

**Zoning Board of Appeals Meeting Minutes  
Tuesday November 28, 2017 at 8:30 a.m.  
157 N. Main Street, Suite 254, Edwardsville, IL**

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

**Absent** were Misters St. Peters and Davis.

**1. Call to Order**

- a. Chairman Mike Campbell 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 1:00 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. Steve Koeller made a motion to approve the minutes from October 24, 2017. Seconded by Don Metzler. 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. Z17-0059– Petition of Glenwood Equities, LLC. Don Metzler made a motion to approve the request with conditions. Seconded by John Janek. Roll-call vote. All ayes. Motion approved.
- b. Z17-0056 – Petition of Lloyd Garde. John Janek made a motion to approve the request. Seconded by Don Metzler. Voice vote. All ayes. Motion approved.
- c. Z17-0057 – Petition of Don Jakel. John Sedlacek made a motion to approve the request. Seconded by Steve Koeller. Voice vote. All ayes. Motion approved.
- d. Z17-0058– Petition of Andrew Mance. Steve Koeller made a motion to approve the request with conditions. Seconded by John Sedlacek. Voice vote. All ayes. Motion approved.
- e. Z17-0055– Petition of Margaret K. Jackson. John Sedlacek made a motion to approve the request. Seconded by Don Metzler. Roll-call vote. All ayes. Motion approved.

**6. Planning Coordinator’s Report**

- a. Andi Campbell Yancey informed the Zoning Board of Appeals that the department did not receive enough hearing applications to form a December docket, stating that the next hearing would most likely take place in January of 2018.

**7. Adjournment**

- a. Steve Koeller made a motion to adjourn. Seconded by John Sedlacek. Voice vote. All ayes. Motion approved.

**November 28, 2017**

**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, Koeller, Sedlacek, Janek, and Metzler.**

**Absent were Misters St. Peters 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 Z17-0059 – Petition of Glenwood Equities, LLC**

**File Z17-0056 – Petition of Lloyd Garde**

**File Z17-0057 – Petition of Don Jakel**

**File Z17-0058 – Petition of Andrew Mance**

**File Z17-0055 – Petition of Margaret K. Jackson**

**(Foster Township)**

**(Omphgent Township)**

**(Saline Township)**

**(Chouteau Township)**

**(Edwardsville Township)**

## Finding of Fact and Recommendations

**Z17-0059** - Petition of Glenwood Equities, LLC, applicant, on behalf of Stutz Farm Partnership, owner of record, requesting a zoning map amendment to rezone a tract of land being approximately 1.91 acres from "R-2" Single-Family Residential District to "B-4" Wholesale Business District to operate a retail Dollar General Store. Also, a variance as per §93.032, Section (B), Item 5 and §93.029, Section (B), Item 7 of the Madison County Zoning Ordinance to build the proposed structure 28 feet from the north property line instead of the required 50 feet. This is located in Foster Township at **3884 Fosterburg Road, Alton, Illinois PPN#20-1-02-34-01-101-006.001 (05)**

A **motion** was made by Mr. Metzler and **seconded** by Mr. Janek that the petition of Glenwood Equities LLC be as follows: That the zoning map amendment and setback variance request are approved with the following conditions:

- I. That the proposed dumpster area be screened with a six-foot, solid-board fence in accordance with §93.032, Section B, Item 4 of the Madison County Zoning Ordinance;
- II. That a 20-foot-wide easement be provided along the creek that runs north to south through the rear portion of the subject property to protect the existing vegetation and ensure adequate screening. (The easement shall cover 10 feet on each side of the creek.);
- III. That a cross access easement be provided along the entire entryway apron, running south and maintaining a minimum width of 25 feet through the subject property to the southern property boundary;
- IV. That all exterior lighting be downcast and situated in a manner that directs light away from adjoining properties and the roadway; and
- V. That all lighted signage and exterior lighting on the premises be turned off during closed hours except for wall pack lighting attached to the building.

