

Zoning Board of Appeals Meeting Minutes
Tuesday March 13, 2018 at 8:30 a.m.
157 N. Main Street, Suite 254, Edwardsville, IL

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

Absent were Misters Koeller, St. Peters, and Davis.

1. Call to Order

- a. Chairman Michael Campell 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 11:45 a.m. to complete motions and votes. Please see the Findings of Fact for the hearing summaries and public comment.

3. Approval of Minutes

- a. John Janek made a motion to approve the minutes from February 27, 2018. Seconded by John Sedlacek. Voice vote. All Ayes. Motion approved.

4. Unfinished Business

- a. 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.
- b. Z18-0007 – Petition of Stephen Edwards. The petition remained tabled, and no action was taken.

5. New Business

- a. Z18-0015– Petition of Greg and Linda Miller. John Sedlacek made a motion to approve the request. Seconded by John Janek. Voice vote. All ayes. Motion approved.
- b. Z18-0019 – Petition of Joshua Williams. Don Metzler made a motion to approve the request. Seconded by John Sedlacek. Voice vote. All ayes. Motion approved.
- c. Z18-0020 – Petition of James Scott. Don Metzler made a motion to approve the request. Seconded by John Sedlacek. Voice vote. All ayes. Motion approved.
- d. Z18-0017 – Petition of Raymond and Regina Svoboda. John Janek made a motion to approve the request. Seconded by Don Metzler. Voice vote. All ayes. Motion approved.
- e. Z18-0016 – Petition of Joseph Garwood. John Sedlacek made a motion to approve the request. Seconded by John Janek. Roll-call vote. All ayes. Motion approved.

6. Planning Coordinator’s Report

- a. Andi Campbell Yancey informed the Zoning Board of Appeals that the next set of hearings would be April 10, 2018.

7. Adjournment

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

March 13, 2018

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, Sedlacek, Janek, and Metzler.

Absent were Misters Davis, 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 Z18-0015 – Petition of Greg and Linda Miller	(Foster Township)
File Z18-0019 – Petition of Joshua Williams	(Wood River Township)
File Z18-0020 – Petition of James Scott	(Wood River Township)
File Z18-0017 – Petition of Raymond and Regina Svoboda	(Fort Russell Township)
File Z18-0016 – Petition of Joseph Garwood	(Edwardsville Township)

Finding of Fact and Recommendations

Z18-0015 - Petition of Greg and Linda Miller, owners of record, requesting a zoning map amendment to rezone a tract of land from "A" Agricultural District to "R-1" Single-Family Residential District. Also, a variance as per §93.025, Section B, Item 1 to create a tract of land in an "R-1" Single-Family Residential District that will be 32,800 sq. ft. instead of the required 40,000 sq. ft. Also, a variance as per §93.061, Section A, to create a tract of land with a private sewage system that is 32,800 sq. ft. instead of the required 40,000 sq. ft. This is located in Foster Township, at **2816 Union School Road, Alton, Illinois** PPN#20-1-02-30-00-000-008.003 **(06)**

A **motion** was made by Mr. Sedlacek and **seconded** by Mr. Janek that the petition of Greg and Linda Miller 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. Greg Miller, owner of record, stated that he is planning to move and wants to separate the single-family dwelling from the farm land in order to deed back the land to his father-in-law, Mr. Hess, the adjacent property owner. Mr. Miller explained that the existing home site fell short of the 40,000 requirement for "R-1" Districts. V. The Zoning Board of Appeals notes for the record that the subdivision is being requested in order to deed the tillable farm land to the adjacent property owner and sell the dwelling and yard area; VI. The Zoning Board of Appeals notes for the record that the private sewage system is already in place and should cause no adverse consequences; VII. The Zoning Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties and is consistent with the character of the surrounding area; VIII. The Zoning Board of Appeals notes for the record that there was no opposition to the request; IX. 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 Sedlacek, Janek, Metzler, and Campbell.

Nays to the motion: None.

Absent: Mister Davis, Koeller, and St. Peters.

Whereupon the Chairman declared the motion duly adopted.

