

Zoning Board of Appeals Meeting Minutes
Tuesday May 23, 2017 at 8:30 a.m.
157 N. Main Street, Suite 254, Edwardsville, IL

Present were Misters Sedlacek, Davis, St. Peters and Metzler.
Absent were Misters Campbell, Koeller, and Janek.

1. Call to Order

- a. The Pro-Tem Chairman, John Sedlacek, 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 12:10 p.m. to conduct the final public hearing, take public comment, and 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 May 9, 2017. Seconded by Don Metzler. Voice Vote. All Ayes. Motion approved.

4. Unfinished Business

- a. Z17-0020 – Petition of Arthur and Derek Baugh. Loren Davis made a motion to bring the request off the table for consideration. Seconded by Don Metzler. Voice vote. All ayes. Discussion ensued. Don Metzler made a motion to approve the request. Seconded by Pat St. Peters. Voice vote. All ayes. Motion approved.

5. New Business

- a. Z17-0027 – Petition of Craig Cooper. Loren Davis made a motion to approve the request. Seconded by Don Metzler. Voice vote. All ayes. Motion approved.
- b. Z17-0026 – Petition of Gary Range. Pat St. Peters made a motion to approve the request. Seconded by Don Metzler. Voice vote. All ayes. Motion approved.
- c. Z17-0023 – Petition of Emile Demotte. Don Metzler made a motion to approve the request. Seconded by Pat St. Peters. Voice vote. All ayes. Motion approved.
- d. Text Amendment – Petition requesting a text amendment to Chapter 93 of the Madison County Code of Ordinances. No action was taken.

6. Planning Coordinator's Report

- a. Andi Yancey informed the Zoning Board of Appeals that the June 13, 2017 hearing will likely be canceled due to a lack of agenda items at the notification deadline, and the next meeting will likely be June 27, 2017.

7. Adjournment

- a. Steve Koeller made a motion to adjourn. Seconded by John Janek. Voice vote. All ayes. Motion approved.

May 23, 2017

Findings of Fact and Recommendations

Mr. John Sedlacek, Pro-Tem Chairman, called the meeting to order at 8:30 a.m. in the office of the Madison County Planning and Development Department.

Present were Misters Sedlacek, Davis, St. Peters, and Metzler.

Absent were Misters Campbell, Koeller, and Janek.

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:

File #Z17-0020 – Petition of Arthur and Derek Baugh

File #Z17-0027 – Petition of Craig Cooper

File #Z17-0026 – Petition of Gary Range

File #Z17-0023 – Petition of Emile Damotte

(Omphgent Township)

(Fort Russell Township)

(Saline Township)

(Chouteau Township)

Finding of Fact and Recommendation

Z17-0020 - Petition of Arthur Baugh, owner of record, and Derek Baugh, applicant, requesting a variance as per Article 93.052, Section (H) of the Madison County Zoning Ordinance in order to construct a metal accessory structure in an "R-3" Single-Family Residential District, a variance as per Article 93.051, Section (A), Item (3), Sub (c) in order to construct an accessory structure in the front yard setback area, and a variance as per Article 93.061, Section (A) in order to install a private sewage system on a lot that is 14,800 square feet instead of the required 40,000 square feet. This is located in an "R-3" Single-Family Residential District in Omphghent Township on Schiller Street, directly east of 8424 South Schiller Street, Worden, Illinois PPN#12-2-04-18-17-302-012 (04)

April 25, 2017

Present were Misters Campbell, Davis, Koeller, Sedlacek, Janek, and Metzler.

Absent was Mister St. Peters.

A **motion** was made by Mr. Sedlacek and seconded by Mr. Davis that the petition of Arthur and Derek Baugh be as follows: "Tabled until the following Board of Appeals meeting."

Roll-call vote.

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

Nays to the motion: None.

Absent: Mister St. Peters.

Whereupon the Chairman declared the petition tabled until the following meeting.

May 9, 2017

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

Absent: None.

