

**Madison County Zoning Board of Appeals Meeting Minutes**  
**Tuesday, August 25, 2020 at 5:00 p.m.**  
**Virtual Meeting via GoToMeeting & In-Person in the County Board Room**

**Members Present:** Don Metzler, Sharon Sherrill, Thomas Ambrose, Nicholas Cohan, George Ellis, and Mary Goode

**Members Absent:** Tyrone Echols

**A. Call to Order**

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

**B. Approval of Minutes**

Chairman Metzler asked for a voice vote on the meeting minutes from July 28, 2020. All ayes. Motion approved.

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

Noelle Maxey, Madison County Planning and Development, gave a brief overview of the five zoning petitions and provided staff review.

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

Don 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 four 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**

1. Hearing Z19-0058- Petition of Shadow Wood Development, LLC., owner of record, requesting a zoning map amendment to rezone 27.68 acres from "R-2" Single-Family Residential District to "R-7" Planned Residential District in order to create a 70 lot subdivision. This is located in Jarvis Township, west of **Bauer Road, Troy, Illinois**, County Board District #2, PIN# 09-1-22-14-00-000-001. A **motion** was made by Nicholas Cohan and **seconded** by Thomas Ambrose that the petition of Shadow Wood Development, LLC, be as follows: **Denied**. Roll-call vote. Ayes to the motion: Sharon Sherrill, Thomas Ambrose, Nicholas Cohan, George Ellis. Nays to the motion: Mary Goode. Motion passes.

**H. New Business**

1. Hearing Z20-0032- Petition of Garrett and Laura Gerdes, owners of record, requesting a variance as per §93.051, Section A, Item 3, Subsection (b) of the Madison County Zoning Ordinance in order to construct an accessory structure that will be 8 feet from the south and west property lines instead of the required 15 feet. This is located in an "A" Agricultural District in Foster Township at **3878 McCoy Road, Bethalto, Illinois**, County Board District #5, PIN# 20-1-02-27-04-402-002. A **motion** was made by George Ellis and **seconded** by Mary Goode that the petition of Garrett and Laura Gerdes be as follows: **Approved**. Roll-call vote. Ayes to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode. Nays to the motion: Sharon Sherrill. Motion passes.
2. Hearing Z20-0034- Petition of Network Real Estate, LLC, applicant on behalf of AT&T, and James E. Dempsey Trust, owner of record, requesting a variance as per §93.099, Section D, Item 6 of the Madison County Zoning Ordinance in order to install a 6 foot composite stone fence instead of the required landscape buffer. This is located in an "A" Agricultural District in Moro Township at **4290 Seiler Road, Dorsey, Illinois**, County Board

District #5, PIN# 16-1-03-17-00-000-007. A **motion** was made by Sharon Sherrill and **seconded** by Thomas Ambrose that the petition of Network Real Estate, LLC, and AT&T and James E. Dempsey Trust be as follows: **Approved**. Roll-call vote. Ayes to the motion: Sharon Sherrill, Thomas Ambrose, George Ellis, Nicholas Cohan. Nays to the motion: Mary Goode. Motion passes.

3. Hearing Z20-0036- Petition of Laura and Richard Lynch, applicants on behalf of The Estate of Elmer E. Prante, 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 double-wide mobile home on the property for the occupancy of Laura and Richard Lynch and family for a period not to exceed 5 years. This is located in an “A” Agricultural District in Olive Township at **11758 New Douglas Road, New Douglas**, Illinois, County Board District #4, PIN# 08-1-05-13-00-000-011. A **motion** was made by Mary Goode and **seconded** by Sharon Sherrill that the petition of Laura and Richard Lynch and the Estate of Elmer E. Prante be as follows: **Approved with conditions**. Roll-call vote. Ayes to the motion: Sharon Sherrill, Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode. Nays to the motion: none. Motion passes.
4. Hearing Z20-0038- Petition of Andrew and Lisa Schmitt, applicants on behalf of Jerry Don and Mary Smith, owners of record, requesting a zoning map amendment to rezone a 1 acre tract of land from “A” Agricultural District to “B-5” Planned Business District in order to operate a garage door business on site. This is located in Jarvis Township at **9538 US Highway 40, St. Jacob**, Illinois, County Board District #2, PIN# 09-1-22-12-00-000-018. A **motion** was made by Mary Goode and **seconded** by Thomas Ambrose that the petition of Andrew and Lisa Schmitt and Jerry Don and Mary Smith be as follows: **Approved with “Appendix A”**. Roll-call vote. Ayes to the motion: Sharon Sherrill, Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode. Nays to the motion: none. Motion passes.

**I. Planning Coordinator’s Report**

None.

**J. Adjournment**

George Ellis made a motion to adjourn the meeting. Seconded by Nicholas Cohan. Voice-vote. All ayes. Motion approved. Meeting adjourned.

**Madison County Zoning Board of Appeals**  
**August 25, 2020 Findings of Fact and Recommendations**

Don Metzler, Chairman, called the meeting to order at 5:00 p.m. on GoToMeeting Virtual Meeting & Madison County Board Room

**Members Present:** Don Metzler, Sharon Sherrill, Thomas Ambrose, Nicholas Cohan, George Ellis, and Mary Goode

**Members Absent:** Tyrone Echols

The Board of Appeals, established by the Chairman and the Board of Supervisors and provided for under the terms of the Madison County Zoning Ordinance, 1963 and all subsequent amendments and revisions thereto does hereby submit the Reports and Recommendations on the following:

**File Z19-0058** – Petition of Shadow Wood Development, LLC. (Pin Oak Township)

**File Z20-0032** – Petition of Garrett and Laura Gerdes (Foster Township)

**File Z20-0034** – Petition of Network Real Estate, LLC & James E. Dempsey Trust (Moro Township)

**File Z20-0036** – Petition of Laura and Richard Lynch (Olive Township)

**File Z20- 0038** – Petition of Andrew and Lisa Schmitt & Jerry Don and Mary Smith (Jarvis Township)

## **Finding of Fact and Recommendations**

### **Hearing File Z19-0058**

Petition of Shadow Wood Development, LLC, owner of record, requesting a zoning map amendment to rezone 27.68 acres from "R-2" Single-Family Residential District to "R-7" Planned Residential District in order to create a 70 lot subdivision. This is located in Jarvis Township, west of Bauer Road, Troy, Illinois, County Board District #2, PIN# 09-1-22-14-00-000-001

**July 28, 2020**

**Members Present:** Don Metzler, Thomas Ambrose, Nicholas Cohan, George Ellis, and Mary Goode

**Members Absent:** Tyrone Echols and Sharon Sherrill

A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Shadow Wood Development, LLC be as follows: **Postponed until next Zoning Board of Appeals meeting.**

**Ayes to the motion:** Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode

**Nays to the motion:** None

**August 25, 2020**

**Members Present:** Don Metzler, Sharon Sherrill, Thomas Ambrose, Nicholas Cohan, George Ellis, and Mary Goode

**Members Absent:** Tyrone Echols

A **motion** was made by Nicholas Cohan and **seconded** by Thomas Ambrose that the petition of Shadow Wood Development, LLC be as follows: **Denied.**

