

**Madison County Zoning Board of Appeals Meeting Minutes**  
**Tuesday, February 22, 2022 at 5:00 p.m.**  
**County Board Room**

**Members Present:** Don Metzler, Nicholas Cohan, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

**Members Absent:** Thomas Ambrose

**A. Call to Order**

Don Metzler, Chairman, called the meeting to order at 5:00 p.m. and conducted roll call.

**B. Approval of Minutes**

Chairman Metzler asked for a motion to approve the meeting minutes from January 25, 2022. George Ellis made a motion to approve. Seconded by Nicholas Cohan. Voice-vote. All ayes. Motion approved.

**C. Overview of Zoning Petitions and Staff Review**

Jen Hurley, Zoning Assistant, gave a brief overview of the six zoning petitions and provided staff review.

**D. Explanation of Zoning Hearing Procedures and Swearing in of All Parties**

Chairman Metzler explained hearing procedures to meeting attendees and swore in staff members and all parties wishing to address the Board.

**E. Zoning Hearings**

The Zoning Board of Appeals conducted the zoning hearings on the six agenda items.

*Please see the attached Findings of Facts for a summary of each zoning hearing and public comment.*

**F. Citizens Wishing to Address the Zoning Board of Appeals**

*Please see the attached Findings of Facts for a summary of each zoning hearing and public comment.*

**G. Unfinished Business**

None

**H. New Business**

1. **Hearing Z21-0081** – Petition of Prime Auto & Metal Recycling, LLC, applicant on behalf of Moniger Excavating Co., Inc., owner of record, requesting to amend the existing “PD” Planned Development District to operate an auto and metal recycling business on site. This is located in Fort Russell Township at **5965 State Route 140, Moro**, Illinois, County Board District #5, PIN# 15-1-09-09-04-401-011. A motion was made by Sharon Sherrill that the petition of Prime Auto & Metal Recycling, LLC, and Moniger Excavating Co., Inc. be **Approved with Conditions**; however, **the motion was not seconded**. Due to the motion not being seconded, there was no roll-call vote. Motion fails. Petition of Prime Auto & Metal Recycling, LLC, and Moniger Excavating Co., Inc. is hereby considered dead.
2. **Hearing Z22-0005** – Petition of Prairietown Improvement Association, applicant on behalf of Lutheran Church Property, owner of record, requesting a variance as per §93.117, Section B of the Madison County Zoning Ordinance in order to construct a 138.48 square foot sign with LED message board in a residential district. This is located in an “R-3” Single-Family Residential District in Omphgent Township along **Renken Road, Worden**, Illinois, County Board District #3, PIN# 12-1-04-18-00-000-010. A motion was made by Mary Goode and seconded by Nicholas Cohan that the petition of Prairietown Improvement Association and Lutheran Church Property be **Approved with Conditions**. Roll-call vote. All Ayes. Motion passes.
3. **Hearing Z22-0006** – Petition of Prairie Fire Protection District, owner of record, requesting a variance as per §93.117, Section B of the Madison County Zoning Ordinance in order to construct a 122.29 square foot sign

with LED message board in a residential district. This is located in an “R-3” Single-Family Residential District in Omphgent Township at **8452 Prairietown Road, Worden**, Illinois, County Board District #3, PIN# 12-2-04-18-18-301-010. A motion was made by Mary Goode and seconded by Sharon Sherrill that the petition of Prairie Fire Protection District **Approved with Conditions**. Roll-call vote. All Ayes. Motion passes.

4. **Hearing Z22-0007** – Petition of Hailey Ratterman, owner of record, requesting a Special Use Permit as per §93.025, Section G, Item 9 of the Madison County Zoning Ordinance in order to place a mobile home on site for the occupancy of Hailey Ratterman and family for a period not to exceed 5 years. This is located in an “R-4” Single-Family Residential District in Olive Township at **1705 S Union Street, Staunton**, Illinois, County Board District #3, PIN# 08-2-05-05-04-401-037. A motion was made by Mary Goode and seconded by Nicholas Cohan that the petition of Hailey Ratterman be as follows: **Approved with Conditions**. Roll-call vote. All ayes. Motion passes.
5. **Hearing Z22-0008** – Petition of Dale Krump, owner of record, requesting a variance as per §93.023, Section B, Item 2 of the Madison County Zoning Ordinance in order to construct an agricultural building that will be 5 feet from the west property line instead of the required 50 feet. This is located in an “A” Agricultural District in Leef Township at **302 Park Road, Highland**, Illinois, County Board District #3, PIN# 03-1-12-33-00-000-009. A motion was made by George Ellis and seconded by Mary Goode that the petition of Dale Krump be as follows: **Approved**. Roll-call vote. All ayes. Motion passes.
6. **Hearing Z22-0010** – Petition of Jimmy Dean Harrison, Jr., owner of record, requesting a zoning map amendment in order to rezone a 5.91 acre tract of land from “R-3” Single-Family Residential District to “B-5” Planned Business District in order to store commercial materials and equipment on the property with his home. This is located in Wood River Township at **1250 14<sup>th</sup> Street, Cottage Hills**, Illinois, County Board District #13, PIN# 19-2-08-03-02-209-045. A motion was made by Sharon Sherrill and seconded by George Ellis that the petition of Jimmy Dean Harrison, Jr. be **Approved with Conditions**; however, **the motion was not seconded**. Due to the motion not being seconded, there was no roll-call vote. Motion fails. Petition of Jimmy Dean Harrison, Jr., is hereby considered dead.