A **motion** was made by Mr. Sedlacek and seconded by Mr. Davis that the petition of Arthur and Derek Baugh 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

Whereupon the Chairman declared the motion duly adopted.

A **motion** was made by Mr. Koeller and seconded by Mr. St. Peters that the petition of Arthur and Derek Baugh be as follows: "Tabled until the following Board of Appeals Meeting."

Voice vote.

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

Nays to the motion: None.

Absent: None

Whereupon the Chairman declared the motion duly adpoted.

May 23, 2017

Present were Misters Sedlacek, Davis, St. Peters, and Metzler.

Absent were Misters Campbell, Koeller, and Janek.

A **motion** was made by Mr. Davis and seconded by Mr. Metzler that the petition of Arthur and Derek Baugh be as follows: "Removed from the table for consideration."

Voice vote.

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

Nays to the motion: None.

Absent: Misters Campbell, Koeller, and Janek.

Whereupon the Pro-Tem Chairman declared the motion duly adopted.

A **motion** was made by Mr. Metzler and seconded by Mr. St. Peters that the petition of Arthur and Derek Baugh 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; IV. Eddie Unsell, representative for the Baughs, stated that the applicants are requesting a variances in order to install a private sewage system on a lot that is smaller than what the ordinance stipulates; V. Drew Baugh, speaking on behalf on the applicant, stated that they are also seeking a variance in order to construct a metal accessory structure in a residential district. Mr. Baugh stated that the proposed accessory structure is 24'x45' while the proposed dwelling is 1,600 sq. ft.; VI. Derek Baugh, applicant, stated that there was a soil classification conducted on the site indicating that the soils were not adequate for a sub-surface discharging system; VII. Mary Nelson, 8440 Prairietown Road, inquired how many bedrooms were being proposed in the dwelling, stating that the number of bedrooms would determine the size of the lateral field; VIII. Chris Doucleff, Madison County Planning and Development, stated that the petitioners are proposing an aerator to a surface discharge, explaining that there would be no lateral field; IX. Derek Baugh stated that the proposed dwelling had three (3) bedrooms; X. Mary Nelson stated that she did not think that would work and mentioned that her husband was a licensed private sewage installer for years, and that the rules are quite strict and listed several rules; XI. Chris Doucleff stated that according to the Madison County Private Sewage Ordinance, all surface discharge points must be a minimum of 235' from the nearest discharge point. Mr. Doucleff pointed out several discharge points that did not adhere to that standard; XII. Mary Nelson stated that she was concerned about all the pollution and the low grade of the area. Mrs. Nelson asked if the applicants planned to bring any fill in or if they had plans to elevate the property, which would run water off onto the neighbors and into the ditches. Mrs. Nelson stated that pole buildings could only be 20' tall and could not be in exceed 30% coverage of the rear yard, and asked how far each structure would be from the other and property lines. Mrs. Nelson asked where the septic system would be located and how it would drain since there were no ditches on the north side of the property. Mrs. Nelson stated that she does not feel the Baughs have enough room for what is being requested and that she didn't understand why the Baughs should get the variances when others Prairietown had to adhere to standards; XIII. Dorothy Schreiber, 8447 Prairietown Road, stated that she was opposed to the request and was concerned about the water issues, explaining that there was a very high water table in the area. Mrs. Schreiber stated that she usually cannot cut her ditches until July due to the poor drainage in the area. Mrs. Schreiber stated that the Baughs only had 30% of the area required for a private sewage system and that she doesn't understand why an exception would be made when neighbors have requested that same thing with more ground and were turned down; XIV. Bill Gusewelle, 8478 S. Schiller Street, stated that it was not just one (1) variance being requested, it was a whole bunch of them. Mr. Gusewelle stated that he could see granting one (1), but the county was just throwing the book out on this one and may as well not have any zoning. Mr. Gusewelle stated that he is against everything; XV. Lloyd Schaefer, stated that he is against everything as well; XVI. Mary Nelson asked if she needed to state at this point that she was opposed to the request, and stated that she was very much against the request; XVII. Derek Baugh, applicant, stated that there are setbacks in Madison County which require him to be 10 feet from the property lines. Mr. Baugh stated that the home

