



Madison County Government
Planning and Development Department

Madison County Administration Building
157 N. Main Street, Suite 254 · Edwardsville, IL 62025-1964
Phone (618) 296-4468 · Fax (618) 692-8982
Email: zoning@co.madison.il.us
http://www.co.madison.il.us/departments/planning_and_development/index.php

Agenda

Madison County Zoning Board of Appeals Meeting

November 26, 2019 at 5:00 p.m.

Madison County Administration Building County Board Room

157 N. Main Street, Suite 203, Edwardsville, IL 62025

A. Call of Meeting to Order

B. Roll Call

- Don Metzler
- Mary Goode
- Tyrone Echols
- George Ellis
- Thomas Ambrose
- Nicholas Cohan
- Sharon Sherrill

C. Approval of Minutes – October 22, 2019

D. Overview of Zoning Petitions

E. Explanation of Zoning Hearing Procedures and Swearing in of All Parties

F. Zoning Hearings

1. Hearing Z19-0038 – Petition of RAIN TREE ILL, LCC & Emile E. Damotte, owner of record, requesting a zoning map amendment to rezone a tract of land from "R-3" Single-Family Residential District to "M-1" Limited Manufacturing District. Also, a variance in order to have 8' sight-proof wooden fence on the southwest property line instead of the required 20' landscape buffer. This is located in Chouteau Township, at **1082 St. Thomas Road, Granite City, Illinois**, County Board District #21, PIN#18-2-14-32-02-202-026.
2. Hearing Z19-0049– Petition of Gayla Wright, owner of record, requested by Madison County Planning and Development, requesting a zoning map amendment to rezone a tract of land from "B-2" General Business District to "R-2" Single-Family Residential District. This is located in Wood River Township, at **12 Bert Avenue, East Alton, Illinois**, County Board District #13, PIN#19-2-08-15-12-202-027.
3. Hearing Z19-0050– Petition of Karen Burke, applicant, and Dale R. Kampwerth, owner of record, requesting a variance as per §93.051, Section A, Item 3, Sub (b) of the Madison County Zoning Ordinance in order to construct an accessory structure that will be 6 inches from the east property line instead of the required 15 feet. This is located in an "A" Agricultural District in Saline Township, at **40 Deer Run E, Pocahontas, Illinois**, County Board District #03, PIN#02-1-18-23-00-000-014.001.
4. Hearing Z19-0051 – Petition of Kieth and Bernadette Greenlee, owners of record, requesting a variance as per §93.051, Section A, Item 3, Sub (c) of the Madison County Zoning Ordinance in order to construct an accessory structure that will be located in the front yard setback area. This is located in an "R-1" Single-Family Residential District in Fort Russell Township, at **3 Oasis Drive, Edwardsville, Illinois** County Board District #05, PIN#15-1-09-32-00-000-003.001.
5. Hearing Z19-0052- Petition of Larry L. Dunn, applicant and owner of record, requesting a variance as per §93.034, Section B, Item 6 of the Madison County Zoning Ordinance in order to construct a pole barn that will

be 4 feet from the west property line instead of the required 25 feet. This is located in an "M-1" Limited Manufacturing District in Chouteau Township, at **3126 W. Chain of Rocks Road, Granite City**, Illinois, County Board District #21, PIN#18-1-14-28-03-301-016

6. Hearing Z19-0053- Petition of Ernest Huffman, owner of record, requesting a variance as per §93.051, Section A, Item (3), Sub (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-2" Single-Family Residential District in Jarvis Township, at **1165 Formosa Road, Collinsville**, County Board District #02, PIN#09-1-22-19-00-000-003
7. Hearing Z19-0054- Petition of December Investments, LLC & Ryan and Kristin Kneedler, owners of record, requesting an amendment to a "B-5" Planned Business District for proposed changes to the previously-approved site plan. This is located in a "B-5" Planned Business District in Jarvis Township at **1008 Troy O'Fallon Road, Troy**, Illinois, County Board District #02, PIN#09-2-22-22-00-000-010
8. Hearing Z19-0055- Petition of Affordable Homes, LLC, applicant, on behalf of Edwards Associates, LLC, owner of record, requesting a zoning map amendment to rezone three tracts of land being approximately 8.92 acres from "B-3" Highway Business District and "R-3" Single-Family Residential District to "PD" Planned Unit Development District in order to operate a mobile home park on site. This is located in Chouteau Township, at **3113 W. Chain of Rock Road, Granite City**, Illinois, County Board District #21, PINS# 18-2-14-33-01-101-016; 18-2-14-33-01-101-013; and 18-2-14-33-01-101-014.001

G. Citizens Wishing to Address the Zoning Board of Appeals

H. Unfinished Business

1. Hearing Z19-0010 – Petition of Raymond Arthur, applicant, on behalf of Gary Fuller, owner of record, requesting a special use permit as per §93.034, Section D, Item 26 of the Madison County Zoning Ordinance in order to have an impound storage yard on site. This is located in an "M-1" Limited Manufacturing District in Chouteau Township, at 739 E. Chain of Rocks Road, Granite City, Illinois, County Board District #16, PPNS#18-2-14-27-04-407-030 & 18-2-14-27-04-407-031.

I. New Business

1. Z19-0038– Petition of RAINTREEILL, LLC & Emile Damotte
2. Z19-0049 – Petition of Gayla Wright
3. Z19-0050 – Petition of Karen Burke & Dale R. Kampwerth
4. Z19-0051 – Petition of Kieth and Bernadette Greenlee
5. Z19-0052 – Petition of Larry Dunn
6. Z19-0053- Petition of Ernest Huffman
7. Z19-0054- Petition of December Investments, LLC & Ryan and Kristin Kneedler
8. Z19-0055- Petition of Affordable Homes, LLC & Edwards Associates, LLC

J. Planning Coordinator's Report

K. Adjournment

Posted on November 20, 2019

Breana Buncher

Madison County Zoning Board of Appeals Meeting Minutes
Tuesday, October 22, 2019 at 5:00 p.m.
Madison County Administration Building County Board Room
157 Main Street, Suite 203, Edwardsville, IL

Members Present: Don Metzler, Thomas Ambrose, Tyrone Echols, George Ellis, and Sharon Sherrill

Members Absent: Mary Goode

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 August 27, 2019. All ayes. Motion approved.

C. Overview of Zoning Petitions and Staff Review

Breana Buncher, Madison County Planning and Development, gave a brief overview of the five zoning petitions and two unfinished business items under consideration and provided staff recommendations.

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

F. Citizens Wishing to Address the Zoning Board of Appeals

None.

G. Unfinished Business

1. Consideration of Zoning File Z19-0010 – Petition of Raymond Arthur, applicant, on behalf of Gary Fuller, owner of record, requesting a special use permit as per §93.034, Section D, Item 26 of the Madison County Zoning Ordinance in order to have an impound storage yard on site. This is located in an "M-1" Limited Manufacturing District in Chouteau Township, at 739 E. Chain of Rocks Road, Granite City, Illinois, County Board District #16, PPNS#18-2-14-27-04-407-030 & 18-2-14-27-04-407-031. Tyrone Echols made a motion to postpone the request. Seconded by Sharon Sherrill. Roll-call vote. All ayes. Motion approved.
2. Consideration of Petition requesting a text amendment to Chapter 93 of the Madison County Code of Ordinance. Thomas Ambrose made a motion to approve the text amendment with Attachment "A". Seconded by Tyrone Echols. Roll-call vote. All ayes. Motion approved.

H. New Business

1. Consideration of Zoning Z19-0043 – Petition of James Baze, owner of record, requesting a variance as per §93.025, Section C, Item 4 of the Madison County Zoning Ordinance in order to construct an addition to an existing residence that will be two feet (2') from the property line instead of the required fifteen and a half feet (15.5'). This is located in an "R-2" Single-Family Residential District in Foster Township at 17 Ruth Ann Drive, Godfrey, Illinois, County Board District #5, PIN#20-2-02-18-03-301-022. Tyrone Echols made a motion to approve the request. Seconded by George Ellis. Roll-call vote. All ayes. Motion approved.

2. Consideration of Zoning Z19-0045 – Petition of Ryan Jorgensen, owner of record, requesting a Special Use Permit as per §93.025, Section G, Item 20 of the Madison County Zoning Ordinance in order to have five (5) chickens on site. Also, a variance per §93.100, Section B, Item 5 to have a chicken coop and run eight feet (8') from the west property line instead of the required twenty feet (20'). This is located in an "R-2" Single-Family Residential District in Saline Township at 3524 Pierland Drive, Pocahontas, Illinois, County Board District #3, PIN#02-2-18-23-07-201-026. George Ellis made a motion to approve the request with conditions. Seconded by Tyrone Echols. Roll-call vote. All ayes. Motion approved.
3. Consideration of Zoning File Z19-0047 – Petition of Cory Poole, applicant on behalf of Joy Majors, owner of record, requesting a Special Use Permit as §93.025, Section G, Item 20 of the Madison County Zoning Ordinance in order to have five (5) chickens on site. Also, a variance per §93.100, Section B, Item 5 to have a chicken coop and run ten feet (10') from the north property line instead of the required twenty feet (20'). This is located in an "R-2" Single-Family Residential District in Foster Township at 3903 Humbert Road, Alton, Illinois, County Board District #5, PIN#20-2-02-31-01-101-002. George Ellis made a motion to approve the request with conditions. Seconded by Tyrone Echols. Roll-call vote. All Ayes. Motion approved.
4. Consideration of Zoning File Z19-0048 – Petition of Edward Johnson, owner of record, 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 Collinsville Township at 3055 Keebler Road, Collinsville, Illinois, County Board District #25, PIN#13-2-21-03-03-303-003. Nicholas Cohan made a motion to approve the request. Seconded by George Ellis. Roll-call vote. All ayes. Motion approved.
5. Consideration of Text Amendment- Petition requesting a text amendment to Chapter 93 of the Madison County Code of Ordinances to either permit or prohibit retail sale of adult-use cannabis in Business Districts and/or the cultivation or processing of adult-use cannabis in the Manufacturing Districts.
 - a. Thomas Ambrose made a motion and **seconded** by Nicholas Cohan to approve the petition to prohibit retail sale of adult-use cannabis in Business Districts and/or the cultivation or processing of adult-use cannabis in the Manufacturing. Roll-call vote. **Ayes to the motion:** Thomas Ambrose, Nicholas Cohan, and Sharon Sherrill. **Nays to the motion:** Tyrone Echols, George Ellis. Motion approved.
 - b. Tyrone Echols made a motion and **seconded** by George Ellis to approve the petition to permit retail sale of adult-use cannabis in Business Districts and/or the cultivation or processing of adult-use cannabis in the Manufacturing. Roll-call vote. **Ayes to the motion:** Tyrone Echols, George Ellis. **Nays to the motion:** Thomas Ambrose, Nicholas Cohan, and Sharon Sherrill. Motion failed.

I. Planning Coordinator's Report

None.

J. Adjournment

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

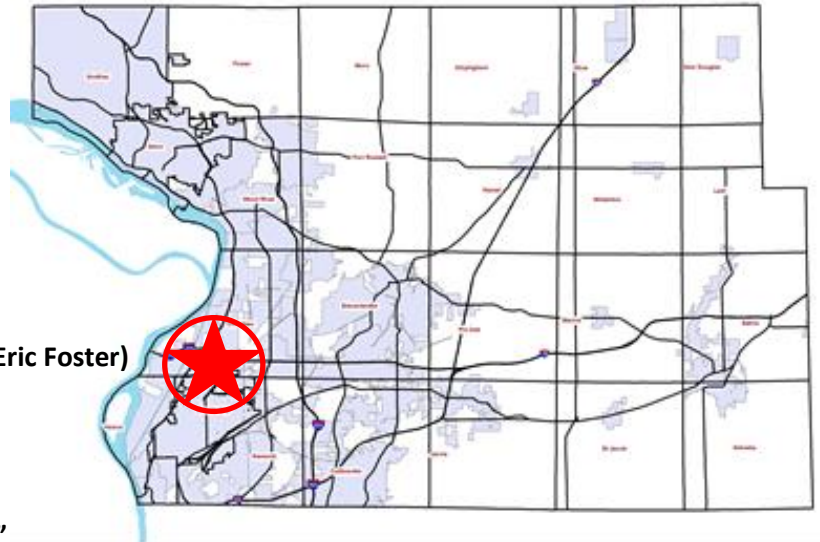


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Zoning Board of Appeals Staff Report

Application Number: Z19-0038
Meeting Date: November 26, 2019
From: Breana Buncher
 Planning Coordinator
Location: 1082 St. Thomas Road
 Granite City, Illinois
 County Board District #21 (Eric Foster)
 PIN: 18-2-14-32-02-202-026
Zoning Request: Zoning Map Amendment
Description: Rezone from "R-3" to "M-1"



Proposal Summary

The subject property is approximately 0.9 acres in size and is currently dual-zoned "R-3" Single-Family Residential and "M-1" Limited Manufacturing. The applicant and property owner is Emile Damotte. The property is located at 1082 St. Thomas Road, Granite City. The subject property is located 0.4 miles southwest of the St. Thomas Road and West Chain of Rocks Road intersection in Chouteau Township.

The applicant is requesting to rezone a portion of the property consisting of approximately 0.38 acres from "R-3" Single-Family Residential to "M-1" Limited Manufacturing District to allow the existing structure on the residentially zoned portion of the site to continue to be utilized for commercial purposes. In order for the subject property to be rezoned, the ZBA must review and approve the application as per §93.176, Section (A), Item (3) of the Madison County Zoning Ordinance.

Planning and Zoning Considerations

- *Land Use and Zoning of Surrounding Properties*

Direction	Land Use	Zoning
North	Residential Dwelling	"M-1" Limited Manufacturing
South	Vacant	"R-3" Single-Family Residential
East	Railroad ROW	"M-3" Heavy Manufacturing
West	Residential Dwelling	"R-3" Single-Family Residential

- *Comprehensive Plan Consideration-* The subject property is denoted as Low Density Residential in the Comprehensive Plan. The applicant is seeking to rezone a portion of the subject property from "R-3" Single-Family Residential District to "M-1" Limited Manufacturing District in order to continue the existing commercial land use.

The proposed zoning designation does not adhere to the Comprehensive Plan's Future Land Use Map. However, it should be noted that the trend of development in the surrounding area has not been consistent with the Future Land Use Map. There are numerous commercially-zoned properties within the surrounding area due to the subject property's close proximity to the industrial area along West Chain of Rocks Road. The adjoining properties to the north and east are also currently zoned manufacturing.

- *Zoning History* – The applicant was cited for a zoning violation for junk and debris in 2015 for a mattress being stored outside on the property. A complaint was received in March 2017 regarding messy site conditions and a car repair business being run from a residentially-zoned property, which initiated the petition in May 2017. Mr. Damotte applied for the zoning hearing and was on the May 23, 2017 hearing docket. At the public hearing, there were several nearby property owners that spoke out in opposition of the request, and an opposition petition with 70 signatures was submitted for the record. On June 16, 2017, Mr. Damotte submitted a statement indicating that he had decided to withdraw his petition and would resubmit it at a later, more appropriate time when other zoning changes had taken place. Mr. Damotte was told that he could continue to operate his business as it was with no outside storage.

On February 5, 2019, Mr. Damotte received a zoning violation for junk and debris as well as unlicensed vehicles in the "R-3" Single-Family Residential District. Mr. Damotte became compliant on March 26, 2019, and there are no outstanding violations on the property.

- *Zoning Map Amendment* – The applicant is requesting a zoning map amendment in order to rezone approximately 0.39 acres of the subject property from "R-3" Single-Family Residential District to "M-1" Limited Manufacturing District. The request is not considered spot zoning as there are other manufacturing districts adjoining the subject property. According to the applicant, the subject property has historically been used for commercial purposes, and this is reflected in assessment records. The applicant has owned the subject property since 2011.
- *Existing Structures and Uses* – There are two existing Quonset hut structures on the property. The structure on the "M-1" zoned property is being utilized as a wood shop for and auto repair shop while the structure currently located on the "R-3" zoned portion of the property is used for auto repair, all of which are permitted uses in "M-1". The auto repair operations were established in 2016, and therefore do not qualify as legal non-conforming. The auto repair operation consists of cars being brought to the site by employees, repaired, and taken off site to be sold at auction.
- *Buffer Screening & Landscape Variance* – As per §93.034 "M-1" Limited Manufacturing District, Section (B), Items (2) and (4), equipment and supplies may be stored outdoors, but shall be screened by a wall or fence at least eight feet (8') high, and if abutting a residential district, a 20-foot wide planting screen shall be maintained. In this case, the subject property adjoins a residential district to the south and west. The applicant currently has a six foot (6') solid board fence along the south and west property lines in order to screen outdoor storage. The applicant has requested a variance in order to not install a landscape buffer and construct an eight foot (8') tall sight-proof fence.
- *Access and Circulation* – The subject property is located along St. Thomas Road, a public roadway.

Staff Review

When reviewing an application, the following should be taken into consideration: (1) the Comprehensive Plan, (2) the precedent, (3) the Standards of Review, and (4) public input.

1. See Comprehensive Plan Consideration on page (1).
2. In the past thirteen (13) years, there have been three (3) zoning map amendment requests from a residential district to the "M-1" District. One was approved and two were denied.

3. The below Standards of Review for zoning map amendments and variances should be taken into consideration for this request. The ZBA has the authority to add conditions of approval to the variance request or recommend denial of the request if the ZBA feels it does not meet the below Standards of Review.
4. Public input during the hearing has value and should be considered by staff and the ZBA when making a recommendation. Staff will provide a formal recommendation based on the outcome of the public hearing.

Standard of Review for Zoning Map Amendments

As per §93.178, Section F, Items 1-7, the following seven (7) items shall be considered by the Zoning Board of Appeals when reviewing a Zoning Map Amendment request.

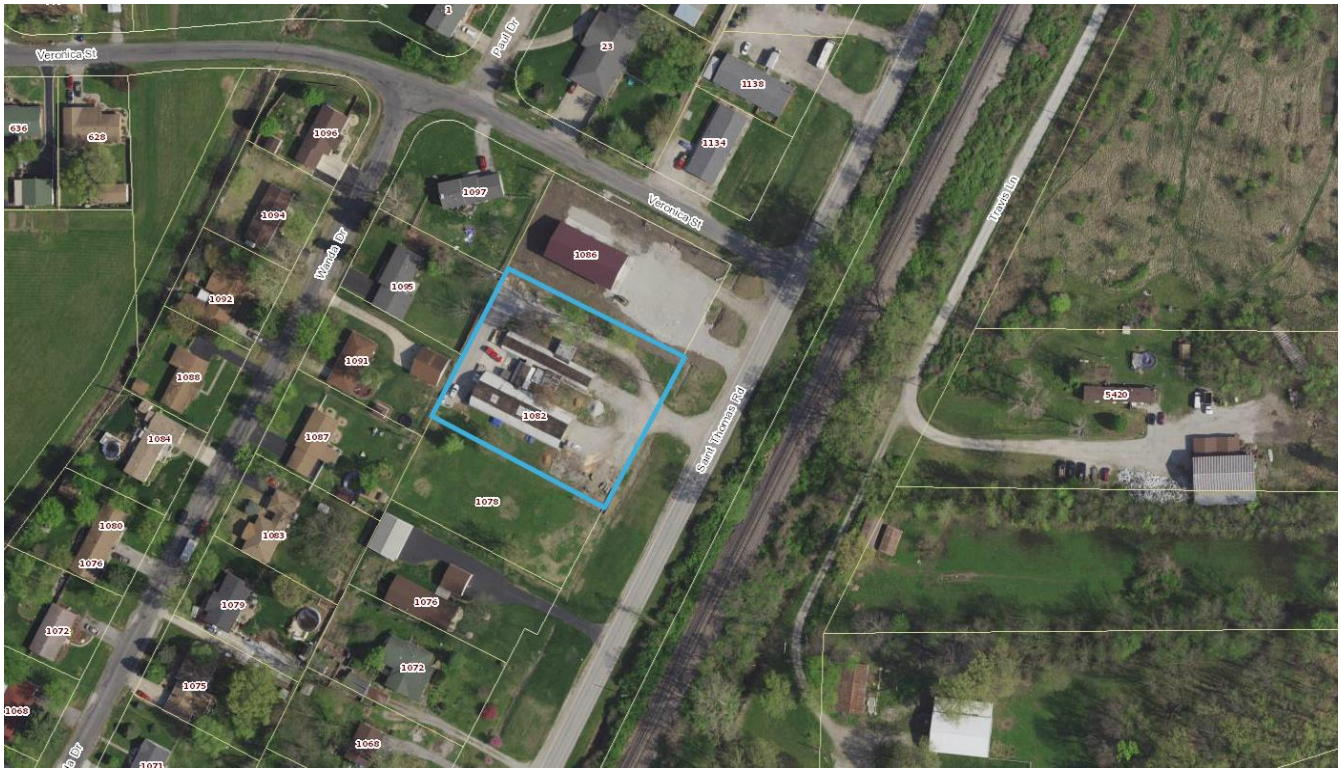
1. Existing use(s) and zoning of the property in question;
2. Existing use(s) and zoning of other lots in the vicinity of the property in question;
3. Suitability of the property in question for uses already permitted under existing regulations;
4. Suitability of the property in question for the proposed use;
5. The trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since the property as initially zoned or last zoned;
6. The effect of the proposed rezoning would have on the implementation of the Comprehensive plan;
7. Impact of the proposed rezoning on surrounding properties;
8. Impact of the proposed rezoning on health, safety and welfare of the community.

Standard of Review for Variances

Per §93.177, Section (I), Items 1-4 of the Madison County Zoning Ordinance, the Zoning Board of Appeals shall ensure that the following conditions are met when considering a Variance request:

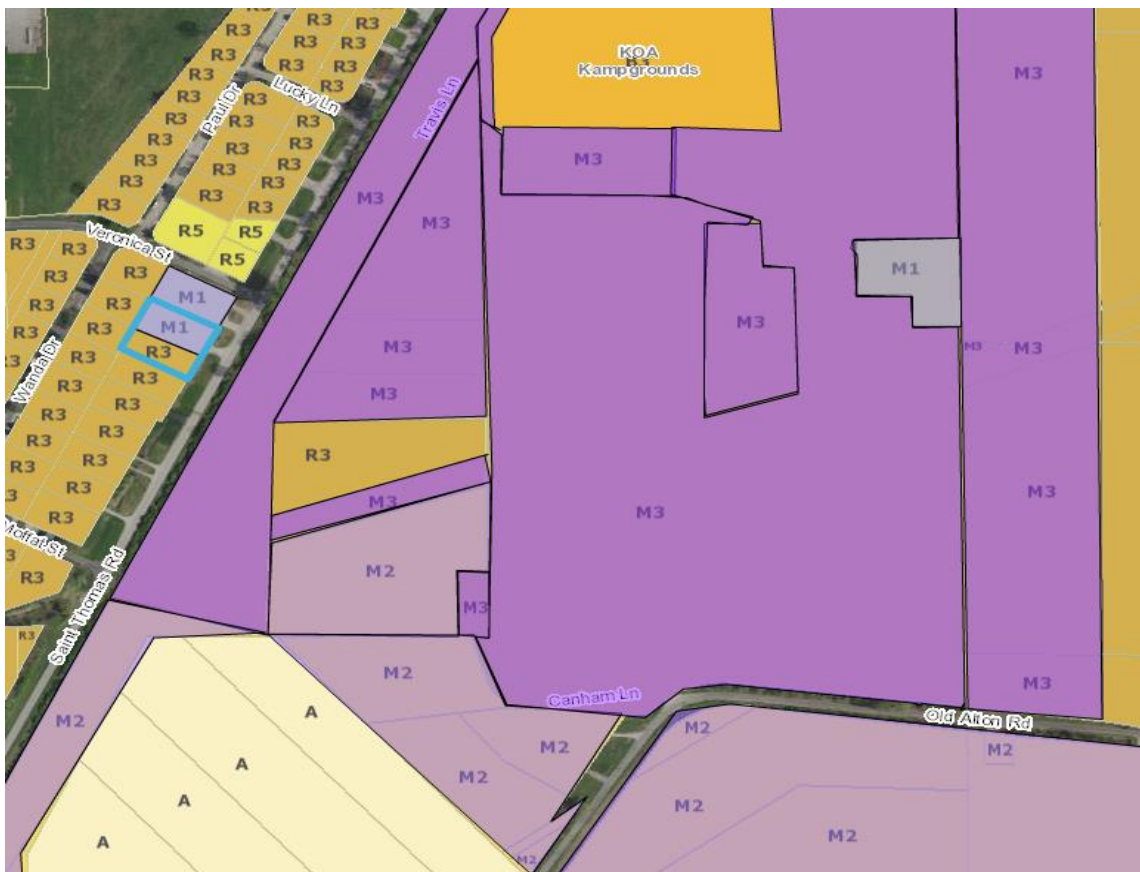
1. That there are special circumstances or conditions as fully described in the findings, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to the land or buildings in the surrounding area, and that circumstances or conditions are such that strict application of this Zoning Code would deprive the applicant of a reasonable permitted use of the land or building; and,
2. That, for reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of land or buildings, and that the variance is the minimum variance that will accomplish this purpose; and,
3. That the granting of this variance would be in harmony with the general purpose and intent of this Zoning Code, and will not be injurious to the surrounding area or otherwise detrimental to the character and use of adjoining buildings and those in the vicinity, the Board, in making its findings, shall take into account whether the condition of the subject premises is peculiar to the lot or tract described in the petition or is merely part of the general condition of the area; and,
4. No Variance shall be approved that constitutes a variation in use not permitted in the district.

