardsville, Illinois**, County Board District #14, PIN#s 15-1-09-32-00-000-027 and 15-1-09-32-00-000-027.001. A **motion** was made by George Ellis and **seconded** by Sharon Sherrill that the petition of Dedicated Electric, Inc. be as follows: **Approved**. Roll-call vote. All Ayes. **Motion passes**.
2. **Hearing Z22-0066** – Petition of Camille Townsend, 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 James Townsend and family for a period not to exceed 5 years. This is located in an “R-4” Single-Family Residential District in Venice Township at the **intersection of Roosevelt Street and Harrison Street, Madison, Illinois**, County Board District #23, PIN# 21-2-19-36-12-204-001.001. A **motion** was made by Mary Goode and **seconded** by Nicholas Cohan that the petition of Camille Townsend be as follows: **Approved with Conditions**. Roll-call vote. All ayes. **Motion passes**.
3. **Hearing Z22-0070** – Petition of Michael Nicoson, owner of record with Valerie Nicoson, requesting a zoning map amendment to rezone the approximately 4.24 acre tract of land from “R-2” Single-Family Residential District to “A” Agricultural District. This is located in Helvetia Township at **13864 Klaus Lake Road, Highland,**

Illinois, County Board District #1, PIN# 01-1-24-11-02-201-035. A **motion** was made by Mary Goode and **seconded** by Cedric Irby that the petition of Michael Nicoson be as follows: **Approved**. Roll-call vote. All ayes. **Motion passes**.

4. **Hearing Z22-0071** – Petition of Joseph Feyerabend and Denise Carroll, applicants on behalf of James Sendobry, 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 east property line and 5 feet from the north property line instead of the required 20 feet. This is located in an “R-4” Single-Family Residential District in Nameoki Township at **1709 Courtney Boulevard, Granite City**, Illinois, County Board District #21, PIN# 17-2-20-05-16-402-027. A **motion** was made by Mary Goode and **seconded** by Nicholas Cohan that the petition of Joseph Feyerabend and Denise Carroll, on behalf of James Sendobry, 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

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

Finding of Fact and Recommendations

Hearing Z22-0053

Petition of Dedicated Electric, Inc., owner of record, requesting a zoning map amendment to rezone two parcels totaling approximately 5.59 acres from "R-1" Single-Family Residential District and "B-2" General Business District to "B-4" Wholesale Business District in order to operate an electrical contractor's office and shop and self-storage facility on site. This is located in Fort Russell Township at **3689 and 3663 Edwardsville Road, Edwardsville, Illinois, County Board District #14, PIN#s 15-1-09-32-00-000-027 and 15-1-09-32-00-000-027.001**

Members Present: Don Metzler, Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill
Members Absent: None

A **motion** was made by George Ellis and **seconded** by Sharon Sherrill that the petition of Dedicated Electric, Inc. 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.** John Gibbons, attorney, stated he was present with David Boyer, one the property owners, to answer any questions; **VI.** Thomas Ambrose, ZBA member, asked if they had thought about traffic on 143 with it being just a 2-lane road. Mr. Boyer responded that when he puts the fence in, he is going to bring it way up toward the building. He stated that there are 3 entries to the properties, and there will be a main circle entry. He said he is going to put gates at all 3 entries with an automated gate for the storage facility that will be set way back off the highway so that there is enough space for trailers and RVs to clear the road when they come up to the gate. Mr. Ambrose asked how many units they are planning on for the storage facility. Mr. Boyer said it depends on the financial situation, and he is going to start at the front and work his way back as he grows, but he will probably start with 40-50 units and grow from there towards the back. Mr. Ambrose asked Mr. Boyer if he is prepared for the issues that come with storage units. Mr. Boyer said he owns quite a few rentals, and he wants to get everything automated so it will maintain itself, but that costs a lot of money; **VII.** Cedric Irby, ZBA Member, asked Mr. Boyer to give a quick overview of his operations. Mr. Boyer stated that the electrical contractor business has been based out of his home for the last 15 years, and currently he has to dispatch workers via phone call, and he would like to have a central location for that electrical office and more of a business front with storage. Mr. Boyer said the rest will be a storage facility that will run like any other storage facility. Mr. Irby asked if they are going to build any buildings for the electrical part of the business, and Mr. Boyer said yes, they will probably build a shop building. He said the existing building on the property will be used for the office. Mr. Boyer said that you have to have larger buildings or lean-tos for RV storage, but he's going to concentrate those towards the back of the property so you can't see them as much. Mr. Irby asked about the road infrastructure leading into the property, and Mr. Boyer said he will bring in rock for the front part of the property, but he wants to put in blacktop on the right side with climate-controlled buildings for higher-end car storage so they don't have to worry about the rocks when bringing the cars in. Mr. Boyer said he wants the property to look nice, and there's a salvage yard next door to it, but he wants it to be a nice facility for all the money he's putting into it; **VIII.** Mr. Ambrose asked how close this property is to the steel business, to which Mr. Boyer responded that the steel business is on the back side of the salvage yard, and they had just purchased another property that they're expanding the steel business onto. Mr. Boyer said he's discussed purchasing the salvage yard, and he wants to clean up the property line to put in the fence.

