

**Madison County Zoning Board of Appeals Meeting Minutes**  
**Tuesday, September 28, 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, Sharon Sherrill

**Members Absent:** Mary Goode

**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 24, 2021. Nicholas Cohan made a motion to approve. Seconded by Sharon Sherrill. Voice-vote. All ayes. Motion approved.

**C. Overview of Zoning Petitions and Staff Review**

Noelle Maxey, Zoning Coordinator, gave a brief overview of the five 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 five agenda items. Please note: Hearing Z21-0068, originally on the agenda for this meeting, was withdrawn by the applicant the afternoon of the ZBA Meeting. *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 Z21-0063** – Petition of Dale Shearer, owner of record with Donna Shearer, requesting a variance as per §93.051, Section A, Item 3, Subsection (c) of the Madison County Zoning Ordinance in order to construct a detached garage that would be 30 feet from the west (front) property line instead of the required 50 feet. This is located in an “A” Agricultural District in Alhambra Township at **5916 Dauderman Road, Alhambra, Illinois, County Board District #4, PIN# 07-1-11-24-00-000-003.003.** A motion was made by Sharon Sherrill and seconded by Nicholas Cohan that the petition of Dale Shearer be as follows: **Approved.** Roll-call vote. All Ayes. Motion passes.
2. **Hearing Z21-0064** – Petition of Eric Owens, applicant on behalf of Church of Christ, owner of record, requesting a Special Use Permit as per §93.023, Section D, Item 13 of the Madison County Zoning Ordinance in order to have a church use on site. This is located in an “A” Agricultural District in Foster Township at **3536 Prince Road, Alton, Illinois, County Board District #5, PIN# 20-1-02-34-03-301-001.002.** A motion was made by George Ellis and seconded by Nicholas Cohan that the petition of Eric Owens and Church of Christ be as follows: **Approved.** Roll-call vote. All Ayes. Motion passes.
3. **Hearing Z21-0065** – Petition of Lanny and Alice Yates, owners of record, requesting a zoning map amendment in order to rezone a new 2 acre tract of land from “B-4” Wholesale Business District to “A” Agricultural District. This is located in Moro Township **along Moro Road, Edwardsville, Illinois, County Board District #5, PIN# 16-**

1-03-34-00-000-026.003. A motion was made by Sharon Sherrill and seconded by George Ellis that the petition of Lanny and Alice Yates be as follows: **Approved**. Roll-call vote. All Ayes. Motion passes.

4. **Hearing Z21-0066** – Petition of Dean Croft, applicant on behalf of Thomas Linder, owner of record, requesting a zoning map amendment to rezone a new 5.58 acre tract of land from “A” Agricultural District to “B-5” Planned Business District in order to operate a self-storage facility on site. This is located in Pin Oak Township **along Blackburn Road, Edwardsville**, Illinois, County Board District #11, PIN# 10-1-16-09-00-000-001.003. A motion was made by Nicholas Cohan and seconded by George Ellis that the petition of Dean Croft and Thomas Linder be as follows: **Approved with Appendix “A”**. Roll-call vote. All Ayes. Motion passes.
5. **Hearing Z21-0067** – Petition of Scot and Jil Lehr, owners of record, requesting a variance as per §93.023, Section E, Item 3 of the Madison County Zoning Ordinance in order to have a maximum of 10 horses on site instead of the maximum of 5 currently allowed. This is located in an “A” Agricultural District in St. Jacob Township at **11158 Lake Road, Highland**, Illinois, County Board District #4, PIN# 05-1-23-10-00-000-008.004. A motion was made by George Ellis and seconded by Thomas Ambrose that the petition of Scot and Jil Lehr 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**

Nicholas Cohan made a motion to adjourn the meeting. Seconded by Thomas Ambrose. Voice-vote. All ayes. Motion approved. Meeting adjourned.

## **Finding of Fact and Recommendations**

### **Hearing Z21-0063**

Petition of Dale Shearer, owner of record with Donna Shearer, requesting a variance as per §93.051, Section A, Item 3, Subsection (c) of the Madison County Zoning Ordinance in order to construct a detached garage that would be 30 feet from the west (front) property line instead of the required 50 feet. This is located in an "A" Agricultural District in Alhambra Township at **5916 Dauderman Road, Alhambra**, Illinois, County Board District #4, PIN# 07-1-11-24-00-000-003.003

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

**Members Absent:** Mary Goode

A **motion** was made by Sharon Sherrill and **seconded** by Nicholas Cohan that the petition of Dale Shearer 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.** Dale Shearer, applicant, stated that he is wanting to build a 30x30 detached garage and is requesting a variance to be 30 feet from the property line. One reason for requesting the variance is because he wants to put a 20 ft concrete pad out front. He stated that the main issue is, he has a good idea where his front property line is, but he is not 100% certain without it being surveyed. Obtaining approval for the variance would ensure he meets setbacks.

