

MINUTES

Zoning Board of Appeals

Thursday August 4, 2016

8:30 AM

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

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

Absent were Misters Koeller and St. Peters.

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 1:00 PM for motions and votes. See Findings of Fact for on-site summary.
3. **Motions and Votes**
 - a. Approval of June 30, 2016 minutes. Motion made by Loren Davis and seconded by John Janek to approve the minutes. Voice Vote. All Ayes. Motion approved.
 - b. Old Business
 - i. Z15-0013 – Planning and Development Committee (Revocation of S&K Repair Service SUP) remained tabled.
 - c. New Business
 - i. Z16-0063 – KSEM Inc. Motion made by John Sedlacek and seconded by Bob Dauderman to approve with conditions. Roll Call Vote. All Ayes. Motion approved.
 - ii. Z16-0060 – Betty Svoboda. Motion made by John Janek and seconded by Loren Davis to approve. Voice Vote. All ayes. Motion approved.
 - iii. Z16-0061 – Robb Van Putte, Cinnamon Van Putte, Thomas L. Moore and Roberta L. Moore. Motion made by John Janek and seconded by John Sedlacek to approve with conditions. Voice Vote. All ayes. Motion approved.
 - iv. Z16-0056 – Richard Bisso Jr. Motion made by John Sedlacek and seconded by Bob Dauderman to approve. Voice Vote. All ayes. Motion approved.
 - v. Z16-0058 – Michael Murray. Motion made by John Janek and seconded by Loren Davis to approve. Voice Vote. All ayes. Motion approved.
 - vi. Z16-0043 – Mark and Janice Bryant. Motion made by John Sedlacek and seconded by John Janek to approve with conditions. Voice Vote. All Ayes. Motion approved.
4. **Public Comment**
 - a. There was no public comment August 4, 2016.
5. **Planning Coordinator's Report**
 - a. Derek Jackson informed the Zoning Board of Appeals that the next set of hearings will be August 25th, September 1st, September 29th or October 6th depending on the volume of hearings.
6. **Adjournment**
 - a. Motion made by John Janek and seconded by Loren Davis to adjourn. Voice Vote. All ayes. Motion approved.

August 4, 2016

Finding of Fact and Recommendations

Mr. Michael Campbell, Chairman, called the meeting to order at 8:30 AM in the office of the Madison County Planning and Development Department.

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

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 #Z16-0063 – KSEM Inc.

File #Z16-0060 – Betty Svoboda

File #Z16-0061 – Robb Van Putte

File #Z16-0056 – Richard Bisso Jr.

File #Z16-0058 – Michael Murray

File #Z16-0043 – Mark & Janice Bryant

(Fort Russell Township)

(Fort Russell Township)

(Omphghent Township)

(Marine Township)

(Jarvis Township)

(Collinsville Township)

Finding of Fact and Recommendations

Z16-0063 - Petition of KSEM, Inc, applicant on behalf of Kerry & Jessica Ketcham, owners of record, requesting a special use permit as per Article 93.023, Section D, Item 1 & Item 3 of the Madison County Zoning Ordinance in order to operate an agricultural implement and machinery service & repair and welding establishment. Also, a Variance as per Article 93.080, Section E in order to erect a fence that will be 8 feet tall instead of the allowable 6 feet. This is located in an Agricultural District in Fort Russell Township at **5360 Springfield Drive, Edwardsville**, Illinois PPN# 15-1-09-27-00-000-008 **(24)**

