

Zoning Board of Appeals Meeting Minutes  
Tuesday May 9, 2017 at 8:30 a.m.  
157 N. Main Street, Suite 254, Edwardsville, IL

Present were Misters Campbell, Davis, Sedlacek, Koeller, Janek, St. Peters and Metzler.  
Absent: None

1. Call to Order – The Chairman, Michael Campbell, called the meeting to order at 8:30 a.m.
2. On-Site Hearings and Public Comment
  - a. The ZBA conducted on-site public hearings at the times and locations indicated in the agenda schedule. The ZBA reconvened in the Planning and Development Department Conference Room at 12:15 p.m. to complete motions and votes. Please see the Findings of Fact for the hearing summaries and public comment.
3. Approval of Minutes
  - a. Loren Davis made a motion to approve the minutes from April 25, 2017. Seconded by John Sedlacek. Voice Vote. All Ayes. Motion approved.
4. Unfinished Business
  - a. Z17-0020 – Petition of Arthur and Derek Baugh. John Sedlacek made a motion to bring the request off the table for consideration. Seconded by Loren Davis. Voice vote. All ayes. Discussion ensued regarding conflicting soil evaluation reports. Steve Koeller made a motion to table the request. Seconded by Pat St. Peters. Voice vote. All ayes. Motion approved.
  - b. Text Amendment – Petition requesting a text amendment to Chapter 93 of the Madison County Code of Ordinances. John Janek made a motion to bring the request off the table for consideration. Seconded by John Sedlacek. Voice vote. All ayes. John Sedlacek made a motion to approve the request. Seconded by Pat St. Peters. Voice vote. All ayes. Motion approved.
5. New Business
  - a. Z17-0021 – Petition of DEI Holdings, LLC. John Sedlacek made a motion to approve the request with conditions. Seconded by Steve Koeller. Roll-call vote. All ayes. Motion approved.
  - b. Z17-0024 – Petition of John and Nikkiesha Waddy. John Janek made a motion to approve the request with conditions. Seconded by Pat St. Peters. Voice vote. All ayes. Motion approved.
  - c. Z17-0022 – Petition of Deanna Brown. Don Metzler made a motion to approve the request. Seconded by John Janek. Voice vote. All ayes. Motion approved.
  - d. Z17-0025 – Petition of Katherine and Linda Durer. Steve Koeller made a motion to approve the request. Seconded by Loren Davis. Voice vote. All ayes. Motion approved.
6. Planning Coordinator’s Report
  - a. Andi Yancey informed the Zoning Board of Appeals that the next set of hearings will be May 23, 2017.
7. Adjournment
  - a. Steve Koeller made a motion to adjourn. Seconded by John Janek. Voice vote. All ayes. Motion approved.

**May 9, 2017**

**Finding of Fact and Recommendations**

**Mr. Michael Campbell, Chairman, called the meeting to order at 8:30 a.m. in the office of the Madison County Planning and Development Department.**

**Present: Misters Campbell, Koeller, Davis, Sedlacek, St. Peters, Janek, and Metzler.**

**Absent: None**

The Board of Appeals, established by the Chairman and the Board of Supervisors and provided for under the terms of the Madison County Zoning Ordinance, 1963 and all subsequent amendments/revisions thereto does hereby submit the Reports and Recommendations on the following:

**Text Amendment to Chapter 93 of the Madison County Code of Ordinances**

**File #Z17-0021 – Petition of DEI Holdings LLC**

**(Omphgent Township)**

**File #Z17-0024 – Petition of John and Nikkiesha Waddy**

**(Wood River Township)**

**File #Z17-0022 – Petition of DeAnna Brown**

**(Nameoki Township)**

**File #Z17-0025 – Petition of Catherine Durer**

**(Chouteau Township)**

## **Finding of Fact and Recommendations**

**Text Amendment** - Petition requesting a text amendment to Chapter 93 of the Madison County Ordinance. This public hearing will take place in the Madison County Planning and Development conference room located in the Madison County Administration Building, **157 N. Main, Suite 254, Edwardsville, Illinois 62025**. A copy of the proposed amendment is available to the public 48 hours prior to the meeting in the Planning and Development Department.