Finding of Fact and Recommendations

Z18-0019 - Petition of Joshua Williams, owner of record, requesting a special use permit as per §93.025, Section G, Item 9 of the Madison County Zoning Ordinance to continue the placement of a single-wide manufactured home on site for the occupancy of Joshua Williams and family for a period not to exceed 5 years. This voids SUP #Z12-0051. This is located in an "R-4" Single-Family Residential District in Wood River Township, at **1434 8th St. Cottage Hills, Illinois**
PPN#19-2-08-03-02-207-008 **(13)**

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

The Finding of Fact of the Board of Appeals: I. The notice of public hearing was posted on the property in accordance with the terms of the ordinance; II. The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; III. The adjoining property owners were notified by mail of the time and date of the public hearing and none were in attendance; IV. Katelyn Pierson, representing Joshua Williams and co-occupant of mobile home, stated that they are seeking a special use permit in order to continue placement of the existing single-wide manufactured home on the site for their personal occupancy; V. The Zoning Board of Appeals notes for the record that the request is consistent with the character of the surrounding area and that the site was maintained in good condition; VI. The Zoning Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties; VII. The Zoning Board of Appeals notes for the record that there was no opposition to the request; 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: Misters Sedlacek, Janek, Metzler, and Campbell.

Nays to the motion: None.

Absent: Mister Davis, Koeller, and St. Peters.

Where upon the Chairman declared the motion duly adopted.

Finding of Fact and Recommendations

Z18-0020 - Petition of James Scott, purchaser, on behalf of Kristal Null, owner of record, requesting a zoning map amendment to rezone a one-acre tract of land from "R-2" Single-Family Residential District to "B-4" Wholesale Business District to have a commercial office on site. This is located in Wood River Township, at **4028 Henkhaus Lane, Bethalto**, Illinois PPN#19-1-08-02-00-000-002.001 **(13)**

A **motion** was made by Mr. Metzler and **seconded** by Mr. Sedlacek that the petition of James Scott be as follows:

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. James Scott, applicant, stated that they will use the property for general office use. Mr. Scott stated that he operates a trucking dispatching service similar to an insurance agency, as they work with insurance and trucking companies. Their business is conducted by internet and phone and they do not have customers or trucks visiting the site; V. Michael Henkhaus, neighbor, asked if this would raise his property taxes and Chairman Campbell stated that generally speaking, it would not affect his property taxes but that he should direct those questions to the tax assessor; VI. The Zoning Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties and that the request is consistent with the area as there is an existing business adjacent to the south and I-255 to the east; VII. The Board of Appeals notes for the record that there was no opposition to the request; 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: Misters Sedlacek, Janek, Metzler, and Campbell.

Nays to the motion: None.

Absent: Mister Davis, Koeller, and St. Peters.

Whereupon the Chairman declared the motion duly adopted.

Finding of Fact and Recommendations

Z18-0017 - Petition of Raymond and Regina Svoboda, owners of record, requesting a variance as per §93.023, Section B, Item 1, Sub (a) of the Madison County Zoning Ordinance to create a tract of land that is one acre in size instead of the required two acres. This is located in an Agricultural District in Fort Russell Township, at **6110 St. James Drive, Edwardsville, Illinois** PPN#15-1-09-13-00-000-005 **(05)**

A **motion** was made by Mr. Janek and **seconded** by Mr. Sedlacek that the petition of Raymond and Regina Svoboda 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. Raymond Svoboda, applicant, stated that he is seeking a variance to create a 1-acre tract of land for his daughter and her husband to build a home. Mr. Svoboda stated that they are seeking a 1-acre lot in order to keep more land in agriculture production; V. The Board of Appeals notes for the record that the applicant wishes to deed a parcel of land to his daughter to build a residence; VI. The Board of Appeals notes for the record that the proposed variance is not detrimental to surrounding properties and is consistent with the character of the area; VII. The Board of Appeals notes for the record that there was no opposition to the request; 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: Misters Sedlacek, Janek, Metzler, and Campbell.