would be 1600 sq. ft. while the pole building would be roughly 900 sq. ft., which is nowhere near the 30% of yard coverage many attendees had mentioned. Mr. Baugh stated that there are drip systems that can be placed behind the aerator preventing any water from leaving the ground; XVIII. Chris Doucleff, Madison County Planning and Development, interjected to state that Mr. Baugh was not proposing a drip system, but instead a surface discharge; XIX. Derek Baugh, applicant, stated that he understood that he had not initially proposed a drip system, but that if he were going to be held to a higher standard than other within the neighborhood, he'd be willing to amend the proposal to accommodate the concerns of his neighbors. Mr. Baugh stated that his ditch was cleaned out, by him and not the township, stating that his was the only ditch in town that actually looked like a ditch. Mr. Baugh stated that he planned to keep the property very nice, neat, and clean and the he was proposing a very beautiful home. Mr. Baugh stated that they were looking to upgrade the neighborhood and that they had paid taxes on the property since 1994. Mr. Baugh stated that he understands variances are needed in order for him to move forward with the proposal, but that he did not think there was anything being proposed that did not adhere to rules and regulations; XX. Chris Doucleff, Madison County Planning and Development, interjected to tell Mr. Baugh he was not proposing a drip system, but instead a surface discharge. Mr. Doucleff stated that Mr. Baugh's proposed discharge point was 12.5 feet from the property line instead of the required 25 feet, and that the discharge point needed to be 235 feet from the next nearest discharge point, pointing out a discharge on an adjoining property that did not meet this standard; XXI. Chairman Campbell interrupted the exchange, explaining that this was not a debate. Chairman Campbell stated that everyone was aware that a surface discharge was being proposed and that it was already on the record. Chairman Campbell asked Mr. Baugh if there were any additional comments he'd like to make; XXII. Derek Baugh stated that he will be able to meet all building setbacks per county codes with no issues on the building and the homestead; XXIII. The request was removed from the table for discussion on May 9, 2017; XXIV. Chris Doucleff, Madison County Planning and Development, updated the Zoning Board. Mr. Doucleff stated that Mr. Baugh had an additional soil classification done on the property, which indicate that the soils would be adequate to accommodate a sub-surface system, which would meet the code, ordinance, and setback requirements. Mr. Doucleff stated that the system Mr. Baugh was proposing, which is an aerator to a lateral field, was above and beyond what would be required on the lot. Mr. Doucleff stated that Mr. Baugh would be required to install 145 feet of laterals behind the aerator, and that he was proposing to install 240 feet of laterals and would be willing to go up to 320 feet. Mr. Doucleff stated that he appeared the system would work properly on the lot; XXV. Loren Davis asked if this meant Mr. Baugh would be in full compliance with the code; XXVI. Mr. Doucleff stated that this was the case; XXVII. Steve Koeller stated that having one bad soil test and one good soil test left it tied, and asked whether it would be prudent to have a third test conducted to ensure accuracy; XXVIII. Mr. Doucleff stated that this was an option. Mr. Doucleff read the soil results from each of the previous tests and explained that the two tests were conducted on different portions of the lot. Mr. Doucleff described the system now being proposed; XXIX. John Sedlacek stated that he understood that there were wet periods in the year and dry periods in the year, and asked Mr. Doucleff which study he felt were more in depth or if they were both comparable; XXX. Mr. Doucleff stated that the two were comparable; XXXI. Mary Nelson, 8440 Prairietown Road, asked if Mr. Baugh needed to do a new zoning request due to the change in the septic system; XXXII. Chris Doucleff stated that Mr. Baugh changed the proposed septic system; XXXIII. Andi Yancey, Madison County Planning and Development, stated that the proposed system is not what is being considered through the zoning process. Mrs. Yancey stated that the zoning request is to have a private sewage system on a lot that is less than the required 40,000 square feet, which has not changed; XXXIV. Mary Nelson stated that she still thinks the lot is too small. Mrs. Nelson also expressed concerns that Mr. Baugh was proposing a basement and asked where the dirt and water would go, answering that it would go into the ditches. Mary Nelson asked again what Mr. Baugh would do with the dirt; XXXV. Dorothy Schreiber, 8447 Prairietown Road, submitted pictures for the record. Mrs. Schreiber stated that the photos were of the Lawrence street ditch, and indicated the water and drainage issues in the area. Mrs. Schreiber stated that one of the owner in the area have an entrance to their property with no culvert, causing water to back up. Mrs. Schreiber stated that the proposed structures would just add to the existing issues; XXXVI. John Sedlacek asked Mrs. Nelson and Mrs. Schreiber if they had contacted Omphgent Township or Madison County Highway Department. They said they had several times. Mr. Sedlacek stated that most of their concerns were drainage issues that needed to be addressed. Mr. Sedlacek asked if Mr. Baugh's lot had always been vacant. They indicated it had always been vacant; XXXVII. The request was removed from the table for discussion on May 23, 2017; XXXVIII. Chris Doucleff, Madison County Planning and Development, updated the committee on Mr. Baugh's request, stating that Mr. Baugh had had a third soil classification done by SCI Engineering, and the soils were still favorable for a sub-surface discharge. Mr. Doucleff described the design Mr. Baugh was proposing, stating that it should work well on the property and is within the parameters of the code. XXXIX. Mary Nelson asked if the lot size had been increased, stating that was a part of the zoning request; XL. Andi Yancey, Madison County Planning and Development,