**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. Bob Elkin, speaking on behalf of Glenwood Equities LLC, stated that they are the developer for the proposed Dollar General Store. Mr. Elkin stated that it was the 170<sup>th</sup> to 180<sup>th</sup> store they had developed for Dollar General since the year 2000. Mr. Elkin stated that the site had been selected by Dollar General as its 4<sup>th</sup> or 5<sup>th</sup> store in the area, with no stores being located on the far north side of the Alton area. Mr. Elkin stated that everything fit right into their computerized models for a successful store location. Mr. Elkin stated that he thinks they've met all the requirements but would like to discuss the proposed cross access easement condition of approval. Mr. Elkin stated that a lighting plan had been submitted indicating where the proposed wall pack lighting would be located and that, other than the wall pack lighting on the building, all lighting would be turned off during closed hours including the Dollar General sign. Mr. Elkin stated that the setback was being requested in order to avoid the water line located along Drexelius Rd., stating that they would be 58 feet from the centerline of Drexelius Rd. Mr. Elkin stated that the variance enables them to locate the building on the lot in a manner that avoids all existing utilities. Mr. Elkin stated that the proposed entrance would be located on Fosterburg Road, directly across from Elmore Drive. Mr. Elkin stated that there would be no above-ground detention, stating that all stormwater detention would be underground, eliminating the potential for unsightly detention ponds. Mr. Elkin stated that they would be make the development as attractive as possible and there would be a concrete drive; V. Charles Berghoff, property owner on Drexelius Road, stated that the ordinance requiring the 50 foot setback was adopted for a good reason and he believes the setback requirement should be enforced. Mr. Berghoff stated that the surrounding area was a quiet residential neighborhood and not a shopping center, explaining that they do not need a building with night lights and additional cars coming in and out of the area. Mr. Berghoff stated that it was a highly trafficked area, as illustrated by the traffic presently on Fosterburg Rd. Mr. Berghoff stated that cars come through the area quickly and that he feels the proposed Dollar General could lead to car accidents and cause traffic issues for people trying to access Fosterburg Road from Drexelius Road. Mr. Berghoff also expressed concerns with the hours of operation since all lighting would remain on until closing and asked the applicant how late the store would be open. Mr. Berghoff also expressed doubt about the need for a Dollar General at the proposed location, stating that there was a Dollar General a few miles up the Road on Homer Adams Parkway where the old Burger King used to be, as well as a Casey's store and Farm Fresh in the surrounding area. Mr. Berghoff asked about the loading space, asking if there would be enough room on the lot to

accommodate a tractor trailer. Mr. Berghoff also expressed drainage concerns due to the proposed parking area and building. Mr. Berghoff also mentioned that there are no city sewers available in the area, so a private sewage treatment system would be needed. Mr. Berghoff stated that the surrounding area was agricultural and not a business area, and that the proposal would be more appropriate south of the IL-255 interchange where several businesses are currently located; VI. James Fischer, 3885 Fosterburg Road, expressed his wholehearted support for the proposal and stated that it would improve their quality of life; VII. Richard Webber, property owner on Wood School Lane, inquired what the developers intended to do with the creek that runs through the property; VIII. Raymond McIntire, property owner on Drexelius Road, stated that he was concerned with what would be done with the hill on the property and the final grad post development. Mr. McIntire stated that he was concerned with drainage because there is water on Drexelius Road following hard rains and they cannot afford to allow more water; IX. Charles Berghoff, property owner at 3805 Drexelius Road, stated that he has had water backed up on his property due to the drainage issues in the area. Mr. Berghoff stated if water was going to drain into the creek and cause more problems, it should be addressed; X. Jim Vonnahmen, property owner on Drexelius Rd., stated that his sole concern was the setback of 28 feet from the centerline of Drexelius Road, asking if the setback started from Foster Township's easement or the centerline of the road; XI. Bob Elkin, speaking on behalf of Glenwood Equities LLC, stated that they are creating a protected area easement over the creek to extend 10 ft. from the centerline of the creek in either direction. Mr. Elkin stated that the Dollar General stores are typically opened until 10p.m., but it could be earlier. Mr. Elkin stated that the finished grade at the intersection of Drexelius and Fosterburg Roads would be 533 ft. and the building elevation is at 524 ft., explaining that the building is almost 10 ft. below grade, which should limit its visibility to adjoining properties and the roadway. Mr. Elkin stated that Dollar General can't find any immediate service to this area, stating that is 6 or 7 miles to the nearest Dollar General location and that Dollar General would not harm the existing commercial operations in the area because they will just be bringing more players to the field. Mr. Elkin stated that there is a grocery chain in Missouri that puts Dollar Generals in front of all their supermarkets because they drive business. Mr. Elkin indicated on the site plan where the dedicated loading space was for semitrailer deliveries. Mr. Elkin stated the beer and wine would be sold at the location, but no hard alcohol would be sold; XII. Andi Yancey, Madison County Planning and Development, notified Zoning Board of Appeals members that staff was requesting several conditions of approval in order to limit the potential impacts of the proposed commercial development and read the conditions for the record; XIII. The Zoning Board of Appeals notes for the record that the proposed zoning map amendment will make the subject property's zoning designation consistent with the property to the south and the Stutz Excavating property, which are currently zoned "B-4"; XIV. The Zoning Board of Appeals notes for the record that the proposed Dollar General store would provide additional services for the residents in the surrounding area; XV. The Zoning Board of Appeals notes for the record that the conditions of approval should mitigate the impact the commercial proposal will have on surrounding residential properties and help to maintain the neighborhood aesthetics; XVI. The Zoning Board of Appeals notes for the record that Foster Township maintained neutrality on the request, expressing neither support nor opposition; XVII. The Zoning Board of Appeals notes for the record that the variance request is compatible with the surrounding area; XVIII. The Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties; XIX. 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, and Metzler.