Nays to the motion: None.

Absent: Mister Davis, Koeller, and St. Peters.

Whereupon the Chairman declared the motion duly adopted.

Finding of Fact and Recommendations

Z18-0016 - Petition of Joseph K. Garwood, owner of record, requesting a zoning map amendment to rezone a 1.36-acre tract of land from "R-3" Single-Family Residential District to "B-5" Planned Business District. This is located in Edwardsville Township, at **4548 North State Route 157, Edwardsville, Illinois** PPN 14-1-15-01-00-000-011 **(18)**

A **motion** was made by Mr. Sedlacek and **seconded** by Mr. Janek that the petition of Joseph Garwood be as follows: I. That the amendment to the "B-5" Planned Business District is **granted**; II. The owner or operator shall adhere to all district conditions and use requirements within "Appendix A". If the owner submits plans with substantive differences than the proposed use and accompanying site plan, the applicant shall return to the Planning and Development Committee upon a recommendation from the Zoning Board of Appeals for review and approval; and,

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. Chairman Campbell indicated that the original petition said "B-3" and had been amended to "B-5"; V. Andi Yancey, Planning Coordinator, stated that originally the request was for "B-3" Highway Business District that allows for several commercial uses on the property. Mrs. Yancey stated that given the location and proximity to several residential uses, staff asked the petitioner if they could amend the request to a stricter zoning designation. Mrs. Yancey said that "B-5" District is a Planned Business District and it limits the property to a site-specific ordinance. Mrs. Yancey stated that the proposed ordinance limits the site to three permitted uses, which are air-conditioning and heating sales and services, contractor's offices and shops where no fabrication is permitted, and professional and business offices. VI. Erin Garwood, applicant's daughter-in law and company office manager, stated that they are asking to have the property rezoned from residential to commercial in order to continue running their business out of the location. Mrs. Garwood stated that the property provides an adequate amount of space to run the business and they enjoy the rural and quiet location while still staying in the Edwardsville community. Mrs. Garwood provided the background of the company. Mrs. Garwood stated that they are a heating and cooling business and they are open Monday through Friday from 8:30 a.m. to 5:00 p.m., and they do not assemble, manufacture, or repair anything on site. Mrs. Garwood said that they operate as an office and dispatch technicians from the site and receive HVACs via delivery to be installed at customers' residences. Mrs. Garwood said that all interactions with customers happen at the customer's location and only occasionally do customers go to their store to pay a bill or buy a replacement part. Mrs. Garwood stated that they collected a little under 100 letters from customers in support of their property being rezoned; VII. John Ginestra, 6911 Gebhart Lane, said that he called a meeting with the business and the property owners to talk about the zoning change and the applicants alleviated the concerns he had with it. Mr. Ginestra stated that at the neighborhood meeting, the Garwood's said that they would keep the site looking residential, they would not have illuminated signage or any signage at all, they would finish the parking lot and put clean rock on top of it, they would provide landscaping, and would put straw bales in the rubble pile to filter stormwater runoff. VIII. Chairman Campbell stated that in regard to signage, they would not be permitted any as they have not proposed any signage at this time; IX. Tracy Layng Awasthi, 6923 Gebhart Lane, stated that her concerns are that they are starting a precedent of businesses in the area and it paves the way for other businesses that are not as restrictive and accommodating to those who live in the area and she wants to know how this will affect future business proposals in the area. X. Chairman Campbell stated that this hearing is only for this parcel and anyone can request hearings but it does not mean that it would be approved and it is not

necessarily setting a precedent; XI. The Board of Appeals notes for the record that there were some on-site concerns, but they were alleviated through the neighborhood meeting and zoning hearing; XII. The Board of Appeals notes for the record that the business is a quietly-run family operation and is consistent with the character of the area and the property's location along IL Route 157; XIII. The Board of Appeals notes for the record that the request will not be detrimental to surrounding properties; XIV. 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 Sedlacek, Janek, Metzler, and Campbell.

Nays to the motion: None.

Absent: Mister Davis, Koeller, and St. Peters.