Roll-call vote.

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

**Nays to the motion:** None

Whereupon the Chairman declared the motion duly adopted.

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Chairman, Madison County Zoning Board of Appeals

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Secretary, Zoning Administrator

## **Finding of Fact and Recommendations**

### **Hearing Z21-0064**

Petition of Eric Owens, applicant on behalf of Church of Christ, owner of record, requesting a Special Use Permit as per §93.023, Section D, Item 13 of the Madison County Zoning Ordinance in order to have a church use on site. This is located in an "A" Agricultural District in Foster Township at **3536 Prince Road, Alton**, Illinois, County Board District #5, PIN# 20-1-02-34-03-301-001.002

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

**Members Absent:** Mary Goode

A **motion** was made by George Ellis and **seconded** by Nicholas Cohan that the petition of Eric Owens and Church of Christ 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.** Eric Owens, applicant, stated Church of Christ has been operating at this location since 1982, and since that time, the congregants have aged and there are more children, which has caused them to outgrow their space. They are currently using the basement of the existing building as a commons area and space for meals, and it is becoming increasingly difficult for some of the members to get down there. They are hoping to add a 2400 sq ft room with a 10 ft ceiling onto the east side of the current building. They would then turn the present worship area into a main level eating area and congregating area, and use the new room for worship services. They are also planning on remodeling the existing restrooms to make them ADA Compliant/wheelchair accessible.

Roll-call vote.

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

**Nays to the motion:** None

Whereupon the Chairman declared the motion duly adopted.

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Chairman, Madison County Zoning Board of Appeals

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Secretary, Zoning Administrator

## **Finding of Fact and Recommendations**

### **Hearing Z21-0065**

Petition of Lanny and Alice Yates, owners of record, requesting a zoning map amendment in order to rezone a new 2 acre tract of land from "B-4" Wholesale Business District to "A" Agricultural District. This is located in Moro Township **along Moro Road, Edwardsville**, Illinois, County Board District #5, PIN# 16-1-03-34-00-000-026.003

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

**Members Absent:** Mary Goode

A **motion** was made by Sharon Sherrill and **seconded** by George Ellis that the petition of Lanny and Alice Yates 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.** Lanny Yates, applicant, stated that he was having trouble hearing and his attorney would be speaking on his behalf. Mr. Yates' attorney, Ken Balsters, stated that he completed the petition for Mr. and Mrs. Yates. He stated that this tract was carved out of a larger Agricultural tract, and is currently zoned "B-4". In order to build a single-family residence for their granddaughter, Mr. Balsters explained that they either needed to obtain a Special Use Permit for "B-4" zoning, or rezone the property and return it to Agricultural zoning. They ultimately decided to request the rezoning.

Roll-call vote.

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

**Nays to the motion:** None

Whereupon the Chairman declared the motion duly adopted.

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Chairman, Madison County Zoning Board of Appeals

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Secretary, Zoning Administrator

## Finding of Fact and Recommendations

### Hearing Z21-0066

Petition of Dean Croft, applicant on behalf of Thomas Linder, owner of record, requesting a zoning map amendment to rezone a new 5.58 acre tract of land from "A" Agricultural District to "B-5" Planned Business District in order to operate a self-storage facility on site. This is located in Pin Oak Township **along Blackburn Road, Edwardsville, Illinois, County Board District #11, PIN# 10-1-16-09-00-000-001.003**

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

**Members Absent:** Mary Goode

A **motion** was made by Nicholas Cohan and **seconded** by George Ellis that the petition of Dean Croft and Thomas Linder be as follows: **Approved with Appendix "A"**.

**The Finding of Fact of the Board of Appeals:** **I.** The zoning file, staff report, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Dean Croft, applicant, stated he and his wife are long-term residents of this area, and they are looking to build this self-storage facility to operate in their retirement years. Their research showed that the northwest corridor of Edwardsville is an affluent area, with no RV storage. The name of their brand will be "RV and Secure Storage," which will be a secure facility, complete with 6 ft tall barbwire fencing. Mr. Croft stated that Wilson is the engineer that stamped the drawings; **VI.** Wilson Waggoner with Sherrill Associates states the facility will be a combination of enclosed storage unit buildings, self-serve units, as well as a number of covered parking canopies. The lot surface will be gravel, with 2-way drive aisles between buildings. There will be 10 ft setbacks on all sides, according to the "B-5" zoning district regulations. There will be one main entrance with a 30 ft wide concrete apron; **VII.** Thomas Ambrose, ZBA member, asked what the access road is, to which Mr. Croft replied there is I-55 frontage on one side, but access will only be from Blackburn Road. Mr. Ambrose asked if there were any other storage areas nearby, to which Mr. Croft replied yes, there is one on Blackburn when you turn off 143. Mr. Croft stated that facility is full and has been there 20+ years.

