

## MINUTES

### Zoning Board of Appeals

Thursday April 28, 2016

8:30 a.m.

157 N. Main Street, Suite 254, Edwardsville, IL

Present were Misters Campbell, Davis, Janek, and Sedlacek.

Absent were Misters Dauderman, Koeller, St. Peters.

1. **Call to Order – The Chairman, Michael Campbell, called the meeting to order at 8:30 a.m.**
2. **On-Site Meetings**
  - a. The ZBA conducted on-site public meetings at the location of the scheduled hearings. The ZBA reconvened in the Planning and Development Department Conference Room at 12:20 p.m. for motions and votes. See Findings of Fact for on-site summary.
3. **Motions and Votes**
  - a. Approval of March 31, 2016 and April 7, 2016 Minutes. Motion made by Loren Davis and seconded by John Janek to approve the minutes. Voice Vote. All Ayes. Motion approved.
  - b. Old Business
    - i. Z15-0013 – Planning and Development Committee (Revocation of S&K Repair Service SUP) remained tabled.
  - c. New Business
    - i. Z16-0031 – Tony Newton. Motion made by John Janek and Loren Davis to approve with conditions. Roll Call Vote. All Ayes. Motion approved.
    - ii. Z16-0028 – Jaylynn Bridges. Motion made by John Sedlacek and seconded by John Janek to approve with conditions. Voice Vote. All ayes. Motion approved.
    - iii. Z16-0026 – Judith DeLeonardis. Motion made by John Sedlacek and seconded by Loren Davis to approve. Voice Vote. All ayes. Motion approved.
    - iv. Z16-0029 – Keith Buckingham. Motion made by John Janek and seconded by Loren Davis to approve. Voice Vote. All ayes. Motion approved.
    - v. Z16-0023 – Phillip Dean. Motion made by John Sedlacek and seconded by John Janek to approve with conditions. Roll Call Vote. All ayes. Motion approved.
4. **Public Comment**
  - a. There was no public comment April 28, 2016.
5. **Planning Coordinator’s Report**
  - a. Derek Jackson informed the Zoning Board of Appeals that the next set of hearings will be May 26, 2016.
6. **Adjournment**
  - a. Motion made by John Sedlacek and seconded by Loren Davis to adjourn. Voice Vote. All ayes. Motion approved.

**April 28, 2016**

**Finding Of Fact and Recommendations**

**Mr. Michael Campbell called the meeting to order at 8:30 A.M. in the office of the Madison County Planning and Development Department.**

**Present were Misters Campbell, Davis, Janek, and Sedlacek.**

**Absent were Misters, Dauderman, Koeller, St. Peters.**

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

**File #Z16-0031 – Tony Newton**

**(Fort Russell Township)**

**File #Z16-0028 – Jaylynn Bridges**

**(Wood River Township)**

**File #Z16-0026 – Judith DeLeonardis**

**(Wood River Township)**

**File #Z16-0029 – Keith Buckingham**

**(Chouteau Township)**

**File #Z16-0023 – Phillip Dean**

**(Jarvis Township)**

**Z16-0031** - Petition of Jeffrey Newton, owner of record, by applicant Tony Newton, requesting an amendment to the B-5 Planned Business District in order to permit a sampling bar and guided tours accessory to the distillery operation. This is located in Fort Russell Township, more commonly known as **5313 State Route 140**, Bethalto, Illinois PPN#15-2-09-08-02-207-013 **(14)**

A **motion** was made by Mr. Janek and seconded by Mr. Davis that the petition of Tony Newton be as follows: I. That the amendment to the “B-5” Planned Business District is granted; II. The applicant and operators shall adhere to all district conditions and use requirements within “Appendix A”. If the applicant submits plans with substantive differences than the proposed use and accompanying site plan, the applicant shall return to the Planning and Development Committee upon a recommendation from the Zoning Board of Appeals for review and approval;