A **motion** was made by Mr. Sedlacek and seconded by Mr. Dauderman that the petition of KSEM, Inc. be as follows: I. That the special use permit is granted for operators KSEM, Inc. & Joan Ketcham, President, and property owners Kerry & Jessica Ketcham, for an agriculture implements, repair, and welding operation. Any change of ownership or operator will require a new special use permit; II. The use shall be limited to agriculture implements and cannot be used for semi-trailers or passenger vehicles. The site shall not be used as a salvage or junk yard; III. There shall be no off-site parking and no on-site signage; IV. Fencing shall be required as per the site plan and shall be kept in good repair; V. The agriculture implement, repair and welding operation's hours of operation open to the public shall be 8:00 AM to 4:30 PM, Monday through Friday; VI. All outdoor storage shall be kept in a neat and orderly condition, and shall not create a health hazard or an eye sore to the general area; VII. All drainage shall be directed away from neighboring properties; VIII. The owner and operator shall keep the property in compliance with all Madison County Ordinances; IX. The owner and operator shall apply for an amendment to this Special Use Permit for any future alterations, modifications, or expansions of the use and plan; X. 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 agriculture implement, repair and welding 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. Joan Ketcham and Kim Ketcham spoke on behalf of the applicants. Joan Ketcham, President of KSEM Inc., stated that KSEM Inc. has outgrown its current operation at 6471 Miller Drive and that they are seeking to expand the operation to the subject property. Mrs. Ketcham stated that they are seeking to locate a new structure for storage and welding of sheep equipment, which is 90% of their business. Mrs. Ketcham stated that the operation involves bringing in steel and shipping the product to customers. Mrs. Ketcham stated that there would be minimal customer visits and that they are not a retail operation. Mrs. Ketcham stated that the new facility would provide needed space for loading and unloading of equipment onto delivery trucks without blocking traffic, which has been an issue on the 6471 Miller Drive property. Mrs. Ketcham stated that hours of operation are 7:00 AM to 4:30 PM. Mrs. Ketcham stated that occasionally office personnel may be on site until 6:00 PM; V. Natasha Stellhorn, adjoining property owner to the east located at 6201 Sworm Lane, spoke in opposition to the request. Ms. Stellhorn stated that the applicant's narrative statement includes fabrication. Ms. Stellhorn stated that manufacturing is a prohibited use within the "A" Agriculture Districts. Ms. Stellhorn stated that the storage and warehousing for fabrication is not listed as an allowable special use permit. Ms. Stellhorn stated that the application is incomplete due to not including natural and topographical features of the project area and its surroundings. Ms. Stellhorn stated that the fence request is for eight (8) feet in height but that the site plan indicates a fence that is nine (9) feet tall. Ms. Stellhorn stated that the application does not address landscaping, erosion and sediment control features, water supply, sewage, drainage facilities, volume of traffic and anticipated types of commercial and industrial development. Ms. Stellhorn stated that the narrative statement does not include nature and extent of clearing and grading or a development schedule and sequence of completion or impact requirements. Ms. Stellhorn stated that she has concerns if there are issues, which party would have responsibility or liability because the property is owned by Kerry and Jessica Ketcham. Ms. Stellhorn inquired if there is a lease agreement in place. Ms. Stellhorn stated that she is concerned with land, water, and noise pollution. Ms. Stellhorn stated that there was an EPA violation at the existing location at 6471 Miller Drive. Ms. Stellhorn stated that there was a search warrant with concerns of paint fumes, paint and paint thinner disposal, and industrial sewage runoff. Ms. Stellhorn stated she has concerns with contamination in the local creek which would negatively impact her property. Ms. Stellhorn stated that she has concerns with the noise and traffic because the proposed operation involves semi-trucks coming to the property; VI. Patty Tracy, adjoining property owner to the east located at 6260 Sworm Lane, spoke in opposition to the request. Ms. Tracy stated that she has concerns due to issues with the current location at 6471 Miller Drive and another location on Saint James Drive where there were issues with