**March 28, 2017**

**Present: Misters Campbell, Davis, Sedlacek, St. Peters, and Janek.**

**Absent: Misters Dauderman and Koeller.**

A **motion** was made by Mr. Janek and seconded by Mr. Sedlacek that the petition requesting a Text Amendment to Chapter 93 of the Madison County Ordinance be as follows: "Tabled until the following Zoning Board of Appeals meeting."

Voice vote.

Ayes to the motion: Misters Campbell, Davis, Sedlacek, St. Peters and Janek.

Nays to the motion: None.

Absent were Misters Dauderman and Koeller.

Where upon the Chairman declared the petition tabled.

**May 9, 2017**

**Present: Misters Campbell, Koeller, Davis, Sedlacek, St. Peters, Janek, and Metzler.**

**Absent: None.**

A **motion** was made by Mr. Janek and seconded by Mr. Sedlacek that the petition requesting a Text Amendment to Chapter 93 of the Madison County Ordinance be as follows: "Removed from the table for consideration."

Voice Vote

Ayes to the motion: Misters Koeller, Davis, Sedlacek, St. Peters, Janek, and Metzler.

Nays to the motion: None.

Absent: None

Where upon the Chairman declared the petition removed from the table.

A **motion** was made by Mr. Sedlacek and seconded by Mr. St. Peters that the petition requesting a Text Amendment to Chapter 93 of the Madison County Ordinance be as follows: "**Approved.**"

**The Finding of Fact of the Board of Appeals:** I. The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; II. Matt Brandmeyer, Madison County Planning and Development Administrator, spoke in regard to the text amendment petition. Matt explained that each year staff conducts a review of the zoning ordinance to identify potential improvements and corrections to the code. Matt stated that he would introduce the proposed changes and then request that the petition be tabled in order to continue review and discussion. Matt stated that the biggest change being proposed is the addition of "landscaping services" as a special use within "A" Agriculture Districts. Matt explained that the department regularly receives requests to operate landscaping businesses within "A" Districts. Matt stated that the department has received two additional landscaping inquiries within the past few months, one of which will potentially be moving forward. Matt explained that the SUP would be limited to services only, stating that any type of retail or wholesale component would be prohibited and that no customers would be allowed to visit the site of the operation. Matt stated that employees would be allowed on site for the purpose of either picking up or

dropping off equipment, and all equipment would have to be stored within a fully-enclosed structure. Hours of operation would also be stipulated through the special use process, as would the minimum tract size. Matt stated that the structural setbacks for the landscaping use would be increased to 150 feet from any property line that is shared with a single-family residential use, which is greater than the standard setback for "A" Districts, which is 50 feet. Matt then read through the remaining proposed changes to the ordinance which include: incorporating permitted uses within the "M-1" and "M-2" Districts as permitted uses in the "M-3" District, amendments to the "Building Materials" section in order to clarify regulations and allow metal accessory structures within all residential districts and metal exteriors – except for vertical metal panels – to be used for residential dwellings, to allow for the storage of unlicensed vehicles within "B" and "M" Districts when it's incidental to the primary use, amend the "Swimming Pool" section to reflect the correct setback distances, and to correct various typos, citations, and scrivener's errors throughout the ordinance; III. Mike Strong inquired if the change regarding the storage of unlicensed vehicles applies to residential areas. Matt Brandmeyer stated that it does not, explaining that unlicensed and inoperable vehicles will continue to be prohibited in residential districts; IV. Kent Scheibel expressed concerns about allowing metal structures within residential areas. Mr. Scheibel stated that there have been situation in Holiday Shores where residents will erect large metal building blocking others view. Mr. Scheibel stated that Holiday Shores still has its own building committee, but that he hopes the county will continue to disallow metal structures in residential areas. Mr. Scheibel stated that metal structures, while they've become more attractive, still look out of place in residential areas such as Holiday Shores; V. Chairman Michael Campbell explained that Holiday Shores' subdivision covenants are separate from the zoning ordinance, and that Holiday Shores would still be able to enforce their restrictions; VI. On May 9, 2017, Matt Brandmeyer informed the Zoning Board that he had updated some of the items in the proposed text amendment, explaining that this was part of the annual ordinance review during which staff identifies scrivener's errors and ineffective or unnecessary regulations. Mr. Brandmeyer stated that the biggest change was the Landscaping Services special use added to the Agriculture District, stating that we already had one approved pending approval of the text amendment. Mr. Brandmeyer stated that landscaping services was not previously allowed in "A" Districts and we get a lot these requests in "A" Districts, this text amendment adds it as a special use. Mr. Brandmeyer stated that the text amendment also includes minimum requirements and conditions can be applied.