**The Finding of Fact of the Board of Appeals:** **I.** The zoning file, Comprehensive Plan, 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.** Justin Venvertloh, engineer, described the request and the types of homes that will be built in the proposed subdivision. Mr. Venvertloh described the single-family dwellings, maintenance-free detached villas, and maintenance-free attached villas. Mr. Venvertloh stated all dwellings will be owner-occupied, not rented. Mr. Venvertloh described the amenities of the maintenance-free villas. Mr. Venvertloh stated that the City of Troy has approved the preliminary plat, they will be providing sewers and water, and there is a pre-annexation agreement with Troy. Mr. Venvertloh stated the subdivision would be built to Troy's subdivision requirements; **VI.** Mr. Cohan, ZBA member, asked if the subdivision has already been approved by Troy, to which Mr. Venvertloh stated it was approved by both the Planning Commission and the City Council; **VII.** Mary Goode, ZBA member, asked if there were extra lots added between the time the original plat was approved to this new plat, to which Mr. Venvertloh stated the original plat only had 58 lots, but they are now planning to have 70 lots with different housing types, which is why they're asking for the "R-7" zoning. Mr. Venvertloh described other subdivisions in the area where the maintenance-free villas have been successful; **VIII.** Mr. Ambrose, ZBA member, asked about concerns that have been expressed by nearby property owners, including stormwater drainage and increased traffic. Mr. Venvertloh responded that they have performed all the stormwater calculations for the development, which Madison County's consultant and Troy's consultant have reviewed and approved them. Mr. Venvertloh stated there will be three detention basins within the subdivision. Mr. Venvertloh stated that the target for the maintenance-free villas are empty nesters and people downsizing, and those types of people typically only have one or two cars per household without teenagers with cars, and they won't be out driving kids to different activities, so there will probably be fewer trips per household with this 70 lot setup than there would have been with the 58 single-family residences; **IX.** Mary Goode asked if there will be an HOA, to which Mr. Venvertloh responded that there will be an HOA for the entire subdivision that will include all three Shadow Wood phases, and the detached and attached villas will have their own HOA as well for the outdoor maintenance of the properties; **X.** Mr. Cohan asked if the common areas shown on the plat are where the detention ponds will be, to which Mr. Venvertloh stated the two in the northeast corner will have detention ponds, and

the one in the southwest corner will have a detention pond and green space area; **XI.** Jody Maxfield, adjacent property owner, spoke in opposition to this request. Mr. Maxfield stated that they are opposed to this request mainly because of the infrastructure. Mr. Maxfield stated the roads are tar and chip and are hilly, which are the primary roads into this new subdivision. Mr. Maxfield stated that they were able to compromise to agree with the 58 lot subdivision, but not to this new 70 lot subdivision. Mr. Maxfield stated the roads have not been improved and still have safety issues. Mr. Maxfield stated the residents around there are skeptical that the developers will keep the perimeter lots 15,000 sq ft and as single-family. Mr. Maxfield stated that they didn't receive notice of the meeting until three days before, and if they had more time, the room would be full of people opposed to this request; **XII.** Anne Mongiovi, adjacent property owner, spoke in opposition of this request. Ms. Mongiovi also spoke on the late notice of the meeting and the fact that the advertisement wasn't in Troy's newspaper. Ms. Mongiovi stated that Troy told her that there are two other subdivisions in the area with the attached villas, but they are not within 5 miles of this proposed subdivision and are not surrounding by single-family residences like this one is. Ms. Mongiovi described drainage concerns and current drainage problems in the area; **XIII.** Chris Doucleff, Planning & Development Department Administrator, responded to the notice issues by described department policies. Mr. Doucleff stated the Edwardsville Intelligencer is a county-wide paper and has been used by the department for years. Mr. Doucleff also stated the mailings are required to go out 15 days in advance of the hearing, which they did; **XIV.** Don Moore, County Board representative of the district this property is in, also spoke on the mailing and notice issues. Mr. Moore asked for the ZBA to postpone until the next meeting so all of those who want to provide comments or opposition have more time to do so; **XV.** Kaye Maxfield, adjacent property owner, spoke in opposition of the request. Mrs. Maxfield asked where the largest lots on the property are, to which Mr. Venvertloh responded that properties around the perimeter are staying over 15,000 sq ft. Kevin Jones, developer with Shadow Wood Development, stated that he thinks the largest lots listed were from an earlier version of the plat, but after making more room for the detention basins, now the largest residential lot is 25,000 sq ft. Mrs. Maxfield expressed concerns about woodlands and wetlands on the property and how they will be affected by development. Mrs. Maxfield also expressed concerns about rentals in the subdivision and claimed that once it is rezoned to "R-7," they could do anything on the property in any of the "R" districts; **XVI.** Kevin Jones, developer with Shadow Wood Development, responded to some of the concerns. Mr. Jones stated that they will be held to the plat once it's approved. Mr. Jones stated they did not want to change the perimeter lots in order to not cause a negative impact to surrounding property owners. Mr. Jones stated the only change is the larger lot for the detention pond, which will also help keep some of the forested area intact. Mr. Jones described where the detached and attached villas will be within the subdivision and the lot sizes. Mr. Jones stated the attached villas will only be two units per the HOA requirements and will never be more than two units; **XVII.** Mike Ruggles, resident of Shadow Wood subdivision, stated that the detention and creek areas are not being maintained in phases 1 and 2. Mr. Ruggles stated that if you are marketing to people like they said they are with the maintenance-free villas, this property is on the far east side of Troy and not near any grocery stores or shopping, so it's hard to believe that those types of people would want to live in this subdivision; **XVIII.** Louise McDill, resident of Shadow Wood subdivision, stated she has lived there for 3 and a half years and thought the new subdivision would only be single-family, and if she had known there would be multi-family, she would not have bought her current property and thinks others would not have bought theirs either. Mrs. McDill stated the current HOA has rented out three houses that had been up for sale, which against the HOA requirements. Mrs. McDill stated that she confronted the HOA about this, and they had responded that they worked it out and the renters wouldn't be contributing to the HOA, so she is concerned that they will rent out homes in the new subdivision, even though they say it will not be allowed with the HOA; **XIX.** Edward McDill, resident of Shadow Wood subdivision, stated there have been houses rented out before, and he thinks they will rent out the attached villas when they can't sell them. Mr. McDill stated he doesn't like that they were already proposing only single-family, and now a few years down the line, they want to add more lots and have multi-family units; **XX.** Rachel Ruggles, resident of Shadow Wood subdivision, asked if there would need to be another exit road added with the increase in homes. Mrs. Ruggles stated safety concerns about the increased traffic on the roadways and dangers to children. Kevin Jones responded that there will be two entrances into the new subdivision; **XXI.** Mary Goode asked if they will be developing the lots and then selling them individually, to which Mr. Jones stated that Shadow Wood Development doesn't build homes, but Shadow Wood Development will own the lots and then sell them to individuals or to builders; **XXII.** Ron Smith, adjacent property owner, stated they did not receive notice early enough. Mr. Smith also stated that this plat has changed a number of times over

the years so he would like to see what it's exactly going to be; **XXIII.** Breana Buncher, Planning Coordinator, and Chris Doucleff, Department Administrator, read aloud public comment that was sent to staff via email for those who did not want to attend the meeting in person. Mrs. Buncher indicated that she would only read for 3 minutes of each comment letter submitted; **XXIV.** Mr. Cohan asked who would maintain the detention ponds in the new subdivision and if they would have pumps in case they get full, to which Mr. Jones responded that the detention ponds will be maintained by the developer until the HOA is in place, then the HOA would take over. Mr. Jones stated the detention ponds and storm sewers are gravity-flow and are designed to overcompensate for regular rainfalls. Mr. Jones stated the stormwater issues of properties to the west are upstream and not a Shadow Wood subdivision, so they can't really do anything about that; **XXV.** Anne Mongiovi submitted the following via email: Board Members, Reference the request to rezone the property known as Shadow Woods Phase III please consider the following in making your decision. We have attached a letter written to the Madison County Zoning Board in 2005 by our then County Board Representative Chris Wangard regarding concerns which he had that HAVE NOT CHANGED for the better in the 15 years since the original opposition to the Shadow Woods subdivision. If anything, traffic conditions have worsened, and are continuing to do so, with the resumed development of the 200+ lots in the Hampton Glen subdivision (which empties out on Country Lane). One very noticeable result is the increased flooding of Country Lane with runoff due to the regrading of the Hampton Glen subdivision. In 2005, after viewing the area and meeting with residents of Woodland Court, Woodland Hills, the original Wheat Drive, and Barley Drive, the County Zoning Commission authorized the builder to put only 58 houses on the 27 acre field and to leave as many trees as possible. The current plat being considered by the Troy City Council has over 70 lots, many of which appear to be quite small compared to the surrounding lots, and those already built. It also appears the few, if any, of the existing trees on the property are being left standing. We also understand that the rezoning would allow multi-family structures, of which there are none in any of the surrounding neighborhoods to our knowledge. How many more family units provided is not clear, but obviously the more residents, the greater the impact. Our personal concern, as is that of several other Woodland Court residents, is the affect this will have on our non-sewer storm drainage. We (Gene and Anne) are the most concerned, and most affected, as the entire Woodland Court, and much of the large farm field to our south, drains through our property. We have had many folks from Madison County, City of Troy, Jarvis Township, the Army COE, ILEPA and the Silver Creek Wetlands Conservancy look at the issue. Our neighbors are doing their best to help, but the erosion to the east side of our property is becoming more and more severe. That which started out as a small ditch is now 12'-15' deep, and more than 20' wide in spots. Several trees have fallen as the root systems are undermined by the rushing water during rainstorms, the frequency of which seems to be increasing. Please look at the pictures (also attached). It only takes a few minutes for the water to get quite deep, and it moves quite rapidly. If we make it to the Board meeting, we have videos. Is there anything the County Zoning Commission can do to