stated that the lot size was the same, but that the applicant had addressed the concerns over allowing a septic system on a small lot by changing the design of the system to sub-surface, abating water run-off; XLI. Mary Nelson stated that she felt the lot was too small for what the applicant were proposing to put on there, expressing water run-off concerns; XLII. Mr. Sedlacek stated that Mrs. Nelson's concerns were duly noted, but that the drainage problems of Prairietown could not be addressed through zoning; XLIII. Mrs. Nelson stated that Ameren had set a temporary electric service at Mr. Baugh's property, making her feel as though she was not being heard and that she was wasting her time in addressing the Board; XLIV. Derek Baugh stated that there is not a lot on the block that is 40k square feet or greater, and that he isn't asking to do anything that everyone else in Prairietown hasn't already done; XLV. Dorothy Schreiber spoke about stormwater drainage and flooding concerns along Lawrence Street. Mrs. Schreiber stated that she feels her concerns are being ignored by the Board; XLVI. The Zoning Board of Appeals notes for the record that the applicant addressed the concerns of the Board by providing additional soil classifications and changing the proposed system to a sub-surface discharge; XLVII. The Board of Appeals feels that the variance requests are compatible with the surrounding area and that to allow this request would not cause a detrimental effect on adjoining properties; XLVIII. 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 Davis, Sedlacek, St. Peters, and Metzler.

Nays to the motion: None.

Absent: Misters Campbell, Koeller, and Janek.

Whereupon the Pro-Tem Chairman declared the motion duly adopted.

Finding of Fact and Recommendation

Z17-0027 - Petition of Craig Cooper, owner of record and applicant, requesting a variance as per Article 93.052, Section (H) of the Madison County Zoning Ordinance in order to construct a metal accessory structure in an "R-3" Single-Family Residential District. This is located in Ft. Russell Township, at 101 Sterling Drive, Moro, Illinois PPN#15-2-09-08-02-205-034

A **motion** was made by Mr. Davis and seconded by Mr. Metzler that the petition of Craig Cooper 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. Craig Cooper, owner of record, stated that he is seeking a variance in order to construct a 30'x45' steel building for personal storage; V. The Board of Appeals notes for the record that proposed variance is compatible with the surrounding area; 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 feels that to allow this variance would not cause a detrimental effect on adjoining properties; VIII. 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: Misterys Davis, Sedlacek, St. Peters, and Metzler.