Voice vote.

Ayes to the motion: Misters Koeller, Davis, Sedlacek, St. Peters, Janek, and Metzler.

Nays to the motion: None.

Absent: None.

Where upon the Chairman declared the motion duly adopted.

## Finding of Fact and Recommendations

**Z17-0021** - Petition of DEI Holdings LLC, applicant and owner of record, requesting a zoning map amendment in order to rezone a 0.96 acre tract of land from "R-3" Single-Family Residential District to "B-2" General Business District and a Special Use Permit as per Article 93.030, Section D, Item (1), in order to have a bar and a Special Use Permit as per Article 93.030 Section D, Item (4) in order to have a dwelling. This is located in Omphgent Township at **8471 Prairietown Road, Dorsey, Illinois PPN#12-2-04-18-17-301-017 (03)**

A **motion** was made by Mr. Sedlacek and seconded by Mr. Koeller that the petition of DEI Holdings LLC be as follows:

- I. That the Special Use Permits are granted for the sole use of DEI Holdings, LLC;
- II. The applicant shall submit a formal parking plan to be reviewed and approved by the Zoning Administrator;
- III. The hours of operation shall adhere to the Madison County Liquor Ordinance.
- IV. The owner shall apply for an amendment to these Special Use Permits for any future alterations, modifications, or expansion of the use;
- V. The owner shall agree to keep the property maintained and in compliance with all Madison County Ordinances;
- VI. Any violation of the terms of these Special Use Permits would cause revocation of same.