#### **I. Zoning Coordinator’s Report**

Jen Hurley, Zoning Assistant, informed all applicants of the Building & Zoning Committee meeting, where their requests will be heard next.

#### **J. Adjournment**

Mary Goode made a motion to adjourn the meeting. Seconded by Nicholas Cohan. Voice-vote. All ayes. Motion passes. Meeting adjourned.

## Finding of Fact and Recommendations

### Hearing Z21-0081

Petition of Prime Auto & Metal Recycling, LLC, applicant on behalf of Moniger Excavating Co., Inc., owner of record, requesting to amend the existing "PD" Planned Development District to operate an auto and metal recycling business on site. This is located in Fort Russell Township at **5965 State Route 140, Moro**, Illinois, County Board District #5, PIN# 15-1-09-09-04-401-011

**Members Present:** Don Metzler, Nicholas Cohan, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

**Members Absent:** Thomas Ambrose

A **motion** was made by Sharon Sherrill that the petition of Prime Auto & Metal Recycling, LLC, and Moniger Excavating Co., Inc. be **Approved with Conditions. No second on the motion.**

**The Finding of Fact of the Board of Appeals:** **I.** The zoning file, staff report, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** A representative for Prime Auto & Metal Recycling spoke. She stated that they are requesting to open a recycling business, and that there will be no trash outside and no loud noises; **VI.** Cedric Irby, ZBA member, asked the applicant if they would be putting up a privacy fence. The applicant responded "yes." Mr. Irby also asked how they plan to dispose of the metal into smaller pieces, and how they think the roads will be impacted by debris. The representative for Prime Auto & Metal Recycling stated that she feels there is a misunderstanding between a junkyard and a recycling center. She said that there will be no big pieces of metal there, but instead smaller pieces that will be kept in boxes inside the buildings. If there is a whole car, it will be parked in the far back of the lot, with a maximum of 30 cars; **VII.** Nicholas Cohan, ZBA member, asked what kind of equipment they will be using. The representative for Prime Auto & Metal Recycling stated that there is a company that will come and crush the cars and take them away once a month, otherwise they won't be using any shredding equipment. She stated there will be no heavy equipment other than a forklift. Mr. Cohan asked if there would be a fence around the property. The representative for the applicant stated yes, that there would be a fence; **VIII.** Mary Goode, ZBA member, asked if they own any other facilities like this. The representative for the applicant stated that they own a tire and auto repair shop. Ms. Goode asked where that business is located, to which the representative for the applicant replied "St. Louis County." Ms. Goode asked how long they have been there. The applicant's representative stated about 3 years. Ms. Goode asked if they have ever done this type of work before. The representative for Prime Auto & Metal Recycling replied "no"; **IX.** Sharon Sherrill, ZBA member, asked what the hours of operation would be. The applicant's representative replied 8 a.m. – 5 p.m. Ms. Sherrill asked if someone would be on the premises 24 hours a day. The representative for Prime Auto & Metal Recycling stated there will be security cameras, but at this point, she has not seen a need for someone to be there 24 hours a day; **X.** Mr. Irby asked if there is a schedule for taking care of the landscaping. The applicant's representative responded that the grass will be cut once a week. Mr. Irby stated that the residents in the surrounding area are likely concerned with their property values. The applicant's representative stated that the property will be kept neat and clean; **XI.** Ms. Sherrill asked what the clientele would be, and whether it would be individual people or commercial trucks going in and out. The representative for the applicant stated that it will be individuals. She stated the semi will only be needed once they have a full load of recycling to ship; **XII.** Jen Hurley, Zoning Assistant, read aloud the following letters of public opposition that were submitted for the record via email: (1) "Petition to Decline Re-Zoning". This petition is to DECLINE the request to amend the existing PD Planned Development District to include a junkyard and automobile wreckage yard near the intersection of highway 140 and Fields Drive (across from Marshall Show Stables) in Moro Illinois. The neighboring residents have invested their time and money to live in an area that has been free of junkyards. Many would NOT have elected to invest and live in this area if a junkyard had existed previously. The increased traffic from large heavy trucks loaded with junk cars will increase the wear and tear on the nearby roads. Junkyards involve undesirable qualities including foul smells, unsightly views, loud noise, and pollution that area residents find offensive. Junkyards will reduce the property value for residents that live nearby. Junkyards pose health and environmental risks." It was noted that this petition was signed by over 100 individuals. (2) "I am writing to state our family's opposition to the proposal to permit a junk yard on Route 140 approximately across the road from Marshall Show Stables. We chose to build an expensive home in the Heartland Meadows development because it was