Roll-call vote.

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

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z22-0066

Petition of Camille Townsend, 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 James Townsend and family for a period not to exceed 5 years. This is located in an "R-4" Single-Family Residential District in Venice Township at the **intersection of Roosevelt Street and Harrison Street, Madison**, Illinois, County Board District #23, PIN# 21-2-19-36-12-204-001.001

Members Present: Don Metzler, Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill
Members Absent: None

A **motion** was made by Mary Goode and **seconded** by Nicholas Cohan that the petition of Camille Townsend be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of James Townsend 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 James Townsend 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 James Townsend 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.** Camille Townsend, applicant, said they inherited the property from her father who passed a few years ago, and her son is 23 now, and they think this would be a good starter home for him; **VI.** Cedric Irby, ZBA member, asked if it was two pieces, and Mrs. Townsend replied that it is a single-wide mobile home. Mr. Irby asked if there are other mobile homes in the area, and Mrs. Townsend replied there are.

Roll-call vote.

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

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z22-0070

Petition of Michael Nicoson, owner of record with Valerie Nicoson, requesting a zoning map amendment to rezone the approximately 4.24 acre tract of land from "R-2" Single-Family Residential District to "A" Agricultural District. This is located in Helvetia Township at **13864 Klaus Lake Road, Highland, Illinois, County Board District #1, PIN# 01-1-24-11-02-201-035**

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

Members Absent: None

A **motion** was made by Mary Goode and **seconded** by Cedric Irby that the petition of Michael Nicoson be as follows:
Approved.

The Finding of Fact of the Board of Appeals: **I.** The zoning file, staff report, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Michael Nicoson, applicant, said he's requesting to rezone to raise chickens and possibly some goats. He said he bought the property about 20 years ago, and when he bought it, he was told that it was already zoned Agricultural, and he had no reason to question it because there was a barn, machine shed, and the back of the property is all wooded. Mr. Nicoson said he's had chickens for about 20 years, and previously the two properties across the street loved his chickens, but they have since passed, and the new owners don't like his chickens coming over to their properties. He said he is surrounded on three sides by Agricultural, and the fourth side is a wooded lot that's never had a house on it; **VI.** Thomas Ambrose, ZBA member, asked if they're fenced in. Mr. Nicoson replied that the inspector had come out and was happy with the large fenced-in area for the chickens; **VII.** Noelle Maxey, Zoning Coordinator, read aloud the following letter from an adjacent property owner that was submitted for the record: "To whom it may concern I was wondering about the amount of chickens allowed for a tract of land under agricultural or if roosters are also allowed. One other thing is there are still guineas that are roaming the neighborhood that are the biggest nuisance and constantly in the road. Thanks"; **VIII.** Nicholas Cohan, ZBA member, reiterated that he's had the chickens for 20 years, and Mr. Nicoson said that until a month ago, he had thought the property was already zoned Agricultural; **IX.** Cedric Irby, ZBA member, asked how many chickens he's going to have, and Mr. Nicoson said that he was told he can have 10. Mr. Irby asked if they roam the neighborhood, and Mr. Nicoson replied that they are caged up and will remain that way.

Roll-call vote.