**The Finding of Fact of the Board of Appeals:** I. The notice of public hearing was posted on the property in accordance with the terms of the ordinance; II. The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; III. The adjoining property owners were notified by mail of the time and date of the public hearing and several were in attendance; IV. Ed Schuets, partner with DEI Holdings LLC, spoke on behalf of the applicant. Mr. Schuets stated the bar was grandfathered and that when they took ownership of the property and the two adjoining parcels in September, they met with the county and were advised to bring the property into zoning compliance in order to carry-out the proposed upgrades and expansion. The expansion includes new bathrooms, expanded parking area, new bar and restaurant area outside, and expanded kitchen for the restaurant; V. Chairman Mike Campbell stated that since the bar was established before the zoning code, it was considered legal non-conforming, and the new owners were bringing the property into compliance, which required a "B-2" classification in this case; VI. Mary Nelson, 8440 Prairietown Road, inquired how many parking spaces would be required and if there would be a loading and unloading area; VII. Andi Yancey, Madison County Planning and Development, stated that the parking requirement was tied directly to the floor plan and proposed number of seats in the dining area and that a dedicated loading space would be required. Mrs. Yancey stated that an approved parking plan was a recommended condition of approval for the special use permits; VIII. Mary Nelson asked if the proposed parking would be off the road, because the current parking situation is dangerous; IX. Chairman Campbell stated that any required parking would have to be off road, but that the zoning process could not prevent people from parking along a public roadway; X. Mary Nelson asked if the parking requirements would address the problems of pulling off of Renken Road onto Prairietown Road and vice versa. Mrs. Nelson stated that cars park almost on the sidewalk and almost to the intersection along Renken Road, which makes it difficult to see traffic and the stop sign, which creates a hazard. Mrs. Nelson stated that she had talked to the highway department about striping the intersection to enhance visibility; XI. Chairman Campbell stated that many of the traffic issues Mrs. Nelson referred to would need to be addressed by the highway department, but if she wants to cite these issues as concerns, that is fine; XII. Mrs. Nelson asked if there was extra parking requirements for the employees and owners if handicap parking would be required. Mrs. Nelson asked what would happen if there wasn't enough parking and people continue to park along the roadway; XIII. Andi Yancey stated that the parking plan would need to be ADA compliant; XIV. Chairman Campbell stated that the zoning process would not prevent people from parking along a public roadway; XV. Mary Nelson stated that the facility currently only provides one men's and one women's restroom and that people urinate and bring liquor outside. Mrs. Nelson stated that there is no consideration for the people of Prairietown even though she had seen a letter addressed to the people of Prairietown, which she had not received. (It should be noted for the record that the letter Mrs. Nelson was referring to was included in a petition of support submitted by the applicant); XVI. Chairman Campbell clarified that the letter was not generated by the County, but by the applicants; XVII. Mrs. Nelson stated that she understood, and that she was trying to make a point that the applicants did not have consideration for the nearby residents. Mrs. Nelson voiced complaints regarding the noise of motorcycles, squealing tires, loud people, and loud music. Mrs. Nelson stated that the proposed expansion was just going to add to the noise, and that she is just trying to enjoy her home. Mrs. Nelson stated that zoning

codes were put in place to protect health, safety, comfort, and morale and to protect the general health and welfare of the people, to lessen and avoid congestion on public streets and highways, and to protect the character and stability of agriculture, residential, business, and manufacturing. Mrs. Nelson stated that there are a lot of zoning regulations and she hopes that is taken into consideration in rendering the decision as Prairietown is primarily residential although there are eight (8) businesses, it's mainly 111 residential homes. Mrs. Nelson stated that she considers the area to be residential and she hopes that is taken into consideration; XVII. Mark Voumard, district manager for Fosterburg Water, stated concerns about the parking issue. Mr. Voumard explained that the district has a bulk water station on the lot to the south of the Prairietown Inn and that he has received calls from farmers unable to access the station due to overflow parking from the Prairietown Inn; XVIII. Dorothy Schreiber, nearby property owner, stated that she realizes that she cannot stop anyone from parking on the county road, but that her ditch is on the county road, and maybe they wouldn't mind coming to fill up the ruts that are left by the individuals parking there and mowing that portion of her yard every week. Mrs. Schreiber stated that she has to pick up yahoo cans, carry-out containers, and candy wrappers in her yard, and it is not considerate. Mrs. Schreiber stated that she doesn't necessarily oppose them being rezoned, but stated that they do not have parking under control; XIX. Lonnie Prewitt, nearby property owner, stated that he had heard that the sewer system being proposed would be the only such system in the County and was wondering if that was correct; XX. Chairman Campbell stated that any proposed system would have to meet state and county code, otherwise they would not be allowed to install it; XXI. Andi Yancey stated that she wasn't sure whether there were any other mound systems in the County, but if so it had been several years since any were installed. Mrs. Yancey stated that the mound system proposed was a state-approved system and met all state and county codes; XXII. Rhonda Rawlings, 7310 Renken, also spoke about parking issues. Ms. Rawlings stated that due to the parking issues, the fire department has to cone off their parking, which makes it nearly impossible for her to get in and out of her driveway at times. Ms. Rawlings stated that the parking situation was out of control, complained about the smell of sewage, and outdoor music. Ms. Rawlings also expressed concerns about the parking along Renken Road, explaining that the cars parked there blocked the vision of drivers pulling onto Renken Road from Prairietown Road. Ms. Rawlings also spoke about a situation in which several party bus passengers urinated near her backyard when her children were playing outside; XXIII. Chairman Campbell reiterated that many of the issues being brought up were not zoning issues or issues that could be resolved through a zoning process, they were sheriff department and highway department issues. Chairman Campbell stated that this did not mean that the Zoning Board was not listening to their concerns, there just isn't a way to resolve many of them through zoning; XXIV. Mary Nelson asked what consideration was given to the fire department in order to ensure emergency vehicles could get in and out; XXV. Dana McGhee, partner with DEI Holdings LLC explained that they had hired an engineering firm to design the mound septic system that was mentioned earlier in the hearing. Mr. McGhee stated that the design met all state specs and was reviewed and approved by the County. Mr. McGhee explained that he just wanted to clarify that the proposed system was done the way it should have been; XXVI. The Board of Appeals notes for the record that the applicants submitted a 139 signature petition of support; XXVII. The Board of Appeals notes for the record that, while they understand the issues raised by nearby residents, they were largely enforcement issues that are not relevant to the items being considered; XXVIII. The Board of Appeals notes for the record that proposed special uses and zoning designation are compatible with the surrounding area; XXIX. The Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties; XXX. The Board of Appeals notes that the Comprehensive Plan, Madison County Zoning Ordinance, and the zoning file were taken into consideration.