Aerial Photograph



The subject property is outlined in blue.

Zoning Map



Narrative Statements

September 6, 2019**Madison County Rezoning Request****Breana Buncher**

The land use for the South building on my property is the same as it has been since it was built in 1941 and that is a commercial warehouse. The South building is 40' wide and 100' long. I do rent out this south building to Humberto Becerril and his business is to rebuild used cars and resell them. He only repairs the cars in the building there and the sales take place elsewhere. With the proper M-1 zoning applied to the South building Humberto would park cars on the lot in front and at the rear of the south building. With the M-1 zoning applied Chessely Fence company will immediately build an 8' privacy wood fence in the open space on the south side of the property and the 6' fence around the south building will be raised to the appropriate 8' fence height for the M-1 category. Humberto repairs cars there on some daytimes and works there sometimes on Second shift to complete repairs. With the application of M-1 Zoning Humberto would move his cars from the north side of the property to the front and rear of the south parking lot.

The North building and the connecting building which is zoned M-1 is occupied by two businesses. The north building is 20' wide and 100' long. The front of the north building is occupied by Eddie McLean and his business is also repairing used cars in the building for resale. He repairs cars there but the sales take place elsewhere. He works there on some weekends during the day and some evenings during the week.

The rear of the building is occupied by my business which is Raintree Hardwood and I have a retail license to do business there with sales to wood workers and other consumers. I am in the shop during some daytimes but not every day.

Madison County
Planning and Development
157 N. Main Street, Suite 254
Edwardsville, IL 62025

Attn: Breana Buncher
Planning Coordinator

Re: 1082 St. Thomas Road
Rezoning Request

Dear Ms. Buncher:

We are writing on behalf of Emile Damotte (Raintree LLC), owner of the above referenced property, to provide the County with the additional information requested in your email dated September 11, 2019.

Enclosed please find five (5) copies of a site plan showing setbacks, distance between buildings, dimensions of buildings and location of the proposed fence construction on the southerly property line.

In addition to the rezoning request, the owner hereby requests a variance from Article 93.034, Section B, Item 4 which requires a 20' wide planting screen along the southerly and westerly property boundaries. These boundaries currently have an 8' tall wood privacy fence erected on them (with the exception of an 85' section on the southerly line as noted on the site plan). This 85' section will be constructed by December 31, 2019.

It is the owner's opinion that removing the fence and installing a planted buffer on these boundaries will be less of a screen to the adjacent B-3 District than the current privacy fence.

We trust that this information is sufficient to allow the County to continue its review of the rezoning request. If additional information is required, please contact us.

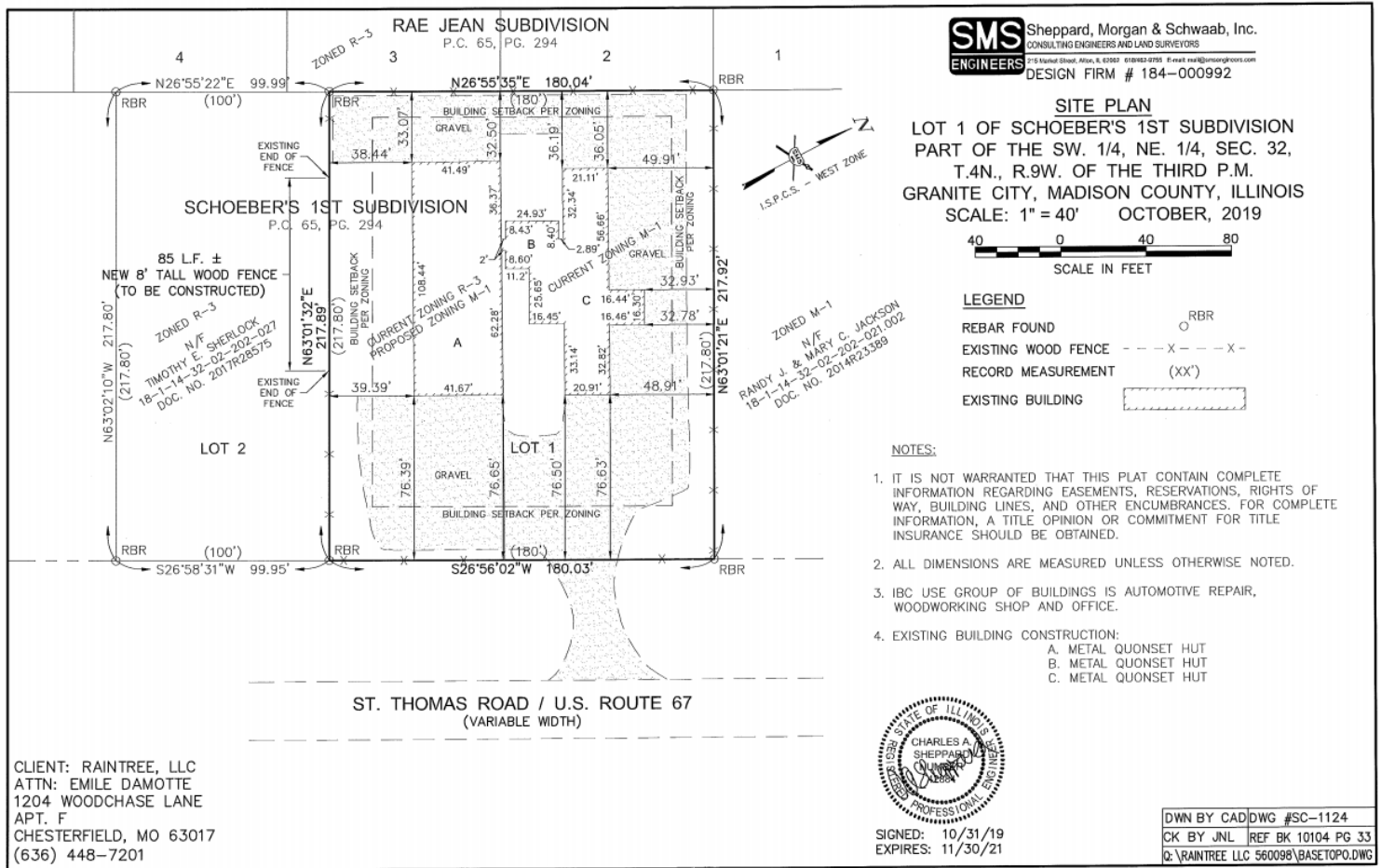
Sincerely,

SHEPPARD, MORGAN & SCHWAAB, INC.

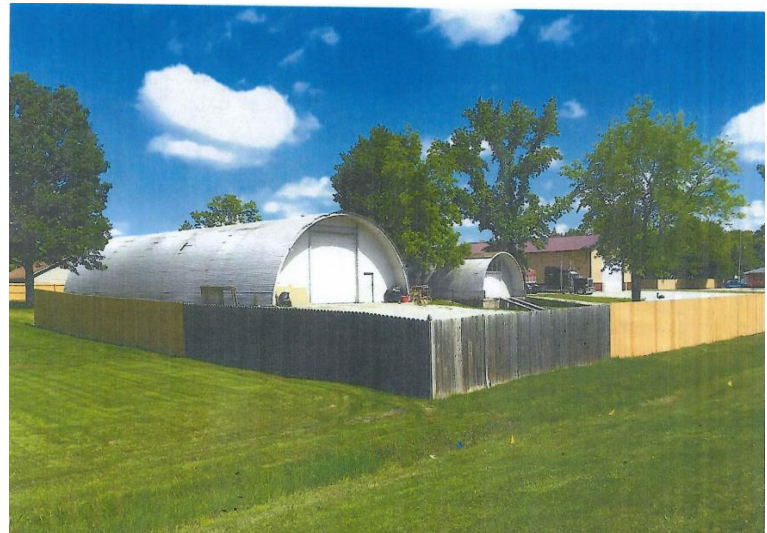
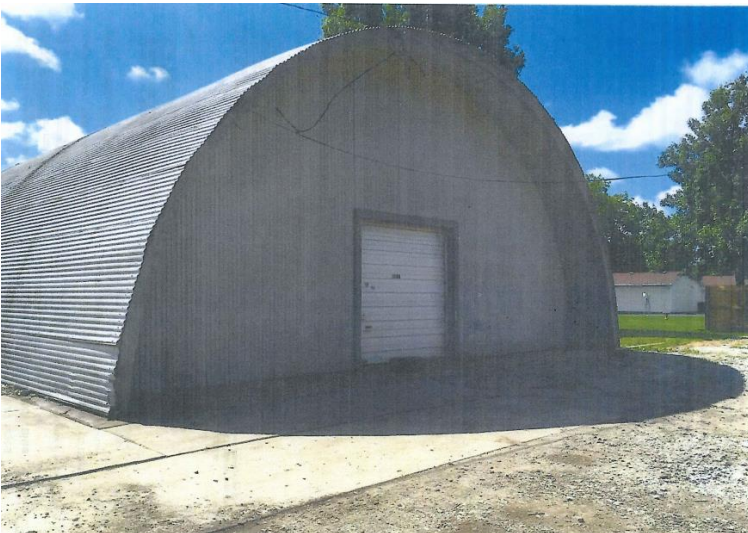


C. A. Sheppard, P.E.

Site Plan



Site Photographs



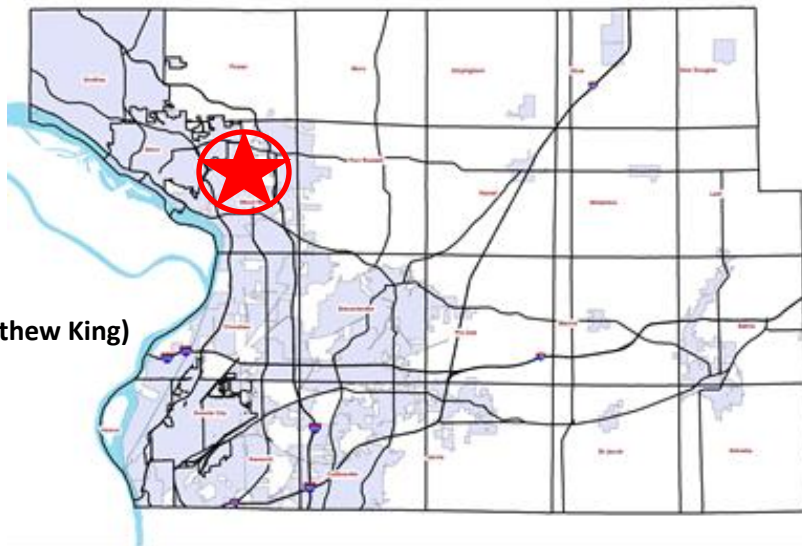


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Zoning Board of Appeals Staff Report

Application Number: Z19-0049
Meeting Date: November 26, 2019
From: Noelle Maxey
 Assistant Planner
Location: 12 Bert Avenue
 East Alton, Illinois
 County Board District #13 (Matthew King)
 PIN: 19-2-08-15-12-202-027
Zoning Request: Zoning Map Amendment
Description: Rezoning from "B-2" to "R-2"



Proposal Summary

The applicant is Gayla Wright, owner of record. The subject property is located at 12 Bert Avenue, East Alton, in Wood River Township and is currently zoned "B-2" General Business District. The property is currently being used as a single-family dwelling, as it has been since at least 1927 when the home and detached garage were built. The applicant is wanting to build an addition to the detached garage, but since the structures are currently legal non-conforming, a rezoning from "B-2" General Business District to "R-2" Single-Family Residential District must take place first. The request to rezone the lot must be reviewed and approved by the Zoning Board of Appeals (ZBA) as per §93.176, Section (A), Item (3) of the Madison County Zoning Ordinance.

Planning and Zoning Considerations

- *Land Use and Zoning of Surrounding Properties*

Direction	Land Use	Zoning
North	Single-Family Dwelling	"R-2" Single-Family Residential District
South	Single-Family Dwelling	"B-2" General Business District
East	St. Paul Methodist Church	"R-3" Single-Family Residential District
West	First General Baptist Church of Rosewood Heights	"B-2" General Business District

- *Zoning History* – There have been zero (0) zoning requests on the subject property in the past.
- *Rezoning from "B-2" to "R-2"* – The subject property is currently zoned "B-2" General Business District and is being used as a single-family dwelling with a detached garage. The home and detached garage were built in 1927. The

subject property has never been used commercially. The non-conformity was brought to the attention of Planning & Development staff when Ms. Wright came in to get a building permit for an addition to the existing detached garage. At that point, staff let Ms. Wright know that she would have to go through the zoning hearing process to be rezoned from “B-2” General Business District to “R-2” Single-Family Residential District in order to bring the property and structures into conformity. Planning & Development decided to do the rezoning request administratively, as the home and detached garage have been on the property since 1927, and the property has never been and will likely never be used commercially (see page 6 for the Statement of Agreement between Planning & Development and Ms. Wright).

The subject property is approximately 0.4 acres in size, exceeding the minimum lot size of 15,000 square feet, or approximately 0.34 acres, for “R-2” districts. The subject property meets all other zoning requirements for the “R-2” District. The applicant intends to continue utilizing the subject property as a single-family residence and will complete the addition to the detached garage if the rezoning is approved (see page 5 for the Site Plan of the existing structures and proposed addition). The proposed addition will be 288 square feet and ten feet (10’) in height. The detached garage with the proposed addition will meet all accessory structure setbacks for residentially-zoned districts.

- *Comprehensive Plan Considerations* – The subject property is designated Low-Density Residential in the Future Land Use Map. The proposed zoning map amendment is in accordance with the Comprehensive Plan.

Staff Review

When reviewing an application, the following should be taken into consideration: (1) the Comprehensive Plan, (2) the precedent, (3) the Standards of Review, and (4) public input.

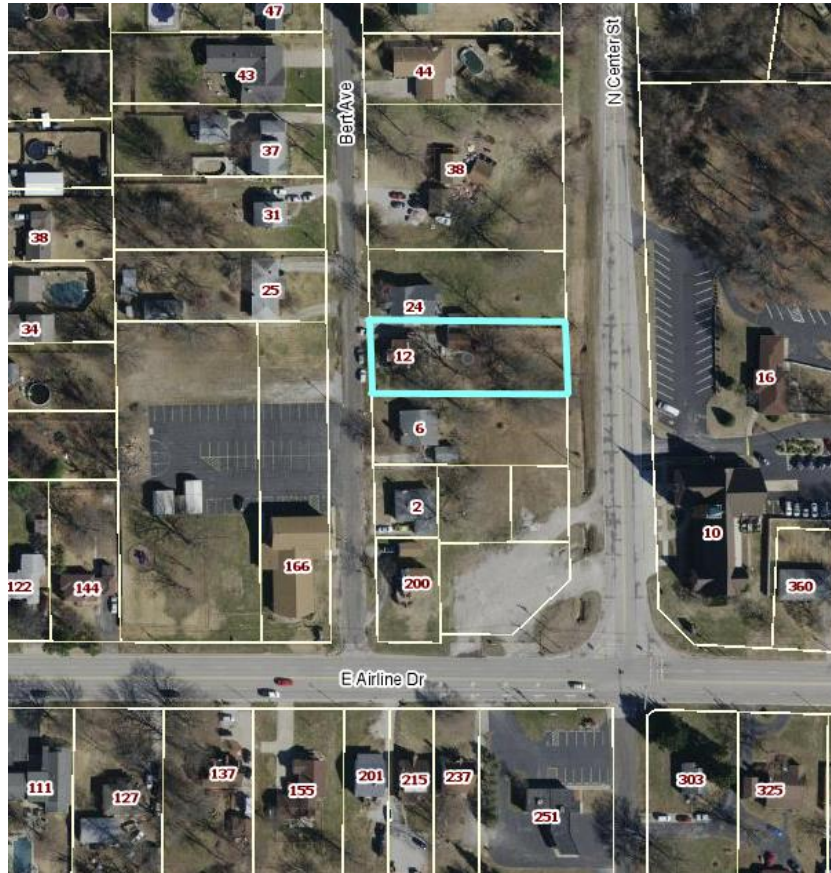
1. The proposed zoning map amendment is in accordance with the Comprehensive Plan and Future Land Use Map (see the Comprehensive Plan Considerations section above).
2. In the past thirteen (13) years, there have been over one hundred (100) requests for zoning map amendments. Of those, twenty-eight (28) requests were to rezone to a Single-Family Residential District from another zoning district. Four (4) were denied.
3. The below Standards of Review for Zoning Amendments should be taken into consideration for this request. The ZBA has the authority to add conditions of approval to the zoning map amendment request or recommend denial of the request if the ZBA feels it does not meet the below Standards of Review.
4. Public input during the hearing has value and should be considered by staff and the ZBA when making a recommendation. Staff will provide a formal recommendation based on the outcome of the public hearing.

Standard of Review for Zoning Amendments

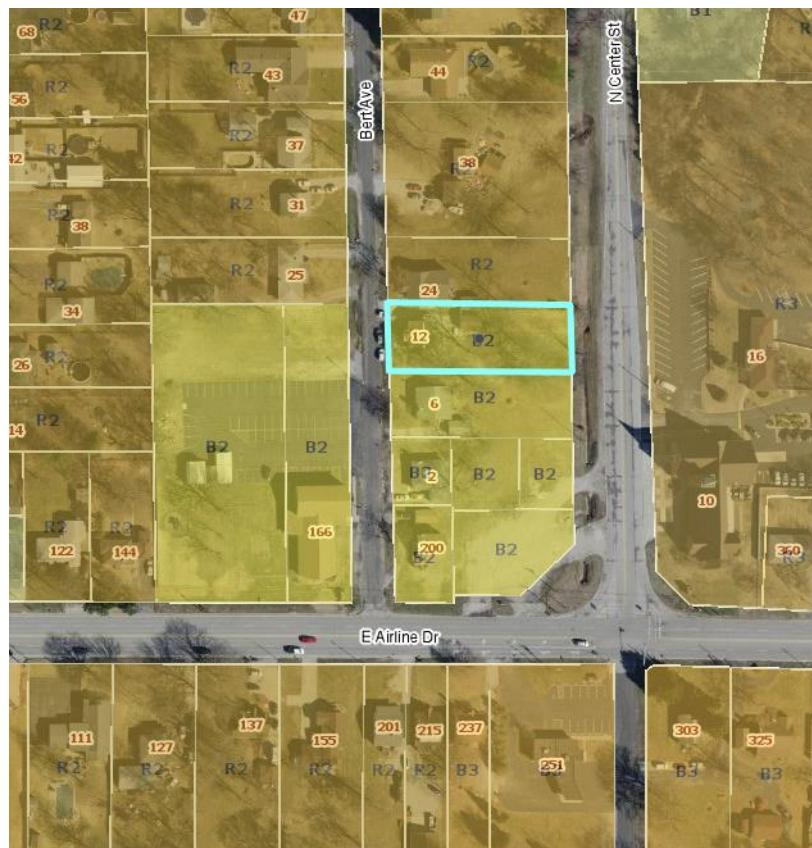
Per §93.178, Section (F), Items 1-7 of the Madison County Zoning Ordinance, the Zoning Board of Appeals shall consider the following items when reviewing a Zoning Map Amendment:

1. The effect the proposal would have on the county comprehensive plan;
2. The effect the development would have on schools, traffic, streets, shopping, public utilities, and adjacent properties;
3. Is the application necessary for the public convenience at that location;
4. In the case of an existing nonconforming use, will a special use permit/map amendment make the use more compatible with its surroundings;
5. Is the application so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected;
6. Will the application cause injury to the value or other property in the neighborhood in which it is located; and,
7. Will the special use/map amendment be detrimental to the essential character of the district in which it is located?

Aerial Photograph



Zoning Map

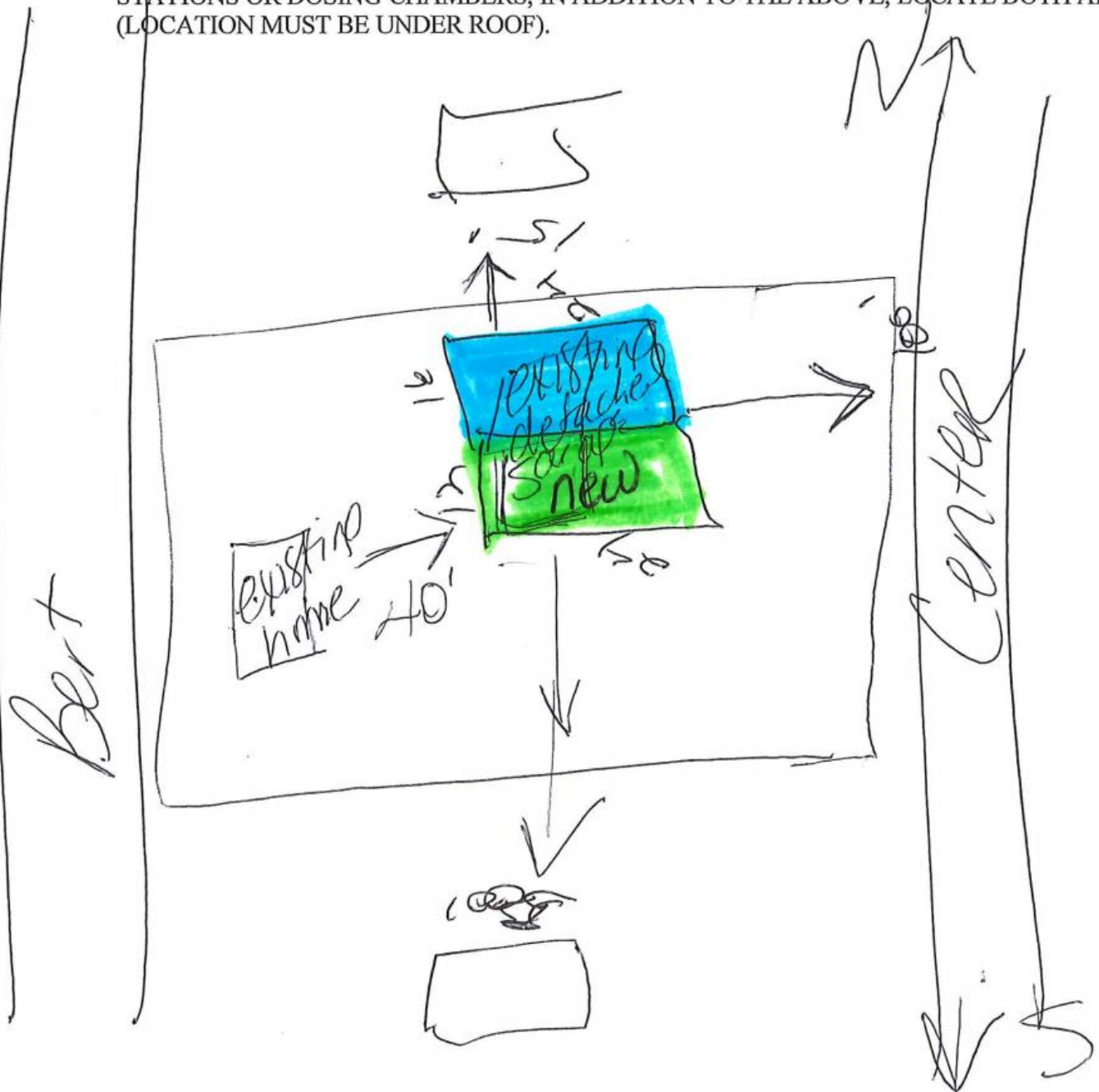


Site Photographs



Site Plan

STATIONS OR DOSING CHAMBERS, IN ADDITION TO THE ABOVE, LOCATE BOTH ALA
(LOCATION MUST BE UNDER ROOF).