such a nice location, well kept, and likely to protect our investment by maintaining property values. The surrounding farms are projective and attractive. There have been substantial improvements in recent years to the Bethalto business district further west on Route 140 making this a more upscale and desirable residential area. New homes being constructed just off of Moreland Road in the township have continued the trend towards a lovely residential community. We are unalterably opposed to granting permission for a junk yard at this location behind the present Moniger Excavating. A more suitable location would in a more commercial blighted area, abandoned factory site or something similar. Granting this application would break up the rural character of the area and encourage similar other undesirable land uses. The machinery that is already there is an eyesore and allowing a junk yard will only make it much worse. We came here by job transfer from Pennsylvania where there has been a concerted effort to limit new and remove older auto junk yards because they become a public nuisance. They are eyesores, release toxic chemicals from rusting tanks and radiators, attract vandals and wild animals. At some point they grow to an unmanageable size or the owners die or abandon the property and government inevitably has to come in and clean it up at taxpayer expense. It is a use wholly unsuited to a growing upscale residential area and threatens the value of our properties by its presence. It is the overwhelming consensus of surrounding property owners that this petition be denied. We look to you as our representatives to protect the interests of the local community and deny this request or anything of a similar nature. Sincerely, Paula Mann.” (3) “I received notice of an upcoming public hearing concerning a petition of Prime Auto & Metal to amend the current zoning to operate an auto and metal recycling business at 5965 State Route 140. I’m unable to attend this meeting in person, but wanted to express my concerns with having such a facility so close to my residence (located within 1.5 miles). I’m completely against this request to amend the existing Planned Development District at this location due to the negative impact this will have on my property value. Derek W. Twente” (4) I live at 14 Heritage Trail Ct, Moro, IL 62067. I will not be able to attend the meeting of appeal but I am opposed to allowing the amending the existing PD planned development at the location requested. Thanks, David Arnold” (5) “To Whom it May Concern: I am writing to the planning and zoning commission in objection to the proposed re-zoning of land on IL Route 140 in Moro, Illinois, to allow construction/placement of a junk or salvage yard. I am the current owner of Marshall Show Stables, located at 5994 IL-140, as well as an adjacent residential tract where my daughter’s home is located. Over the last several years of ownership, we have taken great lengths to improve the overall look and character of the business and the residence to attract clients, as well as increase the general public’s wellbeing in the area and improve – or at least maintain – property values. In addition, I’m aware of at least one additional residential development located nearby, also off IL-140. The construction of a junk or salvage yard would have an extremely detrimental impact on myself as well as the owners of lots in the nearby neighborhood. I do not want to have a salvage yard located outside the front door of my daughter’s home, nor across the street from my business – which is dependent upon attracting clients from other towns and cities to board horses and take lessons at my stable facilities. Again, we have worked very hard to beautify the property, and my clients choose to board and ride at my stables because of the quiet, rural, and upkept nature of the stables and the surrounding area. Placing a salvage yard across the street would ruin that peaceful environment, and I would no doubt lose clients. Beyond monetary losses, our local property values would absolutely be hurt by the construction of an industrial salvage yard in an area that is primarily residential with some small, quiet, and well-maintained businesses. A salvage yard would represent the exactly opposite of what myself and my neighbors have tried to achieve in keeping the area as rural and residential as possible. Furthermore, the increased traffic on Route 140 and the nature of a salvage yard business would result in increased safety concerns for myself, my daughter, my neighbors, and my clients – many of whom are young women who visit the stables alone. In summary, I ask the commission to determine that a salvage or junk yard is not the “highest and best” use for the property to maximize the growth and overall planning of the surrounding community. Sincerely, Terry Marshall”; **XIII.** Mike Babcock, County Board Member, stated that he has had many phone calls from individuals not wanting this to take place. He stated that there is a salvage yard that already exists in Cottage Hills that has been there for decades. Mr. Babcock said that nobody here is against business, but everybody here is against the idea that this could take place in their backyards, which changes the whole scenery of that rural area. He stated that there is a tremendous opportunity in many other places to put a salvage yard. Mr. Babcock stated that he supports his constituents and the residents of Madison County that are here at the meeting. He said that he admires Mr. Moniger for trying to bring business to the area. Mr. Babcock said he is in support of the residents of Madison County in that area; **XIV.** Mr. Cohan asked to clarify that there was a petition of opposition with over 100 signatures. Chris Doucleff, Building & Zoning Administrator, confirmed that yes, there were 102 signatures; **XV.** Scott Norvell, property owner in Heartland Meadows subdivision, asked to reinforce what has been said about noise, dust, road debris, a visual eyesore, traffic, damage to the roads, odors, mosquitos and rats, groundwater contamination, attracting a criminal element, reduction of property values, things that would basically ruin the community. He stated this is not in keeping with the type of community that’s there. He said the