Nays to the motion: None.

Absent: Misterys Campbell, Koeller, and Janek.

Whereupon the Pro-Tem Chairman declared the motion duly adopted.

Finding of Fact and Recommendation

Z17-0026 - Petition of Gary Range, owner of record, requesting a variance as per Article 93.023, Section "B", Item (2) of the Madison County Zoning Ordinance in order to construct a new residence twenty (20) feet from the east property line instead of the required fifty (50) feet. This is located in an Agricultural District in Saline Township, at 13218 Fawn Creek Road, Highland, Illinois
PPN#02-2-18-22-00-000-027 (03)

A **motion** was made by Mr. St. Peters and seconded by Mr. Metzler that the petition of Gary Range 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 one (1) was in attendance; IV. Gary Range, owner of record, stated that he is seeking a variance in order to build a new home 20 feet from the east property line due to the width of the lot and the size of the proposed house; V. Meryl Wernle, adjoining property owner and developer of Fawn Creek, stated that he was in favor of the request; VI. The Board of Appeals feels that to allow this variance 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: Mistery Davis, Sedlacek, St. Peters, and Metzler.

Nays to the motion: None.

Absent: Mistery Campbell, Koeller, and Janek.

Whereupon the Pro-Tem Chairman declared the motion duly adopted.

Finding of Fact and Recommendation

Z17-0023 - Petition of Emile E. Damotte, applicant and owner of record, requesting a zoning map amendment in order to rezone a tract of land from "R-3" Single-Family Residential District to "M-1" Limited Manufacturing District. This is located in Chouteau Township, at 1082 St. Thomas Road, Granite City, Illinois PPN#18-2-14-32-02-202-026 (21)

A **motion** was made by Mr. St. Peters and seconded by Mr. Metzler that the petition of Emile E. Damotte 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 several were in attendance; IV. Emile Damotte, applicant, stated that he is seeking a zoning map amendment in order to rezone the south building of his property from "R-3" to "M-1". Mr. Damotte stated that it was requested to be "M-1" when it was first built in 1941. Mr. Damotte stated that when the zoning map was first established in 1962, the gentleman who built the building had a home on one portion of the property and had requested for the dwelling to be "R-3" and each of the manufacturing buildings to be "M-1", but a mistake was made in the office causing the manufacturing building to come in as "R-3" and the home to come in as "M-1" and it has been that way ever since. Mr. Damotte stated that he is requesting the correct the mistake that was made when it came in during the original zoning back in 1962 and allow the building to be "M-1". Mr. Damotte stated that is has always been a commercial warehouse; V. Eddie Lee, Chouteau Township Supervisor, stated that he objects to the zoning change. Mr. Lee stated that he felt it did not fit in with the neighborhood, plus they've had ongoing problems with the property. Mr. Lee stated that the property was a completely different place the previous night, and had been cleaned up for the hearing. Mr. Lee stated that he objects to the zoning change and asked the Board to deny the request; VI. Tim Sherlock, 1076 St. Thomas Road, stated that he objects to the zoning change. Mr. Sherlock stated that up until last night, the place looked like a junk yard, and submitted photos for the record. Mr. Sherlock stated that they've had nothing but problems from many of Mr. Damotte's tenants, explaining that Mr. Damotte just rents the building out. Mr. Sherlock stated that he witnessed tenants urinating behind the building. Mr. Sherlock reiterated that they've had nothing but problems since Mr. Damotte has owned the property and that he objects to the zoning change. VII. Jeff Scholebo, Chouteau Township Highway Commissioner, stated that he objects to the zoning change. Mr. Scholebo stated that they are currently working in the subdivision to get the flow of water to work better, and that they do not need more junk in the area. Mr. Scholebo stated that people are trying to clean up the area and make a better community, and the this does not fit; VIII. Linda Partney, 1087 Wanda, stated that the property has been an ongoing problem. Mrs. Partney submitted "M-1" District conditions of use for the record, highlighting items that Mr. Damotte was not in compliance with. Mrs. Partney stated that there have been nothing but problems since Mr. Damotte owned the property, stating that there were currently "Mexicans that don't even speak English" in the back unit. Mrs. Partney stated that they would like to know what is going on with the EPA and where the junk cars and oil are going. Mrs. Partney stated that she is opposed to the request; IX. Linda Keister, 1072 Wanda, stated that she opposed the request because of how the property has looked in the past with mattresses and pallets on site. Mrs. Keister stated that they had tried to communicate with Mr. Damotte to ask him to clean the site up, and nothing had been done. Mrs. Keister stated that she opposed the request; X. A petition of opposition was submitted for the record; XI. Kenny Mueller, 1058 St. Thomas Road, stated that she rides by the property at least twice a day and that today was the best the property had looked in three (3) years. Mrs. Mueller stated that they are not following residential or manufacturing guidelines. Mrs. Mueller stated she was sure the vehicles that had been removed from the property would be back soon. Mrs. Mueller stated that the area is prone to flooding and she had concerns that EPA rules are not being followed, which could lead to water contamination. Mrs. Mueller stated that she is opposed to the request; XII. Dianne Simpson, adjoining property owner, stated that she is opposed to the request, stating that she sees people urinating behind the buildings daily. Mrs. Mueller stated they have had numerous issues, including people living in the structure, taking showers, and urinating outside. Mrs. Mueller stated that there was also an issue with trash, which was "mysteriously cleaned up today". Mrs. Mueller stated that everyone in the area took care of the yards and they are trying to live in a residential neighborhood, stating this does not fit. Mrs. Mueller