Statement of Agreement

October 9, 2019

Gayla Wright and Madison County Planning and Development, do swear and affirm that the following Statement is true and correct to the best of their knowledge and belief;

Statement

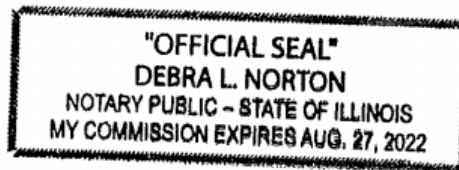
Gayla Wright and Madison County Planning and Development have agreed that Madison County Planning and Development will rezone her property, located at 12 Bert Avenue, East Alton, IL from "B-2" General Business District to "R-2" Single-Family Residential District in order to correct the legal nonconforming residential use of the property in order for her to construct an addition to her detached garage.

Debra Buncher
Zoning Administrator
Madison County Planning & Development

Gayla Wright
Gayla Write
Property Owner

Debra L. Norton
Notary

10-9-19
Date





Madison County Government
Planning and Development Department

Madison County Administration Building
157 N. Main Street, Suite 254 · Edwardsville, IL 62025-1964
Phone (618) 296-4468 · Fax (618) 692-8982
Email: zoning@co.madison.il.us
http://www.co.madison.il.us/departments/planning_and_development/index.php

Zoning Board of Appeals Staff Report

Application Number: Z19-0050

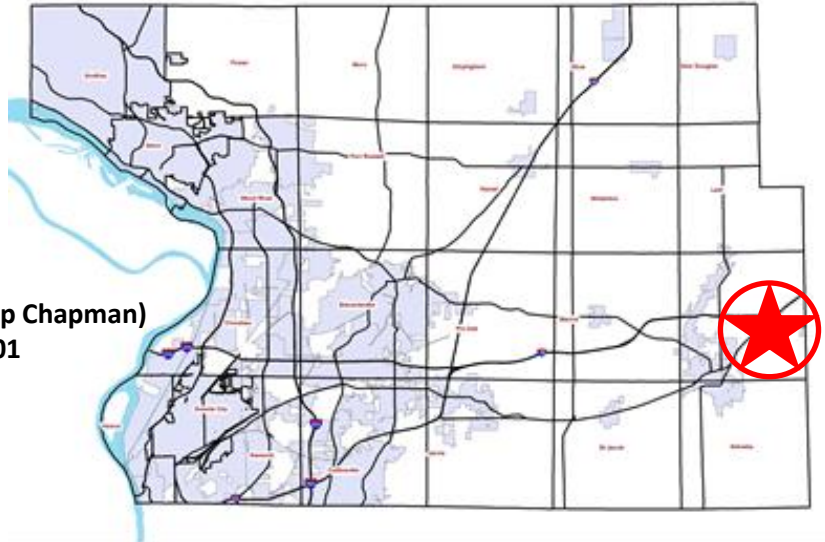
Meeting Date: November 26, 2019

From: Noelle Maxey
Assistant Planner

Location: 40 Deer Run East
Pocahontas, Illinois
County Board District #3 (Philip Chapman)
PIN: 02-1-18-23-00-000-014.001

Zoning Request: Variance

Description: Accessory Structure Setback



Proposal Summary

The applicant is Karen Burke, on behalf of Dale Kampwerth, property owner. The subject property, which is zoned “A” Agricultural District, is located at 40 Deer Run East, Pocahontas, in Saline Township. The applicant is requesting a variance as per §93.051, Section A, Item 3, Subsection (b) of the Madison County Zoning Ordinance in order to construct a detached garage six inches (6”) from the east property line instead of the required fifteen feet (15’). In order for the applicant to be issued a building permit to construct the accessory structure, the subject variance must be reviewed and approved by the Zoning Board of Appeals (ZBA) as per §93.176, Section (A), Item (1) of the Madison County Zoning Ordinance.

Planning and Zoning Considerations

- Land Use and Zoning of Surrounding Properties

Direction	Land Use	Zoning
North	Single-Family Residential/Timber	“A” Agricultural
South	Single-Family Residential	“A” Agricultural
East	Single-Family Residential/Timber	“A” Agricultural
West	Single-Family Residential	“A” Agricultural

- Zoning History – There have been zero (0) zoning requests on the subject property in the past.
- Variance for Primary Building Setback – The applicant is requesting to build a detached garage that would be six inches (6”) from the east property line instead of the required fifteen feet (15’). See page four (4) for pictures of the proposed location and page five (5) for the proposed site plan. The applicant states in the narrative statement that they are wanting to build the detached garage in the proposed location in order to keep it in line with the existing garage and home and in order to utilize the existing driveway. The applicant states that the detached

garage must be placed within the fifteen foot (15') setback area in order to allow for enough turning room for vehicles to enter the garage. The applicant notes in the narrative statement that the home on the adjacent lot to the east is on the far north end of the property and has undeveloped forested area at the south end, where the subject property sits adjacent. Additionally, there are no utilities that run near the proposed location of the detached garage. The proposed detached garage would twenty-four feet (24') by thirty-two feet (32') and twenty-five feet (25') in height.

Staff Review

When reviewing an application, the following should be taken into consideration: (1) the Comprehensive Plan, (2) the precedent, (3) the Standards of Review, and (4) public input.

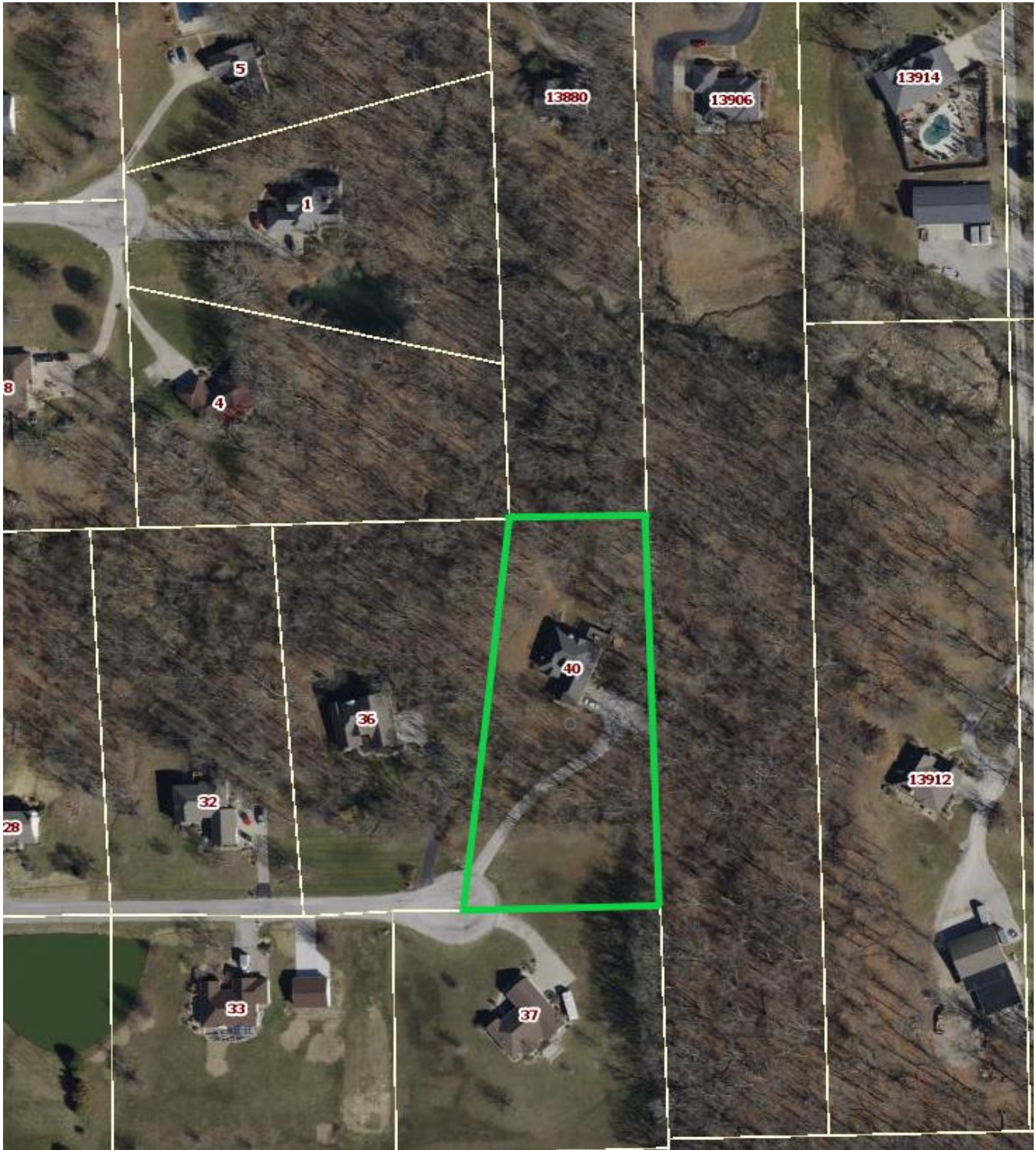
1. In the case of variance requests, the Comprehensive Plan is not applicable.
2. In the past thirteen (13) years, there have been eight (8) variance requests for the setback of a detached garage. All have been approved.
3. The below Standards of Review for Variances should be taken into consideration for this request. The ZBA has the authority to add conditions of approval to the variance request or recommend denial of the request if the ZBA feels it does not meet the below Standards of Review.
4. Public input during the hearing has value and should be considered by staff and the ZBA when making a recommendation. Staff will provide a formal recommendation based on the outcome of the public hearing.

Standards of Review for Variances

Per §93.167, Section (I), Items 1-4 of the Madison County Zoning Ordinance, the Zoning Board of Appeals shall ensure that the following conditions are met when considering a Variance request:

1. That there are special circumstances or conditions as fully described in the findings, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to the land or buildings in the surrounding area, and that circumstances or conditions are such that strict application of this Zoning Code would deprive the applicant of a reasonable permitted use of the land or building; and,
2. That, for reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of land or buildings, and that the variance is the minimum variance that will accomplish this purpose; and,
3. That the granting of this variance would be in harmony with the general purpose and intent of this Zoning Code, and will not be injurious to the surrounding area or otherwise detrimental to the character and use of adjoining buildings and those in the vicinity, the Board, in making its findings, shall take into account whether the condition of the subject premises is peculiar to the lot or tract described in the petition or is merely part of the general condition of the area.
4. No Variance shall be approved that constitutes a variation in use not permitted in the district.

Aerial Photograph



The subject property is outlined in green. Property lines may be skewed to imagery.

Site Photographs



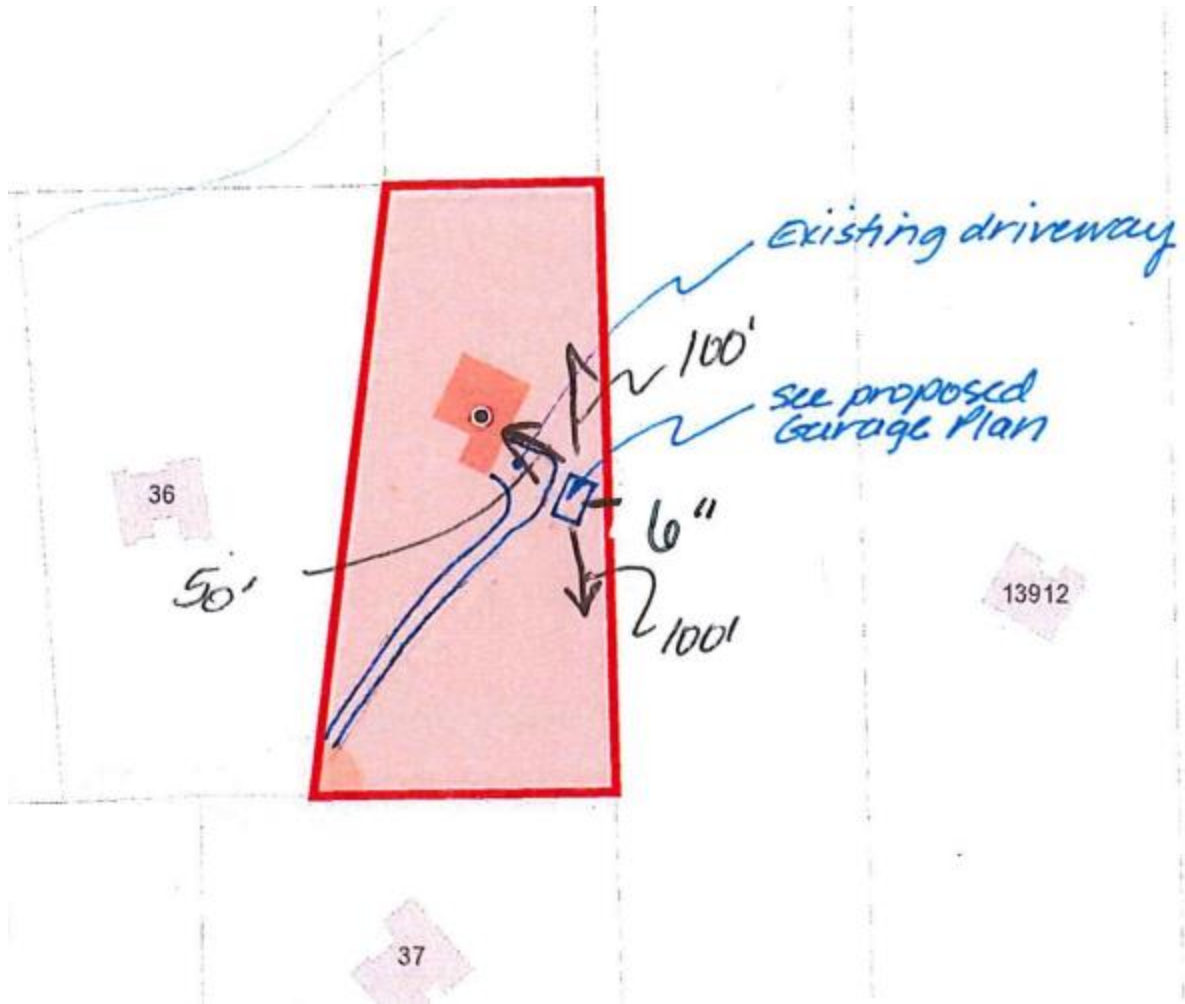
Proposed detached garage

View from the driveway



Proposed building location

Site Plan



Narrative Statement

To: Madison County Planning & Development

From: Karen Burke and Dale Kampwerth

Subject: 40 Deer Run E
Pocahontas, IL
Parcel ID: 02-1-18-23-00-000-014.001

The purpose of the variance request for 40 Deer Run E is to locate a proposed detached garage footprint within the required 15ft set back from the eastern property line.

The proposed detached 3 car garage will be located parallel with the existing 2 car garage and house to allow for the use of the existing driveway. Due to the shape of the lot (narrowing towards the northern end), the northeast corner of the garage (see plat/site drawing) would need to be located closer than the 15ft offset from the property line in order to allow for enough turning room for vehicles to enter the garage. Specifically, it is requested to locate the structure as close as 1 foot from the property line.

^ 6 inches w/ overhang

The architecture of the proposed garage will be consistent with the house including a matching brick façade, front windows and shingled roof.

The lot to the east (see Google maps aerial) has a residence located at the far north end and is undeveloped forested acreage at the south end where 40 Deer Run E sits adjacent. There are no utilities located on the eastern half of 40 Deer Run E nor along the adjacent lot.

Karen Burke



Madison County Government
Planning and Development Department

Madison County Administration Building
 157 N. Main Street, Suite 254 · Edwardsville, IL 62025-1964
 Phone (618) 296-4468 · Fax (618) 692-8982
 Email: zoning@co.madison.il.us
http://www.co.madison.il.us/departments/planning_and_development/index.php

Zoning Board of Appeals Staff Report

Application Number: Z19-0051

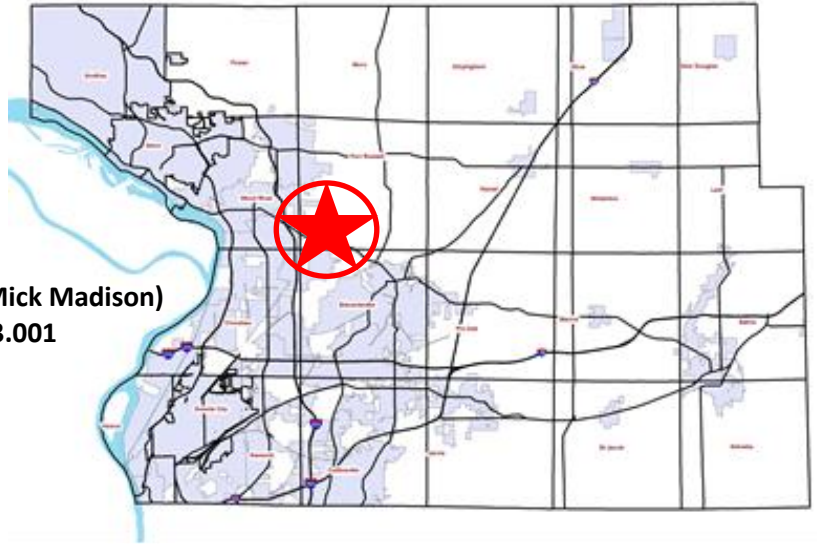
Meeting Date: November 26, 2019

From: Noelle Maxey
 Assistant Planner

Location: 3 Oasis Drive
 Edwardsville, Illinois
 County Board District #5 (Mick Madison)
 PIN: 15-1-09-32-00-000-003.001

Zoning Request: Variance

Description: Accessory Building in
 Front Yard Setback Area



Proposal Summary

The applicants and property owners are Kieth and Bernadette Greenlee. The subject property, which is zoned “R-1” Single-Family Residential, is located at 3 Oasis Drive, Edwardsville, in Fort Russell Township. The applicants are requesting a variance in order to construct an accessory building in the front yard setback area. In order for the applicants to be issued a building permit to construct the proposed structure, the subject variance must be reviewed and approved by the Zoning Board of Appeals (ZBA) as per §93.176, Section (A), Item (1) of the Madison County Zoning Ordinance.

Planning and Zoning Considerations

- *Land Use and Zoning of Surrounding Properties*

Direction	Land Use	Zoning
North	Single-Family Residential/Timber/Creek	“R-1” Single-Family Residential
South	Union Pacific Railroad	“A” Agricultural
East	Single-Family Residential/Timber/Creek	“R-1” Single-Family Residential
West	Single-Family Residential/Timber/Creek	“R-1” Single-Family Residential

- *Zoning History* – There have been zero (0) zoning requests on the subject property in the past.
- *Variance Accessory Building in Front Yard Setback* – The applicants are requesting to construct an accessory structure that will be located in front yard setback area. Per the Madison County Zoning Ordinance, the front yard

area is established by the front building line of the primary structure on the subject property. In the narrative statement on page six (6), the applicants state they cannot build behind their home due to a steep hillside going down to Indian Creek, which runs to the east and north of their property. They also state the proposed structure will be for personal use only. The proposed structure will be twenty-four feet (24') by thirty feet (30'), fourteen feet (14') in height, and approximately one hundred feet (100') away from the home. See pages four (4) and five (5) for site photos and a site plan.

Staff Review

When reviewing an application, the following should be taken into consideration: (1) the Comprehensive Plan, (2) the precedent, (3) the Standards of Review, and (4) public input.

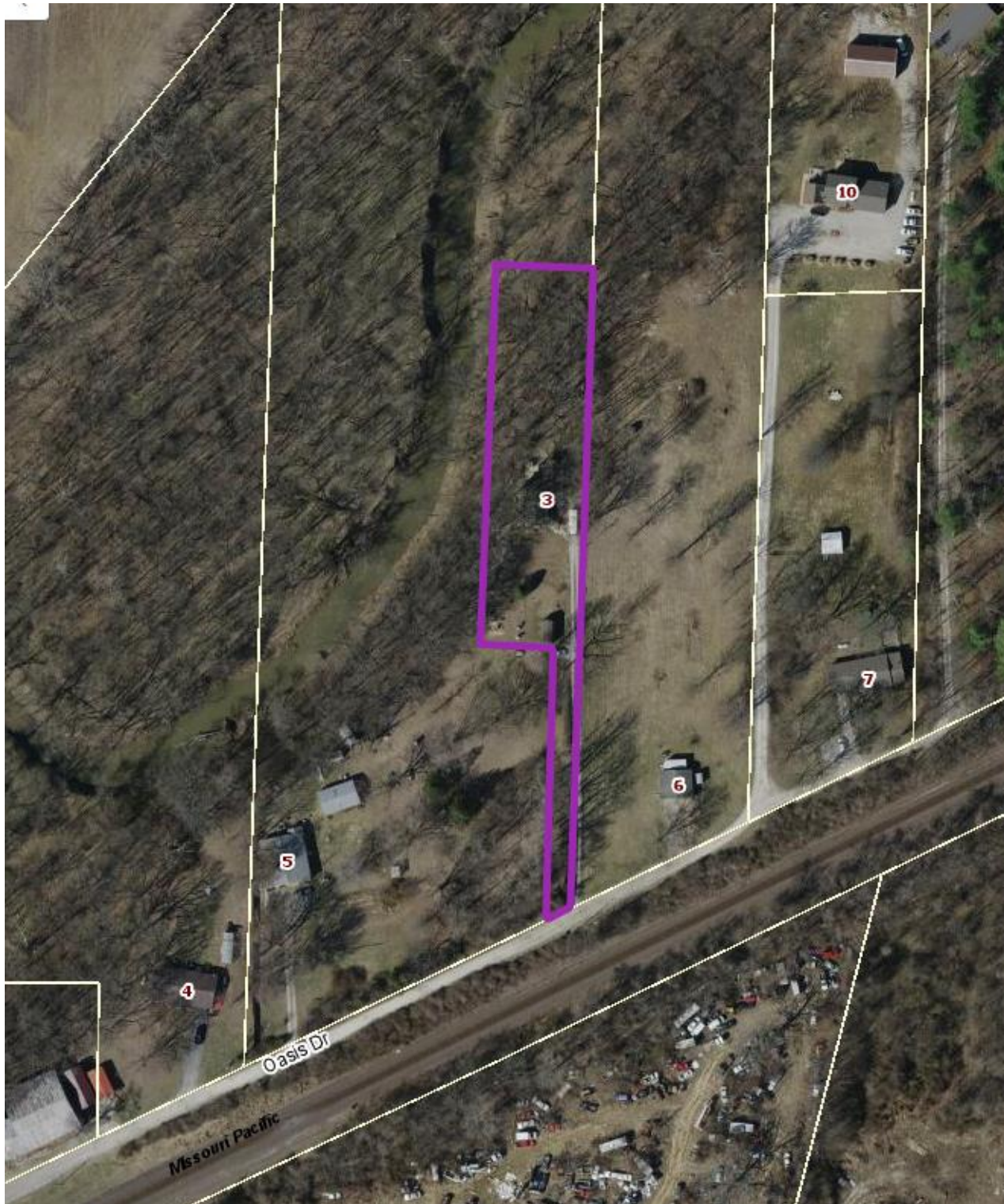
1. In the case of variance requests, the Comprehensive Plan is not applicable.
2. In the past thirteen (13) years, there have been over forty (40) variance requests for an accessory structure in the front yard setback area. All but one (1) have been approved.
3. The below Standards of Review for Variances should be taken into consideration for this request. The ZBA has the authority to add conditions of approval to the variance request or recommend denial of the request if the ZBA feels it does not meet the below Standards of Review.
4. Public input during the hearing has value and should be considered by staff and the ZBA when making a recommendation. Staff will provide a formal recommendation based on the outcome of the public hearing.