people that built there did so wanting that setting to live in. Mr. Norvell stated that he has worked in and around industry his entire life and he knows what these types of facilities are like. He said that despite the promises that have been made, he simply doesn't believe them. He does not believe they will be able to maintain the facility and operate the facility in the manner that they have stated. He feels it would be extremely hard to enforce. Mr. Norvell asked if the existing property is not being kept clean and orderly with a small presence, why he should believe that the same property will all of a sudden be kept in good order and that they will follow the rules; **XVI.** Phil Schlemer, owner of Schlemer Auction next door to the subject property, stated that he spoke to Mr. Moniger about this already and told him his views. He stated that he bought his property in 1995, and opened his business in 1996. Mr. Schlemer said at that time, it was zoned for everything except salvage yards, which was inviting to him. He stated that the property was originally 9 acres, and he bought six, and the rest went to a "home juice company". He said from there it went to Yates Construction and they put the front two buildings in, and then Mr. Moniger came in and did a wonderful job on the brick office building. Mr. Schlemer said they have never had a problem and have been great neighbors. He said that he told Mr. Moniger he is more worried about the zoning change than he is the business. He stated that his first wife's family owned a used auto parts business on 143 and said it was a park for 20 years, and now Mr. Edwards owns it. Mr. Schlemer stated he worked there for awhile when he first got married. He said they mowed the grass every Friday. He said they worked, closed the gates, went home, and it was beautiful, but he fears what future ownership may bring. He said his children are going to inherit this property. He has slowly been moving stuff out and had auctions there until 3 years ago. He stated they did some welding business and signs, but right now there is nothing being done there. He said that his daughters have "real" jobs now, so they are slowly selling things off and getting their stuff straightened out. He said they aren't happy with the way their property looks, but it is straight in the front. Mr. Schlemer stated that the equestrian place across the street is a \$1 million plus operation, so he can understand why she's nervous. He said his other fear is that with 30 cars there, and his background knowledge having run a truck back and forth to the shredder, when steel prices drop, the cars won't be picked up. He also said he is wondering about fence height. He said as of right now, he would rather not have a recycling business next door to his property; **XVII.** Larry Bell, property owner at 5884 State Route 140, stated that he is about 1500 feet from this property. He stated that he has 12 acres and has invested 15 years of his life developing his property because he enjoys the beauty and the peacefulness of this residential area. Mr. Bell said that they do not need a recycling business at this site, as there are already two within 7 miles of this location. He said the first one is CKS Scrap Metal which is on Old Edwardsville Road, 7 miles to the southeast, next to the Roxana landfill. Mr. Bell stated there are no houses within a quarter mile of that location. He said the Edwards junkyard is only 6 miles away, and then there is GM Scrap Metal in Cottage Hills, which is 7 miles to the west, and has 2 junkyards adjacent to it. He stated that the home values in that area are very depressed. Mr. Bell said that their neighborhood has over 50 homes in a half miles radius and they have above average property values. He stated that this business would devalue their property values. He said that he and his neighbors have invested their hard earned money in their homes and are paying substantial property taxes on them. Mr. Bell said that we need look no further than the Edwards junkyard on the outskirts of Edwardsville to know what can happen. He said that this county knows the difficulties of trying to correct this eyesore. He stated that once this type of business is allowed to proceed, it becomes very difficult to control. Mr. Bell stated that he has filed several petitions with Building and Zoning, and that everyone on the Board of Appeals would not want this in their neighborhood. Mr. Bell stated he is asking for this not to be allowed in their neighborhood; **XVIII.** Darrel Lindow, adjacent property owner, stated that he is opposed to this. He stated they have owned the property for 50 years and the house next door for 56 years; **XIX.** Richelle Norvell, property owner in Heartland Meadows subdivision. Ms. Norvell stated that she lives in the part of the subdivision closest to the subject property. She states that the reason they moved there 20 years ago was for the peace and quiet and the rural aspect. She said they didn't want any loud or potentially loud stuff, and that vehicles being crushed once a month will be loud. She said that she has heard them crushed and it is not quiet. Ms. Norvell stated that they have spent thousands of dollars making their property organic and having edible landscaping, and they don't want a bunch of stuff put into the air that they weren't expecting. She said they have people that come to their house to just enjoy the peace and the quiet and to get rest and respite. She stated that they can't offer that if they are going to have this stuff going on. Ms. Norvell said that one of the beautiful things about their neighborhood is that with 77 houses, the families are close-knit, and new people are brought in just like a family, and the kids are free to run and play amongst the yards and don't have to worry about things. She said they don't want the criminal element, and are concerned that some of the car parts being brought in could be from some of the crimes being committed such as stolen vehicles in the surrounding area. She stated that it's very important for them to raise their children and the children around them in a safe zone, and they don't want to do anything that might possibly attract the criminal element. Ms. Norvell works in children's ministry, and said she cares deeply about all the children, and she doesn't want to risk one single child getting hurt by a criminal that comes in because

of this kind of industry. She stated that there are plenty of other places to locate it and is begging the applicant to find a different place, because she wants their children to be safe. She said she can hear the kids from Meadowbrook school playing from her backyard, and she wants them to continue to be able to play and not have to worry.

Due to no second on the motion, there was **no roll-call vote. Motion fails.** Petition of Prime Auto & Metal Recycling, LLC, and Moniger Excavating Co., Inc. is hereby considered dead.

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Chairman, Madison County Zoning Board of Appeals

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Secretary, Zoning Administrator

## Finding of Fact and Recommendations

### Hearing Z22-0005

Petition of Prairietown Improvement Association, applicant on behalf of Lutheran Church Property, owner of record, requesting a variance as per §93.117, Section B of the Madison County Zoning Ordinance in order to construct a 138.48 square foot sign with LED message board in a residential district. This is located in an "R-3" Single-Family Residential District in Omphgent Township along **Renken Road, Worden**, Illinois, County Board District #3, PIN# 12-1-04-18-00-000-010

**Members Present:** Don Metzler, Nicholas Cohan, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

**Members Absent:** Thomas Ambrose

A **motion** was made by Mary Goode and **seconded** by Nicholas Cohan that the petition of Prairietown Improvement Association and Lutheran Church Property be **Approved with Conditions** as follows:

1. The Electronic Message Center (EMC) shall appear to be incorporated into the face of the sign.
2. Not more than 50% of the sign area may be occupied by the EMC.
3. The message displayed on the EMC shall not change more frequently than once every 60 seconds.
4. The EMC shall contain static messages only. The images or messages on the sign shall not include any moving or animated video images or content and there shall be no audio speakers in association with the sign.
5. The EMC shall be controlled by dimming software and sensors to adjust brightness for nighttime viewing and variations in ambient light. The intensity of the light source shall not produce glare.
6. The manufacturers, owners, and operators must design and equip the sign with a fully-functional monitoring off switch system that automatically shuts the sign off if a malfunction occurs.

**The Finding of Fact of the Board of Appeals:** **I.** The zoning file, staff report, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance; **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Michelle Goebel, spoke on behalf of the Prairietown Improvement Association. She stated that they would like to build this sign to promote activities within the community. She said that their current sign is not very attractive and needs some updating. Ms. Goebel said that they got a donation from a local businessman to help with the production of the sign; **VI.** Mary Goode, ZBA member, asked if there are two sign hearings at this meeting. Ms. Goebel said yes, one is coming into Prairietown from the west, and the other one is on Prairietown Road at the fire department.

Roll-call vote.

**Ayes to the motion:** Nicholas Cohan, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

**Nays to the motion:** None

Whereupon the Chairman declared the motion duly adopted.

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Chairman, Madison County Zoning Board of Appeals

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Secretary, Zoning Administrator

## **Finding of Fact and Recommendations**

### **Hearing Z22-0006**

Petition of Prairie Fire Protection District, owner of record, requesting a variance as per §93.117, Section B of the Madison County Zoning Ordinance in order to construct a 122.29 square foot sign with LED message board in a residential district. This is located in an "R-3" Single-Family Residential District in Omphgent Township at **8452 Prairietown Road, Worden, Illinois, County Board District #3, PIN# 12-2-04-18-18-301-010**

**Members Present:** Don Metzler, Nicholas Cohan, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

**Members Absent:** Thomas Ambrose

A **motion** was made by Mary Goode and **seconded** by Sharon Sherrill that the petition of Prairie Fire Protection District be **Approved with Conditions** as follows:

1. The Electronic Message Center (EMC) shall appear to be incorporated into the face of the sign.
2. Not more than 50% of the sign area may be occupied by the EMC.
3. The message displayed on the EMC shall not change more frequently than once every 60 seconds.
4. The EMC shall contain static messages only. The images or messages on the sign shall not include any moving or animated video images or content and there shall be no audio speakers in association with the sign.
5. The EMC shall be controlled by dimming software and sensors to adjust brightness for nighttime viewing and variations in ambient light. The intensity of the light source shall not produce glare.
6. The manufacturers, owners, and operators must design and equip the sign with a fully-functional monitoring off switch system that automatically shuts the sign off if a malfunction occurs.