voiced concerns about additional traffic and stranger and or they don't know what's going on because tenants come and go based on who pays rent; XII. Linda Keister, 1072 Wanda, stated that the businesses take place at 9pm at night to 6am in the morning, while residents are trying to sleep; XIII. Mark Wilson, 632 Veronica, stated that he just wants to ask the petitioner what business he was planning on putting in there; XIV. Mr. Damotte stated that he is asking for "M-1" zoning so that they would be in compliance. Mr. Damotte stated that the tenants were fixing cars and reselling them, so they would be fixing the cars inside and selling them to individual who buy those cars; XV. Tim Sherlock, 1076 St. Thomas Road, stated that the fence was brand new and was less than a week old, stating that it was erected for the hearing and did not meet the requirements for "M-1" and that he still has to look at the place; XVI. Mike Fleming, 23 Paul Drive, submitted photos for the record. Mr. Fleming stated that the photos were taken the night before as the tenants removed all vehicles from the site. Mr. Fleming stated that he leaves for work at 3a.m. and there are often men outside working on cars in the middle of the night. Mr. Fleming stated that, at the time of the last flood about two (2) week ago, there was a tuck near the ditch that had water up around it, explaining that he was also opposed for environmental reasons. Mr. Fleming asked the Board to consider everything the residents have put up with in the past 2-3 years XVII. Tim Sherlock, 1076 St. Thomas Road, stated that he also has picture that he'd like the Board to see; XVIII. Emile Damotte, applicant, stated that the facility was built in 1941, long before any of those "standing there complaining about the conditions" had a house there, and the building should have been "M-1" from the beginning. Mr. Damotte stated that he is just asking for the building to be rezoned "M-1", stating that it is ridiculous that that building was zoned "R-3" and he is just asking the Board zone it to "M-1" which is consistent with what it has been and has been used for since 1941. Mr. Damotte stated that he intends to abide by the "M-1" District zoning requirements; XIX. The Board of Appeals notes for the record that proposed zoning designation is compatible with the surrounding area; XX. The Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties; XXI. 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: Misterys Davis, Sedlacek, St. Peters, and Metzler.

Nays to the motion: None.

Absent: Misterys Campbell, Koeller, and Janek.

Whereupon the Pro-Tem Chairman declared the motion duly adopted.