Standards of Review for Variances

Per §93.167, Section (I), Items 1-4 of the Madison County Zoning Ordinance, the Zoning Board of Appeals shall ensure that the following conditions are met when considering a Variance request:

1. That there are special circumstances or conditions as fully described in the findings, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to the land or buildings in the surrounding area, and that circumstances or conditions are such that strict application of this Zoning Code would deprive the applicant of a reasonable permitted use of the land or building; and,
2. That, for reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of land or buildings, and that the variance is the minimum variance that will accomplish this purpose; and,
3. That the granting of this variance would be in harmony with the general purpose and intent of this Zoning Code, and will not be injurious to the surrounding area or otherwise detrimental to the character and use of adjoining buildings and those in the vicinity, the Board, in making its findings, shall take into account whether the condition of the subject premises is peculiar to the lot or tract described in the petition or is merely part of the general condition of the area.
4. No Variance shall be approved that constitutes a variation in use not permitted in the district.

Aerial Photograph



The subject property is outlined in purple. Note that property lines may be skewed to imagery

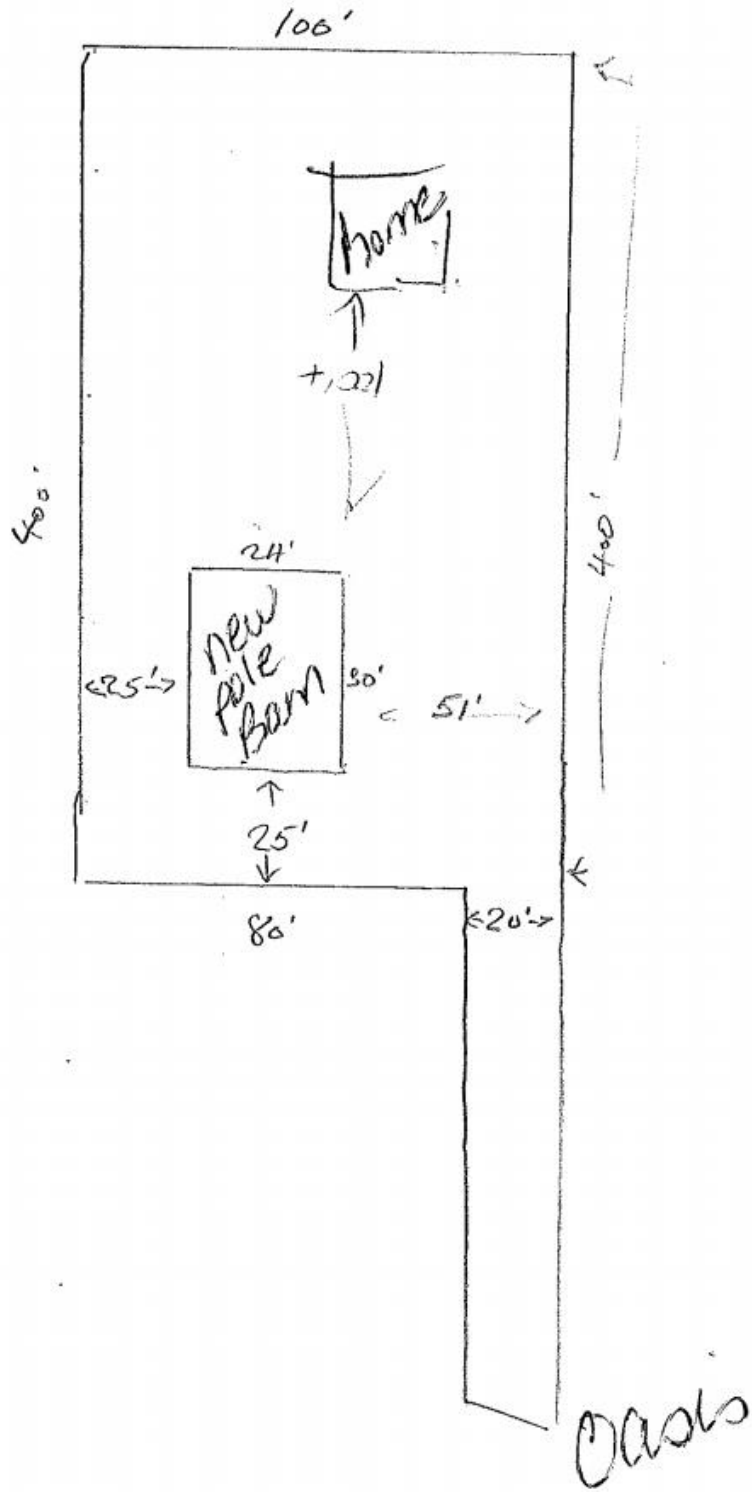
Site Photographs



Site Plan



(LOCATION MUST BE UNDER ROOF).



Narrative Statement

We would be unable to build behind our house as there is steep hillside making construction impossible.

Would like to build a pole storage building in the front part of our property approximately 100' from the house front.

The building is for my personal use only.

9/26/19

Kieth Creecher

#3 Oasis Dr.

Edwardsville, IL 62025

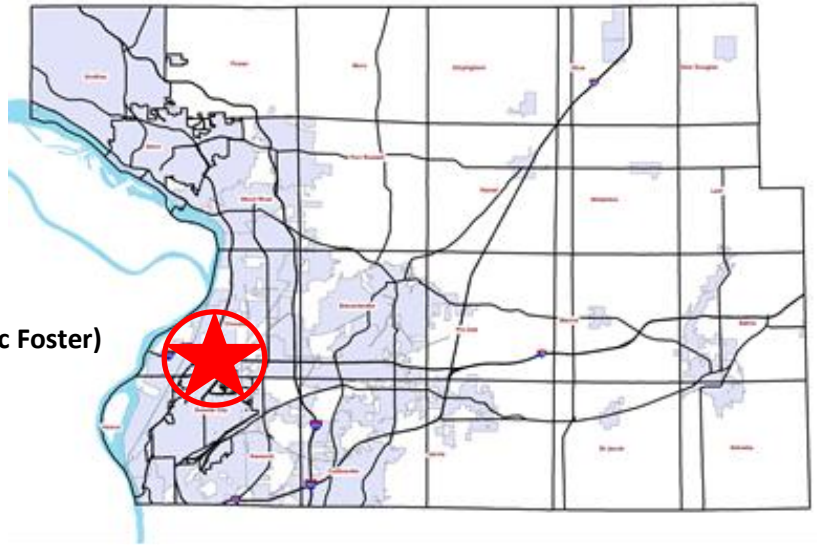


Madison County Government
Planning and Development Department

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http://www.co.madison.il.us/departments/planning_and_development/index.php

Zoning Board of Appeals Staff Report

Application Number: Z19-0052
Meeting Date: November 26, 2019
From: Noelle Maxey
 Assistant Planner
Location: 3126 W. Chain of Rocks Road
 Granite City, IL
 County Board District #21 (Eric Foster)
 PIN# 18-1-14-28-03-301-016
Zoning Request: Variance
Description: Primary Structure Setback



Proposal Summary

The subject property, zoned “M-1” Limited Manufacturing District, is located in Chouteau Township at 3126 W. Chain of Rocks Road. The owner of the property and applicant is Larry Dunn, who operates a trucking company on the property. The applicant is requesting a primary structure setback variance in order to construct a building four feet (4’) from the property line instead of the required twenty-five feet (25’). In order for the applicant to build a primary structure in the proposed location, the subject variance must be approved by the Zoning Board of Appeals as per §93.176, Section (A), Item (1) of the Madison County Zoning Ordinance.

Planning and Zoning Considerations

- *Land Use and Zoning of Surrounding Properties*

Direction	Land Use	Zoning
North	Single-Family Residential	“R-5” Single-Family Residential
South	Trucking Company	“M-2” General Manufacturing
East	Mobile Home Park/Detention Pond	“B-3” Highway Business
West	Warehouse/Parking Lot	“B-1” General and “B-3” Highway Business

- *Comprehensive Plan Considerations* – The subject property is located in the American Bottoms Corridor of the Comprehensive Plan, which includes the majority of new industrial development in the county, but on the Future Land Use Map, the property is designated Low-Density Residential, which the current use does not fit. However, the Comprehensive Plan generally encourages economic development. The W. Chain of Rocks area is bordered by I-270,

IL Rte. 3, and IL Rte. 203, which lends to transportation-based uses. Several trucking companies and large parking lots are located along W. Chain of Rocks Road. The plan addresses protecting commercial encroachment of commercial land uses on single-family developments, which is primarily addressed through zoning screening and buffer yards requirements.

- *Zoning History* – The subject property was rezoned from “B-3” to “M-1” in 2006. The applicant has made two requests for a primary structure setback variance previously, the first in 2008 and again in 2018. The 2008 and 2018 requests were approved by the Planning & Development Committee, but denied by the County Board. These two setback variance requests made by Mr. Dunn have been the only two variance requests for a structure in any Manufacturing District in the last thirteen (13) years.
- *Code Violations* - The applicant has been under violation multiple times since acquiring the property over ten (10) years ago for outdoor storage of materials, weeds, trash, etc. Over the last few years, the owner has been more responsive and has begun making improvements to address zoning and property maintenance requirements, including sight-proofing the chain-link fence along Thorngate Drive, which serves the adjoining residential subdivision, and the installation of vegetative screening along the rear of the property. We have also received complaints about Dunn working on vehicles in the yard area, which should occur within an enclosed area, and is the purpose for the proposed building.
- *Variance for Building Setback* – The applicant is requesting to construct a primary structure on the subject property that will be four feet (4’) from the west property line instead of the required twenty-five feet (25’). The proposed structure will be either forty feet (40’) by sixty feet (60’) or fifty feet (50’) by sixty feet (60’) and twenty-five feet (25’) in height. The applicant notes in his narrative statements on pages six (6) and seven (7) that there is a hardship with placing the structure elsewhere on the lot that would meet setback requirements due to two gas lines that run through the property. Mr. Dunn intends on using the building for a maintenance shop in support of his trucking company.

Staff Review

When reviewing an application, the following should be taken into consideration: (1) the Comprehensive Plan, (2) the precedent, (3) the Standards of Review, and (4) public input.

1. See the above Comprehensive Plan Considerations section.
2. In the past thirteen (13) years, Mr. Dunn has been the only petitioner requesting a variance for a structure in any Manufacturing District. See the Zoning History section above.
3. The below Standards of Review for Variances should be taken into consideration for this request. The ZBA has the authority to add conditions of approval to the variance request or recommend denial of the request if the ZBA feels it does not meet the below Standards of Review.
4. Public input during the hearing has value and should be considered by staff and the ZBA when making a recommendation. Staff will provide a formal recommendation based on the outcome of the public hearing.

If the Zoning Board of Appeals chooses to recommend approval, staff recommends the following conditions:

1. The owner/applicant shall adhere to the Madison County Code of Ordinances, particularly the Zoning Ordinance and the Property Maintenance Code.
2. The proposed structure shall not exceed 30 feet in height.
3. The owner/applicant shall apply for a building permit and shall not begin construction of the building until the application is adequately reviewed and a permit is issued.

Standard of Review for Variances

Per §93.167, Section (I), Items 1-4 of the Madison County Zoning Ordinance, the Zoning Board of Appeals shall ensure that the following conditions are met when considering a variance request:

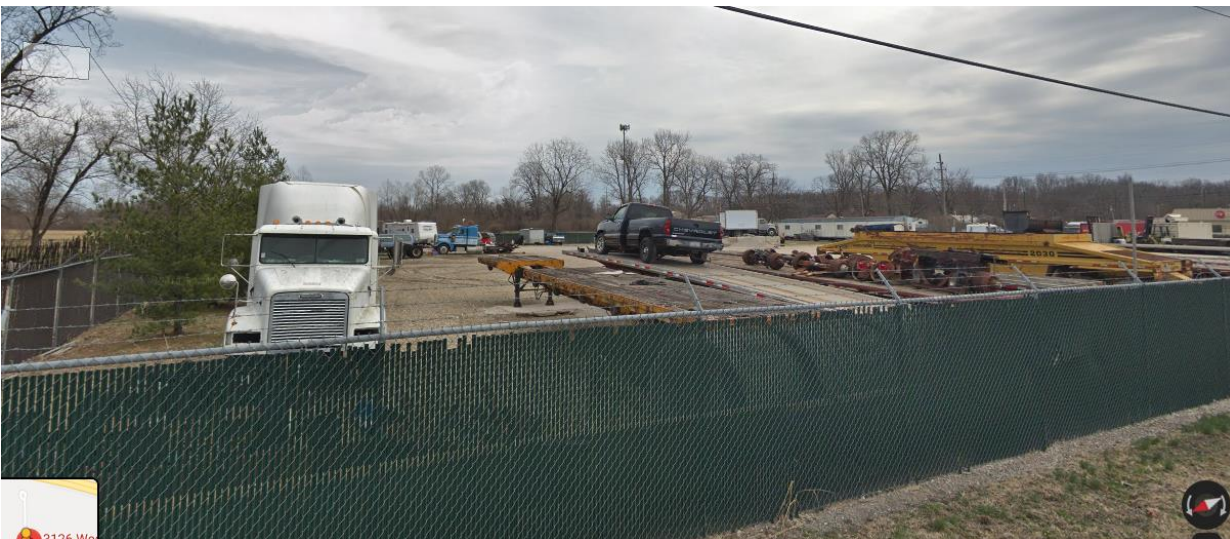
1. That there are special circumstances or conditions as fully described in the findings, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to the land or buildings in the surrounding area, and that circumstances or conditions are such that strict application of this Zoning Code would deprive the applicant of a reasonable permitted use of the land or building; and,
2. That, for reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of land or buildings, and that the variance is the minimum variance that will accomplish this purpose; and,
3. That the granting of this variance would be in harmony with the general purpose and intent of this Zoning Code, and will not be injurious to the surrounding area or otherwise detrimental to the character and use of adjoining buildings and those in the vicinity, the Board, in making its findings, shall take into account whether the condition of the subject premises is peculiar to the lot or tract described in the petition or is merely part of the general condition of the area.
4. No Variance shall be approved that constitutes a variation in use not permitted in the district.

Aerial Photo

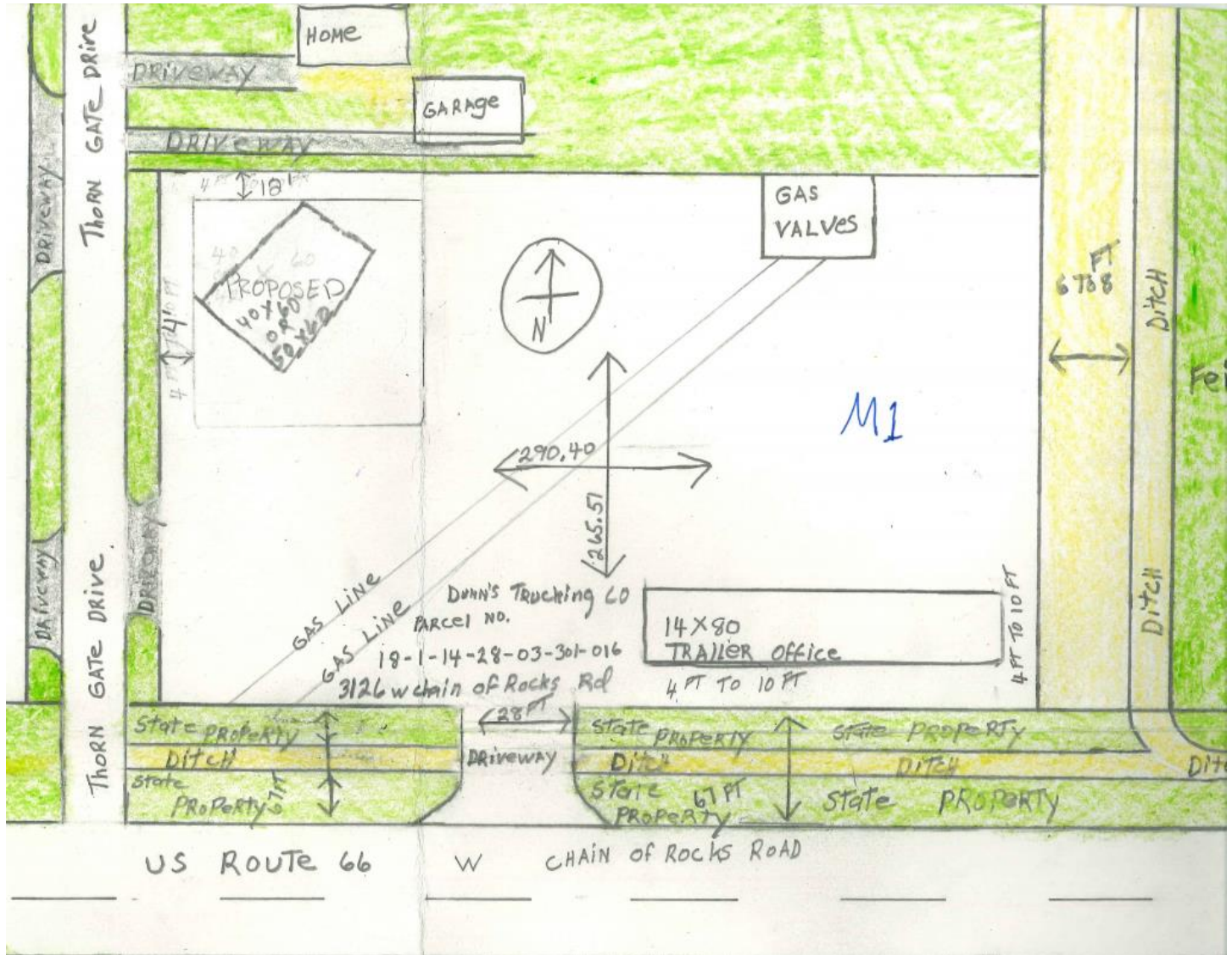


The subject property is outlined in red. Property lines may be skewed to imagery.

Site Photographs



Site Plan



Narrative Statement- 2018 Request (1)

I, Larry L. Owen, the owner of
Owen's Trucking Co. @ 3126 West Chain
of Rocks Road. This property is zoned @ M-1
I would like to put up a pole barn
40x60 or 42x64. I would like to come
4-10-10 feet off the property line in the
Northwest corner of the property. The building
will be used as my personal use only.
Will not be used as public use. It will
be used as a maintenance shop on trucks &
orders for Owen's Trucking & Owen's
Heavy Haul Trucking
There is electric there and it is @ the
Northwest corner.

Narrative Statement- 2019 Request (2)

I am requesting a variance to be 4ft from the west property line. We are making this request due to the gas line that runs through the property.

Larry L. Quinn

10/29/19 -



Madison County Government
Planning and Development Department

Madison County Administration Building
 157 N. Main Street, Suite 254 · Edwardsville, IL 62025-1964
 Phone (618) 296-4468 · Fax (618) 692-8982
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Zoning Board of Appeals Staff Report

Application Number: Z19-0053

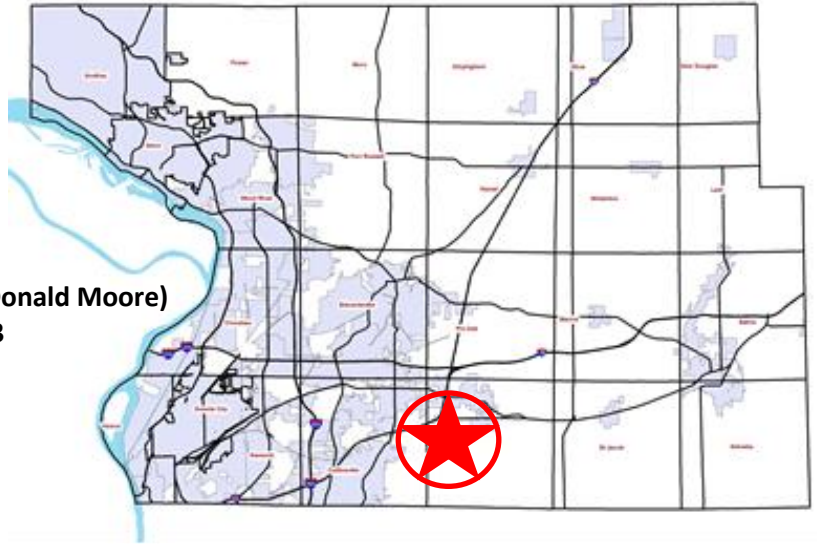
Meeting Date: November 26, 2019

From: Noelle Maxey
 Assistant Planner

Location: 1165 Formosa Road
 Collinsville, Illinois
 County Board District #2 (Donald Moore)
 PIN: 09-1-22-19-00-000-003

Zoning Request: Variance

Description: Accessory Building in
 Front Yard Setback Area



Proposal Summary

The applicant and property owner is Ernest Huffman. The subject property, which is zoned “R-2” Single-Family Residential, is located at 1165 Formosa Road, Collinsville, in Jarvis Township. The applicant is requesting a variance in order to construct an accessory building in the front yard setback area. In order for the applicant to be issued a building permit to construct the proposed structure, the subject variance must be reviewed and approved by the Zoning Board of Appeals (ZBA) as per §93.176, Section (A), Item (1) of the Madison County Zoning Ordinance.

Planning and Zoning Considerations

- *Land Use and Zoning of Surrounding Properties*

Direction	Land Use	Zoning
North	Row-Cropping	“A” Agricultural
South	Single-Family Residential	“R-2” Single-Family Residential
East	Single-Family Residential/Row-Cropping	City of Troy
West	Row-Cropping	“A” Agricultural

- *Zoning History* – There have been zero (0) zoning requests on the subject property in the past.
- *Variance Accessory Building in Front Yard Setback* – The applicant is requesting to construct an accessory structure that will be located in front yard setback area. Per the Madison County Zoning Ordinance, the front yard area is

established by the front building line of the primary structure on the subject property. In the narrative statement on pages six (6) and seven (7), the applicant states he recently inherited the property from his deceased parents and that he is requesting to build in the proposed location because it would provide easier access for him, as he has several health problems that make it difficult for him to walk very far, and due to water run-off and pooling issues behind the house that would make it very difficult to build there. The applicant also mentions the tree farm behind the home in his narrative statement, noting that he does not wish to sell the trees as a business. The proposed structure will be for personal use only and will be twenty-six feet (26') by forty feet (40') and will be less than fifteen feet (15') in height. The structure will be fifteen feet (15') from the home, forty-seven feet (47') from the east property line, and six feet (6') from the south property line. See pages four (4) and five (5) for site photos and a site plan.

Staff Review

When reviewing an application, the following should be taken into consideration: (1) the Comprehensive Plan, (2) the precedent, (3) the Standards of Review, and (4) public input.

