

Madison County Zoning Board of Appeals Meeting Minutes
Tuesday, May 24, 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 April 26, 2022. Cedric Irby made a motion to approve. Seconded by Sharon Sherrill. Voice-vote. All ayes. Motion approved.

C. Overview of Zoning Petitions and Staff Review

Noelle Maxey, Zoning Coordinator, gave a brief overview of the eight 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 five 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 Z22-0027** – Petition of Mike Moniger of Moniger Excavating Co., Inc., owner of record, requesting a zoning map amendment in order to rezone a 4.54 acre tract of land from “PD” Planned Development District to “B-4” Wholesale Business District. 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 and **seconded** by Mary Goode that the petition of Mike Moniger be as follows: **Approved**. Roll-call vote. All Ayes. **Motion passes.**
2. **Hearing Z22-0029** – Petition of Steven Taylor and Kaitlyn Bryan, owners of record, requesting a Special Use Permit as per §93.025, Section G, Items 18 and 20 of the Madison County Zoning Ordinance in order to keep bees, 2 goats, and chickens on site and a variance in order to have 10 chickens instead of the maximum 5 allowed. This is located in an “R-3” Single-Family Residential District in Collinsville Township at **57 Odom Drive, Collinsville, Illinois**, County Board District #25, PIN# 13-2-21-16-02-201-007. A **motion** was made by Cedric Irby and **seconded** by Sharon Sherrill that the petition of Steven Taylor and Kaitlyn Bryan be as follows: **Approved with Conditions**. Roll-call vote. All nays. **Motion fails.**
3. **Hearing Z22-0030** – Petition of Nic Frey, owner of record, requesting a Special Use Permit as per §93.023, Section D, Item 20 of the Madison County Zoning Ordinance in order to place a mobile home on site for the occupancy of Nic Frey and family for a period not to exceed 5 years. This is located in an “A” Agricultural District in Marine Township at **10115 Lower Marine Road, Marine, Illinois**, County Board District #4, PIN# 06-

1-17-29-00-000-012.003. A **motion** was made by Sharon Sherrill and **seconded** by Cedric Irby that the petition of Nic Frey be as follows: **Approved with Conditions**. Roll-call vote. All Ayes. **Motion passes**.

4. **Hearing Z22-0032** – Petition of Mark and Donna Sanders, owners of record, requesting a variance as per §93.025, Section D, Item 4 of the Madison County Zoning Ordinance in order to construct an attached garage addition that will be 2 feet from the east property line instead of the required 10 feet. This is located in an “R-3” Single-Family Residential District in Jarvis Township at **8411 Steelecrest Lane, Troy**, Illinois, County Board District #2, PIN# 09-2-22-15-13-301-021. A **motion** was made by Cedric Irby and **seconded** by Mary Goode that the petition of Mark and Donna Sanders be as follows: **Approved**. Roll-call vote. All ayes. **Motion passes**.
5. **Hearing Z22-0033** – Petition of James Radcliffe, owner of record with Patricia Radcliffe, requesting a variance as per §93.051, Section A, Item 3, Subsection (c) of the Madison County Zoning Ordinance in order to construct an accessory structure in the front yard setback area. This is located in an “R-1” Single-Family Residential District in Pin Oak Township at **2635 Staunton Road, Troy**, Illinois, County Board District #24, PIN# 10-2-16-33-12-201-003. A **motion** was made by Cedric Irby and **seconded** by Sharon Sherrill that the petition of James Radcliffe be as follows: **Approved**. Roll-call vote. All ayes. **Motion passes**.
6. **Hearing Z22-0034** – Petition of Danielle Trask, owner of record with Joey Muscarella, 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 Danielle Trask and family for a period not to exceed 5 years. This is located in an “R-3” Single-Family Residential District in Chouteau Township at **1930 Roberta Avenue, Granite City**, Illinois, County Board District #21, PIN# 18-2-14-29-04-401-012. A **motion** was made by Sharon Sherrill and **seconded** by Cedric Irby that the petition of Danielle Trask be as follows: **Approved with Conditions**. Roll-call vote. Ayes: Nicholas Cohan, Cedric Irby, Sharon Sherrill. Nays: George Ellis, Mary Goode. **Motion passes**.
7. **Hearing Z22-0035** – Petition of Colby Schrupf, applicant on behalf of Frey Properties of Highland, LLC, owner of record, requesting a Special Use Permit as per §93.035, Section D, Item 1 of the Madison County Zoning Ordinance in order to construct a helicopter hangar and heliport on site for the storage of St. Joseph’s Hospital’s helicopter. This is located in an “M-2” General Manufacturing District in St. Jacob Township **along Ellis Road, St. Jacob**, Illinois, County Board District #4, PIN# 05-1-23-08-00-000-008.002. A **motion** was made by Sharon Sherrill and **seconded** by Nicholas Cohan that the petition of Colby Schrupf and Frey Properties of Highland, LLC, be as follows: **Approved with Conditions**. Roll-call vote. All ayes. **Motion passes**.
8. **Hearing Z22-0037** – Petition of Andrew Jones, Jr., applicant on behalf of Southwestern Electric Cooperative, Inc., owner of record, requesting a zoning map amendment to rezone the 0.5 acre tract from “A” Agricultural District to “PD” Planned Development District in order to operate a bitcoin mining facility utilizing power from the existing electrical substation on site. This is located in Marine Township at **4772 State Route 4, Alhambra**, Illinois, County Board District #4, PIN# 06-1-17-05-00-000-007.002. A **motion** was made by George Ellis and **seconded** by Mary Goode that the petition of Andrew Jones, Jr., and Southwestern Electric Cooperative, Inc., be as follows: **Approved with Conditions**. Roll-call vote. Ayes: Nicholas Cohan, George Ellis, Mary Goode, Cedric Irby. Nays: Sharon Sherrill. **Motion passes**.