April 21, 2005

Messrs. Mike Campbell, Chair, Bob Dauderman, Emerald Dawes, Lawrence Kacer, L. D. Kelly, Richard Carter, Frank Quatto  
Zoning Board of Appeals

Mr. Joe Parente  
Secretary of the Zoning Board of Appeals

Madison County Administration Building  
157 North Main Street  
Suite 254  
Edwardsville, IL 62025-1964

Dear Mr. Chairman, Members of the Board, and Mr. Secretary,

I am writing regarding Z.B.A. file number Z05-7785 (Parcel 09-1-22-14-00-000-001, Wheat Drive, Troy). At the time of the hearing (April 26), My wife will be undergoing an induction of labor precluding my attendance at the hearing. I respectfully request inclusion of this document in the minutes of the meeting.

I have received petitions including signatures of approximately 80 residents of the Harvest Run subdivision and anticipate the receipt of dozens more signatures from residents of the Woodland Hills subdivision in opposition to the proposed rezoning of the aforementioned parcel for residential development of approximately 70 homes. The residents of these subdivisions are justifiably concerned about the safety of more than doubling the traffic from Wheat onto Country Lane and the subsequent impact of the already dangerous intersections of Country Lane/Bauer and Bauer/U.S. 40 and inadequate intersection of U.S. 40/Troy-O'Fallon Rd.

While the plat suggests the development of exits other than Wheat, the developer does not own the property required to bring these exits to fruition. Even if the developer built these exits, the impact on Bauer/U.S.40 and U.S. 40/Troy-O'Fallon Rd. would be dramatically further impacted.

I have traveled these roads extensively. The existing infrastructure is not designed for and not sufficient to support the proposed project. I am frankly stunned that a developer would purchase property and spend thousands on developing a plat for a property for which he has no assurance of attaining the necessary zoning changes - especially in light of the clear traffic safety problems such a project would create.

I am requesting that the proposed change be DENIED in the interest of safety and accessibility.

Sincerely,

Christopher R. Wangard  
Madison County Board  
District #2  
702 Huntley Ct.  
Troy, IL 62294  
doctorchris@charter.net

limit the houses in this development to the number of houses approved in the 2004-2005 timeframe? And to save the trees. Please reconsider any decision to approve the new phase of the Shadow Woods subdivision for more than the original number of lots agreed to in 2005. And please consider remedying traffic issues PRIOR to more subdivision development. The contractor for Hampton Glen, who is very actively continuing development there, did nothing more than provide stone "parking areas" on Country Lane in the last 14 years. In meetings for that subdivision there was talk of turn lanes, and other methods to improve traffic going towards the Troy-O'Fallon Road. Sincerely, Anne Mongiovi Gene Franklin 625 Woodland Ct, Troy, IL 62294; **XXVI.** Kaye Maxfield submitted the following via email: Hello, My name is Kaye Maxfield, I live on Woodland Hills Road, Troy IL and my property abuts the property slated to be developed as Shadow Wood phase 3. Over the years, since the subject property was purchased for development, we have had meetings, many meetings. We have met with the developer, various city officials, various county officials, officials from engineering firms....We have also sent and received many emails on this topic. Just when things seem like they are sort of worked out -- time elapses -- then there is a new plan, and a whole new list of people to communicate with. Some of the residents of the area have changed; the developer remains the same. On Saturday, 7/25/2020 we received notification that there was to be a rezoning hearing on this property on Tuesday 7/28/2020. Not much notice. After speaking with neighbors in Woodland Hills and Harvest Run, they received their letters at the same time I did, so it was not just mine that may have been delivered late. The developer is asking for a zoning change from R-2 to R-7. If this property is designated R-7, there is a lot of latitude on what can be done on this parcel. This is a 27.68 acre farm field, woodland area, and part of a pond that is impacted. The development has gone from 58 single family homes in the R-2 plan to a development with 70 homes 29 single family, 30 detached villas, and 11 attached villas in the R-7 plot. What is to keep him from changing the plat to something else allowed in the R-7? I hope that the county officials can do everything within their power to discourage the R-7 zoning designation. I ask everyone who has a say in this matter to drive out to this area if you have not already. Drive down both ends of Wheat Drive (Harvest Run and Shadow Wood) to see what the current neighborhoods are like, then imagine these streets with the increased traffic that even the R-2 zoning will bring, much less the R-7 -- anticipating at least 2 cars per parcel, more if multi-family dwellings are built with the ability to do so with the R-7 zoning latitude. I drove it today -- lots of small kids out playing, riding their bikes, enjoying their neighborhood. Also imagine the added traffic to Country Lane and Bauer Road. We had originally hoped for even larger lot sizes, but I guess that ship has sailed. Ever since this subdivision was proposed the same issues remain: **1) Safety.** Increased traffic flow through the very dangerous Country Lane/Bauer Road intersection. Increased traffic through existing neighborhoods. Bauer Road and Country Lane road improvement will be necessary to carry the increased daily traffic flow. This additional traffic also increases the traffic at the intersection of Route 40 and Bauer Road. On weekday mornings when school is in session, this intersection backs up to 10+ cars deep with people trying to get to Triad high school, Triad middle school, and others trying to make their morning commute. **2) Density.** The subdivisions that this property abut have relatively large lot sizes 5 acres for Woodland Hills, 2 acres for Woodland Court, Harvest Run, which I believe is zoned R-2. **3) Drainage.** If the lots are larger, more natural drainage, less runoff from structures and driveways. The cul-de-sac on Woodland Court has severely flooded in the past. Residents fear future development will exacerbate the problem. What is in the plans to address this concern. There used to be a designation of detention ponds on the plat map, now I only see "common area" designations on two corners of the map. **4) Ecological Impact.** There are currently raptors nesting very close to the property line. Back in 2011 Kaskaskia Engineering Group suggested additional oversight for disturbance of wetlands (some of the lots are platted to actually be in the pond at their northern line), detention pond construction, endangered species impact, and preservation of mature trees. Who will provide this oversight and be held accountable? Will it be Madison County or the city of Troy? We are concerned about woodland and wetland destruction. Has an impact investigation been opened with the Illinois Department of Natural Resources? **5) Tree Buffer.** The original Madison County Zoning Board of Appeals agreement, reference Z05-7837 dated 1 September 2005, stated "that a tree buffer be established". No such buffer appears on the plats. How do we keep this in the plans? **6) Plot Changes if R-7.** Present plot indicates perimeter lots 41-69 will be single family. Is this guaranteed? What is to prevent the developer from doing something different than what is currently platted? Will another zoning hearing be required to change perimeter lots to multi-family as would be allowed in R-7. **7) Notification Issue.** All abutting landowners on the west side of the property and at least one on the south side (5 residents impacted that we had the opportunity to speak with) did not receive letters announcing this meeting until July 25th, 2020, for the July 28th meeting. Since the 10 day notification period wasn't satisfied per the Madison County

