

**Building & Zoning Committee
Meeting Minutes for September 2, 2021**

Members Present:

Mick Madison, Chairman
Dalton Gray
Terry Eaker
Ryan Kneeder
Bill Meyer
Nick Petrillo
Robert Pollard
Bobby Ross
Victor Valentine

Members Absent:

Others Present:

Noelle Maxey	David Brandon	Christian Wells	Chris Daggs
Jen Hurley	Aaron Wells	Virginia Dalton	
Chris Doucleff	Amanda Wells	Jeffrey Dalton	

Call of Meeting to Order and Roll Call:

Chairman Madison called the regular meeting of the Building & Zoning Committee to order at 5:00 p.m. and conducted roll call.

Approval of Minutes:

Chairman Madison asked the Committee if everyone reviewed the minutes from the August 5, 2021 meeting. Chairman Madison approved the minutes.

Zoning Petitions and Subdivision Overview:

Noelle Maxey, Zoning Coordinator, gave the overview of the six zoning petitions, one subdivision variance, and two subdivisions on the agenda.

Ms. Maxey introduced Resolution Z21-0051, petition of James Holmes. Ms. Maxey stated this property is zoned "R-3" Single-Family Residential, and the applicant is requesting a Special Use Permit to place a mobile home on site for the occupancy of James H. Holmes, Sr., for a period not to exceed 5 years. She said the applicant is wanting to place his father's mobile home on the property behind his home in order to have him close but still maintain independence. Ms. Maxey stated there were no outstanding violations, no opposition had been expressed, and the ZBA unanimously recommended approval with conditions. Chairman Madison stated that he notified Chris Hankins of the request, as it's his district, and he had not heard back so he does not think there are any issues.

Ms. Maxey introduced Resolution Z21-0053, petition of Aaron Wells and SW Properties. Ms. Maxey stated the property is zoned "R-2" Single-Family Residential, and they are requesting a Special Use Permit in order to have a private recreational area on site that would include dirt tracks for riding personal recreational vehicles. She stated the property is under violation for the use of motor vehicles and other equipment as a private recreational area without a Special Use Permit, which would be resolved with the approval of this request. Ms. Maxey said that staff had received three letters of opposition and three letters of support, and one couple spoke in opposition at the ZBA meeting. Ms. Maxey stated that ZBA recommended denial unanimously, but if the Committee decided to recommend approval, staff had proposed conditions of approval listed in the packet.

Ms. Maxey introduced Resolution Z21-0054, petition of Craig Engeling. Ms. Maxey stated this property is zoned "A" Agricultural, and the applicant is requesting a variance in order to construct a new agricultural structure that would be 22 feet from the front property line instead of the required 50 feet. She said that the structure would be used for the existing horseradish farm and would be around 6000 square feet in size. Ms. Maxey stated there are no outstanding violations, no opposition had been expressed, and the ZBA recommended approval unanimously.

Ms. Maxey introduced Resolution Z21-0056, petition of Craig and Lauren Watson. Ms. Maxey stated this property is dual-zoned "R-3" Single-Family Residential and "M-1" Limited Manufacturing, but is used for a residence, and the applicants are requesting to rezone the "M-1" section of the property to "R-3" after coming in to the department for a building permit for a swimming pool that would have been located in the "M-1" part of the property. Ms. Maxey clarified that since there is no use for swimming pools in manufacturing districts, the applicants had to fix the dual-zoning before their building permit could be approved. Ms. Maxey stated there are no outstanding violations, no opposition had been expressed, and the ZBA recommended approval unanimously.

Ms. Maxey introduced Resolution Z21-0058, petition of Bill Branz and Charles D and Ann L Moore Family Revocable Trust. Ms. Maxey stated this property is zoned "A" Agricultural, and the applicants are requesting a variance to construct an attached garage addition to an existing home that would be 44 feet from the north property line instead of the required 50 feet. She said that no opposition had been expressed, but staff received a letter of support from the adjacent property owner to the north. Ms. Maxey stated there are no outstanding violations, and the ZBA recommended approval unanimously.

Ms. Maxey introduced Resolution Z21-0059, petition of Mary Jo Guinn and Agape Farms, LLC. Ms. Maxey stated this property is zoned "A" Agricultural, is approximately 47 acres in size, and there are currently a vacant home, several barns, pastures, and riding trails on site. She said the applicant is requesting a Special Use Permit in order to have public stable and horse boarding on site, there are nine horses currently on the property, and the applicant hopes to expand to 15-17 horse boarders for now, up to a maximum of 21 in the future. Ms. Maxey said there are three buildings on site with stables that have a combined total of 32 stalls. Ms. Maxey stated there are no outstanding violations, no opposition had been expressed, and the ZBA unanimously recommended approval with conditions. Chairman Madison asked if 21 horses is the maximum for the property size, to which Ms. Maxey responded that the regulation is 1 horse per acre so they would be permitted to have up to 47 horses.