I. Zoning Coordinator’s Report

Noelle Maxey, Zoning Coordinator, informed all applicants of the upcoming Building & Zoning Committee meeting, where their requests will be heard next.

J. Adjournment

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

Finding of Fact and Recommendations

Hearing Z22-0027

Petition of Mike Moniger of Moniger Excavating Co., Inc., owner of record, requesting a zoning map amendment in order to rezone a 4.54 acre tract of land from "PD" Planned Development District to "B-4" Wholesale Business District. 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 and **seconded** by Mary Goode that the petition of Mike Moniger 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.** Mike Moniger, applicant, apologized for being late to the meeting and stated that he wants to sell the property and is trying to zone it back to what it had been before to make it easier to sell; **VI.** Chris Doucleff, Department Administrator, told Mr. Moniger there hadn't been a discussion or any opposition in regards to his request. Mr. Moniger replied that he hadn't been sure, and asked if the board had any questions for him.

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.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z22-0029

Petition of Steven Taylor and Kaitlyn Bryan, owners of record, requesting a Special Use Permit as per §93.025, Section G, Items 18 and 20 of the Madison County Zoning Ordinance in order to keep bees, 2 goats, and chickens on site and a variance in order to have 10 chickens instead of the maximum 5 allowed. This is located in an “R-3” Single-Family Residential District in Collinsville Township at **57 Odom Drive, Collinsville, Illinois, County Board District #25, PIN# 13-2-21-16-02-201-007**

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

Members Absent: Thomas Ambrose

A **motion** was made by Cedric Irby and **seconded** by Sharon Sherrill that the petition of Steven Taylor and Kaitlyn Bryan be **Approved with Conditions**.

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.** Steven Taylor, applicant, stated that he and his wife purchased their property in November of 2019 and are interested in gardening, becoming more self-sufficient, and the potential to start a business to share products and produce with friends and family, as well as teaching friends and family about plant husbandry and animal husbandry. He stated they would like to further their knowledge on their existing parcel on a small scale. Mr. Taylor said that they realize they are not in a rural part of the county, but that they would like to have this opportunity to continue their learning process; **VI.** Ellen Adcock, adjoining property owner, stated that she sent in a petition and an email. She said this property adjoins her property in the back and is separated by a fence. Mrs. Adcock stated that this property is a continuous downhill run, and that they are already seeing erosion onto their property from the subject property. She said there is no viable flat land for animals on that property, and stated that she worries about the runoff and erosion, and where the animal feces is going to go. Mrs. Adcock said she is also worried about the value of her property, and feels it will decrease the value of her property to have this basically in her backyard. She said that she feels being in an “R-3” zone means it is a subdivision and not farmland. She stated that it is a very cute, clean, well-kept subdivision, and said that as far as she knows, everyone in their whole area is opposed to this; **VII.** Joetta Lundak, neighbor, stated that this property sits at a T-intersection where you come in off of Orchid Drive to Odom Drive. She said that the individuals living at the subject property do not utilize their driveway, but instead have multiple vehicles parked in front of the residence and do auto maintenance on their vehicles in front of the home. Ms. Lundak said she wouldn’t consider this a well-kept property, as they have gardening in their front yard. She said she understands that it is a possibility that they might want to sell eggs and whatever else they may reap from their animals, but said that they are not setup for that. She stated that they have demonstrated that the property isn’t well-kept at this point, so what will happen when they add goats, chickens, and bees; **VIII.** Elizabeth Usselton, who owns property across the street, stated that the front of this home is very unsightly. She said they do have multiple vehicles parked in front of the front yard, and also have gardening that has taken over the front yard. She stated that they have driven through their yard across the street. Ms. Usselton said that there is no fencing to contain animals, and that they do not want the animals wandering into their yard. She stated that she is also concerned about the high level of noise and the smell from the animals. Ms. Usselton said that she is a recent transplant recipient and takes immunosuppressants, and they are concerned about the waste and bacteria from the animals and how it will be handled; **IX.** Phillip Adams, next-door neighbor to the subject property, stated that his wife is allergic to bees. He also mentioned that she works nights and is concerned about the noise from the chickens; **X.** Ms. Lundak stated that they have hawks and coyotes in this neighborhood that they hear and see at night and sometimes during the day. She said that the chicken house will attract the coyotes and will cause an issue by increasing the food supply for the wildlife that’s already there; **XI.** Clint Tucker, neighboring property owner, stated that he has lived there for 22 years. He said he would like to know the experience that Mr. Taylor and his wife have with the animals they are wanting. He said he also has concerns about the predators, as he has a koi pond and can’t keep a fish in it due to owls at night, hawks during the day, and coyotes. Mr. Tucker said it will be a massacre for these animals; **XII.** A neighbor asked if there are guidelines for making sure the ground is being kept up, and that feces are not going to be draining into the waterway between their homes, which leads into the creeks. She stated that she does not oppose to the concept, but does not want it in their neighborhood. She said she thinks it is