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

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z22-0071

Petition of Joseph Feyerabend and Denise Carroll, applicants on behalf of James Sendobry, 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 east property line and 5 feet from the north property line instead of the required 20 feet. This is located in an “R-4” Single-Family Residential District in Nameoki Township at **1709 Courtney Boulevard, Granite City**, Illinois, County Board District #21, PIN# 17-2-20-05-16-402-027

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

Members Absent: None

A **motion** was made by Mary Goode and **seconded** by Nicholas Cohan that the petition of Joseph Feyerabend and Denise Carroll, on behalf of James Sendobry be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Joseph Feyerabend and Denise Carroll. 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 and free-range chickens are prohibited.
3. The owner/applicant shall keep the property in compliance with all Madison County Ordinances, including but not limited to §93.100 Domestic Farm Animals.
4. Failure to comply with the conditions of the Special Use Permit will cause revocation, and immediate removal of the chickens, run, and coop will be required.

The Finding of Fact of the Board of Appeals: **I.** The zoning file, staff report, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Denise Carroll, applicant, said they are requesting a Special Use Permit to keep their chickens. Joseph Feyerabend, applicant, said they are wanting a Special Use Permit for 7 chickens, and he knows the maximum is 5, and right now they have 6. He said these are two-purpose birds, and they use the chickens to teach their kids about growing their own food. Mr. Feyerabend said the yard has a privacy fence, and he said the chickens haven't been much of an issue for neighbors. He said another neighbor reported the lady next door for having an open pool that hadn't been covered in years and had a lot of mosquito breeding, and he thinks she reported them for the chickens because she didn't like what she had been reported for, since they've already had the chickens for about a year and hadn't been reported before; **VI.** Noelle Maxey, Zoning Coordinator, read aloud the following letter of opposition from the adjacent property owner that was submitted for the record: "To whom it may concern, I was planning attending this hearing in person but due to me being sick I am unable to. I do have several objections to the permit. 1. The said persons when cleaning their chicken coop messes they throw the mess in the back of my fence. 2. I have done quite a bit of research and due to the mess the chickens make the matter goes airborne and then makes it very hard for people like myself that has asthma and a compromised immune system. 3. Said coop is to be 20 feet from my property line. 4. Waste accumulated from chickens is to be disposed of properly and not just thrown in open areas where it can attract mice, rats and snakes to just name a few. 5. Since these chickens have been on this property I have experienced several racoons in my yard. 6. 7 chickens are more than allowed in this area and mornings the said chickens make so much noise they wake me up. In closing I hope everything I have said here will be taken into account, if for nothing else but for my health reasons. Thank you. Lydia Wright"; **VII.** Nicholas Cohan, ZBA member, said he had been by their house the other day while going door-to-door, and he met these people, and the County needs to look at the house next door to them. Mr. Cohan said the house of the subject property was well-kept and clean; **VIII.** Mr. Feyerabend said they made the chicken coop from scrap pallets with the help of their 7 year old foster son who had never been able to do anything like that before, and they're hoping that while he's with them, they can show him how to do things like this, be a proper person, and raise things and take care of things with respect. Mr. Feyerabend said they use the chicken waste for compost in their garden, and they give the chickens food scraps. He said he has never been woken up from noise from the chickens, and they're usually pretty quiet unless they're running around playing with each other.

Ms. Carroll said the next door neighbor's house looks like it's falling apart. Mr. Feyerabend said the pool hasn't been covered in several years, the liner is falling in, and there's algae built up on it that you can smell on a hot day. Mr. Feyerabend said they've never thrown feces into her yard, and her fence in the alleyway is actually falling into her yard; **IX.** Mr. Cohan reiterated for the record that the house next door looks like it's abandoned, and the house of the subject property is well-kept. He said he didn't even know they had chickens until he read the hearing notice sign; **X.** Mr. Feyerabend reiterated that they've had the chickens about a year and hadn't had any problems until their neighbor was reported for issues on her property; **XI.** Cedric Irby, ZBA member, asked why they need to have 7 instead of the maximum of 5 since this is a residential area. Ms. Carroll said they had 7 to begin with but 1 passed away. Mr. Feyerabend stated they got the chickens from Rural King, and they won't sell them unless you buy at least 6. Ms. Carroll said they didn't know about the Special Use Permit or maximum number they could have because neighbors about a block away also have chickens, so they thought they could have them too.

Roll-call vote.

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

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator