

Zoning Board of Appeals Meeting Minutes
Tuesday January 9, 2018 at 8:30 a.m.
157 N. Main Street, Suite 254, Edwardsville, IL

Present were Misters Sedlacek, Janek, St. Peters, and Metzler.

Absent were Misters Campbell, Koeller, and Davis.

1. Call to Order

- a. Chairman pro-tem John Sedlacek 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 12:20 p.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 November 28, 2017. Seconded by Pat St. Peters. 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.

5. New Business

- a. Z17-0062– Petition of Wesley “Stan” Rives. John Janek made a motion to approve the request. Seconded by Pat St. Peters. Voice vote. All ayes. Motion approved.
- b. Z18-0001 – Petition of Terry Russell. Don Metzler made a motion to approve the request. Seconded by John Janek. Voice vote. All ayes. Motion approved.
- c. Z17-0061 – Petition of Amy Gleason. Pat St. Peters made a motion to approve the request with conditions. Seconded by John Janek. Voice vote. All ayes. Motion approved.
- d. Z17-0063– Petition of Anthony and Kelsea Faulkner. John Janek made a motion to approve the request with conditions. Seconded by Don Metzler. Voice 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 hearing would be in two weeks, on January 23, 2018.

7. Adjournment

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

January 9, 2018

Findings of Fact and Recommendations

Mr. John Sedlacek, Chairman pro-tem, called the meeting to order at 8:30 a.m. in the office of the Madison County Planning and Development Department.

Present were Misters Sedlacek, Janek, St. Peters, and Metzler.

Absent were Misters Campbell, Koeller, and Davis.

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 Z17-0062 – Petition of Wesley “Stan” Rives

(Pin Oak Township)

File Z18-0001 – Petition of Terry Russell

(Collinsville Township)

File Z17-0061 – Petition of Amy Gleason

(Wood River Township)

File Z17-0063 – Petition of Anthony and Kelsea Faulkner

(Omphgent Township)

Finding of Fact and Recommendations

Z17-0062 – Petition of Wesley "Stan" Rives, owner of record, requesting a variance as per §93.023, Section B, Item 2 of the Madison County Zoning Ordinance in order to construct a single-family dwelling that will be 30 feet from the north and south property lines instead of the required 50 feet. This is located in an Agricultural District in Pin Oak Township, at **4740 South Hazel Road, Edwardsville, Illinois PPN#10-2-16-06-00-000-035 (11)**