something that should be rezoned somewhere else; **XIII.** Steve Bluemner, owner at 49 Odom Drive, spoke in opposition to this request. He stated that he doesn't have a problem with this concept, but he does not want it in their rural subdivision. He said it is not the place for it, and he is concerned with issues such as property values, predators and sanitation; **XIV.** Noelle Maxey, Zoning Coordinator, read aloud the following letter of public opposition that was submitted for the record via email: (1) "In response to this application as a home owner who's land adjoins to those applying for the request for goats, chickens, & bees, we are opposed to this for the following reasons: allowing for this permit to go through will lower our property values. Our property is taxed at a subdivision rate, not a farm land rate. Our ground adjoins theirs and we have a small ravine that collects run off from their property. We're already seeing more erosion each year. Our concern is that fecal matter from animals they're requesting will collect into it. Their land is less than an acre based on a hill, making conditions unsuitable for these animals. In review of R3 guidelines, it states only 3 domestic animals are allowed. They have 3 dogs already. There is already issues with their maintenance of the property and I feel this will just add to the already unkempt appearance. Sincerely, Ellen & Dan Adcock"; **XV.** Nicholas Cohan, ZBA Member, asked if there have been any violations on this property, to which Ms. Maxey stated no, there have not. Mr. Cohan said that in looking at the photos of the subject property, there appears to be a mattress sitting on the driveway. Chris Doucleff, Building & Zoning Administrator, stated that his office has not received any complaints on the property, and since they are complaint-driven, until they receive a complaint, they won't put the property under violation; **XVI.** Mrs. Adcock stated she is not opposed to gardening, as they garden on their own property. She stated that when you setup gardening in your front yard, you would anticipate that it would be kept up to a certain standard. She said there were rotting vegetables on the subject property, and an odor when you would walk your animals past the property because things are not kept up. Mrs. Adcock said that she tried to talk to somebody to find out what do you do when someone sets a garden up in their front yard. She stated that this property meets where everyone pulls into where they live. She said that it's a cute house and if it was maintained and the gardening moved to the back, there wouldn't be a problem. She stated that what they see demonstrated today doesn't show that it would get any better by adding farm animals. She said they are not setup in an area where there is parking if they wanted to sell eggs, or honey or plants. She reiterated that they don't even park in their own driveway, so it is unclear where anyone would park that would come to do any type of business; **XVII.** A neighboring property owner spoke and stated that she is in total agreement with Mrs. Adcock. She said the front yard garden started dying off in October and was never taken down until at least March or April. She stated there was rotting fruit and rotting vines, and that was the first appearance into their subdivision. She is concerned this will take the value of her home down, and she doesn't want to see that happen; **XVIII.** Mrs. Adcock said that this is not a garden like you would think. She stated that they are using hog-nose fencing, which rusts and is big. She said when you pull into their subdivision, all you're seeing is great big wire cages. She said that it really was a cute house at one point, but now when you pull in, it really is an eyesore that devalues their subdivision; **XIX.** Cedric Irby, ZBA Member, asked Mr. Taylor to explain why he needs so many animals on the property. Mr. Taylor said the point of asking for these animals was simply to understand and further develop their own knowledge of the cycling of allowing both the composting ability of the chicken's waste and the waste of the garden to feed the compost, and allow that cycle to reach full muniton. He stated that the idea of bees on the property was simply to help the pollination of fruit-bearing plants and flowering plants, and allow for better beautification of the area. Mr. Taylor said that they are simply just asking for permission. Mr. Irby asked Mr. Taylor and Ms. Bryan if they would agree that this might be better suited to be a farm project instead of in a residential neighborhood. Ms. Bryan replied "absolutely".

Roll-call vote.

Ayes to the motion: None

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

Whereupon the Chairman declared the motion to approve failed.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z22-0030

Petition of Nic Frey, owner of record, requesting a Special Use Permit as per §93.023, Section D, Item 20 of the Madison County Zoning Ordinance in order to place a mobile home on site for the occupancy of Nic Frey and family for a period not to exceed 5 years. This is located in an "A" Agricultural District in Marine Township at **10115 Lower Marine Road, Marine**, Illinois, County Board District #4, PIN# 06-1-17-29-00-000-012.003

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 and **seconded** by Cedric Irby that the petition of Nic Frey be **Approved with Conditions:**