Ms. Maxey introduced Subdivision Variance – Korte Subdivision. Ms. Maxey stated the property is zoned "A" Agricultural, is 4.47 acres in size, and the applicants are requesting a subdivision variance to create a new tract of land that would result in five properties utilizing a private roadway easement instead of the maximum of four allowed. She said that through the subdivision process, the applicants would obtain approximately 3.19 acres from the adjacent neighbors to the west, then split their property into two lots, which would be 2.7 and 5 acres in size, respectively. Ms. Maxey stated that subdivision variances are reviewed and approved by the Building & Zoning Committee only and would not go to the full County Board unless the Committee votes to deny the request.

Ms. Maxey introduced Conrad Acres Subdivision – Minor Plat. Ms. Maxey stated this is a two lot minor subdivision, with Lot 1 being 2.19 acres for development of a new single-family dwelling and the remnant lot being 164.94 acres of farmland. Ms. Maxey said there are no proposed easements, as both lots have direct access to Conrad Road, and there is floodplain in the northwestern-most section of the property, but not near where this new lot will be located. Ms. Maxey said that the applicant was approved for a property width variance in August 2021 to have the remnant lot be only 75 feet wide at the front yard setback instead of the required 150 feet, and the proposal satisfies all other zoning and subdivision requirements.

Ms. Maxey introduced Coleman's Subdivision – Minor Plat. Ms. Maxey stated this property is currently 9.63 acres in size, and this is a three lot minor subdivision, with Lot 1 being 2.25 acres, Lot 2 being 2.38 acres, and Lot 3 being 5 acres in size. She said that the property is within the 1.5 mile growth area of the City of Troy, and the Troy City Council would be reviewing the subdivision at their September 7th meeting, so staff proposed a condition of approval that the subdivision plat not be signed by the Chairman until after Troy City Council approval. Ms. Maxey stated Lots 1 and 2 will have access to State Route 162 to the north, Lot 3 will have access to Highway 40 to the south, there is no floodplain on the property, and the proposal satisfies all zoning and subdivision requirements.

Mr. Doucleff, Department Administrator, discussed the Resolution to Authorize Intergovernmental Agreement Between the County of Madison and the Illinois Environmental Protection Agency to Establish a Long Term Household Hazardous Waste Collection Program. Mr. Doucleff stated that the agreement with Heritage Environmental was approved by the County Board in February, but the States Attorney's Office had been holding on to it to make some minor adjustments.

Pre-Application Presentation:

None.

Citizens Wishing to Address the Committee:

Chairman Madison asked if there are any members of the public wishing to address the Committee.

David Brandon, adjacent property owner, spoke in opposition to Z21-0053. Mr. Brandon stated he doesn't want the traffic, the noise, and all the dirt and dust caused from them scraping up all the grass in their yard. Mr. Brandon stated that he also has a four-wheeler, but he doesn't ride beneath the applicants' window, doesn't ride for hours on end, and he has grass in his yard.

Aaron Wells, applicant of Z21-0053, stated that they do not ride beneath the neighbors' window, and it seems like Mr. Brandon is doing what he can to get everyone worked up over this. Mr. Wells stated their four-wheelers have exhausts and are about as loud as riding lawn mowers, and you hear Harley's revving all day. Mr. Wells said that the neighbor on the other side does have a reason to be upset because her house is a lot closer, and he can get a sprinkler system set up if needed. He said that he got the four-wheelers for his kids, he doesn't bother other people about what they're doing on their own properties, and he tries his best to be a good neighbor.

Amanda Wells, applicant of Z21-0053, asked if we had received any letters, to which Chairman Madison responded that we received 3 letters of opposition and 3 letters of support. Mrs. Wells stated that children are meant to have fun, and they can fix the dust with a sprinkler system. She said that this has gotten a little out of control, and they put the track on their own property for the kids to have fun and stay out of trouble.

Virginia Dalton, nearby property owner, spoke in opposition to Z21-0053. Mrs. Dalton stated that the kids do ride in the streets and do not have safety equipment like orange flags or helmets. She said there is a lot of dust that flies up through the air, and another neighbor has a UTV, which doesn't bother them because it has a hard shell with seatbelts and turn signals, but a lot of cars come up and down the street, and the four-wheelers race around. Mrs. Dalton shared concerns about property values with all the dust and noise.

Christian Wells, son of applicants of Z21-0053, stated they do wear helmets and safety gear, and they do not ride in the road.