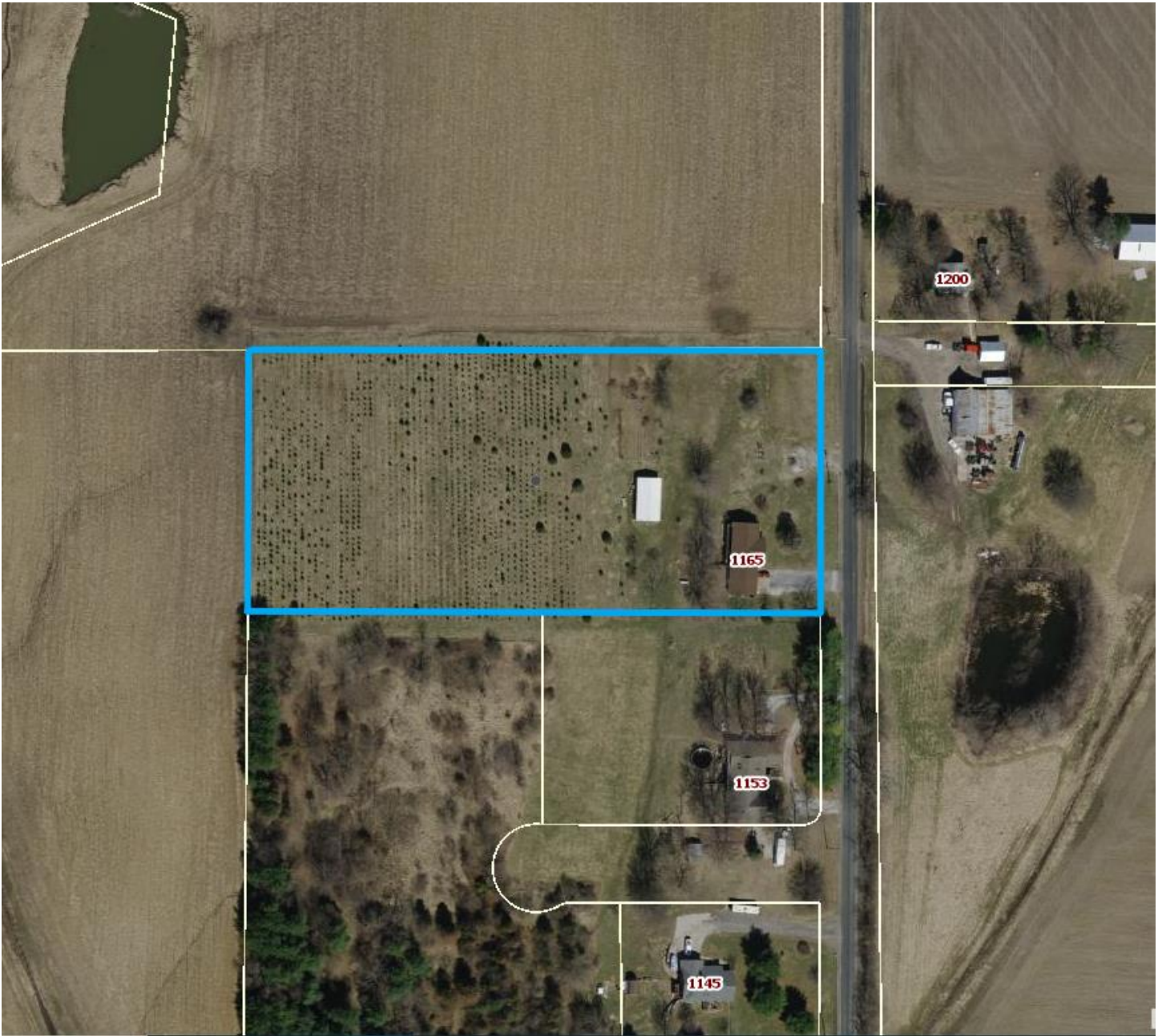
1. In the case of variance requests, the Comprehensive Plan is not applicable.
2. In the past thirteen (13) years, there have been over forty (40) variance requests for an accessory structure in the front yard setback area. All but one (1) have been approved.
3. The below Standards of Review for Variances should be taken into consideration for this request. The ZBA has the authority to add conditions of approval to the variance request or recommend denial of the request if the ZBA feels it does not meet the below Standards of Review.
4. Public input during the hearing has value and should be considered by staff and the ZBA when making a recommendation. Staff will provide a formal recommendation based on the outcome of the public hearing.

Standards of Review for Variances

Per §93.167, Section (I), Items 1-4 of the Madison County Zoning Ordinance, the Zoning Board of Appeals shall ensure that the following conditions are met when considering a Variance request:

1. That there are special circumstances or conditions as fully described in the findings, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to the land or buildings in the surrounding area, and that circumstances or conditions are such that strict application of this Zoning Code would deprive the applicant of a reasonable permitted use of the land or building; and,
2. That, for reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of land or buildings, and that the variance is the minimum variance that will accomplish this purpose; and,
3. That the granting of this variance would be in harmony with the general purpose and intent of this Zoning Code, and will not be injurious to the surrounding area or otherwise detrimental to the character and use of adjoining buildings and those in the vicinity, the Board, in making its findings, shall take into account whether the condition of the subject premises is peculiar to the lot or tract described in the petition or is merely part of the general condition of the area.
4. No Variance shall be approved that constitutes a variation in use not permitted in the district.

Aerial Photograph



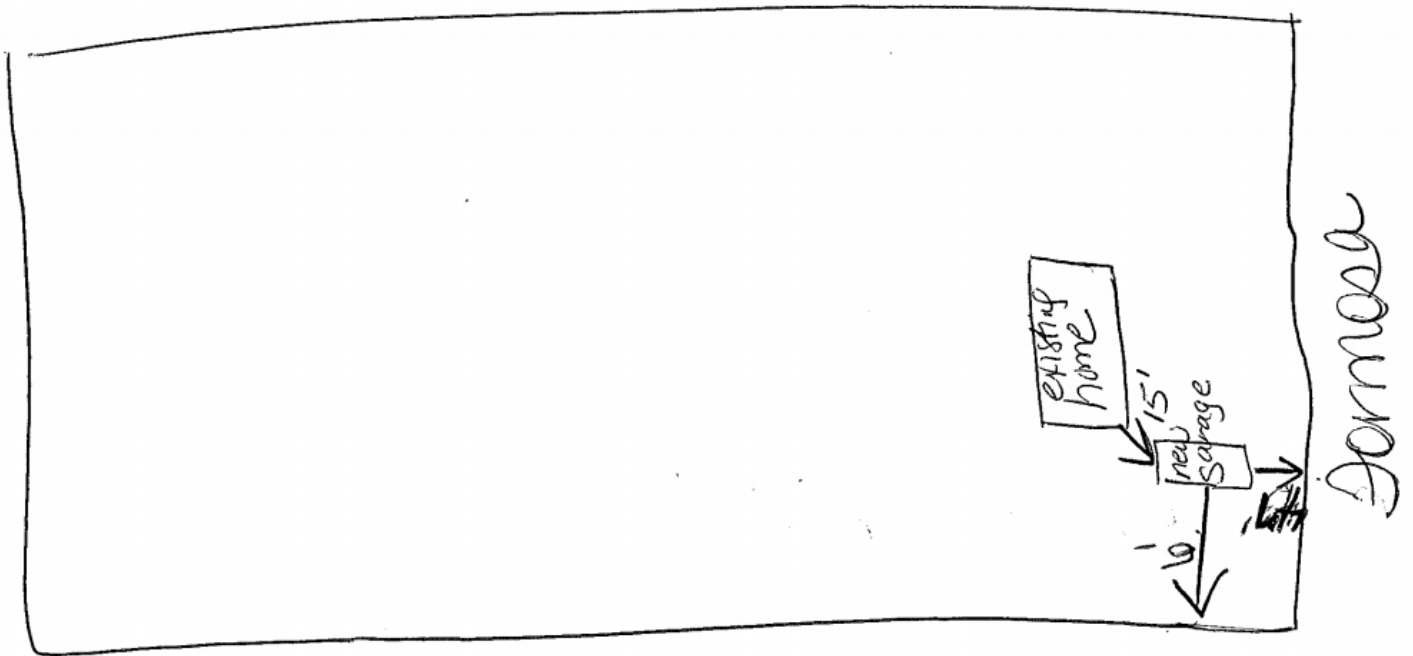
The subject property is outlined in blue. Note that property lines may be skewed to imagery

Site Photographs



Site Plan

N ↑



Narrative Statement (1)

October 30, 2019

Madison County Planning & Development
157 N. Main Street, Suite 254
Edwardsville, IL 62025

Re: 1165 Formosa Road
Collinsville, IL 62234

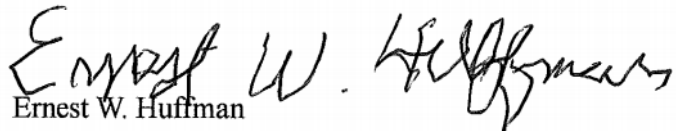
Dear Board Members:

Please accept this Zoning Hearing Application for a variance on the above-named property, Zoned R2, for a detached garage.

My first choice for this location is that it is more suitable for me due to health problems. Twelve years ago, I had a stroke and was diagnosed with Ataxia, Corticobasal Degeneration which causes dizziness, gait and balance problems making walking difficult on a daily basis. Secondly, due to water run off from the field on the north side of my property it is impossible to put a garage on that side or behind the house because of pooling water issues.

Thank you very much for your consideration in this matter.

Respectfully,


Ernest W. Huffman

Narrative Statement (2)

To Whom It May Concern: Nov 7, 2019

Re: 1145 Formosa Rd.
Collinsville, IL 62234

The property above was inherited by me, Ernest W. Huffman, from my deceased parents Violet B and Earnest H Huffman.

On this property are a number of Trees planted by my parents. Being handicapped, I do not wish to sell these trees as a business, but to sell as many trees as possible in lieu of having to cut them down.

Thank you for your consideration in this matter.

Respectfully,
Ernest W. Huffman

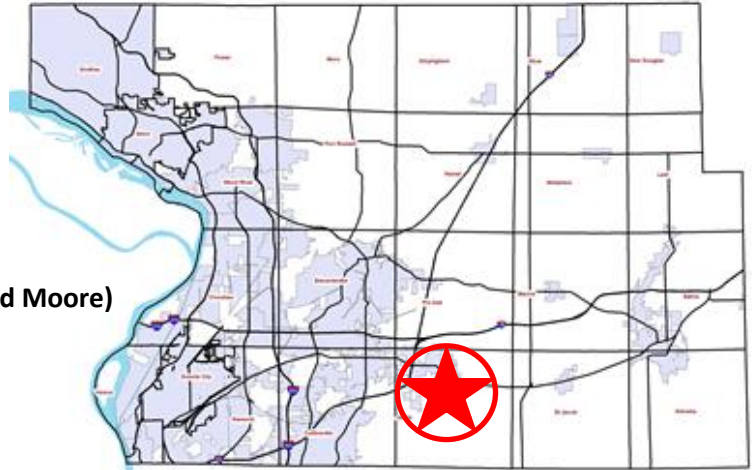


Madison County Government
Planning and Development Department

Matt Brandmeyer, AICP · Administrator
Madison County Administration Building
157 N. Main Street, Suite 254 · Edwardsville, IL 62025-1964
Phone (618) 296-4468 · Fax (618) 692-8982
Email: zoning@co.madison.il.us
http://www.co.madison.il.us/departments/planning_and_development/index.php

Zoning Board of Appeals Staff Report

Application Number: Z19-0054
Meeting Date: November 26, 2019
From: Breana Buncher
Planning Coordinator
Location: 1008 Troy O’Fallon Road
Troy, Illinois
County Board District #2 (Donald Moore)
PIN: 09-2-22-22-00-000-010
Zoning Request: Amendment to “B-5”
Planned Business District
Description: Substantial Changes to Previously-Approved Site Plan
Attachments: Attachment A – Approved Site Plan from 2013
Attachment B – Proposed Site Plan
Attachment C – Resolution Z13-0043



Proposal Summary

The applicant and property owner is December Investments, LLC. The subject property is located on Troy O’Fallon Road in Jarvis Township. The subject property is zoned “B-5” Planned Business District. The property currently has a single-family dwelling and a pole-barn structure. The applicant is proposing an amendment to the existing “B-5” Planned Business District in order to use the site for a self-storage business as well as a professional office for counseling services. As per Resolution Z13-0043, any proposed changes to the “B-5” Planned Business District must be reviewed and approved by the Zoning Board of Appeals and the Planning and Development Committee.

Planning Considerations

- *Land Use and Zoning of Surrounding Properties*

Direction	Land Use	Zoning
North	Recreational Vehicle/Boat Storage	“B-5” Planned Business District
South	Vacant Lot	“B-5” Planned Business District
East	Recreational Vehicle/Boat Storage	“B-5” Planned Business District
West	Single-Family Dwelling	“R-2” Single-Family Residential

- *Zoning History* – In 2013, the subject property was rezoned from “A” Agriculture to “B-5” Planned Business District. The “B-5” Planned Business District was recommended in 2013 in an effort to limit the impacts of commercial uses on adjoining residential properties. Unlike other Business Districts, “B-5” Planned Business Districts provide the

flexibility to restrict permitted uses, district conditions, and site development. Planned Business Districts are tied to an approved site plan, which must be strictly adhered to. The site plan approved in 2013 allowed for the existing dwelling to be utilized as a professional office for a kitchen and bath remodeling business as well as a pole barn for storage. The original site plan can be viewed in "Attachment A" of this report.

The ownership of the property has since been transferred. The current property owners, December Investments, LLC are proposing substantial changes to the site plan that was approved in 2013, which triggered the subject zoning request. The applicant is proposing to use the property for self-storage facilities and professional office space for a counseling office on site. The existing residential dwelling on the subject property will be used for the office space. This will require certain features of the house to be altered, including doorways that swing away from the structure, hand rails, lighted exits with battery backup, and other safety features as required by the commercial building code. The applicants intend on demolishing the existing accessory structure on the property. The first phase of new development would consist of a 30' x 250' metal structure along the north property line and a 30' x 250' metal structure along the east property line. The applicant intends on phasing in more metal structures as the first buildings start to fill up. Please see "Attachment B" for further details.

If the petition is approved, the applicant would be allowed to develop the site in accordance with the newly-proposed site plan ("Attachment B"). If the subject petition is denied, any site development would have to adhere to the 2013 site plan ("Attachment A"). Regardless, the applicant will be required to adhere to the conditions of approval and use requirements contained in the 2013 resolution of approval, please see "Attachment C". The Zoning Board should consider the impact the proposed site development changes would have on the surrounding area.

- *Comprehensive Plan Consideration*- The subject property is denoted as Low-Density Residential in the Comprehensive Plan's Future Land Use Map. The previously approved zoning map amendment does not adhere to the Comprehensive Plan's Future Land Use Map, as the surrounding area is predominantly residential and agricultural. However, it should be noted that there are two existing "B-5" Planned Business Districts adjacent to the east and south, and an existing "B-3" Highway Business District near the subject property to the southeast.
- *City of Troy's Comprehensive Plan*- The subject property is located within the City of Troy's future planning area. The City's Future Land Use Map designates the subject property as General Highway Commercial. The applicant is seeking to amend the approved "B-5" Planned Business District site plan to use the site for self-storage and professional offices. The proposed amendment is consistent with the City's Comprehensive Plan. The ZBA may consider the impact the amended site plan may have on the surrounding area.
- *Size and Scale* – The approximate size of the subject property is 2 acres. There is no minimum district size for "B-5" Planned Business Districts because the district is designed to provide flexibility for development.
- *Access & Circulation* – The subject property has one (1) access point to Troy O'Fallon Road. The applicants are not proposing any changes to the ingress/egress of the property.
- *Parking* – The existing structure being used for an office will be required to provide three (3) parking spaces for each 1,000 square feet of the floor area plus one (1) additional space for any company vehicles as per §93.147, Section A, Parking Spaces Required. The applicant will be required to provide the necessary parking required when applying for a Site Development Permit.
- *Fencing & Screening* – The "B-5" Planned Business District does not provide screening or fencing standards. Based on requirements of other self-storage warehouse facilities, staff recommends the applicant should utilize fencing or landscaping in order to screen the property from the adjacent residential properties. The applicant is proposing

a six foot (6') chain link fence along the south and west property lines that will connect to Building #1 and Building #2, enclosing the property. The applicant is not proposing any landscaping; however, in the previous request, a condition of approval required a landscape plan be submitted with the Site Development Permit application. The ZBA may consider the impact of no landscape screening provided.

- *Floodplain*– There are no floodplains within the subject property.

Standard of Review for Zoning Amendments

Below are the eight (8) stated consideration items the Zoning Board of Appeals may take into consideration while considering a Zoning Amendment request.

1. Existing use(s) and zoning of the property in question;
2. Existing use(s) and zoning of other lots in the vicinity of the property in question;
3. Suitability of the property in question for uses already permitted under existing regulations;
4. Suitability of the property in question for the proposed use;
5. The trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since the property as initially zoned or last zoned;
6. The effect of the proposed rezoning would have on the implementation of the Comprehensive plan;
7. Impact of the proposed rezoning on surrounding properties;
8. Impact of the proposed rezoning on health, safety and welfare of the community

Staff Review

When reviewing an application, the following should be taken into consideration: (1) the Comprehensive Plan, (2) the precedent, (3) the Standards of Review, and (4) public input.

1. The proposed zoning designation and land use is in accordance with the City of Troy's Comprehensive Plan but is not in accordance with the Madison County Comprehensive Plan and Future Land Use Map (see the Comprehensive Plan Considerations section above).
2. In the past thirteen (13) years, there have been two (2) requests to amend a "B-5" Planned Business District both of which were approved.
3. The below Standards of Review for zoning map amendments should be taken into consideration for this request. The ZBA has the authority to add conditions of approval to the zoning map amendment request or recommend denial of the request if the ZBA feels it does not meet the below Standards of Review.
4. Public input during the hearing has value and should be considered by staff and the ZBA when making a recommendation. Staff will provide a formal recommendation based on the outcome of the public hearing.

Aerial Photo



The subject property is outlined in yellow. All properties are labeled with their current zoning designation.

Site Photos

1008 7804 O'Fallon Rd
Rough future birds eye view. ¹²
NOT Actual or to Scale



1.- Actual buildings will have white roofs.
2.- NOT TO Scale & just a rough possible.



Narrative Statement

We, Ryan and Kristin Kneeder, owners of December Investments LL, are proposing a substantive change from the approved site plan for 1008 Troy O'Fallon Road Troy, IL (located in Madison county). This property is Zoned B-5 Commercial and has been approved for use as a professional service office and indoor/outdoor boat and recreational vehicle storage. We would like to continue to allow for professional services offices and add a self storage component to the 1008 Troy O'Fallon Rd site plan. Specifically, we are seeking approval for a 30ftX250ft all metal structure along the Northern perimeter of the property 1008 Troy O'Fallon Road. This structure will have 10X10 roll up doors facing the South. Additionally, as space in that facility is maxed out we would like permission to proceed with building a 20ftX270ft all metal structure at the West end of the property with doors facing the East. Additionally, as this building becomes maxed out we seek permission to build additional buildings matching the same look and size while maintaining the integrity of the area.

1. We believe that our proposal would have a positive effect on the county plan. It is our belief, based on research of the storage facilities in Madison County IL, that our facility would be equal to or superior to most storage facilities in the county. We plan to use a 2:12 roof pitch on all of our structures which is aesthetically appealing. We plan to use Red, Black and White on our buildings which correlate with the local schools colors of Troy. We plan to use all metal structures which have profound longevity and they look very nice. We plan to use black aluminum fencing and a gate entry. The current structure/brick house/offices will be housing a professional offices including a counseling practice for an expansion of an established counseling office that already has two locations.
2. It is our belief based on research of the local area that our storage facility and professional office space and counseling office will have a positive impact on the safety of the area:

Schools- there are none nearby- however our professional offices and counseling office will help the schools to have a referral source for students and staff in need of behavioral health support. Also, our storage facility will be home to the local school colors red black and white thus enhancing the local support of schools. Our proposed facilities will bring in much higher tax revenue for the county and schools than the current farm field does. Our professional office space will provide local jobs for many people and will provide the local state and federal government with more tax revenue through professional business taxes as well as employment taxes.

Traffic -our facility will likely bring less traffic than the previous business housed in this location as it was a public bathroom and kitchen remodeling store. Professional offices have limited traffic and counselors only see one person per hour and storage facilities do not lend themselves to much traffic as persons are typically storing things that they do not frequently use. We also plan to close off a dangerous ingress/egress at the south end of the property, thus making the local traffic even safer than previously approved site plans.

Narrative Statement Continued

Streets-people who will use our facility likely travel this road already. Typically people prefer to store their rvs, boats and other large items near their home or on their way to the location they use them so they do not waste time traveling to a far off storage facility. Also, people who attend counseling typically do so weekly and thus typically see counselors near their home or place of work. There are no major intersections or cross streets connected to our property creating a much safer ingress and egress.

Shopping- there is none nearby since the closure of the public Kitchen and Bath remodeling store that used to be in our brick building. Only persons coming for professional services or counseling appointments or persons renting storage space will be entering or exiting our property.

Public utilities-we already spoke with many of these providers-who indicated our facilities would have no impact on their functions including; Ameren, Southwest Electric, Troy Water and Sewer Dept, ETC. We have ample parking at our facility and do not foresee any concerns regarding parking.

Adjacent properties-we are directly land connected to another storage facility to our West and North. And we are connected to our South to a property that has been approved for 3 storage facility buildings. Precedent for this type of commercial business was set by the county and the other storage facility business owner. We believe that the Storage facility and professional services offices are the highest and best use of this land. It is worth noting that much of this land sits low and is on an aggressively sloping hill and is not viable for a single family housing development as much of it sits below street level. Additionally, our proposed use of the land is most beneficial for drainage and stormwater runoff. We believe that it is very unlikely that any other use of this land would be nearly as appropriate as what we are proposing. We believe this is true because the properties that border three sides of this property are housing storage facilities or are approved storage facility sites.

3. It is our belief based on research that the county needs more storage facilities. Even our neighbor to the North and West who owns the current storage facility told us that he was full and needed to build another building on his property recently. We have checked the occupancy of many of the facilities within 5 miles of our proposed site and most of them are near or at capacity. We can say with certainty that this application of the land is necessary for public convenience at this location. More counselors are needed in this area as nearly all the counselors within a 5 mile radius are on a waitlist.
4. Our proposed use is completely compatible with its surroundings, again noting that the three directions North, West and South all land bordering properties to this property have storage facilities or on them already (West and North) or have been approved to house storage facilities in the future(South). Directly East is a Major Highway and is a huge buffer to the homes across the Hwy. There are no cross streets to our proposed ingress or egress.

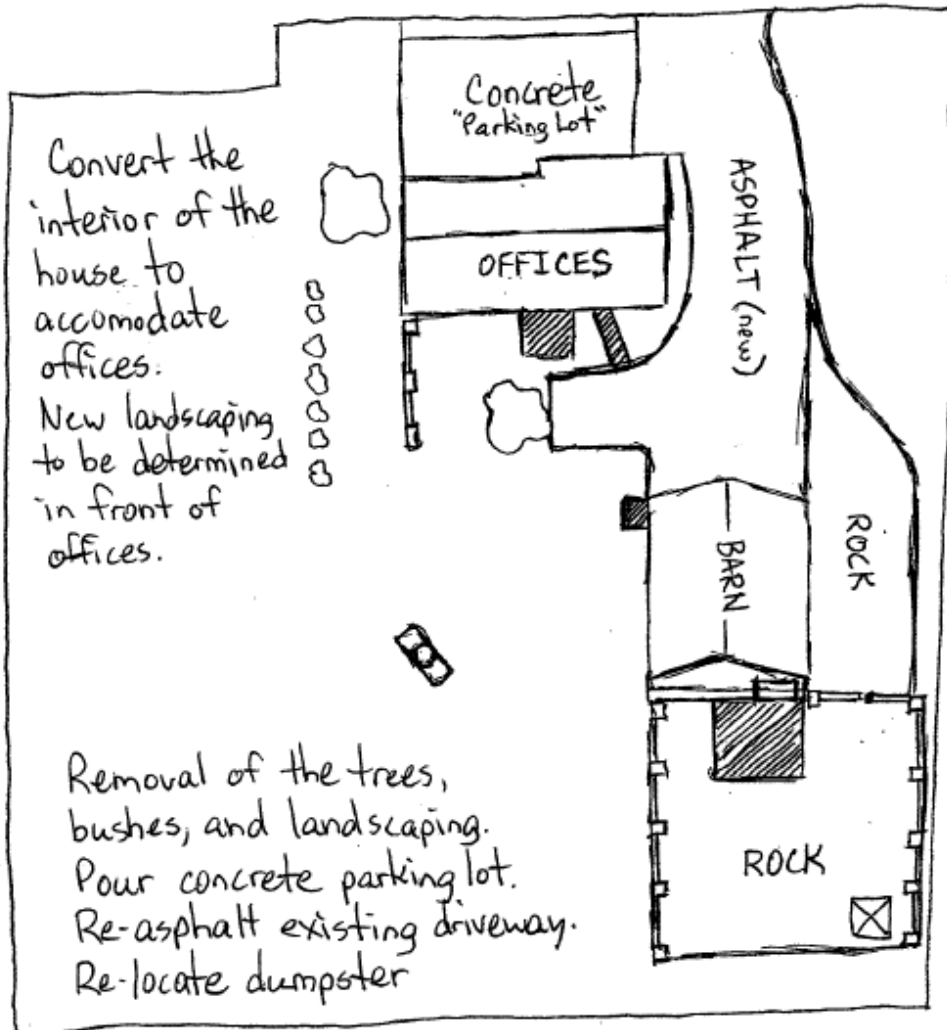
Narrative Statement Continued

5. Our facility is designed, located and proposed to be operated in a manner that protects the public health safety and welfare. We will have black aluminum electric gates and fencing around the facility. The gates will be automatic with a keypad entry. Will will have a 24hour monitored alarm system equipped with real time cameras and 30 day loop recordings. The existing office structure will be used as Counseling Office (or other professional offices) which will provide a much needed service(s) for the local population and will benefit the general public health.
6. It is our belief based on our research that our facility and proposed use of the current structure will only positively impact the value of the properties of the neighborhood.
7. It is our belief based on our research that the approval of our proposed site plan would be beneficial to the essential character of the district in which it is located.

Attachment "A"

1008 Troy O'Fallon
Troy, IL 62294

"Davidson Place"
Phase 1

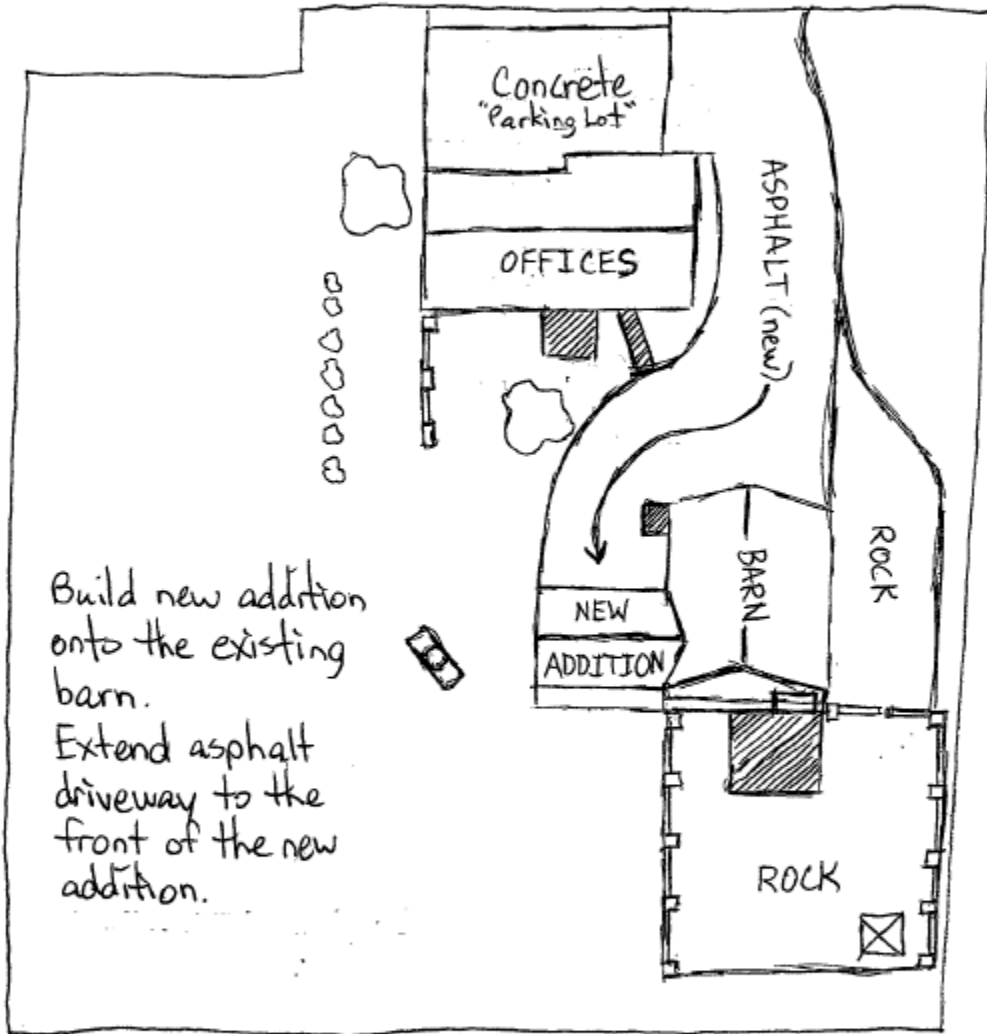


- : trees
- : concrete
- : propane tank
- : dumpster
- : fence

Attachment "A" Continued

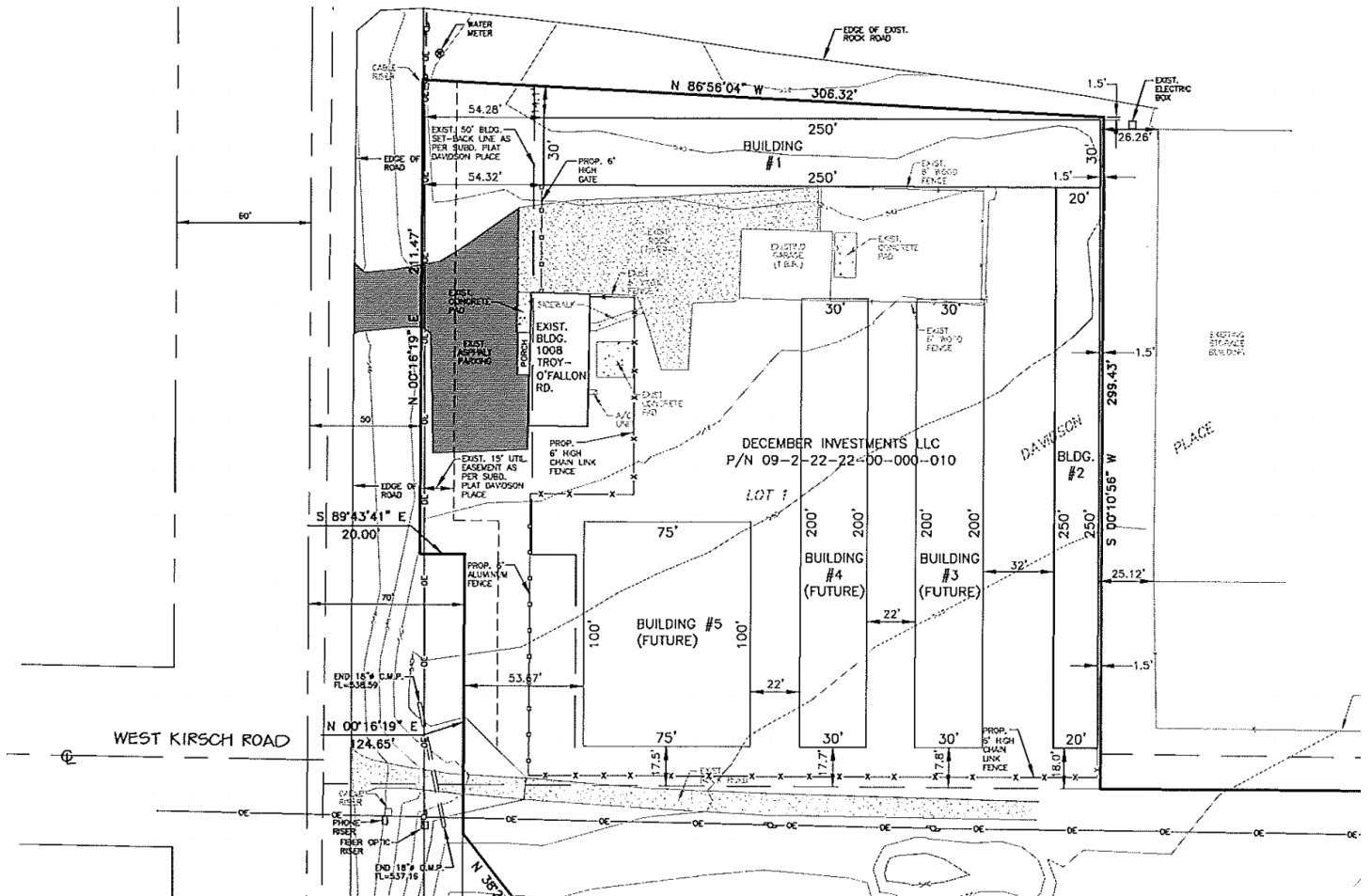
1008 Troy O'Fallon
Troy, IL 62294

"Davidson Place"
Phase 2



- : trees
- : concrete
- : propane tank
- : dumpster
- : fence

Attachment "B"



Attachment "C"**RESOLUTION –Z13-0043**

WHEREAS, The Madison County Zoning Board of Appeals has submitted its Findings for the aforesaid petition; and,

WHEREAS, on the 26th of September 2013, a public hearing was held to consider the Petition of Dan Davidson, applicant and owner of record, and Dennis Williams, co-applicant, requesting an Amendment to rezone a tract of land being 6.04 acres from Agricultural District to B-5 Planned Business District in order to operate an indoor/outdoor boat and recreational vehicle storage facility and also a professional service office. This is located in Jarvis Township, more commonly known as 1008 Troy O'Fallon Road, Troy, IL; and,

Part of the Northwest Quarter of Section 22, Township 3 North, Range 7 West of the Third Principal Meridian, Madison County, Illinois more particularly described by: Beginning at an iron rod on the South line of said Northwest Quarter which is 66.53 feet East of the nail and washer in the pavement of S. A. Route 50 marking the Southwest corner of said Northwest Quarter and on the East right of way line of said highway; thence North 0 degrees 30 minutes West 84.50 feet along said right of way to an iron rod; thence South 89 degrees 30 minutes West along said right of way 20.00 feet to an iron rod by a right of way marker; thence along said right of way North 0 degrees 30 minutes West 312.46 feet to an iron rod; thence South 87 degrees 37 minutes East 347.77 feet to an iron rod; thence South 71 degrees 52 minutes East 315.71 feet to an iron rod; thence South 60 degrees 45 minutes East 96.66 feet to an iron rod; thence South 19 degrees 04.5 minutes East 208.72 feet to an iron rod on the Northerly right of way line of the Penn-Central Railroad (said right of way line being 60 feet from the center line); thence South 57 degrees 18 minutes West along said Northerly right of way 73.10 feet to an iron rod at the intersection of said Northerly right of way line with the South line of said Northwest Quarter; thence West along said South line 715.08 feet to the point of beginning and containing 6.04 acres more or less.

WHEREAS, it was the recommendation in the aforesaid Report of Findings of the Madison County Zoning Board of Appeals that on the petition of Dan Davidson and Dennis Williams be as follows: I. That the Zoning Amendment is Approved; II. The applicant shall submit an application, building plans, and obtain a building permit from the Madison County Planning and Development Department prior to any construction; III. The applicant shall submit an application, site plans, and obtain a Site Development Permit from the Madison County Planning and Development Department prior to any construction. If the applicant submits plans with substantive differences than the proposed use and accompanying site

Attachment "C" Continued

plan, the applicant shall return to the Planning and Development Committee upon a recommendation from the Zoning Board of Appeals for review and approval; IV. The applicant shall adhere to the Madison County Stormwater Ordinance; V.The applicant shall submit a landscape plan that provides adequate screening from adjacent properties and the roadway with the Site Development Plan submittal to be reviewed and approved by the Zoning Administrator; VI. The applicant shall only perform the stated uses attached in Appendix A: and,

WHEREAS, it is the opinion of the County Board of Madison County that the Findings made by the Madison County Zoning Board of Appeals should be **approved** and Resolution adopted.

NOW, THEREFORE BE IT RESOLVED that this resolution is **approved** and shall take effect immediately upon its adoption.

Planning & Development Committee

October 16th, 2013

Attachment "C" Continued**Appendix A****Permitted Uses**

1. Indoor storage of boats and recreational vehicles.
2. Office, Business or Professional
3. Construction trailers, provided they are only used for storage and not occupied.
4. Contractors' offices and shops, where no fabricating is done on premises and where storage of materials and equipment is permitted on the outside of the building, provided they are kept in a neat and orderly condition, and not permitted to create a health hazard and an eye-sore to the general area.
5. Greenhouses, wholesale growers.
6. Machine and equipment rental and repair.
7. Parking lots and garages.
8. Storage of automobiles in running condition.
9. Warehouses, including self-storage facilities.
10. Welding, equipment and supplies, storage.
11. Telecommunication Facility not to exceed 200 feet in height. (Subject to the requirements of §93.099)

The following uses may be allowed by special uses permit in accordance with provisions of sections 93.152 & 93.168.

1. Utilities, electrical substations, other public utility distribution facilities.

Accessory uses. (See § 93.051 (B))

Accessory uses that are clearly associated with and supplementary to the principal uses of the lot or tract of land.

1. Off-street parking and loading.
2. Storage of merchandise or inventory usually carried in stock, provided that such storage shall be located on the lot with the retail, service or commercial use. There can be storage on the outside of the building, provided that it is kept in a neat and orderly condition, and not permitted to create a health hazard and an eyesore to the general area.

Prohibited uses.

1. The following uses shall not be permitted: Boarding and rooming houses; dormitories, fraternity and sorority houses; apartment hotels; manufactured homes or manufactured home parks; and any uses for living quarters not specifically provided for in this section.
2. Neither junkyards, the dismantling of vehicles or the storage of dismantled vehicles, petroleum bulk plants, or outside storage of inflammable liquids or explosives, shall be permitted in this district.
3. Vehicles, such as automobiles, buses, and trucks that do not bear a current set of license plates; or are not in running condition; or are in such a condition that they are inoperable on public streets shall not be permitted.
4. Restaurants or bars that feature nude dancing in any form.



Madison County Government
Planning and Development Department

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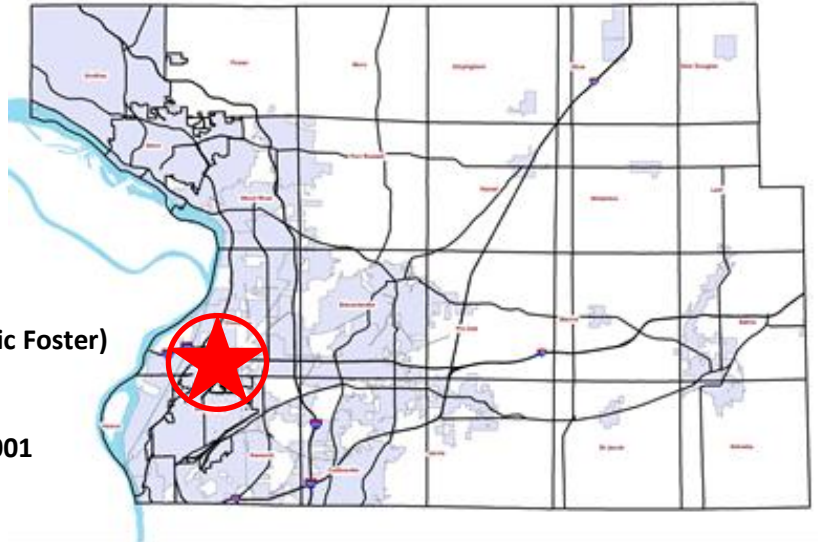
Zoning Board of Appeals Staff Report

Application Number: Z19-0055

Meeting Date: November 26, 2019

From: Breana Buncher
Planning Coordinator

Location: 3113 W. Chain of Rocks Road
Granite City, Illinois
County Board District #21 (Eric Foster)
PIN: 18-2-14-33-01-101-013
18-2-14-33-01-101-016
18-2-14-33-01-101-014.001



Zoning Request: Zoning Map Amendment

Description: Rezone from "R-3" and "B-3" to "PD" Planned Unit Development

Attachments: Attachment "A" – District Requirements
Attachment "B" – Proposed Mobile Home Setbacks
Attachment "C" – Proposed Rules and Regulations

Proposal Summary

The applicant is Affordable Homes, LLC, on behalf of Edwards Associates, LLC, owner of record, requesting a zoning map amendment for three adjacent properties, all of which contain Edwards Mobile Park. The three subject properties combined are approximately 8.92 acres in size. Two of the three properties are zoned "B-3" Highway Business District, while the third is zoned "R-3" Single-Family Residential District. The applicant is requesting to rezone these three properties to "PD" Planned Unit Development in order to maintain the mobile home park and replace old or run-down mobile homes with new or like-new mobile homes. The properties are located at 3111 and 3113 W. Chain of Rocks Road and 5445 Maryville Road, Granite City, in Chouteau Township, near the intersection of W. Chain of Rocks Road and Maryville Road. Planning & Development will be using "R-6" Mobile Home Park District standards as a basis for the requirements of this "PD" Planned Unit Development District, with the exception of setback and floor area square footage requirements. The applicant will be required to maintain the current setbacks of all existing mobile homes in the park. In order for the subject property to be rezoned, the ZBA must review and approve the application as per §93.176, Section (A), Item (3) of the Madison County Zoning Ordinance.

Planning and Zoning Considerations

- *Land Use and Zoning of Surrounding Properties*

Direction	Land Use	Zoning
North	Mobile Home Park	"B-3" Highway Business
South	Canal	"R-3" Single-Family Residential
East	Laundromat/Convenience Store/Single-Family Dwelling	"B-3" Highway Business/"R-3" Single-Family Residential
West	Mobile Home Park	"R-3" Single-Family Residential

- *Zoning Map Amendment* – The applicant is requesting a zoning map amendment in order to rezone three properties with a combined acreage of approximately 8.92 acres from "R-3" Single-Family Residential District and "B-3" Highway Business District to "PD" Planning Unit Development in order to continue the use of the three properties as a mobile home park and to bring them into compliance with the Madison County Zoning Ordinance. This would allow the properties to function as a mobile home park and allow for the owner to be able to replace old and run-down mobile homes with new or like-new mobile homes. The applicant intends to continue utilizing the property as a mobile home park. In order to have less of an impact on the surrounding area, the applicant has agreed to limit future uses of the property. The mobile home park would be the only permitted use on the property. "Attachment A" on pages thirteen (13) and fourteen (14) discusses the details of the proposed conditions of use for the "PD" District, if approved.
- *Existing Structures and Uses* – There are currently sixty-five (65) mobile homes within the park, spanning across the three properties, as well as two (2) office sites. The applicant intends on utilizing all mobile homes and office sites for the mobile home park use.
- *Comprehensive Plan Considerations* – The subject property is denoted as Low-Density Residential on the Future Land Use Map. The applicant is seeking to rezone the three subject properties from "R-3" and "B-3" to "PD" Planned Unit Development. The proposed zoning designation and land use of a mobile home park is in accordance with the Comprehensive Plan.
- *Zoning History* – The subject property was established in 1960 and is currently functioning as a legal non-conforming use, as mobile home parks are not permitted in the "R-3" or "B-3" Districts. In August 2002, the owner at the time requested to rezone the property to "R-6" with variances for lot size, front and side yard setbacks, lot coverage, floor area ratio, and foundation size. This request was denied by the County Board.

Due to the legal non-conforming status, the owner is not permitted to bring in new mobile homes to the property, as it would constitute as an expansion of the legal non-conforming use. The owner is wanting to sell the property and is looking to bring the mobile home park into compliance with all zoning regulations, which triggered the need for the rezoning request.

- *Code Violations*- Over the past seventeen (17) years, there have been various zoning violations in regard to junk and debris and unlicensed vehicles, as well as open dumping violations. There are no current zoning violations on the property.
- *Special Service Area 1*– The subject properties are provided access to sewers through Madison County Special Service Area 1 (SSA1). The current owner, Edwards Associates, LLC, had not been paying the sewer bills and was taken to court for the unpaid fees. Since then, the current property owner has paid down the outstanding fees to the County, and the remaining fees for the properties will be paid off during closing.

In addition, the current property owner also owns Lake Shore Mobile Home Park, just north of the subject properties, and has outstanding SSA1 fees on that property as well. The County is hopeful that some of the proceeds from the sale will go towards paying a significant portion of the outstanding SSA1 fees for the Lakes Shore Mobile Home Park.

- *Mobile Home Setbacks* – The applicant has requested that all sixty-five (65) lots be permitted to keep their existing setbacks, most of which do not meet the “R-6” Mobile Home Park requirements. The “PD” District does allow for flexibility in setbacks; however, the ZBA may consider the impact of the proposed mobile home setbacks. For the proposed setbacks, please see “Attachment B” on page fifteen (15).
- *Density* – The applicant is proposing sixty-five (65) lots for mobile home placements. Although “PD” districts do not require a minimum tract size per unit, the proposed density of sixty-five (65) units on 8.92 acres will provide approximately 6,000 square feet per unit. This is consistent with the “R-6” Mobile Home Park District’s tract size per unit of 6,000 square feet.
- *Open Space* – “PD” Planned Unit Development Districts are zoning districts designed to provide flexibility to developers for site design in exchange for common or public open space. The zoning ordinance requires that the applicant designates 25% of the net area of the property as open space. The amount of acreage required to be dedicated as open space is 2.28 acres, which the proposal meets.
- *Landscaping/Buffer*- The applicant did not provide a landscape or buffer plan for their proposal. ZBA may consider the impact this may have on the surrounding area.
- *Access and Circulation* – The subject properties are located along W. Chain of Rocks Road and Maryville Road, both public roadways.
- *Maintenance and Operations* – As per Chapter 91.60 of the County Code, the owner is responsible for adopting a separate set of rules and regulations governing the maintenance of the mobile home park to keep its facilities and equipment in good repair and in a safe, sanitary condition. The rules are also required to address the control of pets, storage of refuse, abandoned and unlicensed vehicles, and other common deficiencies. Staff has made it a requirement that the mobile home park regulations that govern each of the properties to be adopted within two (2) months of the sale of the property (see “Attachment C” beginning on page eighteen (18)).
- *Sale Contingency* – The County is making a condition that, if approved, the zoning change will not take effect until the proposed sale between Affordable Homes, LLC and Edwards Associates, LLC has been finalized.

Staff Review

When reviewing an application, the following should be taken into consideration: (1) the Comprehensive Plan, (2) the precedent, (3) the Standards of Review, and (4) public input.

1. The proposed zoning designation and land use is in accordance with the Comprehensive Plan and Future Land Use Map (see the Comprehensive Plan Considerations section above).
2. In the past thirteen (13) years, there have been over one hundred (100) requests for zoning map amendments. Of those, two (2) have been requests to rezone to a “PD” Planned Unit Development. Both were approved.
3. The below Standards of Review for zoning map amendments should be taken into consideration for this request. The ZBA has the authority to amend the proposed “PD” District regulations to the zoning map amendment request or recommend denial of the request if the ZBA feels it does not meet the below Standards of Review.
4. Public input during the hearing has value and should be considered by staff and the ZBA when making a recommendation. Staff will provide a formal recommendation based on the outcome of the public hearing.