1. This Special Use Permit is granted for the sole usage of Nic Frey 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 Nic Frey 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 Nic Frey 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.** Nic Frey, applicant, stated that the reason he is wanting to move his family to this location is because he works 18-20 hour days and his current commute doesn't allow him much time to spend with his kids. Mr. Frey said he doesn't plan on staying out there past 5 years and has plans to move to Bond County in the future; **VI.** Mary Goode, ZBA Member, asked if there is such a thing as a one-year permit. Noelle Maxey, Zoning Coordinator, replied that there isn't; **VII.** Ms. Maxey read aloud the following letters of public opposition that were submitted for the record via email: (1) "It is my understanding that Mr. Frey wants to put a trailer on his property to live in. He wants to change the zoning to allow this. There are several locations now that have a zoning of commercial status in the area including our location. I feel that the allowing a trailer for home living would impede and discourage the future development of the intended intent for future commercial developments at this location. You going to have businesses operating in the area with mobile trailers also in the area. How many mobile home trailers will he have in two years? Because of these concerns I am opposed to the request of the special use permit. Thank you. William Flach" Ms. Maxey also commented to add to the record, that this request will not change the zoning of the property. (2) "This is Wayne Maedge adjoining property owner to Nic Frey. I called last week got information from you on the zoning rules for this request. I cannot attend the hearing in person but want to express my rejection of allowing a residence next to a commercial area. There is activity all hours of the day and sometimes weekends. Been here 28 years without any complaints and wish to keep it that way. Sooner or later a residence will dislike something and the trouble begins. Thank you." Ms. Maxey commented that since the subject property is zoned Agricultural, the applicant could put a home on the property without having to go through any kind of special hearing for it. She also commented that only one mobile home would be allowed on the property.

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.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z22-0032

Petition of Mark and Donna Sanders, owners of record, requesting a variance as per §93.025, Section D, Item 4 of the Madison County Zoning Ordinance in order to construct an attached garage addition that will be 2 feet from the east property line instead of the required 10 feet. This is located in an "R-3" Single-Family Residential District in Jarvis Township at **8411 Steelecrest Lane, Troy, Illinois, County Board District #2, PIN# 09-2-22-15-13-301-021**

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

Members Absent: Thomas Ambrose

A **motion** was made by Cedric Irby and **seconded** by Mary Goode that the petition of Mark and Donna Sanders 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.** Donna Sanders, applicant, stated that they are just wanting to add a garage on. She stated that they have 3 vehicles and would just like to be able to have them all in the garage. She said that right now they have a 2-car garage, and they want to add a single-car garage on that side. Mrs. Sanders said that with the 10-foot setback that they need, the garage would only be 7-foot wide. She said this is why they got a letter from their neighbors and that they are fine with them building only 2-feet off the property line. She said the current bid they have shows a garage door in the front and then also one in the back, because their double gate is right there to get to the backyard, and this would allow them to pull straight through if they had to get into their backyard. Mrs. Sanders said the garage will have brick on both sides of the garage door in the front and will match what they have on the existing garage; **VI.** Sharon Sherrill, ZBA Member, said that she has seen a transformer there, and asked Mrs. Sanders if they have an easement running down their side property line. Mrs. Sanders stated that she does not know. Ms. Sherrill suggested that they look at their plat to find out, and that if there is an easement, they would not be able to put a permanent structure there. Ms. Sherrill asked Mrs. Sanders if she knows how much the roof is going to overhang since they only have 2 feet on the side. She said if someone ever puts a fence up on that side of the property line, it would be difficult to maintain that side of the garage. Mark Sanders, applicant, added that there will just be a gutter going across that side, and said there would be ample room to get in there with a ladder to clean the gutters out. Ms. Sherrill said that even though the current neighbor is okay with this now, if he moves out and they get a neighbor that they have issues with and they build a fence, if something happens they can't get to their garage. Mrs. Sanders said that right now there is a rock driveway there, but it is possible that the current neighbors could move, but that they would still have 2-feet. She said right now they have LeafGuard on all of their gutters and could just have that put on the new section as well. Ms. Sherrill reiterated her recommendation that they check their plat; **VII.** Cedric Irby, ZBA Member, asked to clarify that the garage will have a rear exit and asked if they have considered building a more narrow, longer garage. Mrs. Sanders said the issue is the swing to get into the garage from the driveway, and they already had to go with a wider garage door to make that swing. Mr. Irby asked if the garage will be built on to the existing garage, and Mrs. Sanders said it would be and would have a door leading in to the existing garage and house.

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.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z22-0033

Petition of James Radcliffe, owner of record with Patricia Radcliffe, requesting a variance as per §93.051, Section A, Item 3, Subsection (c) of the Madison County Zoning Ordinance in order to construct an accessory structure in the front yard setback area. This is located in an "R-1" Single-Family Residential District in Pin Oak Township at **2635 Staunton Road, Troy, Illinois, County Board District #24, PIN# 10-2-16-33-12-201-003**

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

Members Absent: Thomas Ambrose

A **motion** was made by Cedric Irby and **seconded** by Sharon Sherrill that the petition of James Radcliffe 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.** James Radcliffe, applicant, stated he wants to put a stand-alone garage next to the driveway. He said it's about the only place he can put it on the property because of the water lines and well. He said the building would be 75 feet from the center of the road and 37 feet from his neighbor's house. He said that he thought he could do this until he came in to get the building permit. He said the building will meet the subdivision's bylaws.