**The Finding of Fact of the Board of Appeals:** I. The notice of Public Hearing was posted on the property in accordance with the terms of the ordinance; II. The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; III. The adjoining property owners were notified by mail of the time and date of the public hearing; IV. Brian Rayhack and Caleb Ogden, co-owners of the distillery and proposed sampling bar and guided tours, spoke on behalf of the applicant. Mr. Rayhack stated that Tony Newton was unable to attend the meeting due to other work obligations. Mr. Reyhack stated that the primary use is the distillery operation, and that they are seeking to expand the use to include a sampling bar and guided tours. Mr. Reyhack stated that typically winery and distillery operations have a tasting room where visitors can come sample the product, which is a common marketing practice in the industry. Mr. Reyheck stated that the sampling bar and guided tours would be accessory to the distillery operation. Mr. Reyhack stated that the hours of operation would be 2pm to 8 pm Tuesday through Friday and noon to 8 pm on Saturdays. Mr. Reyhack stated that all customers would be asked to leave promptly at 8 pm in order to limit impacts on adjoining properties. Mr. Reyhack stated that they have no intent of operating as a bar or restaurant establishment, and that there will be no gambling of any kind on the property. Mr. Reyhack stated that there is a need to have the proposed sampling bar and guided tours in order to be competitive with other businesses in the industry. Mr. Reyhack stated that it is very difficult to operate entirely through a distributor and still remain profitable; V. Linda Winfree Pickerill, adjoining property owner to the north at 104 Fairway Drive, spoke in opposition to the request due to request due the lack of parking, privacy concerns, vandalism concerns, and building code concerns. Ms. Pickerill submitted a letter of opposition for the record; VI. Tom Lehnen, member of the Meadowbrook Community, spoke in favor of the request. Mr. Lehnen stated that the petitioners are chemical engineers who have masters of business administration and have put together a quality proposal that would bring an exciting development to Meadowbrook. Mr. Lehnen stated that the applicants are sensitive to the potential commercial impacts on the surrounding properties. Mr. Lehnen stated that him and his wife have visited small craft distilleries similar to the one being proposed by the applicants. Mr. Lehnen stated that the tour and sampling bar is very

common. Mr. Lehnen stated that the tours are small groups that range from 45 minutes to an hour and will not create a negative parking issue; VII. Stephanie Henseler, property owner of 6848 East Drive, Moro, IL, spoke in opposition to the request. Ms. Henseler stated that vodka can create domestic issues; VIII. Kevin Auten, pastor of Meadowbrook First Southern Baptist Church located at 105 Fairway Drive, spoke in opposition to the request. Mr. Auten stated that his congregation's religious convictions and beliefs are to totally abstain from the consumption of alcohol. Mr. Auten stated that alcohol can destroy lives or create abuse. Mr. Auten stated concerns with parking. Mr. Auten submitted a letter of opposition and a petition opposed to the request containing 138 signatures from adjoining, nearby, and County residents; IX. Charles Rutherford, nearby property owner of 202 Fairway Drive, Bethalto, Illinois spoke in opposition to the request. Mr. Rutherford stated that he understands that the applicants are educated chemicals engineers. Mr. Rutherford stated that alcohol is a drug, and that he is opposed to having educated drug dealers in the neighborhood; X. Rich Bartosiak, property owner of 1 Dogwood Court, Bethalto, Illinois, spoke in favor of the request. Mr. Bartosiak stated that there is a similar operation in Pontoon Beach called Mastermind Distillery. Mr. Bartosiak stated that he has a personal friend who lives across State Route 162 from Mastermind Distillery and that there have been no issues since they opened. Mr. Bartosiak stated that the proposed operation would bring additional commercial tax revenue to the school districts, which is struggling due to Meadowbrook being a bedroom community and not having a lot of businesses; XI. Rhonda Cato, owner and operator of the Palace Bar located at 5150 State Route 140, spoke in favor of the request. Ms. Cato stated that the request would be a good opportunity for the community; XII. Rosco Gibbs, property owner of 56 Ray Street, Cottage Hills, Illinois, spoke in opposition to the request; XIII. Gene Rowe, property owner of 137 Sterling Drive, Bethalto, IL, spoke in opposition to the request; XIV. Caleb Ogden, co-owner, spoke on behalf of the applicant during closing comments. Mr. Ogden stated that the proposed business is not trying to compete with any other commercial establishment within Meadowbrook, but to be competitive with other micro distilled products regionally and throughout the State. Mr. Ogden stated that they have no intent of garnering patrons and overserving them. Mr. Ogden stated that the request is not a moonshine operation, but instead a professional operation that will be in compliance with all local, state, and federal licensing and distribution requirement. Mr. Ogden stated between the three owners, there is a combined 36 years of experience in the industry. Mr. Ogden stated that original parking layout would involve off-site parking on the adjoining Meadowbrook Fire Department's parking lot. Mr. Ogden stated after further review, all parking would be located on the subject property in accordance with the County's Zoning Ordinance requirements. Mr. Ogden stated that a tour would yield four to five vehicles and would have adequate space to park on the subject property. Mr. Ogden stated that the distillery primarily makes corn vodka. Mr. Ogden stated that he respects opinions of Meadowbrook First Southern Baptist Church, but he does not believe that the applicants are peddling a drug. Mr. Ogden stated that their product is a top notch spirit that they want to share with people and that they have no intention of operating a bar; XV. A letter of opposition was submitted by Alta Vaughn, property owner of 526 Courtesy Lane, Bethalto, Illinois; XVI. The Board of Appeals notes for the record that the proposed "B-5" Planned Business District amendment request would be compatible with the surrounding area; XVII. The Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties; XVIII. The Board of Appeals notes that the Comprehensive Plan, Madison County Zoning Ordinance, and the zoning file were taken into consideration.