A **motion** was made by Mr. Janek and **seconded** by Mr. St. Peters that the petition of Wesley "Stan" Rives 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 several were in attendance; IV. Stan Rives, owner of record, stated that he has a real estate contract with the Hodels and is seeking a variance in order to have a 30 foot setback requirement from the north and south property lines instead of the 50 foot setback requirement. Mr. Rives stated that the proposed dwelling would not be visible from the home across the street due to the 232 foot setback from the roadway. Mr. Rives stated that he contacted several nearby property owners who had no opposition to the request and had given him verbal confirmation to use their names in his narrative. Mr. Rives stated that he had staked-out the location of the home, explaining that it was 35 feet from the south property line and 38 feet from the north property line; V. ZBA member John Janek inquired how far the proposed dwelling was from the existing detached garage on the site; VI. Mr. Rives stated that the garage was approximately 200 feet from the proposed dwelling; VI. Jim Morgan, 4701 S. Hazel Rd., stated that he was concerned with how many square feet and if it was the absolute size, stating that if [the proposed structure] is just really thin and wide and placed in the wrong spot within this area it could be detrimental to property values. Mr. Morgan stated that if it is a giant house it might interfere with other people's property value. Mr. Morgan stated that, in his opinion, the people buying it should be the ones zoning it; VII. George Slifka, 4763 S. Hazel Rd., stated that he personally thinks a nice new home will do nothing but raise the property values in the area. Mr. Slifka stated that the applicants were not proposing to put a piece of garbage on the site, they're building a new house that is a little close to the lines according to the County requirements. Mr. Slifka stated that all he would be doing is driving by it, and that he doesn't see how it could hurt anything; VIII. Jill Cummings, adjoining property owner to the south, stated that she is opposed to the request due to the property values, especially because her home is directly affected by it. Ms. Cummings stated that the proposed site plan would be parallel to her pool area so that any view from the back of their home will be into that property. Ms. Cummings stated that according to the site plan the house would sit 200 feet off the roadway, so she didn't understand how the home could be built 300 feet in front of the garage. Ms. Cummings stated that a very nice home could be built on the lot in accordance with County regulations. Ms. Cummings stated that the requested variance is in excess of what would be required for the property. Ms. Cummings stated that the lot was wider at the front than it was in the back, explaining that if the applicants were to move the proposed dwelling toward the front of the property, she doesn't know that the variance would be necessary. Ms. Cummings stated that she is probably one of the newest people to the neighborhood and that the large lots were part of the allure in deciding to locate there, along with the proximity to town, explaining that those characteristics can't be found anywhere else in Edwardsville. Ms. Cummings stated that she realized Mr. Rives has the right to build a home on the lot, explaining that he did subdivide the lot and it is two (2) acres, but she hopes that the County's setback requirement would be enforced. Ms. Cummings stated that she had come to terms with the fact that a new home will be built, but that she feels that, with the long narrow lot, the applicant should have to adhere to the 50 foot setback requirement. Ms. Cummings reiterated that the request directly impacts her, stating that they don't have the same natural barrier that the folks to the north have and that she feels like some trees will be removed to build the home anyway. Ms. Cummings stated that she did have signatures from other neighbors on the street that are opposed to the request and that she had spoken to two (2) other neighbors who had previously spoken to Mr. Rives who had rescinded their support of the proposal verbally to her, stating that one was Mr. Morgan and one was Jen Kathy at the end of the street, but that she did have signature from the other parties; IX. Rebecca Helmkamp, 4709 S. Hazel Road, stated that she feels like the area is going to look like a subdivision and she absolutely hates it; X. Lloyd Lucy, adjoining property owner to the north, stated that he had just purchased his home and had entertained the idea of building on the subject lot. Mr. Lucy stated that the proposed dwelling would sit roughly 95 feet from his house. Mr. Lucy stated that it was a beautiful lot and he had no objections to the proposed dwelling location; XI. Amber Hernandez, 409 Corral Ct., asked if the 50 foot setback requirement were

enforced how large the building envelope could be. Mr. Rives stated that it could be roughly 75 feet wide. Ms. Hernandez stated that 75 feet was a pretty good size home and asked if the variance was being requested due to the style of the home; XII. Sandra Hodel, contracted purchaser of the property, stated that she and her husband would be building the home and wanted to add a few feet to each side of the requested setback in order to have room for a side porch off the dwelling; XIII. ZBA member John Janek asked if the items located in the front yard of 4722 S. Hazel Road were construction equipment. Property owner Jill Cummings confirmed that it was construction equipment and asked whether Mr. Janek was referring to the trailers or the construction materials. Mr. Janek stated that he was referring to all of it. Ms. Cummings stated that the materials were for an out building they planned to construct at some point in the future; XIV. Lloyd Lucy, adjoining property owner to the north, stated that ranch style homes take up more space and that, as an older man himself, he can understand the desire for one-level homes, stating that it was his understanding that that was one reason for the variance request; XV. Jill Cummings, adjoining property owner to the south, stated that she also has concerns about the vagueness of what was being requested because if the contracted purchasers do not build on the lot, the variance would still be valid; XVI. Andi Yancey, Madison County Planning and Development, stated that Ms. Cummings was correct and that, if the request for 30 foot setbacks from the north and south property lines were granted, future purchases would only be required to adhere to the 30 foot setback; XVII. Sandra Hodel, contracted purchases, stated that she and her husband are building a handicap accessible home due to her arthritis and that she did not consider the home they were proposing to build to be extravagant; XVIII. Wesley "Stan" Reeves, property owner, asked Mrs. Hodel if she would build the proposed dwelling if the sell goes through. Mrs. Hodel stated she would; XIX. The Zoning Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties and that it is consistent with the character of the surrounding area; XX. 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 St. Peters, Janek, and Metzler.

Nays to the motion: None.

Absent: Misters Campbell, Koeller, and Davis.

Where upon the Chairman pro-tem declared the motion duly adopted.