Jeffrey Dalton, nearby property owner, spoke in opposition to Z21-0053. Mr. Dalton stated that they do not wear helmets, they've almost been hit riding in the street, and they flip the four-wheelers into the creek. He said that they go across the street to ride, and they just ride wherever they want. Mr. Dalton said he helps some neighbors maintain their own properties so he has some equipment for that, but it's only out when he using it. Mr. Dalton said that the applicants have burned plastic on their property, and he doesn't know what kinds of chemicals are getting into the creek and thrown up in the air with all the dust. He stated that sometimes he can't work in his barn because the dust comes in and gets so bad.

Chris Daggs, nearby property owner, spoke in support of Z21-0053. Mr. Daggs stated they moved out of city limits so you can do what you want on your property, and there is no HOA or anything like that. He said that they keep their kids home staying out of trouble, and they have somewhere to have fun while you can watch them. Mr. Daggs stated they can take care of the dust by putting in a sprinkler system, and he had cleared out the creek so it would flow properly and take water away from their properties. Mr. Daggs stated the whole point of moving out of city limits is to do what you want with your property.

Aaron Wells stated that a neighbor has a gravel driveway that throws up a lot of dust, and they dump a ton of new rock every year, but no one has a problem with that. He said he loves his neighbors, but he guesses you can't get along with all of them.

Bill Meyer, Committee member, asked if there have been calls made to police regarding this issue, to which Mr. Doucleff stated that we don't know have records to show that. Mr. Meyer asked why he needs a special permit to ride four-wheelers on his own property, to which Chairman Madison stated that he thinks since neighbors were complaining, that Mr. Wells was trying to do it in a legal way. Mr. Wells stated that the County suggested to get the Special Use Permit so he wouldn't have issues in the future. Robert Pollard, Committee member, asked if it's just his own personal four-wheeler that gets ridden out there or if others come to ride there, to which Chairman Madison responded that neighbors and friends ride there as well. Chairman Madison stated that he's heard several times that you move out of city limits to do what you want on your property, but these are small lots, the houses on the sides and behind them are all close, and this lot is only 50 feet wide but it is deep. Dalton Gray, Committee member, asked if there was any precedent to this type of request, to which Ms. Maxey responded we have had two other requests for private recreational areas, but not for this same type of use.

Unfinished Business:

Chairman Madison asked for a motion to postpone the Ordinance Authorizing a Text Amendment to Chapter 93 of the Madison County Code of Ordinances. Mr. Ross made a motion to postpone. Seconded by Mr. Kneedler. Voice-vote. All ayes. Motion passes.

New Business:

Chairman Madison brought in Resolutions Z21-0051, Z21-0054, Z21-0056, Z21-0058, and Z21-0059, Subdivision Variance – Korte Subdivision, Conrad Acres Subdivision – Minor Plat, Coleman's Subdivision – Minor Plat, the Resolution to Authorize Intergovernmental Agreement Between the County of Madison and the Illinois Environmental Protection Agency to Establish a Long Term Household Hazardous Waste Collection Program, and the Purchase Order Report to be voted on together. Mr. Eaker made a motion to approve all above agenda items. Seconded by Mr. Ross. Roll-call vote. All ayes. Motion passes.

Chairman Madison asked for a motion for Resolution Z21-0053. Ryan Kneedler, Committee member, stated this property is within his district, and he does not believe this location is the right place to have a recreational track. Mr. Kneedler said it is outside of the city, but there is a lot of houses around there. Mr. Kneedler made a motion to approve the Zoning Board of Appeal's recommendation of denial. Seconded by Mr. Ross. Roll-call vote. Aye to the motion made by Mr. Gray, Mr. Eaker, Mr. Kneedler, Mr. Petrillo, Mr. Pollard, Mr. Ross, and Mr. Valentine. Nay to the motion made by Mr. Meyer. Motion passes.

Administrator's Report:

Mr. Doucleff stated the last time a text amendment to the Zoning Ordinance was approved was in February 2020, and we try to do one annually, but the COVID-19 pandemic and position changes within the department pushed it back. Mr. Doucleff said we will be presenting a text amendment to the Zoning Board next month.

Mr. Doucleff said that the department has an electronic waste collection event coming up September 11th that there are a few spots still open for. He stated that the next one will be October 9th, and there are a ton of spots still open.

Mr. Doucleff discussed the number of building permits this year compared to this time last year. He said that construction costs are finally starting to come down.

Adjournment:

Mr. Meyer made a motion to adjourn the meeting. Seconded by Mr. Gray. Voice-vote. All ayes. Motion approved.

Meeting adjourned.