Roll Call Vote.

Ayes to the motion: Misterys Davis, Dauderman, Janek, and Sedlacek.

Nays to the motion: None.

Absent: Misterys Koeller, St. Peters.

Where upon the Chairman declared the motion duly adopted.

**Z16-0028** - Petition of Jaylynn Bridges, owner of record, and occupant of manufactured home, requesting a Special Use Permit as per Article 93.025, Section G, Item 9 of the Madison County Zoning Ordinance in order to place a single wide manufactured home for the sole occupancy of JayLynn Bridges for a period not to exceed five years. This is located in an R-4 Single Family Residential District in Wood River Township, more commonly known as **1317 8th Street**, Cottage Hills, Illinois PPN#19-2-08-03-02-206-025 **(05)**

A **motion** was made by Mr. Sedlacek and seconded by Mr. Janek that the petition of Jaylynn Bridges be as follows: I. That the Special Use Permit is granted for the sole usage of Jaylynn Bridges for a period not to exceed five (5) years but may be extended either through an amendment to this Special Use Permit or through an administrative review process, if qualified, as long as Jaylynn Bridges occupy the structure, notwithstanding any violations, nuisance, or change in occupancy as per the other conditions of this Special Use Permit. The owner shall remove the manufactured home from the site when Jaylynn Bridges vacate the structure.

**The Finding of Fact of the Board of Appeals:** I. The notice of Public Hearing was posted on the property in accordance with the terms of the ordinance; II. The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; III. The adjoining property owners were notified by mail of the time and date of the public hearing; IV. Jaylynn Bridges, applicant and property owner, stated that she is seeking a special use permit in order to locate a single wide manufactured home on site for her personal residence; V. Danny Phillips, adjoining property owner to the north at 1318 9<sup>th</sup> Street, spoke in support of the request. Mr. Phillips stated that the subject property receives water from his property and wants to ensure that the placement of the home will not create a negative impact on the flow of water; VI. Raquel Redmon, adjoining property owner to the north at 1332 9<sup>th</sup> Street, spoke in support of the request. Ms. Redmon stated concerns with the drainage ditch as a result of recent work performed by Wood River Township; VII. The Board of Appeals notes for the record that the proposed special use permit request would be compatible with the surrounding area; VIII. The Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties; IX. The Board of Appeals notes that the Comprehensive Plan, Madison County Zoning Ordinance, and the zoning file were taken into consideration.

Voice Vote.

Ayes to the motion: Misters Campbell Davis, Janek, and Sedlacek.

Nays to the motion: None.

Absent: Misters Dauderman, Koeller, St. Peters.

Where upon the Chairman declared the motion duly adopted.

