

Zoning Board of Appeals Meeting Minutes
Tuesday August 22, 2017 at 8:30 a.m.
157 N. Main Street, Suite 254, Edwardsville, IL

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

Absent were Misters Koeller and St. Peters.

1. Call to Order

- a. Chairman Mike 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 1:00 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 June 27, 2017. Seconded by John Sedlacek. Voice Vote. All Ayes. Motion approved.

4. Unfinished Business

- 5. Text Amendment** – Petition requesting a text amendment to Chapter 93 of the Madison County Code of Ordinances. The petition remained tabled, and no action was taken.

6. New Business

- a. **Z17-0040** – Petition of Kevin Kahrig. John Sedlacek made a motion to deny the request. Seconded by John Janek. Roll-call vote. All ayes. Motion approved.
- b. **Z17-0041** – Petition of Bryan Bauer. John Janek made a motion to approve the request. Seconded by Loren Davis. Voice vote. All ayes. Motion approved.
- c. **Z17-0037** – Petition of William Hanfelder. Loren Davis made a motion to approve the request. Seconded by John Janek. Voice vote. All ayes. Motion approved.
- d. **Z17-0039** – Petition of Clay Iberg. John Sedlacek made a motion to approve the request. Seconded by Don Metzler. Voice vote. All ayes. Motion approved.
- e. **Z17-0038** – Petition of Eldon and Linda Wiegand. John Janek made a motion to deny the request. Seconded by Loren Davis. Roll-call vote. All ayes. Motion approved.

7. Planning Coordinator's Report

- a. Andi Yancey informed the Zoning Board of Appeals that the September 12, 2017 hearing will be canceled due to a lack of agenda items at the notification deadline, and the next meeting will likely be September 26, 2017.

8. Adjournment

- a. John Sedlacek made a motion to adjourn. Seconded by John Janke. Voice vote. All ayes. Motion approved.

August 22, 2017

Findings 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 were Misters Campbell, Davis, Sedlacek, Janek, and Metzler.

Absent were Misters Koeller and St. Peters.

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 #Z17-0040 – Petition of Kevin Kahrig

File #Z17-0041 – Petition of Bryan Bauer

File #Z17-0037 – Petition of William Hanfelder

File #Z17-0039 – Petition of Clay Iberg

File #Z17-0038 – Petition of Eldon and Linda Wiegand

(Fort Russell Township)

(Chouteau Township)

(Nameoki Township)

(Marine Township)

(Pin Oak Township)

Finding of Fact and Recommendations

Z17-0040 - Petition of Kevin Kahrig, applicant, on behalf of Rick Kahrig, owner of record, requesting a zoning map amendment to rezone a 2.5-acre tract of land from "R-1" Single-Family Residential District to "B-4" Wholesale Business District in order to operate an office building and storage facility on site. This is located in Fort Russell Township, at the corner of State Route 143 and Indian Hills Road, Edwardsville, Illinois. PPN 15-1-09-32-00-000-023 (24)

A **motion** was made by Mr. Sedlacek and seconded by Mr. Janek that the petition of Kevin Kahrig be as follows: **Denied.**