**The Finding of Fact of the Board of Appeals:** **I.** The zoning file, staff report, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Tim Goebel spoke on behalf of the Prairie Fire Protection District. He stated they would like to put messages out for things such as Fire Prevention Week, drills, training, weather alerts, and other community information, and to beautify the front of the fire house. Mr. Goebel stated that they have received donations to pay for the LED sign; **VI.** Nicholas Cohan, ZBA member, asked if there will be any advertising by local businesses. Mr. Goebel replied that there likely won't be any advertising on the fire district sign since it is a taxing district, but they would advertise for fundraisers/trivia nights/mouse races/homecoming. Mr. Cohan asked if they would be advertising restaurants, and Mr. Goebel responded no; **VII.** Cedric Irby, ZBA member, asked if they currently have a sign at that location. Mr. Goebel said the fire house has one that is very aged and is not lit.

Roll-call vote.

**Ayes to the motion:** Nicholas Cohan, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

**Nays to the motion:** None

Whereupon the Chairman declared the motion duly adopted.

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Chairman, Madison County Zoning Board of Appeals

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Secretary, Zoning Administrator

## Finding of Fact and Recommendations

### Hearing Z22-0007

Petition of Hailey Ratterman, owner of record, requesting a Special Use Permit as per §93.025, Section G, Item 9 of the Madison County Zoning Ordinance in order to place a mobile home on site for the occupancy of Hailey Ratterman and family for a period not to exceed 5 years. This is located in an "R-4" Single-Family Residential District in Olive Township at **1705 S Union Street, Staunton**, Illinois, County Board District #3, PIN# 08-2-05-04-401-037

**Members Present:** Don Metzler, Nicholas Cohan, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

**Members Absent:** Thomas Ambrose

A **motion** was made by Mary Goode and **seconded** by Nicholas Cohan that the petition of Hailey Ratterman be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Hailey Ratterman and family for a period not to exceed 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 Hailey Ratterman and family occupy the structure, notwithstanding any violations, nuisance, or change in occupancy. The owner shall remove the mobile home from the site or apply for a new Special Use Permit once Hailey Ratterman and family vacate the structure.

**The Finding of Fact of the Board of Appeals:** **I.** The zoning file, staff report, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Hailey Ratterman, applicant, stated that she is requesting to place a manufactured home on her lot for herself, her son, and her fiancé to start their new family; **VI.** Mary Goode, ZBA member, asked if there has been any opposition from neighbors. Ms. Ratterman replied no, there has not. Ms. Goode asked if it is a new mobile home. Ms. Ratterman replied yes, and it is on a block foundation; **VII.** George Ellis, ZBA member, asked if there has been a mobile home at this site before. Ms. Ratterman said no, not that she knows about.

Roll-call vote.

**Ayes to the motion:** Nicholas Cohan, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

**Nays to the motion:** None

Whereupon the Chairman declared the motion duly adopted.

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Chairman, Madison County Zoning Board of Appeals

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Secretary, Zoning Administrator

## Finding of Fact and Recommendations

### Hearing Z22-0008

Petition of Dale Krump, owner of record, requesting a variance as per §93.023, Section B, Item 2 of the Madison County Zoning Ordinance in order to construct an agricultural building that will be 5 feet from the west property line instead of the required 50 feet. This is located in an "A" Agricultural District in Leef Township at **302 Park Road, Highland, Illinois**, County Board District #3, PIN# 03-1-12-33-00-000-009

**Members Present:** Don Metzler, Nicholas Cohan, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

**Members Absent:** Thomas Ambrose

A **motion** was made by George Ellis and **seconded** by Mary Goode that the petition of Dale Krump be as follows:  
**Approved.**

**The Finding of Fact of the Board of Appeals:** **I.** The zoning file, staff report, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Erin Kennedy spoke on behalf of the applicant. She stated that the applicant is seeking a variance on his east property of a 5 foot variance off the west property line. Ms. Kennedy stated that the applicant's homestead is on the west property. She stated that the current size of the property he is seeking the variance on is 5.12 acres. Ms. Kennedy said he is seeking a 5 foot variance to construct an agricultural shed to try to stay as close to the existing shed on the adjacent lot. The applicant is unable to construct it on that lot due to how the property is situated. She stated that lot is in the Village of Grantfork, and the other lot is unincorporated Madison County. Ms. Kennedy said they worked with the Village of Grantfork to try to think of the best viable option for this shed location.

Roll-call vote.

**Ayes to the motion:** Nicholas Cohan, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

**Nays to the motion:** None

Whereupon the Chairman declared the motion duly adopted.

