

MINUTES

Zoning Board of Appeals
Thursday January 28, 2016
8:30 a.m.

157 N. Main Street, Suite 254, Edwardsville, IL

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

Absent were Misters, none.

1. **Call to Order – The Chairman, Michael Campbell, called the meeting to order at 8:30 a.m.**
2. **On-Site Meetings**
 - a. The ZBA conducted on-site public meetings at the location of the scheduled hearings. The ZBA reconvened in the Planning and Development Department Conference Room at 11:35 p.m. for motions and votes. See Findings of Fact for on-site summary.
3. **Motions and Votes**
 - a. Old Business
 - i. Z15-0013 – Planning and Development Committee (Revocation of S&K Repair Service SUP). Motion made by Loren Davis and seconded by John Janek to remove Z15-0013 from the table for consideration. Voice Vote. All ayes. Motion approved. After updates from the applicant and S&K Repair Service, motion made by Steve Koeller and seconded by John Janek to table for additional consideration. Voice Vote. All ayes. Motion approved.
 - b. New Business
 - i. Z16-0004 – Cortney Warmouth. Motion made by John Janek and seconded by Loren Davis to approve. Voice Vote. John Sedlacek voted nay. All other members voted aye. Motion approved.
 - ii. Z16-0002 – Darrell Luitjohan. Motion made by John Sedlacek and seconded by Pat St. Peters to approve. Voice Vote. All ayes. Motion approved.
 - iii. Z16-0005 – Nicole Mintert. Motion made by John Janek and seconded by Lorne Davis to approve with conditions. Voice Vote. All ayes. Motion approved.
4. **Public Comment**
5. **Planning Coordinator's Report**
 - a. Derek Jackson informed the Zoning Board of Appeals that the next set of hearings will be February 25, 2016.
6. **Adjournment**
 - a. Motion made by John Sedlacek and seconded by Pat St. Peters to adjourn. Voice Vote. All ayes. Motion approved.

January 28, 2016

Finding Of Fact and Recommendations

Mr. Michael Campbell 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, Dauderman, Davis, Janek, Koeller, Sedlacek, and St. Peters.

Absent were Misters, 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 do hereby submit the Reports and Recommendations on the following:

File #Z16-0004 – Cortney Warmouth

File #Z16-0002 – Darrel Luitjohan

File #Z16-0005 – Nicole Mintert

(Pin Oak Township)

(Helvetia Township)

(Saline Township)

Z16-0004 – Petition of Cortney Warmouth and Edward Niemeier, applicants and owners of record, requesting Variances as per Article 93.023, Section B, Item 1 and Article 93.053, Section D of the Madison County Zoning Ordinance in order to create tracts of land that have 31 feet of road frontage instead of the required 40 feet and in order to create a tract of land which has 64 feet of property width at the front yard setback instead of the required 150 feet. This is located in an Agricultural District in Pin Oak Township, at **9 Stonehill Court**, Edwardsville, Illinois PPN#10-1-16-09-00-000-005 **(11)**

A **motion** was made by Mr. Janek and seconded by Mr. Davis that the petition of Cortney Warmouth and Edward Niemeier be as follows: “Granted.”

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. Carl Nail, Surveyor, spoke on behalf of the applicants. Mr. Nail stated that the applicants are seeking to create new tracts of land to the west of Emerald Hill Estates subdivision to be developed as single family residences. Mr. Nail stated that the new lots would utilize an access easement through Lot 9 of Emerald Hills Estates, which is located on a cul-de-sac. Mr. Nail explained that due to the frontage on the cul-de-sac, the easement will initially be 31 feet before it widens out to the required 40 feet. Mr. Nail stated that the applicants are also seeking a variance for property width on Lot 9. Mr. Nail stated that Emerald Hill Estates subdivision was platted in 1999, prior to the County’s adoption of the 150 property width rule in 2005; V. The Board of Appeals notes for the record that the proposed variance requests would be 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 notes that the Comprehensive Plan, Madison County Zoning Ordinance, and the zoning file were taken into consideration.

Voice Vote.

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

Nays to the motion: Misters, Sedlacek.

Absent were Misters: None.

Where upon the Chairman declared the motion duly adopted.

Z16-0002 – Petition of Darrell Luitjohan, 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 an accessory building that will be 20 feet from the property line instead of the required 50 feet. This is located in an Agricultural District in Helvetia Township, at **13168 Michael Road**, Highland, Illinois PPN#01-1-24-04-00-000-001.015 **(01)**

A **motion** was made by Mr. St. Sedlacek and seconded by Mr. St. Peters that the petition of Darrell Luitjohan be as follows: “Granted.”

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. Darrell Luitjohan, applicant and property owner, stated that he is seeking a variance in order to allow a new accessory structure to be located 20 feet from the east property line instead of the required 50. Mr. Luitjohan stated that he is seeking to locate a new shed that will be lined up with his existing driveway; V. The Board of Appeals notes for the record that the proposed variance request would be 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 notes that the Comprehensive Plan, Madison County Zoning Ordinance, and the zoning file were taken into consideration.

Voice Vote.

Ayes to the motion: Mistery Dauderman, Davis, Janek, Koeller, Sedlacek and St. Peters.

Nays to the motion: Mistery, None.

Absent were Mistery: None.