Nays to the motion: Mister Koeller.

Absent: Misters Davis and St. Peters.

Where upon the Chairman declared the motion duly adopted.

### **Finding of Fact and Recommendations**

**Z17-0056** - Petition of Lloyd Garde, owner of record, requesting a special use permit as per §93.023, Section (D), Item 20 of the Madison County Zoning Ordinance to place a single-wide manufactured home on site for the occupancy of Lloyd Garde and family for a period not to exceed five years. This is located in an Agricultural District in Omphghent Township, at **9103 Bode Road, Worden, Illinois PPN#12-1-04-03-00-000-001 (03)**

A **motion** was made by Mr. Janek and **seconded** by Mr. Metzler that the petition of Lloyd Garde be as follows: I. This special use permit is granted for the sole usage of Lloyd Garde and his family for a period not to exceed five (5) years, which may be extended either through an amendment to this special use permit or through an administrative review process, if qualified, as long as Lloyd Garde occupies 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 Lloyd Garde 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. Lloyd Garde, owner of record, stated that he is seeking a special use permit in order to place a single-wide manufactured home on the site for him and his family and indicated the proposed location for the mobile home on the property; 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 Sedlacek, Koeller, Janek, and Metzler.

Nays to the motion: None.

Absent: Misters Davis and St. Peters.

Where upon the Chairman declared the motion duly adopted.

## **Finding of Fact and Recommendations**

**Z17-0057** - Petition of Don Jakel, owner of record, requesting a variance as per §93.023, Section (B), Item 2 of the Madison County Zoning Ordinance to construct an addition to an existing dwelling that will be 27 feet from the west property line instead of the required 50 feet. This is located in an Agricultural District in Saline Township, at **13240 Landolt Road, Highland, Illinois PPN#02-1-18-15-00-000-001.004 (03)**

A **motion** was made by Mr. Sedlacek and **seconded** by Mr. Koeller that the petition of Don Jakel 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; IV. Don Jakel stated that he is requesting the setback variance in order to attach the existing garage, which is 27 feet from the property line, to the existing home as part of his home renovation plans; V. The Board of Appeals notes for the record that the proposed variance would not cause a detrimental effect on adjoining properties; 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 Sedlacek, Koeller, Janek, and Metzler.

Nays to the motion: None.

Absent: Mistery Davis and St. Peters.

Where upon the Chairman declared the motion duly adopted.

## **Finding of Fact and Recommendations**

**Z17-0058** – Petition of Andrew L. Mance, Sr., owner of record, requesting a variance as per §93.051, Section (A), Item 3, Subsection (c) of the Madison County Zoning Ordinance to construct an accessory building in a front yard setback area that will be 4.5 feet from the east property line. This is located in an "R-2" Single-Family Residential District in Chouteau Township, at **101 A Paradise Lane, Granite City, Illinois PPN#18-2-14-26-03-302-019 (16)**

A **motion** was made by Mr. Koeller and **seconded** by Mr. Sedlacek that the petition of Andrew Mance, Sr. be as follows: That the setback variance is approved with the following condition:

- I. All storage on the property must be confined to the two storage structures on the property and/or the yard area located within the six-foot, sight-proof fence screening.

**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. Andrew Mance, Sr., owner of record, stated that he is seeking a variance in order to keep the existing car port 4.5 feet from the front property line; V. Andi Yancey, Madison County Planning and Development, notified Zoning Board of Appeals members that staff was requesting a condition of approval that all storage on the property be contained to the buildings on site and the screened area of the property due to the history of zoning violations at the property; 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 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, Koeller, Janek, and Metzler.