website "All adjoining property owners of the subject property must be notified by mail at least ten (10) days before the hearing.", shouldn't this hearing be postponed? If not postponed, is this hearing legal? We were notified 3 days in advance. Please consider recommending that the zoning stay at R-2 so that the developer has a set of standard guidelines to follow rather than R-7. If there are others who have an impact on this decision that I have not included on this email, please forward as necessary, or let me know who else should be included. Thank you for your attention. Sincerely, Kaye Maxfield; **XXVII.** Michael and Susan Thacker, nearby property owners, submitted the following via email: Please accept this letter as a neighboring resident to the proposed property rezoning of Shadow Wood. We would like to formally state our objection to this rezoning for the following reasons. 1. Woodland and wetland preservation. Our property is currently inundated with water runoff from every large storm. This runoff continues directly to the proposed property. We feel the current forestry and ponds should be preserved as much as possible. More development will surely lead to more storm water back-up. 2. There are no other multi family developments in this vicinity. The level of housing density should be maintained To coincide with the residences around it. 3. Safety of residents on rural roadways. Country Lane and Bauer Road are rural lanes with residential and farm traffic. The addition of 70+ residences will lead to an extreme increase in vehicle traffic. This presents a safety issue to both residents and farmers. Additionally, there is only limited access to main roadways from this development causing traffic congestion. 4. What assurance do we have that the proposed plots will not be even further changed to whatever is convenient for the developer once the land is rezoned? 5. What precedence does this set for future land development? Some rural forestry and wetlands, as well as the wildlife that live here need to be preserved for future generations. Thank you, Michael and Susan Thacker, 621Woodland Court, Troy, Il, 62294; **XXVIII.** Ron and Susan Smith submitted the following via email: Ms. Maxey, I write this email in reference to the rezoning application Z19-0058. After receiving the notice this past Saturday for the rezoning application of Parcel 09-1-22-14-00-000-001 from R2 to R7 I would, as an adjacent landowner, like to strongly voice my opposition to this rezoning application. This area and the adjacent homes have been somewhat rural by nature which is why we live here. While I understand that cities expand over time and things do change, I completely disagree with the R7 zoning as this allows the builder to place nearly any type of single or multiple residential structure in this location per the county's own zoning definition, referencing page 62 of the Madison County Zoning Ordinance. This is not an area that I feel is appropriate to give a builder this much latitude or freedom to build apartments, condo's, rental facilities, etc. As a nearly life-long member of this community, a taxpayer and as afore mentioned, an adjacent landowner I feel that this rezoning will only serve to reduce the value of my home and degrade the area as such rezoning has done in area's north of Troy. I would strongly prefer and respectfully ask that the zoning remain R2 as it is better fit for the area and the citizens that live here as opposed to allowing the developer to "maximize" profits at the expense of your long-term citizens. In all candor, I see this as providing no value to anyone other than the developer, a city that already struggles with development and the local realtors. Again, I am respectfully asking that this rezoning application be declined, and the future zoning remain R2 to better coincide with the area as currently developed. We have worked our entire lives to build the homes we have as opposed to builders and developers that want to maximize profits and leave the surrounding homes or community to deal with the traffic, the noise, the ill thought through water runoff issues that already plaque this area and the overall degradation of the area for their own betterment. I would ask that the zoning commission think like and place themselves in the shoes of the adjacent landowners. That is to say, would you want to live here after the R7 zoning was approved and live with the ensuing aftermath of traffic, water runoff and all the safety issues of overcrowded rural roads? Should you have questions regarding my email or my position on the subject please do not hesitate to call or email at your convenience. I thank you for the opportunity to voice my concerns, objections and naturally hope that this rezoning is denied for the sake of the residents whom already call this area home. Respectfully, Ron and Susan Smith, 624 Woodland Ct, Troy, IL 62294; **XXIX.** Cynthia Colombara, nearby property owner, submitted the following via email: I would like to clearly state I am opposed to the rezoning request being made. These developers have absolutely no regard for the residents in the area or the issues they will cause. The traffic in this area is already more congested due to the subdivision expansion off of Troy O'Fallon Road and Country Lane and numerous other developments in the area. Now if this rezoning request to R7 is allowed, it will allow this developer to change the planned development at their discretion from single family homes to homes on much smaller lots, apartments, condos, and/or businesses, This will result in even more traffic and congestion in the area, damage to the roads, overcrowded schools, affect the safety of our families and homes, ruin the tranquility and beauty of the area, and could cause possible drainage or damage for the homes in our subdivision that

back up to the area in question. Allowing this rezoning will set a bad precedent for any future developments in our area. It is sad enough that these developers were allowed an R2 zoning that allowed them to cram in close situated homes to begin with, but now they want an R7 so they can bring in even more homes, apartments, condos, or whatever they choose. It saddens me to think about how this area is already ruined by overdevelopment. Please do not allow them to contribute to it even more. I am requesting that you deny this developer's request for rezoning to R7; **XXX**. Louis and Patti Dieu, nearby property owners, submitted the following via email: Ms. Maxey, In reference to rezoning application Z19-0058 of Parcel 09-1-22-14-00-000-001 from R2 to R7, I as landowner of close proximity (600') of noted Parcel, voice my strong objection to this rezoning application. This is not the proper location for R7 zoning as this area is R2 and the landowners interest should be protected. This rezoning to R7 is broad in scope according to the Madison County Zoning Ordinance and would only serve to maximize the developers interest without regard to the surrounding community. There are several examples of this kind of change that did not benefit anyone but the developer. There are proper ways to zone as our community grows, this is not the way to progress for the whole community. Respectfully, I also feel, such late notice and quick push to get this changed does not practice full transparency, disclosure or even a chance for the community to understand what's about to happen in our own backyard. Why would this not wait for a proper public hearing? Our county is going to start in person meetings soon, right? We respectfully urge this request / application to rezone be denied. We also appreciate the opportunity to voice our objections and if there are any questions, feel free to reply to this e-mail or call the number noted below. Respectfully, Louis and Patti Dieu, 622 Woodland Ct., Troy, IL 62294; **XXXI**. Laura Smith, nearby property owner, submitted the following via email: To whom it may concern, I would like to take a minute of your time to voice my strong objection to Z.B.A file number Z19-0058. As a resident that lives on the border of the property in question, we have enough congestion on the roads and enough water/drainage issues as is without adding 70 more lots on a small 27.68 acres. That space should NOT be rezoned. We are located in an area that is all single residence family housing, and we chose this space for that reason. Not to mention, we like our green space around here, and I highly doubt there would be "green space" if 70 lots go on 27.68 acres. We are not a subdivision - we are a neighborhood. Many of the residents around us have been here since their houses were built including us. We enjoy our strong sense of community, and are concerned that a rezoning would lead to a parade of people moving in and out in the lots right next to us, at which point, the reason we chose to live here would be null and void. Please consider leaving the acreage zoned as is. Thank you for your time and consideration. Sincerely, Laura Smith; **XXXII**. Chelsea Stout, nearby property owner, submitted the following via email: I live on the adjoining property to the proposed expansion. I am opposed to the increase in the number of lots & the addition of Villas/Duplexes to the new plat. Based on the lack of construction oversight & enforcement of the existing "Restrictions for Shadow Wood Subdivision", I have zero confidence that any verbal or written promises will be kept by Shadow Wood Development, LLC & it's current 'Managers'! My main concern is the sheer number of lots going in, 70 properties would be a drastic change to our current residential street. I suggest doing more studies before approving this request. Thank you, Chelsea Stout; **XXXIII**. **(Discussion from August 25, 2020)** Kevin Jones, Shadow Wood Development, stated he sent follow-up information after the previous meeting addressing some of the questions and concerns and included a color-coded plat for the different housing types. Mr. Jones stated the previous administrator had them go in the "R-7" direction in order to have the mixed residential types in one subdivision. Mr. Jones described the layout of the subdivision and the different housing types. Mr. Jones stated the outdoor maintenance of the villas will be handled by the HOA and likely an outside mowing company. Mr. Jones stated there were concerns about drainage from residents of the Woodland Hills subdivision, which is to the west and upstream of this new subdivision, and to his knowledge, Woodland Hills does not have concrete streets, curb and gutter, or detention facilities, which this new subdivision would have. Mr. Jones stated the water generated from this property will be captured by the storm sewer system and put into one of the three detention ponds on the property. Mr. Jones said phase 1 and phase 2 each have their own detention pond already, so there are five detention ponds between the three Shadow Wood subdivisions. Mr. Jones stated these detention ponds are made to withstand a 100-year flood event. Mr. Jones stated they reached out to current Shadow Wood residents regarding their concerns. Mr. Jones stated that there were concerns that they would be able to do whatever they want after getting the "R-7" zoning, but they will be held to the plat and proposal after it is approved. Mr. Jones stated they have no intention to do anything else than what they submitted. Mr. Jones stated there will not be apartments, manufactured housing, condominiums, or mobile homes; **XXXIV**. Mr. Ellis, ZBA member, stated in the narrative statement, it says they are requesting to rezone from "R-3," but the