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. Kevin Kahrig, applicant, stated that the main thing is the office building, explaining that everyone seemed to have an issue with storage; V. Michael Campbell, Chairman of the Zoning Board of Appeals, stated for the record that the storage facility was part of the request; VI. Mr. Kahrig, applicant, stated that that was correct and that he just wanted to say that he understands where the concerns would come in given what's located down the street. Mr. Kahrig stated that he plans to far exceed whatever else is down the street, because everything in his opinion is trash. Mr. Kahrig stated that he is trying to change that and the he knows another gentleman down the street who is also trying to change that and that their goal is to make it more like what's on the other side of town so that it's not junk. Mr. Kahrig said he feels that if they start building nicer buildings, everyone else will follow suit, and property values should rise. Mr. Kahrig stated that the office building he is planning will be marketed toward attorneys due to its proximity to the courthouse and will be more upscale than the surrounding area. Mr. Kahrig stated that the same principle applies to the storage facility in that it will be nicer than what's down the street; VII. Michael Campbell, ZBA Chairman, clarified for the record that the storage facility was still part of the request; VIII. Mike Pearman, 4956 Indian Hills Drive, stated that he has concerns about stormwater drainage. Mr. Pearman stated that water runs over the property in two or three places, and that the subject property floods so badly he doesn't understand how anything could be built on the site. Mr. Pearman stated that the proposal would cause stormwater to back up even worse. Mr. Pearman also stated that he doesn't understand Mr. Kahrig's initial comments since it's clear that he still intends to build the storage buildings. Mr. Pearman stated that he also has concerns with traffic in the area. IX. Michael Campbell, ZBA Chairman, stated that any development would be reviewed by the department's Stormwater Coordinator, and that the applicant would not be allowed to increase stormwater runoff from the property; X. Sandra Phillips, 4843 Indian Hills Road, stated that her property already floods and that she is concerned about the impact the proposal would have on stormwater drainage; XI. Denise Maxwell, 4873 Indian Hills Drive, stated that she researched the differences between the various Business Zoning Classifications and the she and other property owners are concerned about traffic turning in off of IL Route 143 since there is no left turn lane in or out, the narrowness of Indian Hills Drive, and the heavy traffic in the surrounding area. Ms. Maxwell stated that, depending on where the applicant is proposing to locate the ingress and egress, there will likely be issues turning in and out. Ms. Maxwell stated that there were some Ag-related businesses currently located along Indian Hills Drive, and that type of business activity fits the character of the area. Ms. Maxwell stated that she also has concerns surround the drainage of the property explaining that the water has to go somewhere. Ms. Maxwell concluded by stating the nearby property owners had submitted a list of concerns; XII. Floyd Rulo, 4847 Indian Hills Road, stated that his concern is water problems and that no one seems to want to do anything about it. Mr. Rulo stated that the subject property is the biggest back-up of water in the County and that nobody seems to care about it. Mr. Rulo said that he cares about it because it's been in his house several times, and that if the applicant builds something that causes his house to flood again, there are going to be problems around here. Mr. Rulo stated that whoever buys the subject property better know what they're doing and better look at some of the records of the flooding in the surrounding areas and drainage ways. Mr. Rulo stated that he is all for improving property around here, but that he is not for somebody building something that backs water up into his yard and house; XIII. Nina Limbaugh, 4842 Indian Hills Drive, stated that she has owned her property for 26 years and she knows what her neighbors are talking about with the water, stating that while it has yet to get into their house it has come within a few feet. Mrs. Limbaugh explained that she and her husband were in the construction business for 23 years, and she knows what construction is all about. Mrs. Limbaugh went on to say that she doesn't know what he plans to do, but that she does not want a construction business across the road from her.; XIV. Art Lippoldt, 5022 Indian Hills Drive, stated that he has two concerns and water is one of them, stating he'd like to see a plan as to how the water will be addressed. Mr. Lippoldt stated that if anything is done on the property that restricts the flow of water through there, it will create a