**Z16-0026** - Petition of Judith DeLeonardis, owner of record, requesting a Zoning Map Amendment to rezone a tract of land from R-2 Single Family Residential District to B-1 Limited Business District. This is located in Wood River Township, more commonly known as **100 Airline Drive**, East Alton, Illinois PPN#19-1-08-15-12-201-022 **(13)**

A **motion** was made by Mr. Sedlacek and seconded by Mr. Davis that the petition of Judith DeLeonardis be as follows: "Granted."

**The Finding of Fact of the Board of Appeals:** I. The notice of Public Hearing was posted on the property in accordance with the terms of the ordinance; II. The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; III. The adjoining property owners were notified by mail of the time and date of the public hearing; IV. Judith DeLeonardis, applicant and property owner, stated that she is seeking to rezone the subject property from "R-2" Single Family Residential to "B-1" Limited Business District. Ms. DeLeonardis stated that the subject property has been utilized as a commercial insurance office for thirty years and that she is seeking to properly zone the property in order to sell the property to a new business; V. Tim Gosset, adjoining property owner to the west at 82 E. Airline Drive, spoke in support of the request; VI. The Board of Appeals notes for the record that the proposed zoning map amendment request would be compatible with the surrounding area; IX. The Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties; X. The Board of Appeals notes that the Comprehensive Plan, Madison County Zoning Ordinance, and the zoning file were taken into consideration.

Voice Vote.

Ayes to the motion: Misterys Campbell Davis, Janek, and Sedlacek.

Nays to the motion: None.

Absent: Misterys Dauderman, Koeller, St. Peters.

Where upon the Chairman declared the motion duly adopted.

**Z16-0029** - Petition of Keith Buckingham, owner of record, requesting a Zoning Map Amendment to rezone a tract of land that consists of 1.6 acres from M-3 Heavy Manufacturing to R-1 Single Family Residential District. This is located in Chouteau Township, at **3463 Oldenburg Road**, Hartford, Illinois PPN#18-1-14-16-00-000-012 **(21)**

A **motion** was made by Mr. Janek and seconded by Mr. Davis that the petition of Keith Buckingham be as follows: "Granted."

**The Finding of Fact of the Board of Appeals:** I. The notice of Public Hearing was posted on the property in accordance with the terms of the ordinance; II. The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; III. The adjoining property owners were notified by mail of the time and date of the public hearing and none were in attendance; IV. Keith Buckingham, applicant and property owner, stated that he is seeking to rezone the property from "M-3" Heavy Manufacturing District to "R-1" Single Family Residential District in order to construct a new detached garage for personal storage; V. The Board of Appeals notes for the record that the proposed zoning map amendment request would be compatible with the surrounding area; VI. The Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties; VII. The Board of Appeals notes that the Comprehensive Plan, Madison County Zoning Ordinance, and the zoning file were taken into consideration.

Voice Vote.

Ayes to the motion: Misters Campbell Davis, Janek, and Sedlacek.

Nays to the motion: None.

Absent: Misters Dauderman, Koeller, St. Peters.

Where upon the Chairman declared the motion duly adopted.

**Z16-0023** - Petition of Phillip Dean, applicant, for owner of record, Eastside Family Church, requesting a Special Use Permit as per Article 93.023, Section D, Item 18 of the Madison County Zoning Ordinance in order to have a dog kennel on site. This is located in an Agricultural District in Jarvis Township, on **Troy-O'Fallon Road**, Troy, Illinois PPN#09-1-22-28-00-000-008.004 **(02)**

A **motion** was made by Mr. Sedlacek and seconded by Mr. Janek that the petition of Phillip Dean be as follows: I. That the Special Use Permit is granted for the sole usage of Phillip and Karla Dean for their personally-owned dogs, no commercial kennel uses shall be permitted. Any change of ownership will void the Special Use Permit; II. There shall be no more than fifteen (15) adult dogs kept on the property at any time. Of the fifteen (15) adult dogs permitted on the property, two (2) may be Shetland Sheepdogs and the rest must be of the Whippet breed; III. Upon breeding a litter of puppies, the Deans shall have all puppies sold and/or adopted within 8 months of birth. Any puppies remaining on the property aged 8 months and older shall count toward the fifteen (15) adult dog allowance put forth in condition number 2; IV. The owner shall keep all fences intended to contain the dogs functional and in good repair; V. The owner shall be in compliance with all Illinois Department of Agriculture licensing requirements; VI. The owner shall keep the property in compliance with all Madison County Ordinances; VII. The owner shall apply for an amendment to this Special Use Permit for any future alterations, modifications, or expansions of the use beyond those described within the applicant's narrative statement and site plan; VIII. The owner's failure to adhere to the conditions of the Special Use Permit will cause revocation of the same, and require immediate removal of the kennel from the property.