Finding of Fact and Recommendations

Z18-0001 – Petition of Terry Russell, owner of record, requesting a variance as per §93.025, Section B, Item 5 of the Madison County Zoning Ordinance in order to construct a home addition that will be 38 feet from the north property line instead of the required 75 feet. This is located in an "R-1" Single-Family Residential District in Collinsville Township at **#1 Devalle Drive, Collinsville, Illinois PPN#13-2-21-21-12-201-017 (27)**

A **motion** was made by Mr. Metzler and **seconded** by Mr. Janek that the petition of Terry Russell 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. Terry Russell stated that he is requesting the setback variance in order to build a small bedroom addition to the back of his home over the existing patio, similar to that of his neighbor. Mr. Russell stated that, due to the shape of his lot, he needs the requested variance; V. The Board of Appeals notes for the record that the proposed variance would not cause a detrimental effect on adjoining properties and is consistent with the character of the surrounding area; VI. The Board of Appeals notes for the record that there was no opposition to the request; 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 St. Peters, Janek, and Metzler.

Nays to the motion: None.

Absent: Misters Campbell, Koeller, and Davis.

Where upon the Chairman pro-tem declared the motion duly adopted.

Finding of Fact and Recommendations

Z17-0061 - Petition of Amy Gleason, owner of record and occupant of manufactured home, requesting a special use permit as per §93.025, Section G, Item 9 of the Madison County Zoning Ordinance in order to continue placement of a double-wide manufactured home on site for the occupancy of Amy Gleason and family for a period not to exceed five years. This voids SUP#Z10-0016. This is located in an "R-4" Single-Family Residential District in Wood River Township, at **1200 West Drive, Cottage Hills**, Illinois PPN#19-2-08-03-02-202-028 & 029 **(13)**

A **motion** was made by Mr. St. Peters and **seconded** by Mr. Janek that the petition of Amy Gleason be as follows:

I. This special use permit is **granted** for the sole usage of Amy Gleason and her 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 Amy Gleason 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 Amy Gleason 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. Amy Gleason, owner of record, stated that she is seeking a special use permit in order to continue placement of the existing double-wide manufactured home on the site for her and her family; V. The Zoning Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties and that it is consistent with the character of the surrounding area; VI. The Board of Appeals notes for the record that there was no opposition to the request; 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 St. Peters, Janek, and Metzler.

Nays to the motion: None.

Absent: Mistery Campbell, Koeller, and Davis.

Where upon the Chairman pro-tem declared the motion duly adopted.

Finding of Fact and Recommendations

Z17-0063 - Petition of Anthony and Kelsea Faulkner, applicants, on behalf of owners of record, Kelsea, Bruce, and Karen Moore, requesting a special use permit as per §93.023, Section D, Item 40 of the Madison County Zoning Ordinance in order to have a reception venue on site. This is located in an Agricultural District in Omphgent Township at **9500 Possum Hill Road, Worden**, Illinois PPN#12-1-04-36-00-000-004.002 **(3)**

A **motion** was made by Mr. Janek and **seconded** by Mr. Metzler that the petition of Anthony and Kelsea Faulkner be as follows:

I. This special use permit is **granted** for the sole usage of Anthony and Kelsea Faulkner. Any change of ownership will require a new special use permit; II. There shall be no off-site parking for the wedding venue operation; III. The reception venue shall operate between the hours of 7 a.m. to 12 a.m. Monday through Sunday; IV. All lighting on the property shall be arranged in such a manner as to direct the light away from neighboring properties; V. The owner shall annex into the Village of Worden at a future date when the municipal corporate boundary has extended to adjoin the subject property and hook into municipal sewer and water services once they are available; VI. The owner shall keep the property in compliance with all Madison County Ordinances; VII. The owner shall apply for an amendment to this special use permit for any future alterations, modifications, or expansions of the use; VIII. The owner's failure to adhere to the conditions of the special use permit will cause revocation of the same, and require immediate removal of the reception venue 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 and none were in attendance; IV. Anthony Faulkner, applicant, stated that he is seeking a special use permit in order have a reception venue at the existing barn on the site. Mr. Faulkner stated that he had originally intended to utilize the site for stables, but, after hosting his own wedding in the barn, the event went so well they decided to request the subject special use permit. Mr. Faulkner stated that there were not any options like what they'll be offering within the surrounding area and they were looking to fill the gap in services. Mr. Faulkner stated they would be mindful of the public and be helpful in any way they can moving forward; V. The Zoning Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties and that it is consistent with the character of the surrounding area; VI. The Board of Appeals notes for the record that there was no opposition to the request; 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 St. Peters, Janek, and Metzler.

Nays to the motion: None.

Absent: Misters Campbell, Koeller, and Davis.

Where upon the Chairman pro-tem declared the motion duly adopted.