Nays to the motion: None.

Absent: Misters Davis and St. Peters.

Where upon the Chairman declared the motion duly adopted.

**Z17-0055** – Petition of Margaret K. Jackson, owner of record, requesting a variance as per §93.025, Section (D), Item 4 of the Madison County Zoning Ordinance in order to construct a single-family dwelling that will be 7.5 feet from the north and south property lines instead of the required side yard setback. Also, a variance as per §93.061, Section (A) in order to install a private sewage system on a lot that is 20,700 square feet instead of the required 40,000 square feet. This is located in an "R-3" Single-Family Residential District in Edwardsville Township, on **Bohm School Rd, Edwardsville**, Illinois PPN#14-2-15-08-02-201-008 (17)

A **motion** was made by Mr. Koeller and seconded by Mr. Sedlacek that the petition of Margaret Jackson 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. Margaret Jackson, applicant, stated that she is seeking a setback variance for the proposed dwelling due to narrow shape of the lot and the proposed width of the dwelling. Mrs. Jackson stated that she plans to center the home on the lot and selected a house plan with the garage entrance in front, limiting their options for a narrower dwelling. Mrs. Jackson stated that they also needed a private sewage variance due to the size of her lot. Mrs. Jackson stated that she had the soil on the site classified, and that they were well-draining soils that could accommodate any type of system; V. Jerry Malone, 5510 Tiger Road, inquired what type of septic system would be utilized at the site and what size the proposed dwelling would be. Mr. Malone stated that his primary concern was that the home would be rented to college students; VI. Bruce Jackson, speaking on behalf of the applicant, explained that the soil classification revealed that the soils on the property would support any type of system and discussed a few of their options. Mr. Jackson stated that they would go with a conventional system as opposed to a mechanical system in order to avoid the need for ongoing maintenance. Mr. Jackson stated that the proposed dwelling was 66 feet wide and showed meeting attendees the proposed plans. Mr. Jackson stated the home would be 44 feet wide while the proposed garage would be 22 feet wide. Mr. Jackson stated since the property was 80.5 feet wide, they did not have the flexibility to meet the setback requirements. Mr. Jackson stated that they were proposing a walk-out basement and the front setback would be consistent with the other homes on the street; VII. Stan Weatherly, 4325 Bohm School Road, stated that it seemed like too much house for the lot size and expressed concerns that the dwelling would make the area look like a suburban neighborhood in his opinion; VIII. Mike Rebbe, 4335 Bohm School Road, expressed concerns with a railroad easement he saw on a plat of survey a long time ago when he bought his house. Mr. Rebbe stated that he moved to the area for privacy and now a new home was being build right next door; IX. Amanda Fisher, 4347 Bohm School Road, stated that she moved to the neighborhood for the country living aesthetic and not wall-to-wall development; X. Estelle Strauss, resident on Bohm School Road, said that she has lived in New Jersey and did not want the neighborhood to look or feel like New Jersey. Ms. Strauss stated that everyone in the area has a nice chunk of land and it's open and she doesn't want the area to lose its aesthetic; XI. Bruce Jackson, speaking on behalf of the applicant, explained that the subject property used to have an additional 30 feet of property width, but it was sold to the adjoining property to the north in order to accommodate their private sewage system lateral field. Mr. Jackson stated that he understands people's desire for space, stating that the proposed dwelling was only 1500 sq. ft. and was not much bigger than the house across the street; XII. Margaret Jackson, applicant, stated that she understood everyone's comments because she bought her lot for the same reasons and the desire for country living. Mrs. Jackson stated that she did not intend to turn the area in to suburbia and her proposed dwelling would not look like a fancy west county home, but instead would stay true to the rural character. Mrs. Jackson stated that she is using cedar siding and that the home will have a simple pitched roof with none of the fancy gables characteristic of suburban developments. XIII. The Board of Appeals notes for the record that the petitioners were well prepared for the hearing and provided information indicating that the lot would be suitable for a private sewage system; XIV. The Board of Appeals notes for the record that the proposed variance would not cause a detrimental effect on adjoining properties and is fitting with the residential character of the surrounding area; XV. The Board of Appeals notes for the record that the proposed dwelling will be a nice improvement for the surrounding area; XVI. 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, Koeller, Janek, and Metzler.

Nays to the motion: None.

Absent: Misters Davis and St. Peters.

Where upon the Chairman declared the motion duly adopted.