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Chairman, Madison County Zoning Board of Appeals

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Secretary, Zoning Administrator

## Finding of Fact and Recommendations

### Hearing Z22-0010

Petition of Jimmy Dean Harrison, Jr., owner of record, requesting a zoning map amendment in order to rezone a 5.91 acre tract of land from "R-3" Single-Family Residential District to "B-5" Planned Business District in order to store commercial materials and equipment on the property with his home. This is located in Wood River Township at **1250 14<sup>th</sup> Street, Cottage Hills, Illinois, County Board District #5, PIN# 19-2-08-03-02-209-045**

**Members Present:** Don Metzler, Nicholas Cohan, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

**Members Absent:** Thomas Ambrose

A **motion** was made by Sharon Sherrill that the petition of Jimmy Dean Harrison, Jr. be **Approved with Conditions. No second on the motion.**

**The Finding of Fact of the Board of Appeals:** **I.** The zoning file, staff report, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Jimmy Dean Harrison, Jr., applicant, stated that after his accident, they retired him because of his ankles and he was no longer able to work. Approval of this request would supplement his income so he could live. He stated that this would allow him to do certain jobs and still make a living; **VI.** Mary Goode, ZBA member, asked what exactly he does. Mr. Harrison said he used to be a crane operator. He said his dad has always been a tree cutter. He stated that this would allow him to take on small trees, nothing over 50 foot, as he doesn't feel comfortable with that. Mr. Harrison said that both of his ankles were crushed in an accident, so being in a bucket means he doesn't have to walk at all. Ms. Goode asked if he has a bucket truck and a semi tractor trailer. Mr. Harrison replied that he has a semi truck that hauls a 40 foot flatbed, and a dump truck. Ms. Goode asked what he uses this for. Mr. Harrison said to haul his wood. He stated that when you find a good piece of wood, you don't want to just scrap the wood. He said you find someone that can deal with it since wood is a valuable source of energy. He also said tables can be made out of it. Ms. Goode asked Mr. Harrison if people work with him. Mr. Harrison said normally one other person, but that's about it. Ms. Goode clarified that Mr. Harrison is just planning on storing his truck, tractor trailer, semi and flatbed if he gets approved. She also mentioned the violation for tires that need to be removed off the property. Mr. Harrison replied that when he bought the property, the tires and trailer were already on the property. He stated that he doesn't have a title to that trailer, but he is trying to get Madison County to come and take the trailer so they can do whatever they want with it. Ms. Goode said that she doesn't think Madison County will actually pick up the trailer, as that is not their business. Mr. Harrison stated this was an abandoned trailer that was on his property when he bought it. He said it has a title to it, but the title isn't in his name, so he can't legally do anything with it. Ms. Goode asked who it is titled to. Mr. Harrison stated that it's titled to Christopher Barclay. He said that he talked to the License Bureau, and they told him he needed to talk to the Madison County Sheriff's Department. He stated that they told him if he pulls it out on the street, they will pick it up for an abandoned vehicle, but he would rather them come get it than him pull it out on the street. Ms. Goode asked if there were people that were opposing this; **VII.** Jen Hurley, Zoning Assistant, read aloud the following letters of public opposition that were submitted for the record via email: (1) "Attention Madison County Zoning Board of Appeals. This letter is in regards to the notice we received for zoning on file number Z22-0010. We have lived at 1301 West Drive for over 50 years. We are unable to attend this meeting in person due to me battling cancer and receiving chemo treatment 4 days a week 1 time a month. We are 77 and 81 years old and live alone. We have raised 5 kids at this address along with enjoying our grandkids. Our concern is this zoning will bring a lot of strangers around our property, noise, dust and dirt being stirred up daily. With me receiving chemo I cannot be around that environment every day. Currently the stuff stored on the lot in question has caused damage to our fence several times and left unfixed. With our age we have to depend on our kids or hire someone to keep doing the repairs. This has been our home and we want to enjoy it the last years of our life. We want to enjoy our kids and grandkids coming over, playing outside and do not want to stare and listen to a construction zone or see big equipment looking out my back window. We would like to continue to enjoy sitting on our back porch, grilling and enjoying the weather. The gravel brought in to the lot next door has been used as a road and with heavy rains will start washing onto our property. Jimmy has been a good neighbor and we hope that he re-thinks this and considers the inconvenience and nuisance it may cause to us and the rest of the neighbors. Thank you for this time to hear us. William and Sharlyene Govero" (2) I, Gerald Norton am not in favor of commercial property on 14<sup>th</sup> street owned by Jim Harrison. I vote NO on approval." (3) I, Donna Norton