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.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z22-0034

Petition of Danielle Trask, owner of record with Joey Muscarella, 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 Danielle Trask and family for a period not to exceed 5 years. This is located in an "R-3" Single-Family Residential District in Chouteau Township at **1930 Roberta Avenue, Granite City, Illinois, County Board District #21, PIN# 18-2-14-29-04-401-012**

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 and **seconded** by Cedric Irby that the petition of Danielle Trask be **Approved with Conditions:**

1. This Special Use Permit is granted for the sole usage of Danielle Trask, Joey Muscarella, 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 Danielle Trask, Joey Muscarella, 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 Danielle Trask, Joey Muscarella, 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.** Danielle Trask, applicant, stated that she is asking permission to place a mobile home on 1930 Roberta Avenue, which has been a vacant lot since a house there burned down many years ago. She said she needs this property for medical reasons, as her father that lives across the street is terminally ill. Ms. Trask said she cannot continue to be his caretaker in Granite City and keep up with her property in Alton. She stated that she was able to sell that property to become a permanent resident of Granite City. Ms. Trask said that she knows there have been complaints about a mobile home there, but she said that it is a manufactured home, and is made of all of the same building materials as if you were to build a stick-built home. She said she wants to give back to the community and bring property values up. Ms. Trask said that there are no other open lots in that neighborhood for anybody else to make this same request. She said she is not going to tarnish the neighborhood; **VI.** Mary Goode, ZBA Member, asked a question about whether it's a manufactured home or if it's stick-built, or if it's a modular home. Ms. Trask said it is specifically labeled a manufactured home, which is all the same materials as a stick-built. She said she is getting all of the custom finishes inside and out; **VII.** Ms. Goode said that the zoning requirements are different between manufactured and modular. Chris Doucleff, Building and Zoning Administrator, said that Madison County considers this a mobile home; **VIII.** Ms. Goode asked Ms. Trask if she had the opportunity to purchase a modular home. Ms. Trask said no, that this is the only one available and she is buying it off the lot. She said the other one she wanted was \$240,000 and it was 10 months out. Ms. Trask said the one she is purchasing is a \$200,000 investment that she is bringing to this property. Ms. Goode asked Ms. Trask if she will be putting a foundation under the home. Ms. Trask replied no, that it is not necessary considering the water table in Granite City. She said she is doing pillars and then covering it; **IX.** Sharon Sherrill, ZBA Member, asked if there were any subdivision restrictions as to the types of buildings. Ms. Trask responded no, that there is no HOA; **X.** Gerald Lynn, neighbor, asked what happens beyond 5 years if this is approved. Mr. Doucleff responded that usually if it's the current homeowner, they can get it administratively renewed for another 5 years. He said if there's any change in ownership, they would have to come back and reapply for the Special Use Permit. Mr. Lynn said this subdivision is predominantly all brick homes and that there are no existing modular homes or mobile homes. He said that outside of this neighborhood, within a 1-mile radius, there are at least 3 available locations that are setup and designed for mobile and modular homes. He said the last thing he wants is for the neighborhood that he lives in to turn into something outside of your normal safe neighborhood. He said he doesn't know exactly who is buying this property and putting this home on it, but that there has been an increased amount of traffic down their road. He said he is unsure if this traffic is associated with people staying at this gentleman's house. He also stated that roughly one year ago, something happened at this individual's parents' house, and police were chasing an individual down the street, who jumped over his fence and hid in his backyard, and continued to run from the police until they were put in handcuffs and taken away. He said he is concerned about additional unwanted attention and problems; **XI.** Jesse Keller,