staff report states it is currently "R-2" and asked which is correct. Noelle Maxey, Assistant Planner, stated that it is currently "R-2." Mr. Jones stated this must have been a typo when he wrote the narrative statement; **XXXV**. Mary Goode, ZBA member, stated she does not see how rezoning from "R-2", which they were already approved for for a 58 lot subdivision, to "R-7" would change the drainage situation. Mr. Jones stated that stormwater calculations were used to design the storm sewers and detention basins; **XXXVI**. Thomas Ambrose, ZBA member, asked how much more money they will make by having the 70 lots and multi-family rather than the 58 single-family lots. Mr. Jones stated that you have the opportunity to make some money, but if you don't predict it correctly, then you could lose money. Mr. Jones stated they have used some marketing to see what people most likely want. Mr. Jones stated that it's been 10 years since they started the Shadow Wood subdivision and still not all lots are sold. Mr. Jones stated he thinks what they're offering in the new subdivision will be more appealing. Mr. Jones stated that a lot of subdivisions don't have the concrete streets and storm sewers that they're offering; **XXXVII**. Sharon Sherrill, ZBA member, asked about the multi-family housing. Mr. Jones stated that they will only be two units per attached villa. Sharon Sherrill asked how many lots have to be sold before the HOA takes over. Mr. Jones stated the current covenant restrictions say 75% but they have discussed turning it over to them early. Sharon Sherrill asked if the HOA will be comfortable handling the multi-family dwellings. Mr. Jones stated there will be an HOA for the entire subdivision and a separate HOA for the maintenance-free villas. Sharon Sherrill asked if they will only be selling to the types of people they say typically buys this type of housing, to which Mr. Jones stated they cannot discriminate but those are the people they are targeting; **XXXVIII**. Mr. Cohan asked if there would be five detention basins, to which Mr. Jones stated there are one in phase 1 and one in phase 2, and this new subdivision will have three more so there will be five total in the entire subdivision. Mr. Cohan asked if they are pumped, to which Mr. Jones stated that are gravity-flow. Mr. Cohan asked how large the detention ponds will be, to which Justin Venvertloh, engineer, stated they are doubling the amount of detention than what was previously approved, and Madison County and Troy reviewed and approved their drainage calculations. Mr. Venvertloh stated the proposed basins meet Troy's stormwater requirements, including not being able to store water more than four ft deep. Mr. Venvertloh stated they will have swales to prevent vegetation from growing that could prevent water from draining out. Mr. Venvertloh stated they are equipped with emergency overflow if we have a rainfall greater than the 100-year rainfall; **XXXIX**. Chris Doucleff, Department Administrator, read aloud public comment that was sent to staff via email for those who did not want to attend the meeting in person. Mr. Doucleff indicated that she would only read for 3 minutes of each comment letter submitted; **XL**. Anne Mongiovi stated other subdivision Mr. Jones has been involved with have issues, such as being only partially developed, children playing in abandoned homes, unpaid contractors, expired building permits, subsidence under houses after they are built, and lack of maintenance on lots undeveloped and of retention ponds. Ms. Mongiovi stated this subdivision is directly behind the high school, which would be appealing to families. Ms. Mongiovi stated she is not confident that the pond that will be on the lot adjacent to her property will be maintained properly and will not back up onto her property. Ms. Mongiovi stated her property has erosion issues which could cause problems for an adjacent detention pond. Ms. Mongiovi stated "R-7" zoning allows all kinds of things, and they do not think they need the "R-7" zoning. Ms. Mongiovi stated that the City of Troy has denied attached homes in several areas; **XLI**. Jody Maxfield stated "R-7" allows for anything in "R-1" to "R-6", and it will be "R-7" until it's ever changed back. Mr. Maxfield stated that Planning & Development staff calculated an increase of 810 car trips per day once they development is totally built. Mr. Maxfield stated that feeder roads into this subdivision are tar and chip and hilly and flood easily. Mr. Maxfield stated these roads would have to improved. Mr. Maxfield stated that nothing has been improved since they were originally planning to do the 58 lot subdivision and now they want to 70 lots. Mr. Maxfield stated that this property is not near any grocery stores, shopping, and very few restaurants, which will not be appealing to empty nesters; **XLII**. Ron Smith stated that nothing has changed from the last meeting, and they do not want "R-7" because it opens the door to anything else in any "R" district. Mr. Smith stated that if "R-7" is the only option, then go back to the drawing board to come up with something they can agree with and will protect them from things they don't want; **XLIII**. Kaye Maxfield stated that they say they won't change the plat and will stick with their plan, but here we're seeing years later that they're trying to change what was approved before. Mrs. Maxfield stated fewer homes on larger lots would fit in with the surrounding area, and homes on larger lots are popular in Troy. Mrs. Maxfield stated areas in Troy with multi-family are on better roads, closer to amenities, and not tucked back away in a farm field. Mrs. Maxfield stated that after a 3 inch rainstorm they had lately, she checked on the detention pond in Shadow Wood phase 1 and saw it was empty except for weeds, but Country Lane and