neighboring property owners. Ms. Tracy stated that she has lived on her property for 25 years and that she enjoys the wildlife and hopes that they will be able to sell their home in the future without any devaluation; VII. During their closing comments, Joan Ketcham stated that the EPA issues brought up were proven to be a fraudulent call and that the matter was addressed by the Governor's Office. Mrs. Ketcham stated that a disgruntled neighbor called in the complaint. Mrs. Ketcham stated that all paint utilized for the operation is within the EPA guidelines and that when the paint is dry it is landfill ready. Mrs. Ketcham stated that there were no problems or violations cited by the EPA. Mrs. Ketcham stated that all of the equipment is cleaned with Dawn equipment soap. Mrs. Ketcham stated that the only issue they had was 16 years ago related to a lapse in record keeping. Mrs. Ketcham stated that all drainage goes towards Springfield Drive and into their lake, where they regularly fish and consume fish caught. Mrs. Ketcham stated that there are no sewers available and that they would utilize a private septic system. Kim Ketcham stated that there will be some dirt moved around the site to level the building site. Mr. Ketcham stated that 99% of the water will be routed to Springfield Drive and eventually into their private lake. Mr. Ketcham stated that they intend on constructing a fence in order to block out noise and visual impacts along the north property line. Mr. Ketcham stated that there was a discrepancy with the fence height as he originally intended for a nine (9) foot fence but the advertisement was for an eight (8) foot fence. Mr. Ketcham stated that the fence would be eight (8) feet tall. Mr. Ketcham stated that parking would be in the front yard area for employees and that semi-trucks would have a dedicated loading area on the south end of the building. Mr. Ketcham stated that the biggest contributor to noise is the active train tracks to the north of the subject property. Mr. Ketcham stated that his operation does generate some noise but that all work will be performed within the building. Mr. Ketcham stated that there will be no doors on the north side of the building; VIII. A letter of opposition was submitted by Joe Holecek and Patty Tracy, adjacent property owners to the east located at 6260 Sworm Lane; IX. A letter of opposition and packet of supplemental information was submitted by Natasha Stellhorn and Stephen Heflin, adjoining property owners to the east located at 6201 Sworm Lane; X. An email stating concerns regarding noise, storage and disposal of materials, and traffic was submitted by Muriel Snow, adjoining property owner to the east located at 5414 Springfield Drive; XI. The Board of Appeals notes for the record that the proposed special use permit and variance request would be compatible with the surrounding area; XII. The Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties; XIII. The Board of Appeals notes for the record that the immediate neighbor to the north and Fort Russell Township did not have opposition to the request; XIV. The Board of Appeals notes that the applicants fabricate agricultural products but not to the extent that the operation should be located in an urban industrial area; XV. 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 Dauderman, Davis, Janek, and Sedlacek.

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

Z16-0060 - Petition of Betty Svoboda, applicant and owner of record, requesting a variance as per Article 93.023, Section B, Item 1, Subsection "a" of the Madison County Zoning Ordinance in order to create a tract of land that has 40.05 feet of property width at the minimum front yard setback line instead of the required 150 feet. This is located in an Agricultural District in Fort Russell Township, at **6228 St. James Drive, Edwardsville**, Illinois PPN# 15-1-09-13-00-000004 **(05)**

A **motion** was made by Mr. Janek and seconded by Mr. Davis that the petition of Betty Svoboda 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. Betty Svoboda, applicant and property owner, stated that she is seeking a variance for reduced property width in order to separate the farmland from the single family dwelling; 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: Misters Dauderman, Davis, Janek, and Sedlacek.

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

Z16-0061 - Petition of Robb Van Putte, Cinnamon Van Putte, Thomas L. Moore and Roberta L. Moore, owners of record, and Thomas L. Moore and Roberta L. Moore, occupants of manufactured home, requesting a special use permit as per Article 92.023, Section D, Item 20 of the Madison County Zoning Ordinance in order to continue placement of a double-wide manufactured home on site for the sole occupancy of Thomas L. Moore and Roberta L. Moore for a period not to exceed five years. This is located in an Agricultural District in Omphgent Township, at **8412 Albrecht Road, Staunton, Illinois.** PPN# 12-1-04-13-00-000-007.001 **(03)**

A **motion** was made by Mr. Janek and seconded by Mr. Sedlacek that the petition of Robb Van Putte, Cinnamon Van Putte, Thomas L. Moore and Roberta L. Moore be as follows: I. That the special use permit is granted for the sole usage of Thomas and Roberta Moore 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 Thomas and Roberta Moore occupies the structure, notwithstanding any violations, nuisance, or change in occupancy as per the other conditions of this Special Use Permit. The owner shall remove the manufactured home from the site when Thomas and Roberta Moore vacate 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. Robb Van Putte, applicant and property owner, stated that he is seeking a special use permit to continue the placement of the manufactured home for Thomas and Roberta Moore, who are the parents of Cinnamon Van Putte and oversee the farm operation. Mr. Van Putte stated that the continued placement of the manufactured home would also enable him and his wife to care for the Moores in the event that they are no longer able to themselves; V. The Board of Appeals notes for the record that the proposed special use permit 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: Misters Dauderman, Davis, Janek, and Sedlacek.