Roll-call vote.

Ayes to the motion: Mistrs Koeller, Davis, Sedlacek, St. Peters, Janek, and Metzler.

Nays to the motion: None.

Absent: None.

Where upon the Chairman declared the motion duly adopted.

## **Finding of Fact and Recommendations**

**Z17-0024** - Petition of John and Nikkiesha Waddy, owners of record, requesting a special use permit as per Article 93.025, Section G, Item 9 of the Madison County Zoning Ordinance in order place a single-wide manufactured home on site for the occupancy of John and Nikkiesha Waddy for a period not to exceed five (5) years. This is located in an "R-4" Single-Family Residential District in Wood River Township, at **1411 9th Street, Cottage Hills, Illinois** PPN#19-2-08-03-02-205-039 **(13)**

A **motion** was made by Mr. Janek and seconded by Mr. St. Peters that the petition of John and Nikkiesha Waddy be as follows: I. This special use permit is granted for the sole usage of John and Nikkiesha Waddy for a period not to exceed five (5) years but may be extended either through an amendment to this special use permit or through an administrative review process, if qualified, as long as John and Nikkiesha Waddy occupy the structure, notwithstanding any violations, nuisance, change in ownership, or change in occupancy. The owner shall remove the mobile home from the site or apply for a new special use permit when John and Nikkiesha Waddy vacate the structure;

**The Finding of Fact of the Board of Appeals:** I. The notice of public hearing was posted on the property in accordance with the terms of the ordinance; II. The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; III. The adjoining property owners were notified by mail of the time and date of the public hearing and three (3) were in attendance; IV. John Waddy, owner of record, stated that he is seeking a special use permit in order to place a single-wide mobile home on the parcel for the him and his wife to occupy; V. Randy Hamilton, nearby occupant, stated that he objects to putting a single-wide mobile home on the property because it will reduce the property value; VI. Dale Kissinger, nearby resident, stated that they just don't need anybody next door; VII. Sherman Kissinger, residing at 1353 9<sup>th</sup> Street, stated that her landlord Stanley told her that he doesn't want anybody around there; VIII. John Waddy, owner of record, stated that they had spent over \$5,000 clearing the lot, explaining that it was previously wooded. Mr. Waddy asked what would happen if the request were denied; IX. Chairman Mike Campbell explained that since it was a public legal proceeding, everyone was entitled to speak, but it didn't mean that anyone was right or wrong; X. The Board of Appeals notes for the record that the proposed special use is compatible with the surrounding area; XI. The Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties; XII. The Board of Appeals notes that the Comprehensive Plan, Madison County Zoning Ordinance, and the zoning file were taken into consideration.