Bauer Road were flooded. Mrs. Maxfield stated that fewer homes with less rooftops and driveways, there wouldn't be as much of a problem. Mrs. Maxfield pointed out that there was a request for a new site plan and landscaping at the previous meeting and asked if we received those items, to which Mr. Doucleff stated that he does not recall that and we did not receive them; **XLIV**. Tina Goldstein, nearby property owner, submitted the following via email: Hello. My name is Tina Goldstein. I own the house and property at 1441 Bauer Road, Troy IL 62294. I am writing this email to ask that you deny the rezoning request for the above-referenced zoning request. Thank you for your consideration; **XLV**. Rita Nimmo, nearby property owner, submitted the following via email: Regarding SHADOW Wood Phase 3 File #Z19-0058, I am asking that the Zoning Board deny this rezoning request. KEEP IT ZONED R-2. Rita Nimmo, 8801 Country Ln, Troy, IL 62294; **XLVI**. Ronald and Margaret Range, nearby property owners, submitted the following via email: We ask that the Zoning Board deny this rezoning request. Ronald R. & Margaret A. Range, 30 Wheat Dr, Troy, IL. 62294; **XLVII**. Anne Mongiovi and Gene Franklin submitted the following via email: August 21, 2020 Members of the Madison County Zoning Board: Please consider the following in making your decision on whether to approve the developer's request: In addition to any previous comments we have made by letter, email, or in person to the Madison County Zoning Board, we have the following concerns regarding the Z19-0058 request for rezoning: 1. At the July 28, 2020 zoning meeting Mr. Kevin Jones stated that there were only two plats for this subdivision. He was contradicted by Mr. Ron Smith at the meeting. We have seen several iterations of Mr. Jones' proposed plats, including: a. 70 lots with one exit through the Wheat Drive existing in 2005. b. 70 lots with an "additional" outlet leading nowhere in the SW corner of the land parcel. c. 70 lots with an additional outlet through what has since been developed as Shadow Wood Phase 1. d. 58 lots with outlets to Wheat Drive existing in 2005, and through the Phase 1 development. e. 70 lots, possibly now 81 housing units, with outlets through Phase 1 Shadow Wood, & Wheat Drive. 2. Issues with the developer, Mr. Kevin Jones, which lead us not to believe any "promises" he makes: a. A web search of Kevin Jones brings up several companies he has been associated with, including Premier Homes, Premier RE, Prime Development, Premier Development or Developers, Shadow Wood Development, LLC etc. b. The multiple company name changes over several years, are associated with a consistent "bad record" based on comments found online: (1) subdivisions left with partially completed homes that are not "secured" (2) children playing in "abandoned" homes (3) unpaid lenders and subcontractors (4) expired building permits (5) subsidence under structures after "completion" (6) lack of maintenance while plats are undeveloped (7) lack of maintenance of retention ponds during and after development. c. Lack of knowledge on Mr. Jones part as to what happens to storm water that does not go into the sewers, but drains off the back sides of the residential lots toward adjoining lower properties. d. Lack of knowledge of Mr. Jones that "slowing down" the drainage is what causes the flooding on Woodland Court, as the water has nowhere to go but to back up when this happens. e. Mr. Jones claims that the new attached residences will be marketed to "childless" young professionals or retired couples, limiting the number of cars. This subdivision is directly south of the Triad High School, making it inviting for folks with teens and preteens. Many "childless" couples are not going to be interested in buying where they will have the noises associated with high school activities, e.g. 5:00 am band practice, nighttime football games, etc. 3. With the complaints about Mr. Jones' lack of maintenance on previous ponds, we have no confidence that the one on the SW corner of Shadow Wood Phase 3 will be constructed or maintained any better. The erosion on our property, while not caused by the land parcel under review, may have a direct effect on this pond. "Undermining" of the retention pond by existing drainage could possibly be a nightmare for not only us, but several of our Woodland Court neighbors. We have all made attempts to alleviate the issue, none of which have been more than partially successful. 4. Our own property erosion issues aside, there is no evidence that Mr. Jones has contacted, or is even aware of the concerns of the Silver Creek Watershed Conservancy. The Silver Creek drainage area is less than a mile from this development. Any water draining from this plat into the "ditch" to the south will eventually make its way to the Silver Creek watershed. We have been in touch with the Conservancy people about the Woodland Court issues, although we do not qualify for the federal funding. 5. When we looked at the current Madison County Zoning map, we saw no R-7 areas, nor was there even a "key symbol" indicated for R-7. We are very concerned about the types of residences and structures allowed with an R-7 designation. The City of Troy zoning contacts have indicated they are currently only concerned with the plat meeting the civil engineering of streets, setbacks, sewers, etc. They have NOT approved the housing unit count or type, but kicked that issue to the county. In fact, the City of Troy denied "attached units" aka "duplexes" on both Bargraves Boulevard and Formosa Road, located in areas not even near existing homes or subdivisions. New subdivisions that they indicated did have attached units are not even within five miles of Shadow Wood. Mr. Jones has played the "who's on base (on the Co.

Zoning Board) game” for years. Even if “restrictions” are put on the designation now, he need only wait until he can apply again to new faces to get other structures that are not single family or “attached” units. 6. Since our property also abuts the 84 +/- acres between Woodland Court and Country Lane, we have deep concerns about what approval of R-7 zoning for Shadow Wood might bode for future development in this area. 7. Last, but not least, in 2005 we were made aware that the endangered Indiana bat breeds in the Silvercreek watershed and surrounding properties. This is still the case. Destruction/removal of existing trees can have a negative effect on the breeding process, further endangering the species. (We can produce news articles if necessary.) We are sincerely asking that you deny this request for R-7 zoning based on the above issues and the negative effects now and in the future that it will have on people, wildlife, and property already existing in the area. Respectfully, Anne Mongiovi & Gene Franklin, 625 Woodland Court, Troy, IL 62294; **XLVIII.** Jessica Grieshaber, nearby property owner, submitted the following via email: I live just off Bauer Road, Troy IL. Our property is flooded nearly every time it rains. By flooded, I mean we are unable to get out to a main road if an emergency should arise. It is, of course, inconvenient. But, more than that...it is a hazard. I am writing to voice my concern and ask you to deny rezoning request Z19-0058 Shadow Wood Phase 3. This would only intensify the existing problem for us and all of our neighbors. Thank you, Jessica Grieshaber; **XLIX.** David and Anastasia Valentin, nearby property owners, submitted the following via email: My husband and I do not want this area rezoned to R-7. We do not want duplex type housing, Multiple-Family Dwelling and Mobile Home Parks. Please keep it zoned to R-2. Please hear our request. Thank you, David & Anastasia Valentin; **L.** Ron Smith submitted the following via email: Good Morning All, My name is Ron Smith and I live adjacent to the proposed Shadow Wood development. I attended last month’s ZBA meeting in reference to Z19-0058 that held up the approval of the new proposed Shadow Wood zoning to R7. However, in full transparency I wanted to address what we live with today in our county due to development, lack of planning or maybe even greed and what seems to be a steadfast desire to drive a private and rural community out for the sake of haphazard development. Let me start by showing you pictures of the most recent rains and I will follow this with why there is so much concern about water runoff with a real-world example of what really happens. First, the pictures below are taken at the end of Woodland Court where water from nearly a ½ mile of road and several acres converge. This is the flow of water that will be going into the next phase of Shadow Wood at the southeast corner. The concern we have over the development is the use of a catch basin which could potentially impede the water flow thus only serving to back this flow up even further into Woodland Hills. The idea of a catch basin is to resist the water flow and allow gravity to remove the excess water over a longer period of time but in this case, it could serve as a downstream damn and the result could potentially be higher water in this area. As you can see the water in this area is already quite high and hence the concern. In the first picture the water is 14 inches deep over the driveway AND running thru a 24-inch culvert under the driveway as well. All the subsequent pictures in this block show the surrounding area where water is flowing through 24-inch culverts as well.





This last picture shows the water flow into what will be the Shadow Woods catch basin in the southeast corner. This flow is doubled at the point of convergence about 50 yards to the south.

Needless to say, any change in this flow has the potential to erode driveways, get into garages, etc. all of which seems to be of no concern unless you are the homeowner. Then that "once a year rain" becomes 6 or 7 months of work, calls to the insurance company, loss of time, loss of funds due to insurance not covering all the losses and the loss of whatever is stored or needs to be replaced.

Now, you might ask why I am taking this tact or making this argument. Well, here is a real-world example of Hampton Glenn development where water from that area ultimately flows toward Woodland Hills but let's look at the Hampton Glen development impact on surrounding area first. As the Hampton Glenn developer has started the preparation of their new phases just north of Country Ln, they elevated the proposed road in the subdivision. As a result, here is some of the water runoff that now plaques homes in and around Pebblebrook Ln. area. Below is a picture of the water running off Country Ln and into the Pebblebrook subdivision. As you can see the water is filled with silt from the Hampton Glen development area and has flooded that area.