Standard of Review for Zoning Map Amendments

As per §93.178, Section F, Items 1-7, the following seven (7) items shall be considered by the Zoning Board of Appeals when reviewing a Zoning Map Amendment request.

1. Existing use(s) and zoning of the property in question;
2. Existing use(s) and zoning of other lots in the vicinity of the property in question;
3. Suitability of the property in question for uses already permitted under existing regulations;
4. Suitability of the property in question for the proposed use;
5. The trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since the property as initially zoned or last zoned;
6. The effect of the proposed rezoning would have on the implementation of the Comprehensive plan;
7. Impact of the proposed rezoning on surrounding properties;
8. Impact of the proposed rezoning on health, safety and welfare of the community.

Aerial Photograph

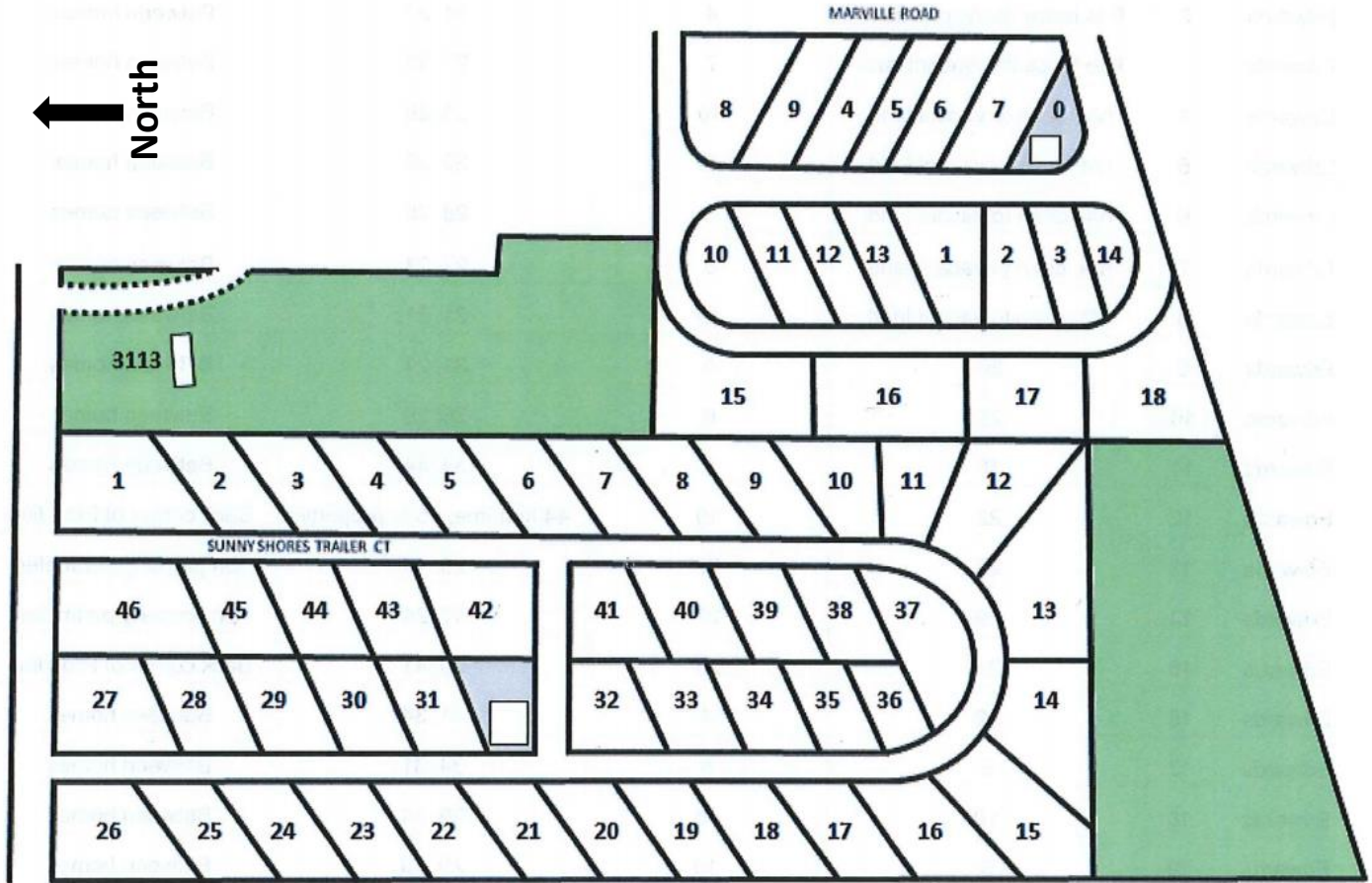


Zoning Map



The subject properties are outlined in blue.
Property lines may be skewed to imagery

Site Plan



Site Photographs



Narrative Statement**Exhibit 1 to Application**

Applicant: Affordable Homes, LLC (“Applicant”)

Current Owner: Edwards Associates, LLC

Subject Property: Edwards and Old 66 Mobile Home Park
18-2-14-33-01-101-013, R-3
18-2-14-33-01-101-016, B-3
18-2-14-33-01-101-014.001 B-3
(the “Property” or the “Park”)

Zoning Request: Planned Residential District Application
Planned Unit Development District “PD”

The Applicant is currently under contract to purchase the Property and begin the process of updating the condition of the Park to meet and exceed the community standards. The Applicant requests that the Property be rezoned from its existing R-3 and B-3 zoning to Planned Unit Development “PD” with Madison County (“County”) consistent with this Application, the requirements of R-6, to the extent feasible, and the corresponding Exhibits provided. The Park was designed and established in 1960. Since 1960, the County zoning laws have changed making the Park is no longer in conformity with the current County zoning requirements. While the Park maintains a legal non-conforming status, the Applicant desires to begin replacing dated homes. The County has taken the position that the Park is entitled to maintain its current use, but it cannot replace any existing homes at the Property without bringing the entirety of the Park into compliance with the current zoning requirements. While the Applicant disagrees with the County’s legal position disallowing the replacement of existing homes, in an attempt to compromise, the Applicant has agreed to seek this requested rezoning to allow for the Applicant to begin the process of updating and improving Park.

Special Service District Repayment

The Park’s current owner, Edwards Associates, LLC, in addition to paying the outstanding real estate taxes, agrees to pay down the amounts owed to the Special Service District by Edwards Associates, LLC (or its affiliates) to the County from the sale proceeds.

The Property

The Park is located at 3113 W Chain of Rocks Rd in Granite City, IL. It is comprised of 65 mobile homes and 2 office sites. The Property consists of approximately 8.92 acres. Of the existing home sites, all but 1 is currently being utilized. Please refer to the Maps of Survey, Aerial Map, site plan map and additional photographs of the mobile homes within the Property enclosed with the application.

Narrative Statement Continued

Green Space

The Parks existing green space meets or exceeds the PD District Zoning requirements at approximately 2.28 acres out of the Park's 8.92 acres. This represents approximately 25.5% green space coverage.

Summary of Plan Improvements

If the Applicant's request is approved, it plans on making the following improvements to the Property:

- Implementation and enforcement of new Park rules;
- Improvements to certain road, infrastructure, and landscaping to enhance the overall appearance of the Park;
- Removal and replacement of any homes in disrepair, replacing with new homes or used homes in good condition;
- Begin a process of selling the existing Park owned homes to current and new residents as an affordable home ownership alternative; and
- Provide 24-hour professional management to improve the safety and welfare of all residents and the surrounding community.

Applicant's Proven Track Record as a Developer and Owner

Nick Najjar is the principal owner of the Applicant, Affordable Homes, LLC. Nick is a successful and experienced real estate investor and developer. Affordable Homes, LLC is also a licensed manufactured home dealer in Illinois. Affordable Homes, LLC currently owns and operates the Specialville Estates mobile home park in the southeast suburbs of Chicago. Since the acquisition of the Specialville Estates mobile home park community, Applicant has improved the property significantly. Applicant has cleaned up the appearance of that property by removing trash, debris, improved the road conditions, added professional signage, and enforced park rules. Applicant has demolished and removed a mobile home there that was beyond repair and moved three brand new mobile homes from the manufacturer and one used home onto Specialville Estates. Nick also owns two successful real estate publications, the Real Producers www.stlrealproducers.com as well as a strategic gifting company www.mycompanygifts.com. The Real Producers works exclusively with the top producing real estate agents in Madison County and St. Clair County. Nick also has close ties to the community and strives to provide clean, safe, and affordable housing in the area. Nick received a B.S. in Business Management from the University of Missouri – Columbia in 2006.

If Applicant is successful in this rezoning process, it intends to continue to grow its mobile home portfolio. The Applicant has the option to purchase Lake Shores Mobile Home Park, (the park to the immediate North of the Property) and would also likely seek the same approvals as requested herein.

Narrative Statement ContinuedPlan of Action

After the successful rezoning and subsequent purchase of the Property, the Applicant plans to hire a management professional (“Manager”) to manage and operate the mobile home park. The Manager shall be tasked with the following:

1) Rules enforcement.

While the current owner has been lax in its enforcement of the current park rules, the new Manager shall begin a strict enforcement of the new Park Rules. Enforcing these new Park Rules will allow the Park to take a big step in improving its overall impression. The Manager shall also coordinate with the Applicant on all of the planned improvements. These improvements to the Property will transform this into a community where its resident can take pride in home ownership.

See the Proposed new Park Rules attached hereto as Exhibit 1A.

2) Offering Affordable Home Ownership.

There are currently 28 Rental homes on the Property. The Applicant’s goal is to establish home ownership for all the residents at the Park. This will include financing the sale of the mobile homes that are currently owned by the park. When people own their home instead of renting the community feeling improves and also the general appearance of the property improves because people generally take care of their own personal property more than a landlord’s property.

3) Professional Management.

An onsite manager is key to the overall success of the Park. The Manager will live on the Property in one of the homes and will be responsible for keeping the park clean, enforcing the rules, and handling any issues that could arise.

4) Professional Operations.

The Applicant’s director of operations, Mary Ortmann, currently manages a portfolio for MHP Equity Group with over 450 manufactured homes in 5 mobile home parks in the Midwest. She also manages all of the mobile home parks in the Affordable Homes, LLC portfolio. The applicant has the experience and track record to handle the improved operations and management.

Narrative Statement ContinuedThe "PD" Planned Unit Development District Sought

§ 93.037 "PD" PLANNED UNIT DEVELOPMENT DISTRICT

(A) General. The purpose of this zoning district is to provide areas suitable for planned developments. The Planned District is designed to provide for site design and utilization in areas favorable for growth but experiencing a variety of developmental problems, or for areas having access to urban services, utilities, and public improvements containing potentially significant site planning advantages for Planned Unit Developments.

Problems may relate to existing or future traffic, land acquisition, topographical, utility, and related problem areas. It is the intent of this zone district to maximize the public welfare and to provide the flexibility needed by developers to potentially enhance the aesthetic quality, consumer benefits, and marketability of multiple or single use developments and to reduce the capital investment necessary for development, utilities and public improvement.

(B) "PD" Conditions of use.

(1) General. The planned Unit Development can be planned and developed to result in an environment of superior quality than can be achieved under traditional zoning requirements and practices.

(2) Natural features. Provision is made to accommodate and assure the maintenance of unique natural and man-made amenities such as streams, stream banks, flood plains, wooded areas, rough terrain, historic sites and similar areas.

(3) Unified control. The land is or will be under continuing unified control during and after construction, subject to the restrictions of this section.

(4) Open Space. Common or public open space shall be provided in sufficient quantity for amenity and recreational purposes. The quantity of open and recreation space in residential developments shall be a minimum of 25% of total land area and additionally shall be appropriate to the scale and character of the Planned Unit Development, considering its size, density, expected population, topography, and the number, type and density of land uses to be provided.

(5) Utilities. All Planned Unit Developments shall be provided with a central sewer and water system.

(6) Information required. Applicants for a PD shall furnish the information requested in §93.152; see § 93.168 for procedures.

(7) Subdivision requirements. Applicants, after rezoning approval, the issuance of the special use permit or concurrently with the zoning application, shall submit a preliminary and a final development plat and shall meet the requirements of the county subdivision code concerning the preliminary plat, final plat, improvements, and open space.

Narrative Statement Continued

(8) Changes after PD completion. After the final plat has been approved and construction has been completed changes in use or land area shall only be by zoning amendment consistent with the intent and purpose of the PD except for changes that may increase the bulk of any building or rearrangement of land use by not more than 10%.

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(C) Permitted uses. Any combination of residential, commercial or industrial uses as approved.

(D) Accessory use. Any accessory use approved in a development plan.

PD Request

The applicant requests that the current number of homes at the Park be maintained and allowed to be replaced in their existing spaces subject to meeting the current setbacks for the specific lot where it is being replaced. At 8.92 acres or 388,555.20 square foot, the Park's 65 units on the Property equates to approximately 6,000 square feet per unit. The Applicant would seek to be relieved from the balance of the existing zoning set back requirement and be allowed to maintain the current 65 unit configuration. The Applicant will also agree to meet or exceed all other Illinois Department of Public Health and Safety Requirements, HUD Manufactured housing guidelines for all new homes and all other Illinois Manufactured Housing requirement. Additionally, if successful in its rezoning request, the Applicant intends to close on the Property. As such, all of the existing County debt owed by the current owner shall be repaid to the County at closing.

PD Conditions

Applicant agrees that the proposed "Planned Unit Development District ("PD") shall be subject to the following conditions:

1. The Park shall be exclusively used as a mobile home park and is limited to a maximum of 65 mobile home units. The Parks existing setbacks be allowed. (See site plan of the existing setbacks attached).
2. The Park shall be allowed to replace any of the existing homes with better quality new or used homes of a similar size on the existing site pads and shall meet the existing mobile home setbacks of the specific lot where it is being replaced.
3. Each new mobile home installed in the Park shall meet the following standards:
 - a) No permanent additions shall be built onto or become a part of any mobile home without prior approval of the county.
 - b) Each mobile home must be tied down in a safe and secure manner.

Narrative Statement Continued

- c) Any new home brought into the Park shall be manufactured after 1976 and meet the requirements of the United States of America Standards Institute/A119-1, as periodically revised.
4. The Applicant shall obtain a building permit from the Madison County Planning and Development Department prior to the installation of any new home.
5. Within two (2) months following rezoning, the Applicant shall adopt a separate set of rules and regulations (See proposed Rules and Regulations attached as Exhibit 2) governing the use and maintenance of mobile home sites, so as to keep the Park in good repair and in a safe, clean and sanitary condition. These Rules and Regulations shall include the following subjects:
 - a) Control of pets.
 - b) Storage of refuse and garbage.
 - c) Design and construction of auxiliary structures and fixtures, including mini-pools, planters, trellises, and outdoor artwork.
 - d) Control of abandoned and unlicensed automobiles.
 - e) Control of growth of weeds and grass.
 - f) Control of insects and other pests.
 - g) Proper upkeep and maintenance of mobile homes, including doors, window, skirting, decks and porches.

The Applicant shall submit the Park rules during the mobile home park license renewal and will be responsible for enforcing the rules within the park.

6. The Applicant shall operate the Park in compliance with the applicable state and local codes pertaining to operation of mobile home parks, including the Illinois Mobile Home Park Act (210 ILCS 115/1 *et seq.*).

Attachment "A"

The "PD" Planned Unit Development District is approved for the 8.92 acre tract, addressed as 3111 and 3113 W. Chain of Rocks Road (PINS: 18-2-14-33-01-101-013 & 18-2-14-33-01-101-016) and 5445 Maryville Road (PIN:18-2-14-33-01-101-014.001), Granite City contingent on the sale between Affordable Homes, LLC and Edwards Associates, LLC.

Permitted Uses

1. Mobile Home Park

Special Uses - The following uses may be allowed by special uses permit in accordance with provisions of sections 93.152 & 93.168.

1. Utilities, electrical substations, other public utility distribution facilities.

Accessory uses. (See § 93.051 (B))

Accessory uses that are clearly associated with and supplementary to the principal uses of the lot or tract of land.

1. Off-street parking and loading.
2. Storage of merchandise or inventory usually carried in stock, provided that such storage shall be located on the lot with the retail, service or commercial use. There can be storage on the outside of the building, provided that it is kept in a neat and orderly condition, and not permitted to create a health hazard and an eyesore to the general area.

Prohibited uses.

1. Neither junkyards, the dismantling of vehicles or the storage of dismantled vehicles, petroleum bulk plants, or outside storage of inflammable liquids or explosives, shall be permitted in this district.
2. Vehicles, such as automobiles, buses, and trucks that do not bear a current set of license plates; or are not in running condition; or are in such a condition that they are inoperable on public streets shall not be permitted.
3. Restaurants or bars that feature nude dancing in any form.

Additional Requirements

1. The Edwards Mobile Home Park shall be exclusively used as a mobile home park and is limited to a maximum of 65 mobile home units. The park's existing setbacks be allowed (See site plan of the existing setbacks attached).
2. The park shall be allowed to replace any of the existing homes with better quality new or used homes of a similar size on the existing pads and shall meet the existing mobile home setbacks of the specific lot where it is being replaced.
3. Each mobile home installed in the park after the Madison County Board's approval of the rezoning petition shall meet the following standards:
 - a) Each home must be equipped with fire resistant skirting which encloses the otherwise exposed area beneath the bottom of the home and the ground.
 - b) No permanent additions shall be built onto or become a part of any mobile home.

- c) Each mobile home must be tied down in a safe and secure manner.
 - d) Each home shall be manufactured after 1976 and meet the requirements of the United States of America Standards Institute/A119-1, as periodically revised.
 - e) Each home shall adhere to the minimum standards of the Madison County Zoning Ordinance, Mobile Home Park Code, and all applicable Building Codes.
4. Within five (5) years of the Madison County Board's approval of the rezoning petition, all existing homes in the park shall meet the standards in Condition #3.
5. The applicant, owner, and/or operator and their successors shall obtain a building permit from the Madison County Planning and Development Department prior to the installation of any new home.
6. Within two (2) months following rezoning, the applicant, owner, and/or operator and their successors shall adopt a separate set of rules and regulations (see Attachment "C" for proposed Rules and Regulations) governing the use and maintenance of mobile home sites, so as to keep the park in good repair and in a safe, clean, and sanitary condition. These rules and regulations shall include the following subjects:
- a) Control of pets.
 - b) Storage of refuse and garbage.
 - c) Design and construction of auxiliary structures and fixtures, including mini-pools, planters, trellises, and outdoor artwork.
 - d) Control of abandoned and unlicensed automobiles.
 - e) Control of growth of weeds and grass.
 - f) Control of insects and other pests.
 - g) Proper upkeep and maintenance of mobile homes, including doors, window, skirting, decks and porches.

The applicant, owner, and/or operator and their successors shall submit the park rules during the mobile home park license renewal and are responsible for enforcing the rules within the park.

7. The applicant, owner, and/or operator and their successors shall operate the park in compliance with the applicable state and local codes pertaining to operation of mobile home parks, including the Illinois Mobile Home Park Act (210 ILCS 115/1 *et seq.*).
8. The applicant, owner, and/or operator and their successors shall apply for an annual permit issued pursuant to the Madison County Mobile Home Park Code. As a part of the renewal process, substantial compliance with all terms of the agreement and the "PD" requirements will be necessary for the license renewal. In the event that the applicant, owner, and/or operator fails to substantially comply with the conditions established by the "PD" requirements, the applicant, owner, and/or operator and their successors shall discontinue operation of the park.

Attachment "B"

EDWARDS & OLD 66 | 3113 W CHAIN OF ROCKS RD & 5445 MARYVILLE RD, IL | AUGUST 4TH, 2019
Updated November 8th, 2019
HOME SETBACKS [PAGE 2-11]

ITEMS

- 1. DRONE AERIAL MAP: [pages 2-3]
- 2. LIST OF HOME SETBACKS: [4]

Measurements are taken from the center of homes – center of the sides and center of the front and back of home.

Distance between homes is measured from center of roof to roof

Distance behind home is measured from center roof to abutting home or property line/road

Distance in front of home is measured from center roof to abutting home or property line/road

1. LOT MAP

DRONE MAP WITH LOT LINES OVERLAY

The property was droned on August 4th, 2019. The aerial shown below represents the property as it was on August 4th, 2019.



65 MH LOTS (1 OFFICE LOT, 1 STORAGE BUILDING)

Attachment "B" Continued

EDWARDS & OLD 66 | 3113 W CHAIN OF ROCKS RD & 5445 MARYVILLE RD, IL | AUGUST 4TH, 2019
 Updated November 8th, 2019
 HOME SETBACKS [PAGE 2-11]

2. LIST OF HOME SETBACKS

Property	Lot #	Back	Front	Side-to-Side	Borders What?
Edwards	1	9 to fence line/vacant land	4	45 to road, 31 to home	W Chain of Rocks
Edwards	2	9 to fence line/vacant land	4	34, 27	Between homes
Edwards	3	9 to fence line/vacant land	7	27, 35	Between homes
Edwards	4	n/a, open to vacant land	10	35, 29	Between homes
Edwards	5	n/a, open to vacant land	6	29, 28	Between homes
Edwards	6	n/a, open to vacant land	5	28, 28	Between homes
Edwards	7	n/a, open to vacant land	6	28, 21	Between homes
Edwards	8	n/a, open to vacant land	16	21, 31	Between homes
Edwards	9	20	5	31, 27	Between homes
Edwards	10	25	6	26, 29	Between homes
Edwards	11	16	9	34, 44	Between homes
Edwards	12	22	10	44 to home, 55 to property	Back corner of Prop line
Edwards	13	27	27	25, 16	On property perimeter
Edwards	14	29	27	17, 24	On property perimeter
Edwards	15	24	23	29, 41	Back corner of Prop line
Edwards	16	12	4	41, 34	Between homes
Edwards	17	6	6	34, 31	Between homes
Edwards	18	10	14	29, 34	Between homes
Edwards	19	6	10	29, 29	Between homes
Edwards	20	11	9	29, 30	Between homes
Edwards	21	16	12	30, 27	Between homes
Edwards	22	10	6	27, 27	Between homes
Edwards	23	2	6	29, 27	Between homes
Edwards	24	6	9	28, 27	Between homes
Edwards	25	11	9	30, 30	Between homes
Edwards	26	Back - 16	Front - 15	28, 37	W Chain of Rocks
Edwards	27	0	7	27, 27	Between homes
Edwards	29	7	5	27, 25	Between homes
Edwards	30	unsure	7	25, 24	Between homes
Edwards	31	3	3	24, 24	Between home & Bldg
Edwards	32	20	10	24, 31	Between home & road
Edwards	33	18	9	32, 30	Between homes
Edwards	34	12	7	30, 32	Between homes
Edwards	35	10	12	32, 17	Between homes
Edwards	36	10	6	17, 28	Between home & road
Edwards	37	10	30	16, 27	End of block
Edwards	38	10	3	31, 31	Between homes

Attachment "B" Continued

Edwards	39	10	10	30, 31	Between homes
Edwards	40	10	10	34, 31	Between homes
Edwards	41	10	15	24, 31	Corner & home
Edwards	42	VACANT			
Edwards	43	Nothing behind home	9	28, 20	Between homes
Edwards	44	8	12	20, 20	Between homes
Edwards	45	7	4	20, 28	Between homes
Edwards	46	4	3	45 to road, 33 to home	W Chain of Rocks

Old 66	1	24	10	20, 29	Between homes
Old 66	2	10	10	29, 18	Between homes
Old 66	3	18	10	18, 9	Between homes
Old 66	4	10	12	14, 7	Next to 1 home
Old 66	5	VACANT			
Old 66	6	10	10	14, 18	Next to 1 home
Old 66	7	10	8	14, 28	Between home & shed
Old 66	8	10	6	30, 28	Between road & home
Old 66	9	10	9	28, 14	Between homes
Old 66	10	18	10	20, 18	Between road & home
Old 66	11	30	10	18, 18	Between homes
Old 66	12	34	16	18, 24	Between homes
Old 66	13	24	10	24, 16	Between homes
Old 66	14	18	15	10, 10	Between road & home
Old 66	15	26	Open space	24, 34	Next to 1 home
Old 66	16	30	26	22, 24	Between homes
Old 66	17	30	28	20, 14	Between homes
Old 66	18	22	32	50, open space	Between home & border

Attachment "C"

EDWARDS MOBILE HOME PARK **RULES & REGULATIONS**

1. **Service Charges.** Fees may be added to the Tenant's monthly rent due if Landlord has to arrange for additional services to be performed to the Tenant's lot and/or mobile home unit. If Landlord has notified Tenant of the necessary task to be performed and a specific reasonable number of days have passed, the Tenant will be charged the following amounts after the work is completed. All fees are considered part of rent and must be paid the month they are charged.