worse situation than there already is. Mr. Lippoldt stated that his second concerns is how traffic will be directed, explaining that traffic flow will be important. Mr. Lippoldt stated that the existing traffic situation was already touchy given the fact that IL Route 143 merges from four lanes down to two right at their intersection and that accommodating the traffic flow with the additional entrances will be important; XV. Michael Kluthe, 3912 Cherokee Trail, also expressed stormwater concerns. Mr. Kluthe stated that with just a few inches of rain the water back up into his yard and starts to come over the top of Indian Hills Drive. Mr. Kluthe stated that, while it's not reached his house yet, he is concerned that the proposed development on the property will compound the existing drainage problems and cause his home to flood. Mr. Kluthe said that he is also concerned about the proposed ingress and egress locations for the property given the existing traffic issues with the IL Route 143 and Indian Hills Drive intersection; XVI. Clifford Forsythe, 5005 Indian Hills Drive, stated that the IL Route 143 and Indian Hills Drive intersection is a very bad intersection, and that there are not turn lanes to ease the traffic. Mr. Forsythe stated that two cars could barely pass on Indian Hills Drive, explaining that he was not sure the roadway could accommodate the proposal. Mr. Forsyth stated that he is also concerned with stormwater drainage, explaining that his basement had flooded three times in the span of a year; XVII. Linda Lippoldt, 5022 Indian Hills Drive, expressed concerns with how the proposal would impact residential property values in the surrounding area. Mrs. Lippoldt stated that Indian Hills Drive is a country road through a country neighborhood and that they'd like to keep it that way; XVIII. Richard Sones, 5059 Indian Hills Drive, asked what could be developed on the property should the applicant decide to sell it without building anything once the map amendment is approved. Mr. Sones was provided with a list of permitted uses within the "B-4" Wholesale Business District. XIX. Sandra Phillips, 4843 Indian Hills Road, stated that she is also concerned with the impact the map amendment would have on property values and inquired what the applicant would be doing about sewers; XX. Michael Kluthe, 3912 Cherokee Trail, stated that the five out of six of his neighbors also expressed concerns with stormwater drainage; XXI. Denise Maxwell, 4873 Indian Hills Drive, stated that she had researched the uses in the "B-4" District and that it allows for outdoor storage. Ms. Maxwell stated that she believes there is little the County can do to police the outdoor storage since it's perpetually complaint-driven. Ms. Maxwell stated that it is difficult for her and the other owners to grasp the constructions issues with the existing drainage ways, the high-pressure gas lines, and the process of getting an entrance permit granted through IDOT for IL Route 143; XXII. Kevin Kahrig, applicant, stated that the plans is to have an entrance/exit off of IL Route 143 and an entrance/exit off of Indian Hills Drive. Mr. Kahrig stated that the main thing with the water issue is that there's a problem regardless and that the ditches through the property need cleaned out. Mr. Kahrig stated that there needed to be ditched along either side of Indian Hills Road. Mr. Kahrig stated that he would be willing to locate a retention pond toward the back of the property or enlarge the creek if required by the County. Mr. Kahrig stated that the high-pressure gas lines are deep and under the creek, so they will not cause an issue. Mr. Kahrig stated that he plans to build his house on the property directly north of the subject property, explaining that he would not do something to decrease property values when he's potentially going to build a \$400K house next door. Mr. Kahrig stated that he already has house plans if anyone wanted to take a look. Mr. Kahrig stated that he has not been all the way down Indian Hills Drive, but that he thinks a \$400k house would be more than sufficient for the area. Mr. Kahrig stated that there would be no outdoor storage on the property, and that he intends to keep the property nice; XXIII. The Board of Appeals notes for the record that there was overwhelming opposition to the request from nearby property owners; XXIV. The Board of Appeals notes for the record that the proposal is not compatible with the rural residential character of the surrounding area; XXV. 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: Misters Davis, Sedlacek, Janek, and Metzler.

Nays to the motion: None.

Absent: Misters Koeller and St. Peters.

Where upon the Chairman declared the motion duly adopted.

Finding of Fact and Recommendations

Z17-0041 - Petition of Bryan Bauer, owner of record, requesting a zoning map amendment in order to rezone a 1-acre tract of land from "R-3" Single-Family Residential District to "B-4" Wholesale Business District in order to operate a storage facility on site. Also, a variance as per §93.032, Section (B), Item 5 in order to locate a structure 5 feet from the rear property line instead of the required 20 feet. This is located in Chouteau Township, at 5400 Old Alton Road, Granite City, Illinois. PPN 18-1-14-27-03-303-041 (21)

A **motion** was made by Mr. Janek and seconded by Mr. Davis that the petition of Bryan Bauer 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 two (2) were in attendance; IV. Bryan Bauer, owner of record, stated that he intends to erect a 10-unit storage building on the site to store boats, RV's, and the like. Mr. Bauer stated that since the east property line slants to the west, he requested a variance to be closer to the property line than the required 20 feet. Mr. Bauer stated that he requested to be five feet from the property line to provide flexibility, explaining that he may be up to 10 feet off the east property line, but will not know for sure until the building is laid out on the site; V. Eddie Lee, Chouteau Township Supervisor, spoke in support of the request. Mr. Lee stated that the property owner had already done a tremendous job of cleaning up the property, explaining that it looks much better than it did. Mr. Lee stated that the proposed storage facility will be a benefit to the community. VI. Deborah Sandoz, adjoining property owner to the north, stated that the property had been cleared and cleaned up, but that they had enjoyed the screening and privacy provided by trees and brush that had previously inhabited the property. Mrs. Sandoz stated that she is in support of the proposed storage facility and privacy fence as it will give them some of their privacy back; VII. The Board of Appeals notes for the record that the applicant had taken the initiative to clear and improve the property; VIII. The Board of Appeals notes for the record that there was no opposition to the request and that the adjoining property owner and Township Supervisor spoke in support of the request; IX. The Board of Appeals notes for the record that the proposed map amendment and setback variance would not cause a detrimental effect on adjoining properties; X. 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, Janek, and Metzler.

Nays to the motion: None.

Absent: Misterys Koeller and St. Peters.

Where upon the Chairman declared the motion duly adopted.