**The Finding of Fact of the Board of Appeals:** I. The notice of Public Hearing was posted on the property in accordance with the terms of the ordinance; II. The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; III. The adjoining property owners were notified by mail of the time and date of the public hearing; IV. Phillip Dean and Karla Dean, applicants and property owners, stated that they are seeking to construct a new single family dwelling on the property. Mrs. Dean stated that the intent of the special use permit is to allow her family to have up to fifteen (15) dogs on the property. Mrs. Dean stated that in order to have greater than the allowable four (4) dogs on the property, they are seeking a special use permit and a kennel license with the State of Illinois. Mr. Dean stated that the fifteen (15) dogs are pets and that the kennel is not a commercial business. Mrs. Dean stated that the dogs are pets and that they train their pets for shows and performance events. Mrs. Dean stated that the dogs are a hobby for her and her husband. Mrs. Dean stated that the dogs will in a fenced in area and will be supervised when outside. Mr. Dean stated that they want to be a part of the community and want to be good neighbors to the surrounding property owners. Mrs. Dean stated that the type of dog they have are primarily whippets, which is a smaller breed of greyhound. Mrs. Dean stated that they currently have fifteen (15) dogs at their current residence in Indiana and have not had issues with neighbors regarding noise; V. Chairman Campbell inquired if there would be any sale of dogs. Mrs. Dean replied that there will be no sale of dogs; VI. Pete Bostrom, adjoining property owner of 577 Troy O'Fallon Road to the north, spoke in opposition to the request stating concerns with noise. Mr. Bostrom submitted a letter of opposition for the record; VII. Jim Reppell, realtor with Re/Max Alliance, spoke in favor of the request stating that applicants are proposing to construct a new dwelling that will be in the \$300,000 price range, which will have a positive impact on the adjoining property values; VIII. Cynthia Smock, adjoining property owner to the east at 8416 E. Mill Creek Road, stated concerns with a new entrance being located on Troy O'Fallon Road for ingress and egress; IX. Russell Mersinger, adjoining property owner to the north at 625 Troy O'Fallon Road, stated that he believes the intent is fine as it does not involve commercial activity, but has concern with possible noise issues from dogs barking; X. Carrie Klenke submitted a letter of objection on behalf of Ambrosia Land Investments LLC, adjoining property owner to the south, stating that they intend on developing the adjoining land to the south and west in the future, and do not want a kennel in close proximity to the future homes; XI. Richard Skillings, nearby property owner at 22 Royal Oaks Drive, spoke in opposition to the request due to concerns with noise from barking dogs; XII. Gary Hughey, nearby property owner of 8258 West Mill Creek Road, inquired if the special use permit is transferable if the applicants were to move. Chairman Campbell stated that all special use permits are non-transferable and that the future property owners would need to reapply for a new special use permit; XIII. Linette Warnecke, nearby property owner at 8415 East Mill Creek Drive, spoke in opposition to the request. Ms. Warnecke stated that the greater volume of dogs would increase the amount of barking that could occur; XIV. The Board of Appeals notes for the record that the proposed special use permit would be compatible with the surrounding area; XV. The Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties; XVI. The Board of Appeals notes that the Comprehensive Plan, Madison County Zoning Ordinance, and the zoning file were taken into consideration.

Roll Call Vote.

Ayes to the motion: Misters Campbell, Davis, Janek, and Sedlacek.

Nays to the motion: None.

Absent: Misters Dauderman, Koeller, St. Peters.

Where upon the Chairman declared the motion duly adopted.