Roll-call vote.

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

**Nays to the motion:** None

**Recused from voting:** Sharon Sherrill

Whereupon the Chairman declared the motion duly adopted.

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Chairman, Madison County Zoning Board of Appeals

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Secretary, Zoning Administrator

## Appendix "A" – "B-5" District Conditions of Use

**(A)** The applicant will be required to adhere to all district conditions and use requirements below. Should the applicant submit plans with substantial differences than the proposed use(s) and accompanying site plan, the applicant will be required to return to the Building & Zoning Committee for review upon a recommendation from the Zoning Board of Appeals.

### **(B) District Conditions of Use.**

1. Yard areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with the building:
  - a. Front Yard. A front yard setback not less than 20 feet shall be provided.
  - b. Side Yard. A side yard setback of at least 10 feet shall be provided.
  - c. Rear Yard. A rear yard setback of at least 10 feet shall be provided.
2. Additional Requirements: Signs §93.118, Parking §93.147, Loading Area, §93.148.

### **(C) Permitted Uses**

1. Self-storage facility, including outdoor and covered storage of RVs, boats, trailers, and other recreational vehicles.

### **(D) Accessory uses. (See § 93.051 (B))**

Accessory uses that are clearly associated with and supplementary to the principal uses of the lot or tract of land.

1. Off-street parking and loading.
2. Accessory structures.

### **(E) Prohibited uses.**

1. Boarding and rooming houses; dormitories, fraternity and sorority houses; apartment hotels; manufactured homes or manufactured home parks; and any uses for living quarters not specifically provided for in this Appendix.
2. Neither junkyards, the dismantling of vehicles or the storage of dismantled vehicles, petroleum bulk plants, or outside storage of inflammable liquids or explosives, shall be permitted in this district. There shall be no off-site parking permitted in this district.
3. Vehicles, such as automobiles, RVs, buses, and trucks that do not bear a current set of license plates; or are not in running condition; or are in such condition that they are inoperable on public streets shall not be permitted.

## **Finding of Fact and Recommendations**

### **Hearing Z21-0067**

Petition of Scot and Jil Lehr, owners of record, requesting a variance as per §93.023, Section E, Item 3 of the Madison County Zoning Ordinance in order to have a maximum of 10 horses on site instead of the maximum of 5 currently allowed. This is located in an "A" Agricultural District in St. Jacob Township at **11158 Lake Road, Highland, Illinois**, County Board District #4, PIN# 05-1-23-10-00-000-008.004

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

**Members Absent:** Mary Goode

A **motion** was made by George Ellis and **seconded** by Thomas Ambrose that the petition of Scot and Jil Lehr be **Approved with Conditions** as follows:

1. This variance request is approved for Scot and Jil Lehr only. Any future owners/tenants shall be allowed one horse per acre per the Madison County Zoning Ordinance, unless approved for a similar variance for additional horses.
2. 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.
3. The owners/applicants 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.** Scot Lehr, applicant, stated that they currently have 5 horses that they use for trail-riding offsite, and that horses are a big part of their family. Three of those horses are senior citizen horses and have arthritis and other problems. Mr. Lehr stated that they will not be putting the horses down because they can't be ridden, but will let them live out the rest of their lives in their pastures. Mr. Lehr stated that they have 5 riders in their family, so they are looking to replace the horses as the older ones age out; **VI.** Thomas Ambrose, ZBA member, asked if there are any regulations for riding horses on the road. Mr. Lehr replied that he doesn't think there is; however, most of their riding is done off-site at their property in Southern Illinois where they go most weekends. Sometimes they do ride around their circle drive, but most of their riding is off-site at horse shows and their property near Shawnee; **VII.** George Ellis, ZBA member, asked what the average life expectancy is for these horses. Mr. Lehr stated that he believes it may be around 35 years, but with the type of riding they do, his two oldest horses are about at the end of their usable/ridable years.

Roll-call vote.

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

**Nays to the motion:** None

Whereupon the Chairman declared the motion duly adopted.

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Chairman, Madison County Zoning Board of Appeals

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Secretary, Zoning Administrator