Where upon the Chairman declared the motion duly adopted

Z16-0005 - Petition of Nicole Mintert, applicant and Todd Wernle, owner of record, requesting amendment to Z13-0006 for a Special Use Permit as per Article 93.023, Section D, Item 36 of the Madison County Zoning Ordinance in order to have a dog kennel on site. This is located in an Agricultural District in Saline Township, more commonly known as **3366 Hill Road**, Highland, Illinois PPN#02-1-18-21-00-000-010.001 **(03)**

A **motion** was made by Mr. Janek and seconded by Mr. Davis that the petition of Nicole Mintert be as follows: I. That the Special Use Permit is granted for the sole usage of Nicole Mintert. Any change of ownership or operator will require a new Special Use Permit; II. There shall be no off-site parking for the kennel operation; III. The owner shall be in compliance with all Illinois Department of Agriculture licensing requirements; IV. The kennel shall operate between the hours of 8 a.m. to 5 p.m. Monday through Saturday; V. The property owner and operator shall submit a landscape plan to the Zoning Administrator to be reviewed and approved prior to issuance of a building permit for the proposed structure; VI. All lighting on the property shall be arranged in such a manner as to direct the light away from neighboring residential properties and away from the vision of passing motorist; VII. The owner and operator shall keep the property in compliance with all Madison County Ordinances; VIII. The owner and operator shall apply for an amendment to this Special Use Permit for any future alterations, modifications, or expansions of the use; IX. The owner or operator's failure to adhere to the conditions of the Special Use Permit will cause revocation of the same, and require immediate removal of the kennel operation.

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. Nicole Mintert, applicant, stated that she is seeking an amendment to her existing special use permit for a dog grooming operation which has been in operation for two and a half years. Mrs. Mintert stated that she is seeking to expand her operation by constructing a new 2,000 square foot building on the western portion of the property to operate within. Mrs. Mintert stated that the structure will be used for grooming, daycare, and a small volume of boarding. Mrs. Mintert stated that the structure will be heavily insulated to ensure that no noise can be heard from the outside. Mrs. Mintert stated that all dogs that are outside will be under her supervision at all times in the dedicated fenced-in area for recreation. Mrs. Mintert stated that the fenced in area will be on the northeastern portion of the property furthest away from adjacent and nearby dwellings. Mrs. Mintert stated that she plays classical music at night to calm the animals. Mrs. Mintert stated that she will be installing a landscape screening along the driveway to visually screen the building from the roadway and adjacent dwellings. Mrs. Mintert stated that her hours of operation are Monday through Saturday 8 a.m. to 5 p.m.; V. Debbie Gomez & Bob Trost, nearby property owners of 3233 Fawn Creek Court, inquired about the volume of dogs the applicant intends to board. Mrs. Mintert replied approximately ten (10) dogs. Mr. Trost inquired about the insulation of the structure. Dave Mintert, father-in-law of the applicant and building contractor, stated that the walls will be 2x6. Ms. Gomez stated that she is for anyone wanting to start a business, but she has concerns of the noise that will be generated from the animals and the impact it will have on her child who has medical complications. Mr. Trost stated that they have no concerns so long as the noise does not become an issue; VI. Nancy and Larry Vassel, nearby property owners of 3232 White Tail Court, asked the applicant if she had plans to expand beyond the current request. Mrs. Mintert replied that she does not have plans to expand beyond the current request. Mr. Vassel asked the applicant if she had done any research regarding property value impacts of kennels next to neighborhoods. Mrs. Mintert replied that she has not conducted research but stated that the new structure will not be an eyesore, will be professionally landscaped and well maintained; VII. Patricia Eckstein, property owner of 5 Cardinal

Lane, Highland, spoke in favor of the request; VIII. Chris Wernle, adjacent property owner of 3280, spoke in favor of the request. Mr. Wernle stated that there is an existing cattle farm to the north of the subject property which has more of an impact on the area than the proposed dog kennel operation; IX. Rozanne Mulcrone, property owner of 133311 Fawn Creek Road, spoke in opposition to the request, stating that the area is predominantly residential and that a commercial business is not appropriate. Mrs. Mulcrone stated that the request sets a precedent for commercial operations in the area; X. Ron Vannier, nearby property owner of 3329 Fawn Creek Road, spoke in opposition to the request, stating that the area is becoming a commercial area due to living next to a daycare and landscaping business; XI. Tracy Wernle, mother of the applicant and property owner, stated that the operation will be an asset to the community and provide a service to dog owners; XII. A letter of support was received from Chad Wernle. No address was provided; XIII. A letter of support was received from Leah Nungesser. No address was provided; XIV. A letter of support was received from Randy and Gina Huelsmann, nearby property owners of 3216 White Tail Court, Highland; XV. A letter of support was received from Mark Frey. No address was provided; XVI. A letter of support was received from Karen and Maurice Korte, nearby property owners of 3330 Hill Road; XVII. A letter of support was received from Abraham and Robin Engholm, nearby property owners of 3435 Hill Road; XVIII. A letter of support was received from Ben and Amy Thole, adjacent property owner to the south at 3279 White Trail Court; XIX. A letter of support was received from Debbie Suchomski, nearby property owner of 3201 Fawn Creek; XX. The Board of Appeals notes for the record that the proposed special use permit request would be compatible with the surrounding area; XXI. The Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties; XXII. 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 Dauderman, Davis, Janek, Koeller, Sedlacek and St. Peters.

Nays to the motion: Mistery, None.

Absent were Mistery: None.

Where upon the Chairman declared the motion duly adopted