Finding of Fact and Recommendations

Z17-0037 - Petition of William Hanfelder, owner of record, requesting a zoning map amendment to rezone a 1-acre tract of land from "A" Agriculture District to "B-1" Limited Business District in order to operate a bakery/restaurant space and retail sales operation on site. This is located in Nameoki Township, more commonly known as 4200 Hanfelder Road, Granite City, Illinois. Part of PPN 17-1-20-24-00-000-001 (16)

A **motion** was made by Mr. Davis and seconded by Mr. Janek that the petition William Hanfelder 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. Teri Hanfelder-Harper, daughter of the applicant, spoke on behalf of her father. Ms. Hanfelder-Harper stated that they are seeking a map amendment to rezone 1-acre of property from Agriculture to "B-1" Limited Business to operate a dessert store out of the existing building; V. The Board of Appeals notes for the record that there was no opposition to the request; VI. The Board of Appeals notes for the record that the proposed zoning map amendment would not cause a detrimental effect on adjoining properties and instead will add value to the area; 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: Misterys Davis, Sedlacek, Janek, and Metzler.

Nays to the motion: None.

Absent: Misterys Koeller and St. Peters.

Where upon the Chairman declared the motion duly adopted.

Finding of Fact and Recommendations

Z17-0039 - Petition of Clay Iberg, owner of record, requesting a zoning map amendment to rezone a 5-acre tract of land from "R-1" Single-Family Residential District and "A" Agricultural District to "B-1" Limited Business District in order to operate sporting goods store for firearms sales. Also, a special use permit as per §93.029, Section (D) in order to continue utilizing the existing dwelling on site. This is located in Marine Township, at **10961 Pocahontas Road, Marine, Illinois.** PPN 06-1-17-10-00-000-006.002 (4)

A **motion** was made by Mr. Sedlacek and seconded by Mr. Metzler that the petition of Clay Iberg 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 along with several interested individuals; IV. Clay Iberg, owner of record, stated that he is seeking to rezone to "B-1" Limited Business because he wants to run a small business from his property to sell sporting goods items such as shot guns, rifles, clothing and similar items customers may order. Mr. Iberg stated that he'd like to keep these items on hand as inventory for when customers stop by. Mr. Iberg stated that he would be using the existing 200 sq. ft. structure on site to house the business. Mr. Iberg stated that the planned hours of operation are Monday through Friday 4p.m. to 9p.m. and that he did not plan to make the proposed business his full-time job; V. Frank Quatto spoke in favor of the request, stating that he thinks the proposed business will be an asset to the surrounding community. Mr. Quatto stated that Mr. Iberg's proposal will offer an alternative to the high-overhead, high-priced shops in the city and will be good for the people in the area; VI. Patrick McNamara, nearby property owner, stated that he was concerned that if the property is zoned commercial it will remain commercial if Mr. Iberg is ever to sell the property, which could invite other commercial activity to the area. Mr. McNamara stated that he is all for capitalism and firearms, but that people locate to these areas to be off the beaten path and for quiet and solitude, and that he is concerned the firearms store will lead to more shooting on the site. Mr. McNamara inquired where Mr. Iberg planned to shoot. Mr. McNamara concluded by stating that he does not think it's a good idea to have a commercial operation in a residential area. VII. Danny Tracy, 4266 Conn Road, stated that he supports the request and that he'd like to see it approved, explaining that businesses are needed around Marine; VIII. Clay Iberg, applicant, stated that there is no firing range and that he is not proposing to have one. Mr. Iberg stated that the shooting will not increase at all from what it currently is from his personal target practice. Mr. Iberg stated that he's not legal to have a firing range, and that members of the public would not be allowed to shoot on the property; IX. The Board of Appeals notes for the record that there was overwhelming support for the request at the on-site hearing; X. The Board of Appeals notes for the record that the proposed business activity is very limited in both scope and hours of operation; XI. The Board of Appeals notes for the record that the proposed map amendment 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: Misterys Davis, Sedlacek, Janek, and Metzler.

Nays to the motion: None.

Absent: Misterys Koeller and St. Peters.

Where upon the Chairman declared the motion duly adopted.

Finding of Fact and Recommendations

Z17-0038 - Petition of Spencer Homes LLC, applicant, on behalf of Eldon and Linda Wiegand, owners of record, requesting a zoning map amendment to rezone a 5-acre tract of land from "A" Agriculture District to "R-1" Single-Family Residential District in order to develop a 4-lot minor subdivision. This is located in Pin Oak Township, more commonly known 3504 Staunton Rd. Edwardsville, Illinois. PPN 10-1-16-21-00-000-002.001 (11)

A **motion** was made by Mr. Janek and seconded by Mr. Davis that the petition of Spencer Homes LLC be as follows:
Denied.

