

MINUTES

Zoning Board of Appeals
Thursday December 29, 2016
8:30 AM

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

Present were Misters Campbell, Davis, Koeller and Sedlacek

Absent were Misters Dauderman, Janek, 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 11:50 PM for motions and votes. See Findings of Fact for on-site summary.
3. **Motions and Votes**
 - a. Approval of December 1, 2016 minutes. Motion made by Loren Davis and seconded by Steve Koeller to approve the minutes. Voice Vote. All Ayes. Motion approved.
 - b. New Business
 - i. Z16-0081 – Jean Blumberg. Motion made by John Sedlacek and seconded by Loren Davis to approve. Voice Vote. All Ayes. Motion approved.
 - ii. Z16-0076 – Betty Thomas. Motion made by John Sedlacek and seconded by Steve Koeller to approve with conditions. Voice Vote. All ayes. Motion approved.
 - iii. Z16-0080 – David Mueller. Motion made by Steve Koeller and seconded by Loren Davis to deny. Voice Vote. All ayes. Motion approved.
 - iv. Z16-0074 – Ramblewoods LLC. Motion made by John Sedlacek and seconded by Loren Davis to table until the next available meeting in order to obtain additional information regarding private sewage. Voice Vote. All ayes. Motion approved.
4. **Public Comment**
 - a. There was no public comment December 29, 2016.
5. **Planning Coordinator’s Report**
 - a. Derek Jackson informed the Zoning Board of Appeals that the next set of hearings will be January 10th or January 24th depending on volume of hearings.
6. **Adjournment**
 - a. Motion made by Steve Koeller and seconded by Loren Davis to adjourn. Voice Vote. All ayes. Motion approved.

December 29, 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, Davis, Koeller, and Sedlacek.

Absent were Misters Dauderman, Janek 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 #Z16-0081 – Jean Blumberg

(Moro Township)

File #Z16-0076 – Betty Thomas

(Moro Township)

Finding of Fact and Recommendations

Z16-0081 - Petition of Jean Blumberg, applicant for owner of record, Doris Meyer, Revocable Living Trust, requesting a variance as per Article 93.023, Section B, Item 1 Sub (a) in order to create a tract of land that will have 50 feet of property width instead of the required 150 feet. This is located in an Agricultural District in Moro Township, at **7856 St. James Road, Moro**, Illinois PPN#16-1-03-25-00-000-001 **(05)**

A **motion** was made by Mr. Koeller and seconded by Mr. Davis that the petition of Jean Blumberg 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, land surveyor, spoke on behalf of the applicant, Jean Blumberg. Mr. Nail stated that his client is seeking to subdivide the subject property into three (3) tracts of land. Mr. Nail stated that the request is to allow Tract 3, which is 74.34 acres in size, to have a fifty (50) foot wide stem to connect the property directly to Saint James Drive in lieu of the 150 foot width requirement. Mr. Nail stated that the fifty (50) foot wide stem would be located along the existing field road that is utilized by the property owner to access the tillable farm ground, and that no new improvements are being proposed; 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 Campbell, Davis, Koeller, and Sedlacek.

Nays to the motion: None.

Absent: Misters Dauderman, Janek, and St. Peters.

Where upon the Chairman declared the motion duly adopted.

Finding of Fact and Recommendations

Z16-0076 - Petition of Betty Thomas, owner of record, requesting a Special Use Permit as per Article 93.023, Section D, Item 20 of the Madison County Zoning Ordinance in order to continue placement of a mobile home on site for the sole occupancy of Betty Thomas for a period not to exceed five years. This is located in an Agricultural District in Moro Township, at **5150 Seiler Road, Dorsey**, Illinois PPN#16-1-03-15-00-000-017 **(05)**

A **motion** was made by Mr. Sedlacek and seconded by Mr. Koeller that the petition Betty Thomas be as follows: I. This Special Use Permit is granted for the sole usage of Betty Thomas 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 Betty Thomas occupies the structure, notwithstanding any violations, nuisance, or change in ownership or occupancy. The owner shall remove the manufactured home from the site when Betty Thomas vacates structure; II. The applicant shall install skirting around the mobile home within thirty (30) days of approval; III. The applicant shall apply for a demolition permit through the Madison County Planning and Development Department within sixty (60) days of approval and remove the non-conforming accessory mobile home by June 1, 2017.

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. Sossity Stevens, daughter of the applicant, spoke on behalf of the applicant. Ms. Stevens stated her mother is seeking to continue the placement of the single-wide manufactured home to be used as her residence. Ms. Stevens stated that Ms. Thomas inherited the property from her husband when he passed away and she was not aware that the SUP needed to be renewed. Ms. Stevens stated that her mother has not been in the best of health and is elderly, which is why she is unable to attend the hearing. Ms. Stevens stated that her mother and family have been working hard to clean up the property and that there have been dramatic improvements. Chairman Campbell asked Ms. Stevens if she was aware that the second mobile home on the subject property, which is not permitted, needs to be removed from the site in a timely manner. Ms. Stevens stated that she is aware that the second mobile home will need to be removed and that the sixty (60) day condition is feasible; V. Sandra Dugan, nearby property owner at 5180 Seiler Road, stated that there has been improvement made to the property, but more work still needs to be done. Ms. Dugan stated that she built a very nice home about an eighth of a mile from the subject property and that the subject property is distressing to drive by. Ms. Dugan stated that she understands Ms. Thomas's health concerns, but she has concerns regarding the property maintenance issues. Chairman Campbell clarified that Ms. Dugan's concerns were not about the placement of the mobile home but rather the condition of the property. Ms. Dugan stated that is correct; VI. Charles Dugan, nearby property owner at 5180 Seiler Road, asked if the mobile home was livable. Chairman Campbell stated that the County does not perform an inspection within the structure, only the outside. Derek Jackson, Planning Coordinator, stated that the exterior of the mobile home is missing skirting as required by the Zoning Ordinance. Mr. Jackson stated that a condition of approval staff is recommending to the ZBA is that skirting be installed around the mobile home within thirty (30) days of approval. Mr. Dugan asked if Ms. Thomas's above ground swimming pool needed a fence around it. Mr. Jackson replied that the swimming pool is four (4) feet in height and has a removable ladder, which does not require the pool to be fenced; VII. The Board of Appeals notes for the record that the proposed special use permit request would be compatible with the surrounding area; VIII. The Board of Appeals notes that the conditional approval is to assist the elderly applicant and her family in transitioning the property back to a reasonable condition; IX The Board of Appeals feels that to allow this request 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 Campbell, Davis, Koeller, and Sedlacek.

Nays to the motion: None.

Absent: Misterys Dauderman, Janek, and St. Peters.

Where upon the Chairman declared the motion duly adopted.