Here is picture of Country LN were the water is 8 inches deep crossing the road. The next and most recently approved phase of Hampton Glen is to the left in this picture.

Here is a picture of my daughter's front yard. As in my previous pictures you can see the "mud" as runoff from the field as opposed to clear water from the neighborhood. Note that the SWECI transformer is nearly a third of the way under water. Additionally, water is now running into and under the fence across the street which has never happened in the past.



Here is a picture of the outlet area after the water has passed under Pebblebrook Ln behind the gray house above that is really turning into a safety and erosion issue for the neighbors.

Here is the driveway / transformer 1 hour later. Still showing mud from the field across Country Ln but as I indicated this water runoff has a lingering impact. The oak tree in the above picture was partially unearthed due to erosion? Fences in the same area are washing out. Who will ultimately need to pay for the removal of the tree and replacement of the fence, the homeowner and why? Because the developer has no regard for the community or the homeowners they were impacting by this development.



This is the corner turning into Woodland Hills at the end of Country Ln near Woodland Ct. Here again the water on the left side of the road is about 10 inches deep.

Now with all this said a few questions for all; 1. Why are developers allowed to do this? In the case of Hampton Glen, just as Mr. Jones said, the builder is responsible but who is responsible before the builder when this damage occurs during development? The developer? The city? The county? The township? No, the homeowner which is just wrong if this was not a problem before. 2. Who polices the developers? Before, during and after the development process to insure they follow what they submitted to the city, the county, the residents? In the case of Hampton Glen did the developer just decide to elevate the road for no reason, I think not. Further, I have found that the developers and the builders all seem to have very little community integrity saying or doing whatever is needed to get approval, pass the buck and beg for forgiveness if caught as that seems to be a much easier path than just doing what is right and engineering a well thought and properly designed development that betters the surrounding community. 3. In the case of Shadow Wood: New home buyers in phase 1 were told that this would be a single-family subdivision only to find out that Remington Properties are telling new buyers that "if town houses are allowed" they may build a pool for the area. What about the promises made to those that bought homes first and were told that this was a single-family development only? What about the renters in the subdivision that the developer seems to know nothing about? Once again, I call the developers, realtors and builder's integrity into question let alone the cities. After all, Troy does have a realtor on the planning commission. Seems to be a conflict of interest to me but I digress. 4. Why R7? It's not needed, there are so few R7 zones in the county they aren't even tracked. But once that Genie is out of the bottle you have impacted this area, I call home, forever! Not just during this development for this particular developer, but forever and God only knows what could come next given that R7 opens the door to anything under the sun when it comes to residential development. What will this zoning let other developers or builders do? We've already heard that developers just develop, and builders just build but it's what they build or could build in the future that is so concerning and with an R7 zoning we've lost all ability to control that. In the last meeting the board would not approve a "mobile" home for a rural area but with R7 in this area, from what I understand, you are doing just that. I see no reason for R7 and would respectfully ask that you only approve R2 single family dwellings as we were all once told and agreed upon. R7 is reckless. 5. If you look at Pontoon beach there are retaining ponds around the entire business district to prevent flooding. Why can't we ask the developers to do the same here? I realize this is the loss of a lot, another home, etc. But honestly all of this impacts the area long after the developer

has left just as recklessly rezoning the area to R7 does. In closing, our homes are our largest investment and we have faithfully paid our taxes to the state, county and city for many years and in return all we are asking the city, county and township to do is help us protect them, help us retain the value we have in them. This is not rocket science, hold the developers and builders accountable, retain the zoning that we have for the sake of the people who live here and call this home. From what I have witnessed over the years in this area, The developers and builders will move on leaving us, you included, with problems they have no intent to address. Thank you for your time and I look forward to a favorable community conclusion. Sincerely, Ron Smith, 624 Woodland Ct.; **LI.** Louise McDill, nearby property owner, submitted the following via email: Our family currently resides in Shadow Woods subdivision. We are against the rezoning of phase 3 to R-7. We moved into this subdivision because it offered single family residence. Even in our HOA, it had a rule against renting houses out. A rule that has since disappeared from the current HOA rules online. The developer has not enforced their own rules. Often changing them to suit their own needs. First, they do not maintain the empty lots. Often cutting them maybe every two weeks if not longer. The common grounds are overgrown with weeds and small trees. The construction companies have little regard for the residence. Leaving trash out in front of houses being built. There are multiple piles of debris left on empty lots. One has been there for 3 years. When it rains the drainage system becomes overwhelmed flooding into residence yards. I do not have faith that the developer will follow through with their promises to the board. Leaving the residence to deal with these issues. We are NOT in favor of the rezoning. Thank you for your time. Louise McDill; **LII.** Andrea Taylor, nearby property owner, submitted the following via email: I'm writing in regards to the subject file number and the future development of Shadow Wood neighborhood. I would like my comments taken into consideration at the next Zoning Board hearing. Mr. Jones, the developer, claims that he will market Phase 3 duplexes to empty nesters and young families under the auspices that they typically only have one car and thus will not greatly increase the amount of traffic in the neighborhood. I'm my experience, including the senior couple and young families already living in the neighborhood, they have 2 vehicles. Additionally, there is no guarantee that the units will be sold to empty nesters or young families because the developer does not sell the properties - a realtor does, and he/she does not care what type of family is buying the property. Another consideration: Mr. Jones has been less than forthcoming in the past in his conversations with occupants. For example, the families in Phase 1 were told Phase 2 would be bigger lots and larger homes to increase property values. This did not happen. Then, he told Phase 2 families that Phase 3 would be bigger lots and larger homes where now he is trying to add villas and duplexes which will decrease property value and increase the amount of traffic. We request you deny this petition to rezone Phase 3 of Shadow Wood to R-7 and leave it as currently planned, R-2. Thank you, Andrea Taylor, 8914 Wheat Drive, Shadow Wood, Troy, IL; **LIII.** Kevin and Erin Miller, nearby property owners, submitted the following via email: It has come to my attention that the currently undeveloped acreage behind my house on 36 Autumn Circle, in the Harvest Run subdivision, is going to be developed, and a petition to rezone the currently R-2 single family residential to R-7 planned residential development has been submitted. This decision concerns me as the surrounding neighborhoods/developments are currently zoned R-2 and R-3 and those zonings enforce a certain standard of construction. Zoning the area R-7, according to the Madison County zoning ordinance, allows any structure to be constructed as if it were zoned R-1 through R-6, making it inconsistent with the surrounding developments and possibly allowing for lower value homes to be built which could negatively affect the property values for the surrounding area. I have been told that the developer intends to have duplexes constructed as well as a higher density neighborhood, and that he intends to "market" these homes to empty nesters and young professionals and forbid rentals. These claims are not a guarantee and appear to be specious. The developer cannot in any way guarantee the type of tenants purchasing these properties, or even necessarily guarantee the type of home that will be built. Additionally, if the proposed development is of a higher density than the surrounding neighborhoods then the feeder roads will see more traffic than desired. Does it make sense to have a road go through a less dense neighborhood to get to a higher density neighborhood without adding street capacity? I would argue that the added flow of traffic would do no good for the existing neighborhoods. Finally, the adjacent lots on Autumn Circle slope away from the acreage in question, and as a homeowner this is concerning as the construction of such a dense neighborhood could cause drainage issues. Can anyone guarantee that this will not happen? As a tax paying homeowners who would be directly affected by this development I respectfully ask that the county deny the petition to change the zoning from R-2 to R-7. Regards, Kevin and Erin Miller, 36 Autumn Cir. Troy IL; **LIV.** Adam Feldewerth, nearby property owner, submitted the following via email: I am writing to you in opposition of this rezoning application Z19-0058. My position is unique as I am currently in the process of building a

house in a subdivision adjoining parcel 09-1-22-14-00-000-001 and am concerned as a future resident that approval of rezoning this land a negatively affect my homes value before I even get a chance to move into it. We specifically chose this area because it was rural but still offered the amenities of city living. I understand the community is growing and changing, but this type of change could have negative impacts on me, my family, my future neighbors, and the large investment I am making to this community. Please vote no to rezoning this to R7. Respectfully, Adam Feldewerth

Roll-call vote.