neighbor, said that there is no room to even get a trailer down that street, let alone on that lot. He said they do have a lot of water issues out there, and 32 of the 38 houses out there are all brick, ranch-style houses, and the others are wooden houses; **XII.** Ms. Goode asked Ms. Trask how long she has owned that lot, to which Ms. Trask responded for about a year; **XIII.** Noelle Maxey, Zoning Coordinator, read aloud the following four letters of public opposition that were submitted for the record via email: (1) "I would like to vote against the petition for ZBA File Number Z22-0034. I respectfully request my identity to remain anonymous for fear of retaliation against this vote. My understanding of the petition is the petitioner is requesting to place a mobile home on the lot of 1930 Roberta Avenue. In addition to the mobile home, I was made aware a 3 car garage will be built behind the mobile home. I fear, even though this is a 5 year occupancy request, I don't feel the 5 years will be the end of this. Statistically, home values decline when modular homes are placed. With the construction that will be taking place on 270, I feel any attempt to sell will be impossible let alone impractical. These changes will drastically affect home values and neighborhood. Thank you for taking my thoughts into consideration." (2) "I am emailing on behalf of a posted notice on the property next door to me. My property (1922 Roberta Avenue) is adjoined to the property that would like to put a mobile home on. I am completely against putting a mobile home on this property. This will depreciate our property values in the neighborhood. I do not want a mobile home sitting next to my house. I have put a lot of work to make my house look nice. I will try to be at the hearing if I can get out of work." (3) "Dear Board Members, Chouteau Township would like to object the request for a Special Use Permit as per 93.025. We feel that there is no place for a mobile home in an area where there is brick and frame homes. There are no other mobile homes in this area. Thank you, Eddie Lee, Supervisor Chouteau Township." (4) "To whom it may concern. I am very opposed to allowing a mobile home being placed on the property at 1930 Roberta Avenue, Granite City, Illinois. As homeowners, we care and protect our homes. When I built my home, I was told about a number of requirements in our area and it detailed permanent dwellings. When we received the notice for the special build permit for a mobile home in our subdivision, I was greatly concerned and disappointed. I cannot see how this can help my home or my neighborhood's housing value. Within a mile of this property there are at least 3 mobile home courts that are accepting new trailers and tenants. This permit is specifically for a mobile home and limited to 5 years. Therefore, this would not allow for a permanent dwelling. Thank you, Jeanette DiVietro."; **XIV.** Ms. Trask said she is confused why people would think she is going to be derelict and bring the neighborhood down because she lives in a manufactured home. She said she left a \$370,000 property to be able to come to Granite and take care of her responsibilities. Ms. Trask said that she plans to live there the rest of her life. She said she has 4 children, so yes, there will be increased traffic, but they are also on a dead-end, and she wouldn't allow anything to happen disrespectfully to her home or anyone else around her; **XV.** Ms. Goode said that the problem is that mobile homes have left a bad taste in so many people's minds, and assured Ms. Trask that this isn't directed at her personally. Ms. Goode said that for \$200,000, Ms. Trask could build a small home and have an investment. She said an investment in a mobile home is not really a good investment. Ms. Goode said that she is "pro mobile homes" 100%, and that she votes almost every time for mobile homes, but in this situation, when the subdivision is almost 99% completed, it makes it difficult for people to accept that. Ms. Goode said when you are spending that kind of money on an investment, a regular home can be built, and you would have a good investment for the future for yourself; **XVI.** Ms. Trask said it was looked into, but turnaround time was not ideal, given the medical responsibilities that she is up against. She also reiterated that there are zero empty lots left in the subdivision for anyone else to come in and make this type of request. She said she is looking for an exception to help her take care of her responsibilities; **XVII.** Cedric Irby, ZBA Member, asked if there is a company that would be coming in to do the work. Ms. Trask responded yes, that Mount Vernon Dream Homes has been there and done all of the inspections, and they have zero issues putting this home onto this lot. Mr. Irby asked Ms. Trask how she would install the driveway. Ms. Trask said the township installs the culverts, and that she intends to do a U-shaped driveway with rock and concrete, which is a property value increase for everyone around her. Mr. Irby asked if she had considered a concrete foundation. Ms. Trask said she felt like that was the way to go, but that it is not ideal for the location because of the water table. She said it will be stone around the bottom, and that she is aware that the majority are brick homes, but that there are homes within that subdivision that are not all brick and have siding just like this home. She said the finishes are the same as if she built a home from the ground up, so she is asking that nobody pass judgement, but rather look at her track record and what she's done with her previous properties. Mr. Irby said if he was a homeowner there, and looking at his house and what is going in there, he would be concerned.

Roll-call vote.

Ayes to the motion: Nicholas Cohan, Cedric Irby, Sharon Sherrill

Nays to the motion: George Ellis, Mary Goode

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z22-0035

Petition of Colby Schrupf, applicant on behalf of Frey Properties of Highland, LLC, owner of record, requesting a Special Use Permit as per §93.035, Section D, Item 1 of the Madison County Zoning Ordinance in order to construct a helicopter hangar and heliport on site for the storage of St. Joseph's Hospital's helicopter. This is located in an "M-2" General Manufacturing District in St. Jacob Township **along Ellis Road, St. Jacob**, Illinois, County Board District #4, PIN# 05-1-23-08-00-000-008.002

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 and **seconded** by Nicholas Cohan that the petition of Colby Schrupf and Frey Properties of Highland, LLC be **Approved with Conditions**:

1. The applicant/owner/operator shall keep the property in compliance with all Madison County Ordinances, including but not limited to the Madison County Zoning Ordinance.
2. Failure to comply with the conditions of the Special Use Permit will cause revocation and immediate removal of the use will be required.