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

Z16-0056 - Petition of Richard L. Bisso, Jr., owner of record, requesting a variance as per Article 93.051, Section A, Item 3, Sub b of the Madison County Zoning Ordinance in order to construct an accessory building that will be 10 feet from the

east property line instead of the required 15 feet. This is located in an Agricultural District in Marine Township, at **933 Country Pointe Lane, Marine**, Illinois. PPN# 06-2-17-30-00-000-027 **(04)**

A **motion** was made by Mr. Sedlacek and seconded by Mr. Dauderman that the petition of Richard Bisso Jr. 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. Richard Bisso Jr., applicant and property owner, stated that he is seeking a setback variance in order to locate a new detached garage ten (10) feet from the east property line instead of the required fifteen (15) feet. Mr. Bisso Jr. stated that he is seeking the variance in order to avoid cutting down two trees, having to offset his driveway, and moving his propane tank; 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; 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 Dauderman, Davis, Janek, and Sedlacek.

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

Z16-0058 - Petition of Michael Murray, owner of record, requesting a variance as per Article 93.051, Section A, Item 3, Sub b of the Madison County Zoning Ordinance in order to construct a detached garage that will be 1 foot from the south property line instead of the required 5 feet. This is located in an "R-3" Single Family Residential District in Jarvis Township, at **86 W. Lake Drive, Troy**, Illinois. PPN# 09-2-22-10-14-301-011 **(11)**

A **motion** was made by Mr. Janek and seconded by Mr. Davis that the petition of Michael Murry 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. Michael Murray, applicant and property owner, stated that he is seeking a variance in order to have a reduced setback for a new detached garage to be one (1) foot from the south property line instead of the required five (5) feet. Mr. Murry stated that due to the irregular shape of his property and the location of the dwelling, he has limited flexibility to locate the new garage in a manner that adheres to the setback requirements; 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: Misters Dauderman, Davis, Janek, and Sedlacek.

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

Z16-0062 - Petition of Mark and Janice Bryant, owners of record, requesting variances as per Article 93.023, Section B, Item 1, Sub "a" and Section B, Item 2 of the Madison County Zoning Ordinance in order to create two tracts of land that are 1.44 and 1.23 acres in area instead of the required 2 acres, and in order to construct a new single-family dwelling that will be 40 feet from the north property line and 30 feet from the south property line instead of the required 50 feet. This is located in an Agricultural District in Collinsville Township at **1368 Pleasant Ridge Road, Maryville, Illinois**. PPN# 13-1-21-15-00-000-010.002 **(27)**

A **motion** was made by Mr. Sedlacek and seconded by Mr. Janek that the petition of Mark and Janice Bryant 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. Joe McGinnis, son-in-law of the applicants, stated that the applicants are seeking to subdivide the subject property into two tracts of land being 1.44 acres and 1.23 acres. Mr. McGinnis stated that he and his wife intend on constructing a new dwelling on the 1.23 acre tract of land. Mr. McGinnis stated that the applicants are also seeking a setback reduction for the future dwelling to be 40 feet from the north property line and 30 feet from the south property line; V. The applicant submitted a petition of support from six (6) adjacent or nearby property owners; VI. The Board of Appeals notes for the record that the proposed variance request would be compatible with the surrounding area; VII. The Board of Appeals feels that to allow this request 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: Misters Dauderman, Davis, Janek, and Sedlacek.

Nays to the motion: None.

Absent: Misters Koeller, and St. Peters.

Where upon the Chairman declared the motion duly adopted.