**Ayes to the motion:** Sharon Sherrill, Thomas Ambrose, Nicholas Cohan, George Ellis

**Nays to the motion:** Mary Goode

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 File Z20-0032**

Petition of Garrett and Laura Gerdes, owners of record, requesting a variance as per §93.051, Section A, Item 3, Subsection (b) of the Madison County Zoning Ordinance in order to construct an accessory structure that will be 8 feet from the south and west property lines instead of the required 15 feet. This is located in an "A" Agricultural District in Foster Township at 3878 McCoy Road, Bethalto, Illinois, County Board District #5, PIN# 20-1-02-27-04-402-002

**Members Present:** Don Metzler, Sharon Sherrill, Thomas Ambrose, Nicholas Cohan, George Ellis, and Mary Goode

**Members Absent:** Tyrone Echols

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

**The Finding of Fact of the Board of Appeals:** **I.** The zoning file, Comprehensive Plan, 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.** Garrett Gerdes, applicant, stated that they are trying replace an old shed that was built right on the property line, but meeting the 15ft setback requirement limits them on the size of the structure they can build. Mr. Gerdes stated the fence on the back lot is also right on the property line, and they are going to remove that as well; **VI.** Mary Goode, ZBA member, asked if the private sewage lateral lines are really the main reason they are asking for this variance, to which Mr. Gerdes responded that was a large factor; **VII.** Thomas Ambrose, ZBA member, asked how large the building will be, to which Mr. Gerdes responded it would be 24ft x 24ft with an 8ft lean-to; **VIII.** Norman Crane, adjacent property owner, spoke in opposition to this request. Mr. Crane expressed concerns about runoff from the structure onto his property and stated 8ft does not leave much room for maintenance on the backside of the structure; **IX.** Mary Goode asked Mr. Crane if he currently has runoff issues on his property, to which Mr. Crane responded that he does from the existing structure that's on the property line. Mr. Crane stated he thinks they should build at the required setback; **X.** Nannette Morgan, adjacent property owner, stated she was opposed to this request; **XI.** Thomas Ambrose asked if she thought there would be issues down the line. Ms. Morgan stated she was also concerned with runoff onto her property and about the space left for maintenance of the building.

Roll-call vote.

**Ayes to the motion:** Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode

**Nays to the motion:** Sharon Sherrill

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 File Z20-0034**

Petition of Network Real Estate, LLC, applicant on behalf of AT&T, and James E. Dempsey Trust, owner of record, requesting a variance as per §93.099, Section D, Item 6 of the Madison County Zoning Ordinance in order to install a 6 foot composite stone fence instead of the required landscape buffer. This is located in an "A" Agricultural District in Moro Township at 4290 Seiler Road, Dorsey, Illinois, County Board District #5, PIN# 16-1-03-17-00-000-007

**Members Present:** Don Metzler, Sharon Sherrill Thomas Ambrose, Nicholas Cohan, George Ellis, and Mary Goode

**Members Absent:** Tyrone Echols

A **motion** was made by Sharon Sherrill and **seconded** by Thomas Ambrose that the petition of Network Real Estate, LLC and AT&T & James E. Dempsey Trust be as follows: **Approved.**

**The Finding of Fact of the Board of Appeals:** **I.** The zoning file, Comprehensive Plan, 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.** Jake Sprague, applicant, stated they are asking for this request because the landscape screen would take up an additional approximately 1000 sq ft of space and landscaping looks great when it's put in, but over time it will start looking worse; **VI.** Mary Goode, ZBA member, asked how tall the chain link fence would have to be, to which Mr. Sprague stated it would be 6ft, the same as this composite stone fence. Mr. Sprague stated that would be having this fencing around the whole facility; **VII.** Thomas Ambrose, ZBA member, asked how often they would be checking the fence to make sure it's not damaged, to which Mr. Sprague stated maintenance crews would be on site at least once per quarter, but they have a great relationship with the property owner as well so he would call them if there were any issues.

Roll-call vote.

**Ayes to the motion:** Sharon Sherrill, Thomas Ambrose, George Ellis, Nicholas Cohan

**Nays to the motion:** Mary Goode

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 File Z20-0036**

Petition of Laura and Richard Lynch, applicants on behalf of The Estate of Elmer E. Prante, 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 double-wide mobile home on the property for the occupancy of Laura and Richard Lynch and family for a period not to exceed 5 years. This is located in an "A" Agricultural District in Olive Township at 11758 New Douglas Road, New Douglas, Illinois, County Board District #4, PIN# 08-1-05-13-00-000-011

**Members Present:** Don Metzler, Sharon Sherrill, Thomas Ambrose, Nicholas Cohan, George Ellis, and Mary Goode  
**Members Absent:** Tyrone Echols

A **motion** was made by Mary Goode and **seconded** by Sharon Sherrill that the petition of Laura and Richard Lynch & The Estate of Elmer E. Prante be as follows: **Approved with conditions.**

**The Finding of Fact of the Board of Appeals:** **I.** The zoning file, Comprehensive Plan, 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.** Laura Lynch, applicant, stated they are wanting to place a new double-wide mobile home on the property for the residence of herself and her family. Mrs. Lynch stated they are still a few months out from actually placing it but wanted to get everything lined up first; **VI.** Mary Goode, ZBA member, asked about the existing septic system on the property and if they would be installing a new system. Mrs. Lynch stated they have yet to find a septic tank on the property, and they will be installing a new system. Mrs. Lynch stated there was an old rundown mobile home on the property that was removed before they went under contract for the property. Mrs. Lynch stated if there is a septic tank somewhere on the property, it likely isn't large enough for their proposed double-wide.

Roll-call vote.

**Ayes to the motion:** Sharon Sherrill, Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode  
**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 File Z20-0038**

Petition of Andrew and Lisa Schmitt, applicants on behalf of Jerry Don and Mary Smith, owners of record, requesting a zoning map amendment to rezone a 1 acre tract of land from "A" Agricultural District to "B-5" Planned Business District in order to operate a garage door business on site. This is located in Jarvis Township at 9538 US Highway 40, St. Jacob, Illinois, County Board District #2, PIN# 09-1-22-12-00-000-018

**Members Present:** Don Metzler, Sharon Sherrill, Thomas Ambrose, Nicholas Cohan, George Ellis, and Mary Goode

**Members Absent:** Tyrone Echols

A **motion** was made by Mary Goode and **seconded** by Thomas Ambrose that the petition of Andrew and Lisa Schmitt and Jerry Don and Mary Smith be as follows: **Approved with "Appendix A"**.

**The Finding of Fact of the Board of Appeals:** **I.** The zoning file, Comprehensive Plan, 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 Schmitt, applicant, stated he would take questions from the board; **VI.** Mary Goode, ZBA member, asked if the property was previously owned by two ladies would had a produce stand, to which Mr. Schmitt stated that was the case. Mary Goode asked if they own the barn, to which Mr. Schmitt replied they own the barn and the mobile home on site. Mary Goode asked if they are adding on to the existing barn for the garage door business, to which Mr. Schmitt stated that was the case; **VII.** Thomas Ambrose, ZBA member, asked what effects the business could have on property values, to which Mr. Schmitt stated it should boost the area since there isn't much around there, a few houses and the middle school across the road. Thomas Ambrose asked if they would be increasing traffic in the area, to which Mr. Schmitt said it shouldn't because they already have their existing business less than a mile down the road, and they don't get a lot of traffic.

Roll-call vote.

**Ayes to the motion:** Sharon Sherrill, Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode

**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