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.** Colby Schrupf, applicant, said they are requesting a Special Use Permit to build a hangar for the storage of the St. Joseph's Hospital helicopter. He said that it would only be stored there in inclement weather and for routine maintenance and servicing; **VI.** Karen Luna, adjacent neighbor, stated that they said they would be flying in from the east, but her property is to the east. She said there is an airport within a mile, so why would they construct a helicopter pad here when they could go to the airport that is already approved by the FFA. Mrs. Luna said they want to do maintenance on the property, but has anyone thought about the fuel and if there could be an accidental spill; **VII.** Jeff Luna, adjacent neighbor, said they actually live in St. Jacob but his parents live on the adjacent property, and they hear the helicopter going over 3-5 times a week already. He asked how much more are they going to have to listen to it with the heliport on this property. He said, like his wife said, the airport is about a mile away, and there's another airport in Highland. He said there's other places they could put it that wouldn't bother his parents or the subdivision to the south; **VIII.** Sharon Sherrill, ZBA member, asked what size helicopter it is. Drew Nurrenbern, pilot and representative of Air Methods, said it's a single-engine helicopter that carries a pilot, a nurse, and a paramedic. He said that it sits on the pad at St. Joseph's Hospital, and they currently take the helicopter to Cahokia or downtown St. Louis for maintenance or during inclement weather, but that flight and drive time is not ideal for in-service rates and being there for the community. Mr. Nurrenbern said that they want to put the new hangar here to be much closer to the hospital. He said the local airports are all restricted and privately owned, so that was not an option. He said they picked this location because the zoning was already correct and there is a 24-hour heavy tow service next door. Mr. Nurrenbern said they try their best to not fly the helicopter over homes, and for this site, they plan to keep the helicopter over US Highway 40 and the railroad tracks to avoid flying close to homes. He said they will not keep fuel on site and will not fuel-up here. Ms. Sherrill noted that the helicopter wouldn't be there all the time, to which Mr. Nurrenbern replied that it would only be there during inclement weather and for maintenance. He said that they do regular maintenance on the helipad at the hospital, but if they have to take anything apart, they move the helicopter to an enclosed structure; **IX.** Willard Luna, adjacent property owner, said that he heard it would be a 24-hour operation and that they'll be able to do whatever they want after the zoning is approved. He said he hears the helicopter a lot, and he doesn't think this is a good thing for his family. Mr. Luna said all the neighbors will not be happy when this goes in, and he plans to move off the property, but his family will still be living there; **X.** Cedric Irby, ZBA member, asked what a typical day or week is like, and Mr. Nurrenbern said that they average 10-15 flights a month in the winter, and maybe 20-25 a month in the summer. Mr. Nurrenbern said they can be called at any time in any direction either going to another hospital or to an emergency site. He said the helicopter is a flying ICU, and they can carry more than a typical ambulance and get injured people to the hospital faster. Mr. Irby asked how conscience pilots are to avoid flying over homes, and Mr. Nurrenbern said that pilots do not like flying over homes or buildings and try to stay in more open areas in case of emergency. Mr. Irby asked if they have a maintenance schedule, to which Mr. Nurrenbern said that helicopter

maintenance is based on either flight hours or time since the last service. Mr. Nurrenbern reiterated that this is not going to be a launch location, and they are based at the hospital. Mr. Irby asked about approval from the FAA, and Mr. Nurrenbern replied that IDOT and the FAA deal with the airspace, and they have an approval letter from IDOT, but they do not have full approval from the FAA yet, but that's for airspace rather than the ground location, and he doesn't see any issues with getting FAA approval. Mr. Irby asked about the power lines there, and Mr. Nurrenbern replied that they will first make their pilots aware of the power lines, and they plan to add the large orange marker balls on the lines; **XI.** Mrs. Luna said that there are fields all around there, and they will think they are flying over the open fields and not see the houses on them. Mrs. Luna asked if they have really exhausted all their options, to which Mr. Nurrenbern said they believe they have, and having the site on the hospital's property would be ideal, but they wouldn't allow it; **XII.** Mr. Schrupf stated that this is a 20 acre commercial property, and they are placing the building up in the northwest corner by the railroad tracks with nothing directly to the east until the Village of St. Jacob; **XIII.** Willard Luna stated it's his understanding that once this is approved, it would become a 24-hour site, which wouldn't be nice at night. Mr. Nurrenbern said that it is possible they might move the helicopter at night if there is inclement weather but they try to put the helicopter away earlier rather than closer to the storms.

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.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z22-0037

Petition of Andrew Jones, Jr., applicant on behalf of Southwestern Electric Cooperative, Inc., owner of record, requesting a zoning map amendment to rezone the 0.5 acre tract from "A" Agricultural District to "PD" Planned Development District in order to operate a bitcoin mining facility utilizing power from the existing electrical substation on site. This is located in Marine Township at **4772 State Route 4, Alhambra**, Illinois, County Board District #4, PIN# 06-1-17-05-00-000-007.002

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 Andrew Jones, Jr., and Southwestern Electric Cooperative, Inc. be **Approved with Attachment "A"**.