not in favor of commercial property on 14 street owned by Jimmy Harrison. I vote NO on approval"; **VIII.** Julie Lemmon, neighboring property owner, asked how much noise there will be on the property, and said that there's already a lot of noise. She said she's not sure if he's been clearing the property or what's going on, but she said there has been a lot of noise. She stated that a couple years ago, there were 3 calls because of brush fires, so she is worried about the pieces of the trees that he doesn't use. She asked if there will be more big fires there, because they live in a valley, so when that burns, it comes right down into her yard. Ms. Lemmon stated that she has recently moved her dad in with her, who has lung disease, so they can't have a lot of smoke. She also stated that her grandson and daughter live in the property across the street. She said her grandson had a stroke when he was born, and has cerebral palsy and epilepsy, and other health issues, so the fires are a big concern for her. Ms. Lemmon asked what Mr. Harrison does with the parts of the trees that he can't sell, since she knows they have been burned before. She said she has lived on her property for 17 years, and when she first moved in there were horses over there. She said it was nice to look out and see horses, and now it's going to be ugly stuff; **IX.** Tammy Clendenny, neighboring property owner to Mr. Harrison for over 35 years, stated that Mr. Harrison has been a great neighbor, but that she is concerned with the heavy traffic coming and going. She said she is concerned about the devaluing of her property that she worked extremely hard for. She said she does not want this to be a commercial property, and that she wants it to stay residential, as that is why she moved there, so no other businesses can come in next to her. She stated that she is really concerned with the heavy traffic coming and going, the pollution, constant burning that is going on now. She said the lot is not a clean lot, and that he's had ample time to clean it up. Ms. Clendenny said that there are trees leaning on adjoining properties, and one that she is very concerned will fall on the home of an elderly lady on the corner. She said she is concerned with the debris and constant burning, since when he burns the smoke just bellows through the whole neighborhood. She stated that they cannot have their windows open at any given time when it's a nice day. Ms. Clendenny said she feels that Mr. Harrison needs to step up and clean the property up; **X.** Lance Howard, longtime friend of Mr. Harrison and owner of a tree service business based out of Macoupin County, stated that he used to live a couple houses down from Mr. Harrison. He stated that the debris that Mr. Harrison is not going to be using, will be taken away from the site by his gravel trucks. He said that Mr. Harrison plans on getting a sawmill and cutting the wood into tables. He said Mr. Harrison is well aware that he can't burn this wood and there won't be any fires; **XI.** Nicholas Cohan, ZBA member, asked the neighbors that complained about the burning if they have ever complained to the County. Ms. Lemmon stated that a neighbor has called the fire department at least 3 times. Mr. Cohan asked if it's legal to burn where Mr. Harrison is at. Chris Doucleff, Building & Zoning Department Administrator, said no, that it is an IEPA violation; **XII.** Ms. Clendenny said that there are piles and piles of logs and tires on the property; **XIII.** Mr. Doucleff said that Mr. Harrison is currently under violation on his property, and he has been in the past as well; **XIV.** Ms. Goode asked if Mr. Harrison could park his truck in an area by his house, and is that legal, without having to change the zoning on his property. Mr. Harrison said that's what he was told. Mr. Doucleff said that it is zoned residential, so he cannot park his commercial truck there. Ms. Goode asked if he has anywhere close that he could rent, but Mr. Harrison said he has no money coming in anymore since he is on disability because of his ankles; **XV.** Mr. Harrison stated that when he bought the property, he was allowed to burn anything he cut down on the property. He stated that there are over 6 acres on the property, and it was all woods when he bought it. He said there were 3 cars in the creek that he has cleaned out of the creek. He said he has lived on that street for over 50 years now. Ms. Clendenny said that it wasn't all wooded, and that the wood that is there has been brought in by other vehicles. Mr. Doucleff stated that is a violation for tree trimmers to bring any wood back onto their property. Ms. Clendenny reiterated that she has seen other vehicles come through there and drop the wood on Mr. Harrison's property; **XVI.** Mr. Cohan asked if there were violations there in the past. Mr. Doucleff responded that there are current violations and there have been violations there in the past. Mr. Harrison stated that is why he is trying to rezone, so he can stay out of violation. Ms. Goode stated that the tires are still a violation. Mr. Harrison said the tires have been there since he bought the property, but that's the only current violation that he knows of, and that he believes everything else is settled already. He said for the last year and a half he has been in a wheelchair, and he hasn't done anything to the property, as he's trying to just survive right now. Ms. Clendenny stated that there has been a lot of loud noise on the property. Mr. Harrison said he hasn't done anything in the last year and a half as far as equipment on the property. Mr. Doucleff stated that just to be clear, there are outstanding violations on the property for having a shipping container and commercial vehicles, in addition to the tires on the property. Mr. Harrison said that there is no law in Madison County saying that the shipping container is in violation.

Due to no second on the motion, there was **no roll-call vote. Motion fails.** Petition of Jimmy Dean Harrison is hereby considered dead.

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Chairman, Madison County Zoning Board of Appeals

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Secretary, Zoning Administrator