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. Mike Rathgeb, speaker on behalf of the applicant, stated that he is a resident of Pin Oak Township and thanked attendees for the opportunity to address them. Mr. Rathgeb stated that he had made the request for four (4) reasons: 1) higher sales volume for the seller, 2) best use of the property for the township, the county, and District 7 schools through tax income, 3) to meet the demand for large, 1-acre plus lots, and 4) to protect surrounding property owners from the potential of commercial development in the future and protecting property values by dedicating the site to four (4) high-value home sites. Mr. Rathgeb said that he already had three interested buyers for the proposed development, stating that two (2) were Edwardsville police officers and one (1) was a sitting county judge. Mr. Rathgeb also expressed that he would be willing to amend the proposal down to three (3) lots instead of four (4) to appease surrounding neighbors, but that the current proposal meets all the guidelines for an "R-1" Single-Family Residential Neighborhood; V. Arnold Buescher, nearby property owner, stated that he was concerned with the private sewage systems. Mr. Buescher stated that he did not think the water table in the area would allow for a traditional septic tank with lateral fields, and that if the lot required aerobic treatment units he's concerned that the systems will not be properly maintained. Mr. Buescher stated that this area was the headwaters of Wendell Creek and that any contaminated runoff would find its way into Wendell Creek, then to Silver Creek, and finally to the Kaskaskia River. Mr. Buescher stated that the pollution needed to be addressed and prevented. Mr. Buescher stated that he does not have a problem with the people, just the pollution they cause. Mr. Buescher stated that he has a spring on his property that he uses to water animals and that he and his wife are still on well water. Mr. Buescher reiterated that ground water pollution is his biggest concern; VI. Judith Savage, 8116 Goshen Road, stated that there are certain restrictions and specifications for each zone district. Ms. Savage read the §93.023, Section A of the Madison County Zoning Ordinance, which provides a general overview of the Agriculture District. Mrs. Savage stated that the surrounding owners had been granted to opportunity to live there provided that they have at least two (2) acres of property, explaining that most of them have much more than that. Mrs. Savage stated that she and her neighbors were concerned with the snowball effect should the request be approved. Mrs. Savage stated that she moved to the area from a subdivision for the green spaces, trees, and big yards. Mrs. Savage also expressed concerns with additional private sewage systems in the area. Mrs. Savage also expressed concerns with the additional traffic on Staunton and Goshen Roads, explaining that it's no longer just a country road, but a primary connector between Edwardsville and Troy. Mrs. Savage stated that it's a dangerous area and would not be suitable as the entrance to any type of subdivision; VII. John Scheibal, 8164 Goshen Road, also expressed safety concerns about the intersection of Staunton and Goshen Road. Mr. Scheibal stated that he was not sure whether there would be a single point or four points of access, but that any additional access point would worsen the situation. Mr. Scheibal reiterated the stated concerns regarding private sewage. Mr. Scheibal also expressed concerns with the snowball effect, concluding that the current proposal of four lots is too much for what was intended for agricultural ground; VIII. Cathi Lanzante, adjoining property owner at 3516 Staunton Road, also spoke in opposition to the request. Mrs. Lanzante stated that she had collected a petition of opposition with more than 30 signatures. Mrs. Lanzante stated that there were recorded restrictions that apply to the ten (10) 5-acre lots platted in surrounding the area, including the subject property. Mrs. Lanzante stated that six (6) of the thirty signatures collected were from owners of the ten subdivision lots. Mrs. Lanzante stated that the restriction had been submitted to the County; IX. Barbara McHugh, 3546 Staunton Road, stated that she had lived out there for almost 40 years and were one of the original owners. Mrs. McHugh stated that she, along with David Lawson and Mrs. Bigger, comprised the subdivision control committee. Mrs. McHugh stated that, per the restrictions, Mr. Rathgeb's request was subject to review and approval by the control committee; X. Michael Campbell, ZBA Chairman, clarified for the record that the subdivision covenants would not be enforced through zoning procedures.