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.** Andrew Jones, applicant, said they are presenting an opportunity to bring in bitcoin mining, and the mining is the calculations being done by computers to justify the financial transactions. He said that all of the containers will hold up to 360 computers that need to be relatively close to a high power system to run effectively, so they thought the best place to put them would be directly next to their electrical substations. He said the computers are running 24/7 at 100%, and he said this will create jobs and cost savings that Southwestern will pass along to its users; **VI.** Mary Goode, ZBA member, asked who owns this, and Mr. Jones said the company is called Bits Be Trippin', and they're located in St. Jacob. He said they have bitcoin mining locations in Minnesota and Tennessee. He said that they are able to adjust their rates, and he thinks this is a great opportunity for the state of Illinois. Ms. Goode asked how many jobs this would produce since this basically operates itself, and Mr. Jones replied that it would provide maintenance jobs, and the company has a maintenance location in St. Jacob. Ms. Goode asked how much it costs to put it in, to which Mr. Jones replied that he's not sure what the bitcoin company's costs are to install the containers because they're eating all the cost; **VII.** Nicholas Cohan, ZBA member, asked how much power will be consumed and will it affect the outlining areas, to which Mr. Jones replied that they will be able to build up their current system with the additional cost savings which would make their system more robust because they have to build up everything else to accommodate the new load. Mr. Cohan noted there wouldn't a lot of people staffing it and with all the computers, there wouldn't be a lot of new jobs, to which Mr. Jones replied that there wouldn't be a lot of direct jobs, but at their maintenance locations, it would add maybe only 15-20 jobs but that's still 15-20 jobs. Mr. Cohan asked how big the building would be, and Mr. Jones clarified it would be shipping containers, and you wouldn't be able to tell them apart from equipment for the existing substation; **VIII.** Cedric Irby, ZBA member, asked if there is any risk to the environment, to which Mr. Jones replied that there would be no more risk than there already is from the substation. Mr. Irby asked if there is a backup power system in the event of a power outage, and Mr. Jones said that unless a tornado or something comes through and damages the substation, there wouldn't be any loss of power, but their other substations would provide power to those locations if it did happen; **IX.** Sharon Sherrill, ZBA member, asked if there would be any loss of power to users while the mining operation is being setup. Mr. Jones replied that they have a robust system already, and this will allow them to build it up even more so; **X.** Ms. Goode asked to clarify what he means by a "robust" system, and Mr. Jones replied that it means the system is powerful enough already to make sure they don't have no power drainage or quality concerns or liability concerns, and he'll change the term from "robust" to "strong"; **XI.** George Ellis, ZBA member, asked if the containers would be in the fenced area, to which Mr. Jones replied that they would; **XII.** Ms. Goode asked how long the man has owned the bitcoin company, and Mr. Jones replied that he's not sure but he knows the Minnesota location has been there for about 5 years. Mr. Jones reiterated that they have a strong system already but this will make the system even stronger because they have to build it up to accommodate the new load; **XIII.** Ms. Sherrill asked if the bitcoin company would be helping with the cost of building the system up, or how they will do that without it being a cost to the users. Mr. Jones said the bitcoin operation running 100% of the time will help lower the cost of power through volume, and they turn that money into building up the infrastructure; **XIV.** Mr. Cohan asked Mr. Jones to elaborate on the "significant electrical consumption" statement that is in their narrative statement. Mr. Jones said that is referring to the 100% power factor where they run the mining operation 24-hours a day. He said that they operate at about 85%, but this bumps them up so they can ask for a lower price when they do contracts

for their power, which is a rate they would pass on to their customers. Mr. Cohan asked how many amps on average the operation would be pulling, and Mr. Jones said they're contracted with them for about 5 megawatts; **XV.** Marty, representative of Bond Madison Water Company, which owns the property to the south of this one, asked how they intend to get access to the property for construction. Mr. Jones said they would access it how they already do, and they bring in the containers on a trailer and drop them off. Marty stated they would have to go through Bond Madison Water's property to access the southern part of their property. He said that he's not opposed to the rezoning or Southwestern having this opportunity, but back in March, they showed up to their property, but there were trucks and tracks that had gone through Bond Madison's property. He said there is no way to access the part of the property to put to the containers unless they went through Bond Madison's property or took down the existing fence around the substation. Mr. Jones replied that if they have to tear down some of the fence, that's not a problem because they put up and take down fences all the time. Marty said he just wants to know how they plan to access the property to place the containers, and Mr. Jones replied that they would use the same ingress/egress they currently use for the substation. Marty said back in March, they did not want to access the back part of the property through the existing property and have to tear down the fence. Mr. Jones said that removing the fence to accommodate was always the plan with them. Marty said he's concerned about people using the Bond Madison property for access and creating a liability for their company. Mr. Jones said that he doesn't believe it's their personnel crossing Bond Madison's property, and Marty replied that he doesn't think so either, and it wasn't the guy who owns the bitcoin company either, but it had been someone different back in March who didn't do their due diligence. Mr. Jones reiterated that there would be no issue taking down part of their existing fence and said he would give Marty his business card to contact him if there was another issue.

Roll-call vote.

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

Nays to the motion: Sharon Sherrill

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Attachment "A" – "PD" District Conditions of Use

(A) The applicant will be required to adhere to all district conditions and use requirements below. Should the applicant submit plans with substantive differences than the proposed use and accompanying site plan, the applicant will be required to return to the Building & Zoning Committee for review, upon a recommendation from the Zoning Board of Appeals.

(B) District Conditions of Use.

1. Yard areas. No building or structure shall be erected or enlarged unless the following yards are provided and maintained:
 - a. Front Yard setback of at least 40 feet
 - b. Side Yard setback of at least 20 feet
 - c. Rear Yard setback of at least 20 feet
2. A maximum of 4 shipping containers housing bitcoin mining equipment is permitted on site. There must be at least 5 feet between each container.
3. Additional Requirements: Signs §93.118, Parking §93.147, Fencing §93.080.

(C) Permitted Uses

1. Electrical substation
2. Bitcoin mining ("Financial Services")
3. Shipping containers ("Large Transport Trailers") for housing bitcoin mining equipment

(D) Accessory Uses (See § 93.051 (B))

1. Accessory uses that are clearly associated with and supplementary to the principal uses of the lot or tract of land.
2. Off-street parking and loading.

(E) Prohibited uses.

1. Any uses not listed in the above Permitted and Accessory Uses sections.