Voice vote.

Ayes to the motion: Misters Koeller, Davis, Sedlacek, St. Peters, Janek, and Metzler.

Nays to the motion: None.

Absent: None.

Where upon the Chairman declared the motion duly adopted.

## **Finding of Fact and Recommendations**

**Z17-0022** - Petition of DeAnna Brown, owner of record, requesting a Variance as per Article 93.025, Section E, Item (4) of the Madison County Zoning Ordinance in order to construct an attached garage to an existing home that will be ten (10) feet from the east property line instead of the required 25 feet. This is located in an "R-4" Single Family Residential District in Nameoki Township, at **224 Carver, Madison, Illinois PPN# 17-2-20-31-05-101-033 (23)**

A **motion** was made by Mr. Metzler and seconded by Mr. Janek that the petition of DeAnna Brown be as follows:  
**"Approved"**

**The Finding of Fact of the Board of Appeals:** I. The notice of public hearing was posted on the property in accordance with the terms of the ordinance; II. The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; III. The adjoining property owners were notified by mail of the time and date of the public hearing and none were in attendance; IV. Kurt Gardener, speaking on behalf of the applicant, stated that they were seeking to do a detached garage addition to the back of the house and, due to the road frontage, needed a variance in order to do that; V. The Board of Appeals notes for the record that the property is very well kept and the addition will be an improvement; VI. The Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties; VII. The Board of Appeals notes that the Comprehensive Plan, Madison County Zoning Ordinance, and the zoning file were taken into consideration.

Voice vote.

Ayes to the motion: Mistrs Koeller, Davis, Sedlacek, St. Peters, Janek, and Metzler.

Nays to the motion: None.

Absent: None.

Where upon the Chairman declared the motion duly adopted.

## **Finding of Fact and Recommendations**

**Z17-0025** - Petition of Catherine Durer, applicant, for owner of record, Linda Durer, requesting variances as per §93.025, Section B, Items 1 and 3 and §93.061, Section A of the Madison County Zoning Ordinance in order to create a lot in an "R-1" Single-Family Residential District that is 33,690 square feet instead of the required 40,000 square feet, in order for the existing dwelling to be 40 feet from the front property line instead of the required 50 feet, and in order to have a private sewage system on a lot that is less than 40,000 square feet. This is located in an "R-1" Single Family Residential District in Collinsville Township, at **2122 Rose Knoll Lane, Glen Carbon, Illinois PPN #13-2-21-03-03-302-004 (25)**

A **motion** was made by Mr. Koeller and seconded by Mr. Metzler that the petition of Catherine Durer be as follows:  
**"Approved"**

**The Finding of Fact of the Board of Appeals:** I. The notice of public hearing was posted on the property in accordance with the terms of the ordinance; II. The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; III. The adjoining property owners were notified by mail of the time and date of the public hearing and none were in attendance; IV. Catherine Durer, applicant, stated that they are trying to reconfigure the lots on their private road to reflect the way the lots have been used historically over the past 60 years; V. The Board of Appeals notes for the record that the requests are necessary in order for the proposed property boundary adjustments to comply with the zoning code; VI. The Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties; VII. The Board of Appeals notes that the Comprehensive Plan, Madison County Zoning Ordinance, and the zoning file were taken into consideration.

Voice vote.

Ayes to the motion: Misters Koeller, Davis, Sedlacek, St. Peters, Janek, and Metzler.

Nays to the motion: None.

Absent: None.

Where upon the Chairman declared the motion duly adopted.