XI. Mrs. McHugh, 3546 Staunton Rd., stated that she understood that to be the case, but that the restrictions are a legal document still in place and that they planned to do everything necessary to ensure it's enforced. Mrs. McHugh stated that the traffic in the surrounding area is outrageous, stating that there had been several accidents. Mrs. McHugh stated that they bought their lot 40 years ago for the five (5) acres, explaining that they wanted the space and that five (acres) is sometimes not enough when you have a bad neighbor; XII. David Lawson, 8171 Goshen Road, stated that he had owned his property for 40 years. Mr. Lawson explained that he had purchased his property with the knowledge that there were restrictions in place and because he wanted to be in the country. Mr. Lawson stated that they intended to ensure the subdivision restrictions were enforced; XIII. Joseph Lanzante, adjoining property owner at 3516 Staunton Road, also spoke in opposition to the request. Mr. Lanzante stated that the request impacts the integrity of their lots, that it will increase the traffic, and that he is not concerned with the tax base; XIV. Vicki Bugger, 3570 Staunton Road, also spoke in opposition to the request. Mrs. Bugger stated that they finished their home in 1978 and have lived there ever since. Mrs. Bugger stated that they enjoy low density and she's worried if the request is approved there will be a snowball effect when others decide to sell. Mrs. Bugger concluded that she would like to see it stay one (1) house on five (5) acres, which is why they originally bought the property. Mrs. Bugger also expressed concerns about the high water table in the area, stating that if you dig down four (4) feet you will hit water and that her sump pump kicks on constantly. Mrs. Bugger stated that she was concerned with the impact three (3) additional homes would have on the situation; XV. Deborah Slemer, 8156 Goshen Road, also spoke in opposition to the request. Mrs. Slemer stated that they purchased in 1985. Mrs. Slemer stated that tax dollars should not be the only consideration in the request, explaining that the current owners also pay their fair share of taxes. Mrs. Slemer stated that she purchased the property because she likes the idea of country living; XVI. Barbara Klaus, 3301 Staunton Road, stated that the traffic in the area was terrible and unsafe and asked if the developer planned to do anything to address the safety issues at the Staunton Road and Goshen Road intersection, explaining that it's almost a blind turn at certain points in the year when the corn is up. Mrs. Klaus stated that if it was between the proposal and a commercial proposal, she would much prefer a residential development. Mrs. Klaus stated that she hope to see it remain a 5-acre lot due to sewage concerns and the dangerous traffic. XVII. Joseph Lanzante, 3516 Staunton Road, addressed the board again stating that he had previously failed to mention that he had just purchased the property last year for the large lots in the area and a desire to get away from city noise and traffic. Mr. Lanzante stated that the restrictions assured them that the area would remain very low density and if the request is approved those assurances would be undermined; XVIII. Michael Campbell, ZBA Chairman, once again clarified for the record that restrictions were a separate civil matter and would not be enforced through the zoning process; XIX. Tim Cummings, 8030 Cummings Lane, addressed the Board stating that he hoped they had noticed that every property owner in the area had taken the time to show up to the public hearing and express their opposition to the request and make it clear that they do not want the request approved. XX. Mike Rathgeb provided closing comments on behalf of the applicant. Mr. Rathgeb stated that the subdivision restrictions had been brought to light in the week prior to the hearing. Mr. Rathgeb stated that he was not looking to litigate the matter with neighbors. Mr. Rathgeb stated that they would have to follow all the state rules and regulations pertaining to private sewage installation and that he was familiar with the process and requirements. Mr. Rathgeb stated that the property was not a farm and that he was not taking away active farm ground. Mr. Rathgeb thanks Mrs. Bugger for the information pertaining to the high water table, explaining that they were familiar with the area and the high water table and knew how to address the situation through generators and siphon pumps. Mr. Rathgeb stated that, in regard to the traffic concerns, the county had already made it clear that he would need to address the site line issues caused by the road bank at the intersection and that he planned to address the issue through grading during development. Mr. Rathgeb stated that the current property has an ingress and egress along both Staunton and Goshen Roads and that he was only proposing one additional entrance along each roadway. Mr. Rathgeb stated that he understands their density concerns, but that 1-acre lots do not constitute high-density. Mr. Rathgeb concluded by stating that he lives in the community and had no intentions of going through litigation with his neighbors and that he will not move forward with the proposal if they cannot come to some type of agreement or solution; XXI. The Board of Appeals notes for the record that there was overwhelming public opposition to the request and that nearby property owners had stated they would pursue litigation in order to enforce the recorded restrictions; XXII. The Board of Appeals notes for the record that the proposal is not compatible with the existing character of the surrounding area; XXIII. 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: Misterys Davis, Sedlacek, Janek, and Metzler.

Nays to the motion: None.

Absent: Misters Koeller and St. Peters.

Where upon the Chairman declared the motion duly adopted.