- a. Lawn mowing and landscaping after (5) days notice a minimum labor charge of \$25.00
- b. Debris removal after (5) days notice including garbage, furniture, appliances, construction materials, etc. a minimum labor charge of \$75.00 plus refuse company charges.
- c. Repairing/repainting shed, skirting, porch, fencing, carport, home, etc. after (30) days notice a **minimum** charge of \$250.00 plus costs of materials.
- d. Rodding of sewer lines that result from foreign objects intentionally or unintentionally flushed into sewer system a minimum labor charge of \$75.00 to a maximum of \$500.00.

2. **Tenant's Insurance.** TENANT ACKNOWLEDGES THAT TENANT HAS BEEN SPECIFICALLY ADVISED BY LANDLORD TO OBTAIN TENANT'S OWN INSURANCE COVERAGE FOR MOBILE HOME AND PERSONAL PROPERTY WHICH WILL BE PLACED ON THEIR SPECIFIC LOT. TENANT'S PROPERTY IS NOT INSURED BY THE LANDLORD AGAINST LOSS OR DAMAGE. TENANT AGREES TO MAINTAIN FIRE AND EXTENDED COVERAGE INSURANCE FOR THE FULL INSURABLE VALUE OF THE PROPERTY STORED ON THE PREMISES OR AGREES TO BE SELF-INSURED (PERSONALLY ASSUME ALL RESPONSIBILITY FOR LOSS). TENANT ACKNOWLEDGES THAT INSURANCE IS AVAILABLE FROM INDEPENDENT INSURANCE COMPANIES FOR DAMAGE, LOSS OR INJURY TO TENANT'S PROPERTY. TENANT AGREES THAT ITS INSURANCE COMPANY SHALL NOT BE SUBJUGATED TO ANY CLAIM OF TENANT AGAINST LANDLORD, ITS AGENTS OR EMPLOYEES.

3. **Use and Restrictions.** The Tenant agrees to use the Premises only for residential purposes. TENANT SHALL NOT ALLOW THE PREMISES FOR UNLAWFUL PURPOSES. TENANT SHALL NOT GENERATE, RELEASE, STORE, USE OR DISPOSE OF ON OR AROUND THE PREMISES ANY CORROSIVE, EXPLOSIVES, ODOROUS, NOXIOUS, CHEMICAL, FLAMMABLE, HAZARDOUS OR TOXIC MATERIALS OR FLUIDS OR ANY SUBSTANCE WHOSE STORAGE OR USE CONTRAVENES ANY APPLICABLE LAW OR ORDINANCE OR WILL INCREASE LANDLORD'S RATE OF INSURANCE ON THE PREMISES. THE PREMISES SHALL NOT BE USED FOR SOLICITING, VENDING, OR COMMERCIAL BUSINESS ACTIVITY, INCLUDING "GARAGE SALES". TENANT SHALL NOT USE ANY MOBILE HOME UNIT FOR ILLEGAL OR IMMORAL PURPOSES. NO SUBLETTING OR ASSIGNMENTS ALLOWED. ALL COSTS INCURRED DUE TO A VIOLATION OF THIS PARAGRAPH, SHALL BE PAID BY TENANT. A TENANT WHO VIOLATES THIS RULE IS SUBJECT TO EVICTION.

4. **Tenant Duties.** Tenants must keep their lot, surrounding Premises and all other facilities clean and sanitary at all times and must dispose of garbage and rubbish in the appropriate containers. Additional duties include, but not limited to:

- a. Follow all Rules and Regulations.
- b. Do not store inoperable motor vehicles or perform major repairs on such vehicles.
- c. Do not wash vehicles on Premises.
- d. Do not store interior furniture, building materials, appliances, oversized toys or similar items on the exterior of the mobile home.

- e. Do not cause or permit others to cause damage to any part of the Premises.
- f. Do not cause loud or disturbing noises that interfere with the rights, comfort or convenience of other Tenants.
- g. Do not store boats, travel trailers, go carts, heavy equipment or any other equipment management deems inappropriate for a residential community.
- h. **Do not store flammables** in or around mobile home, including underneath the home.
- i. Do not allow your children to play around other Tenant's homes and motor vehicles without their permission;
- j. Do not obstruct access to mobile home entrances or main roadways. The following items are strictly prohibited within these areas: Storage or trash receptacles, motor vehicles, bicycles, toys, and other household items.
- k. Cooperate with Landlord, its agents and employees, Public Health Personnel, Fire Department Staff and Police Department Personnel.
- l. Be courteous and respectful to fellow Tenants.

5. Utilities.

a) *Water and sewage* will be provided and paid for by the Landlord, but the Landlord will bill you for your sub-metered portion of the water and sewage used for your lot. Toilets are typically the most wasteful source of water loss; therefore, you will be expected and required to maintain your plumbing fixtures inside your home. Your residential manager will be a very good resource to help you determine your system's needs. A minimum \$25.00 fee could be imposed per day, if a major leak is detected from your plumbing system. The management will check each home throughout each year. Tenants are required to keep the water inlet pipe into their mobile home wrapped with heat tape to prevent freezing. A minimum fee of \$100.00 will be charged if you have failed to take the necessary precautions and your pipes have broken. **PLEASE NOTIFY THE RESIDENTIAL MANAGER IMMEDIATELY IF YOU SUSPECT A BROKEN WATER PIPE OR SEWER.** Do not flush undissolvable materials down the sewer. Undissolvable items include diapers, condoms, sanitary napkins, tampons, toys, baby wipes, etc.

b) *Gas Service* is your responsibility and is provided by Ameren for a fee. Their telephone number is 1-800-755-5000. In case of an emergency dial 911 or call the gas company directly. **Smoke Detectors are mandatory and Carbon Monoxide detectors are highly recommended.** All mobile homes must have a functional fire extinguisher.

c) *Electric Service* is your responsibility from the meter throughout your home. Ameren is the provider of electricity and their telephone number is 1-800-755-5000. If you have concerns about a downed wire, loose wiring or even exposed wiring, please let the residential manager know immediately and avoid any and all contact with it. All situations that potentially threaten life or limb call 911 emergency and not the residential manager.

d) *Telephone Service* is your responsibility. You may make your own arrangements for service.

e) *Postal Service* may be attained by visiting the local US Post Office, located at 2350 Madison Avenue, Granite City, Illinois 62040. Their telephone number is 1-800-275-8777. The locked mailboxes located on the Premises are not the possession of *Edwards Mobile Home Park*. Any and all questions regarding the mail and/or mailboxes must be addressed with the US Post Office.

f) *Cable or Satellite TV Service* is your responsibility. Satellite placement must be approved by park management and may not interfere with your neighbor's living area.

6. **Garbage/Refuse.** One container (tote) is provided to you at the Landlord's expense and will be picked up every Wednesday. All garbage totes must be brought out to the "curb" on Tuesdays no earlier than 5:00 p.m. and returned to your lot after pick-up. The totes must be returned inside your lot no later than Wednesday at 10:00 p.m. and should remain out of site until the next pick up time. On occasion, you may have extra trash and then you may utilize the oversized garbage dumpster located in the center of the park. This container may not be used for garbage from outside of the park, i.e. work site construction materials and landscaping garbage from other sources. Don't forget to close the containers to help prevent insect and vermin infestations. Avoid placing tote near your neighbor's lot or windows. If an additional tote is necessary, this can be provided to you at an additional expense.

7. **Snow Removal.** It is park management's responsibility to remove snow from the main roadway that goes down the middle of the park. They will also remove snow from the main parking area and the side road within the park. Plowing of parking spaces will be completed as vehicles are moved. However, this may be difficult to accomplish perfectly as everyone has different schedules. Management will try to accommodate the Tenant's needs as they are plowing. Please cooperate with moving your vehicles as needed. It is acceptable to push snow into the roadway from your sidewalks, but please do not overdo it by creating an impassible pile of snow. Your cooperation is appreciated.

8. **Motor Vehicles.** Tenants will have (2) designated parking places only for (2) functional and registered vehicles. If there are additional vehicles, arrangements can be made for additional parking; however a fee may apply. All of your guest's vehicles must either be parked in your designated parking spaces or in the main parking area located by the trailer office. No overnight parking will be allowed in this area, unless approved by management and only for short periods. Other rules include:

- a. **SPEED LIMIT IS 5 MPH** while driving anywhere on the property. Violators may be evicted.
- b. Motorcycles and scooters can only be parked in your designated parking area or in your shed.
- c. No unlicensed drivers will be allowed to drive on the property. Motor scooters, buggies, go-carts, ATV's, snow mobiles, etc. are **not allowed** to be operated on the property. This will be strictly enforced, no exceptions whatsoever. This does not include handicapped assist vehicles.
- d. No vehicles with RV plates or commercial type vehicles will be allowed to park at the facility.
- e. No tarping or covering vehicles with temporary canvas/plastic structures.
- f. No parking in main roadway, on the grass, or in the yards of the mobile homes. Parking violators may be towed at the owner's expense by a local towing company. Please notify your guests.
- g. No oil changes, brake work or major engine repairs, etc. If your vehicle has a leak of any kind, it must be removed at once upon management's direction.
- h. Washing vehicles is strictly forbidden on the property.
- i. While on the Premises, the volume setting on your car stereo must be kept very low at all times of the day or night. If after (3) warnings you continue to ignore this rule, you may be evicted. No person should hear your music while sitting inside of their homes. Tenants are responsible for their guests and their actions.
- j. All vehicles must be capable of being driven. All others will be removed at the owner's expense.

9. **Storage Sheds.** Storage sheds must be professionally constructed and approved in writing by Landlord or its agent prior to installation. The size may not be larger than 6'x6'x6' and must be securely anchored to a concrete pad of equal size dimensions and may not be more than 5" thick. Tenant assumes all liability for the shed and if required by management, must remove both concrete and shed after a written (10) days notice for any reason. This decision will be at the management's discretion and all decisions are final and binding. If after the (10) days notice is delivered and the shed has not been removed, the Landlord will remove it at the Tenant's expense. A minimum charge of \$250.00 will be required. No

electricity or water hook up will be allowed in the shed. Storage of personal items must be limited to non-hazardous materials only. Construction materials of the shed must be similar to the mobile homes' construction type and color. Storage sheds may not be closer than 4' to any mobile home, including the neighbor's mobile home in any direction.

10. **Alterations.** Tenant shall make no exterior alterations or additions to their mobile home or the Premises without first having written approval from management. Any and all alterations not approved by management may have to be removed within (5) days or it may be removed by management at the Tenant's expense. In each case, the prior written consent must be specific to terms and conditions agreed to by Landlord.

11. **Home Maintenance.** All Tenants are responsible in doing their part to help make this community look its best, including, but not limited to:

- a. All exterior surfaces of their home, including stairs and carports, must be kept clean, and painted (no exposed untreated wood).
- b. Exterior paint colors must be approved by park management prior to purchasing or painting.
- c. No broken or unserviceable windows. Boarded up windows must be repaired within (15) days.
- d. No loose, missing or broken skirting. There should not be any openings at the bottom of your home. Pets are not allowed to reside underneath your home or stairs.
- e. No storage of any items underneath the mobile home. This promotes rodent and insect infestations.
- f. All fencing surrounding mobile homes must be painted white, well maintained and no taller than 48" or it must be removed immediately. No other colors will be authorized regardless of when it was last painted. The Tenant is responsible for any fencing matters. The management will take care of this for a fee if it becomes necessary.
- g. Christmas or other holiday decorations, including lighting, must be removed within 20 days after that specific holiday and shall not be put up prior to 15 days before the Holiday (or for Christmas prior to Thanksgiving). Holiday decorations must never interfere with your neighbor's peace and wellbeing. Management reserves the right to have disruptive decorations removed within a 24-hour notice.
- h. All homes may only have white or yellow bulbs for outdoor lighting. No other colors will be allowed.
- i. Window A/C and central air is acceptable as long as it is supported correctly and safely with proper drainage. Metal brackets are the preferred method of support; however, wooden boards used as braces that extend to the ground are not the preferred method.
- j. Tarps or other temporary roof and wall repairs must be for short term only (limit 30 days). All roofing repairs must be completed professionally and meet any and all building codes or ordinances.
- k. No grass or weeds can be over 3" in height. Tenant is responsible to keep this trimmed and orderly. Tenants will be ticketed and charged if not in compliance after a 5 day notice. Park owned trees may not be trimmed by Tenants.
- l. All porches and stairwells must meet or exceed building codes and ordinances, including railings and carports.
- m. Plants/trees/gardens should be conservative, but park management reserves the right to determine what plants are acceptable. All decisions are final and binding. The Tenant will be responsible for any removal if necessary.
- n. No digging allowed on Premises.
- o. Firewood may not be stored on Premises.

- p. Only umbrella type clotheslines installed safely and correctly are acceptable. They must be maintained and opened only while in use. Hanging clothes or bedding (such as blankets) on fencing is not allowed.
- q. Oversized antennas and CB antennas are not authorized. All small antennas must be installed safely and correctly.
- r. All tires, wheels, furniture and other various items and auto parts must be disposed of properly.
- s. All mobile homes must have their unit numbers visible from the main roadway with letters sized at 4"-6". No spray painted numbers will be allowed.
- t. No exterior water hoses or spickets allowed.
- u. No indoor furniture or toys may be placed outdoors. All toys must be stored in storage sheds or inside unit.

12. **Conduct.** Tenants must respect the rights and privacy of all other Tenants. A list of basic rules is as follows:

- a. No loud parties. All parties or gatherings outdoors must end by 10:00 p.m. every day.
- b. No loitering after 10:00 p.m. and not earlier than 8:00 a.m. every day.
- c. **No weapon discharges allowed. Immediate termination of lease will follow.**
- d. No fireworks of any kind allowed **EVER**.
- e. No fighting, threats of violence, destructive behavior or domestic abuse.
- f. No gang activity, tagging or graffiti allowed.
- g. No criminal activity allowed. **This will result in immediate termination of your lease.**
- h. No fires allowed, except for a future designated place by management.
- i. No littering.

13. **Children.** All children, under the age of eighteen, that reside or are guests of *Edwards Mobile Home Park* residents must abide by all park Rules and Regulations. Failure to abide by all rules and regulations will result in parent notification and may ultimately lead to eviction. Specific rules for children are as follows:

- a. It is not recommended that children under the age of 12 years, be left unattended inside or outside the home for any length of time.
- b. Parents or guardians may not let young children wander through the park without adult supervision.
- c. All children must abide by the curfew hours set by the local Police Department. Children under the age of 18 years, not accompanied by a Parent, will be picked up by the Police. A parent will then be notified and will be fined. The curfew hours are: **Monday through Thursday 10:00 p.m. and Friday through Sunday 10:30 p.m.**
- d. Children may not cause harm to other Tenant's property or park property. Parents will be notified, and will be completely and solely responsible for any damages caused by their children's actions, accident or otherwise. The local Police Department may also be notified.

e. Children may not pass between other homes to get to their destinations. They must respect their neighbor's boundary lines at all times. **Trespassing with criminal intent will result in immediate eviction!**

f. Children may not use or have in their possession potentially dangerous items. Some items include, but are not limited to: knives or sharp objects, matches, lighters, slingshots, pistols or rifles (bb, pellet or other), broken bottles, clubs or bats (unless they are using them for a sport at that moment), chains, illegal drugs or paraphernalia, alcohol of any type, tobacco products, gasoline, hazardous materials, spray paint or marking devices, dangerous or poisonous animals, bows and arrows or any other item that management feels may pose a safety hazard to the child or others. The local Police Department will be called if warranted.

g. Children may not bully, threaten, verbally abuse, or use profanity toward another person while in the park. Freedom of speech is respected, however if it violates local, state, or federal laws, management may call the Police Department if warranted.

h. Children must be in school during school hours. Failure to register your child for school will result in the local authorities being called.

i. No ball playing or loitering in the main roadways, including all alley ways. No loitering in the parking lot of the trailer office.

j. Swimming pools and wading pools are not allowed. Tenants may not erect play sets, swings, etc.

14. **Guests.** Tenants must accompany all their guests while on park property. Tenants will be held responsible for the actions of their guests and agents at all times. Unaccompanied guests are not allowed on Premises, and all guests must follow any and all provisions of the park Rules and Regulations. If any park rules are violated by your guests, they may be barred from the Premises permanently. If someone has been barred and the Tenant invites them back, then the Tenant will be evicted immediately. *Edwards Mobile Home Park* is **PRIVATE PROPERTY** and the Landlord, its agents and management decide who is barred from the park. This decision is final and binding. Barred guests will be arrested for criminal trespassing after (1) warning.

15. **Illegal Drugs.** If any Tenant sells or attempts to sell, distribute, produce, package or otherwise any illegal drugs on *Edwards Mobile Home Park*' property, they will be **immediately evicted and reported to the Police Department.**

16. **Alcoholic Beverages and Other Intoxicants.** Consumption of alcoholic beverages and/or other legal intoxicants is allowed in your home and the immediate area of your lot. However, public intoxication is a violation of the law and you may be reported to the local Police Department if there is a nuisance issue or complaint against you. You will then be subject to eviction. No Tenant is allowed to sell or distribute alcohol or other intoxicants on *Edwards Mobile Home Park* property. Offering or sharing alcoholic beverages and/or other intoxicants of any kind with a minor is explicitly against the law and will subject you to arrest and possible eviction. Please help protect your children by confronting and educating any violators and keep alcohol and/or other intoxicants out of the hands of minors.

17. **Park and Playground.** If any Tenant would like to use the grassy common area, they must first inform the residential manager prior to use. All garbage must be removed and placed in proper trash receptacles. Thorough clean-up before and after use is mandatory. Tenants may be restricted from future use of park facilities if left in an unsightly or unsafe condition. This area is *Edwards Mobile Home Park*'s **PRIVATE PROPERTY** and any party may only be hosted by a current Tenant. Guests attending a party of the Tenant must still follow the Rules and Regulations of the park and park their vehicles outside the park on public property. Any Tenant hosting a party accepts full responsibility of guests' behavior and agrees to hold the Landlord, its agents, management and insurance company harmless of any liability that may arise as a result of damage, loss or injury on the property even if the injury is caused by acts or omissions of Landlord, its agents or employees.

18. **Pets.** A limit of (1) pet per mobile home is allowed. The following rules must be strictly adhered to in order to maintain health and peace in the park. Any of these rules, if broken, may be grounds for immediate eviction.

a. No pet will be allowed to remain chained outside their mobile home unattended for any reason.

- b. No doghouses are allowed.
 - c. No large breed animals (over 25 pounds) allowed on the property at any time.
 - d. All pets must have current vaccinations and have appropriate documentation upon demand from Landlord or its agent.
 - e. If your animal bites a person or attacks another animal you may have to remove the animal from the park. The decision by management will be final after reviewing the incident and circumstances, i.e. witnesses. After a second occurrence, there will be no option but to remove the animal from the park at the animal's owner's expense.
 - f. All pets must be registered with the park's office within (5) business days upon acquiring the animal. All vaccination papers will be required at that time along with one photo of the animal for office records, no exceptions.
 - g. No exotic animals will be allowed, i.e. large snakes, alligators, horses, goats. In addition, no dogs over 35 pounds are allowed in the park per insurance requirements.
 - h. You may have up to (4) small birds, as long as no other Tenant complains about the chirping sounds.
 - i. Every cat or dog must have a collar and is not allowed to roam freely inside the gated area surrounding your mobile home or throughout the park. The animal's owner must be with them at all times when outside of their home and is required to remove any and all waste from their animal immediately. A violation of this rule will be grounds for eviction.
 - j. Loud, continuous noises from any animal inside or outside the home will not be tolerated, including but not limited to: barking, growling, hissing, yelping, chirping, scratching, digging, whining, chewing and pacing.
 - k. Any and all loose pets without collars and identification badges will be turned over to Animal Control. Landlord and its agents are not liable in any way whatsoever, for any animal removed from the premises.
 - l. As consideration for the right to have any pet on a Tenant's premises, all Tenants with pets assume complete responsibility for their pets and will hold harmless the Landlord, its agents or management from any liability for incidents resulting from their pet's actions, including but not limited to: attacks, bites, diseases, infestations and allergies. The Tenant with a pet also agrees to, at the Landlord's option, to defend Landlord, its agents and management from any and all claims, demands, suits, actions, and causes of action for damages or injury and against all losses, penalties, fines, costs and expenses arising from or growing out of or in any way connected with the acts or omissions of the Tenant and their pet.
 - m. The pet rules are not considered all inclusive, and new or unusual circumstances may arise, at which time the Landlord reserves the right to make any decision about pets, within the local ordinances, laws, etc. at any time. Decisions made by park management will be final and binding.
 - n. Feeding stray animals is never allowed at any time on park property.
19. **Selling of Mobile Home.** Any home which is sold, exchanged, or transferred in any manner by the Tenant must be removed from the community unless the resident and buyer have received prior written consent of the Landlord. Landlord retains the option of not allowing a mobile home to remain on its site if the home is less than 12 feet wide, or is significantly deteriorated and in substantial disrepair. Further, a sale, exchange or transfer shall be approved by the Landlord; no closing shall take place without the new purchaser first obtaining a new lease with the Landlord on terms and conditions to be agreed upon.
- a. "FOR SALE" signs shall not be displayed without written consent from park management.
 - b. Persons moving into a mobile home on park property, without written approval from park management, shall be considered trespassing and are subject to prosecution.
 - c. "OPEN HOUSES" or real estate for sale signs are not allowed.

20. **Moving of Mobile Home.** Tenants must comply with the following in order to move their mobile home into or out of the mobile home park safely while respecting other Tenant's "rights" including, but not limited to:

- a. Tenant must give the park manager at least (30) days written notice prior to the day of the home being moved.
- b. The Tenant and/or the authorized moving company must first supply the Landlord with a Certificate of Liability Insurance with a minimum of \$500,000 prior to the beginning of any work.
- c. Only the park manager may connect or disconnect the utilities and this must be scheduled at the park management's convenience.
- d. All lot fees, late fees, and service charges must be paid in full prior to moving. No prorating of fees will be acceptable as all lot fees are paid in full on a monthly basis.
- e. All trees, bushes, plants and other permanent structures shall become property of *Affordable Homes, LLC* and must be left in good condition regardless of who paid to put them in.
- f. All sidewalks, curbs, driveways and pads must be left in good condition. If a shed is in good condition and park management approves of its condition, it may be left on the lot.
- g. After the mobile home is removed, all sheet metal, insulation and other miscellaneous refuse must be removed completely off site at the mobile home owner's expense within (24) hours.
- h. A correct and true forwarding address must be left with the park's management team.
- i. All mobile homes must be tied down, by law, within (21) days of moving onto the leased lot with only tie downs that meet or exceed state regulations.
- j. All mobile homes must be appropriately skirted within (21) days of moving onto the leased lot. The skirting must be new, factory made, vinyl mobile home skirting. Wheels and tires must also be removed from the mobile home.
- k. Mobile homes may only be moved in or out during normal business hours: Monday-Friday 9:00 a.m. to 4:00 p.m.

21. **Complaints/Suggestions.** Suggestions or written complaints of violations against the Rules and Regulations of the park will be thoroughly investigated by park management. You may send written complaints or suggestions to the above address or it may be given to the residential manager. All names will be held in strict confidence.