

MINUTES

Zoning Board of Appeals

Thursday June 2, 2016

8:30 a.m.

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

Present were Misters Davis, Dauderman Janek, and Sedlacek.

Absent were Misters Campbell, Dauderman, and St. Peters.

1. **Call to Order – The pro tem Chairman, John Sedlacek, 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 12:45 p.m. for motions and votes. See Findings of Fact for on-site summary.
3. **Motions and Votes**
 - a. Approval of May 26, 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. Z16-0044 – David Mueller. Motion made by John Janek and seconded by Loren Davis to approve with conditions. Voice Vote. All Ayes. Motion approved.
 - ii. Z16-0047 – David Lawson. Motion made by Loren Davis and seconded by John Janek to approve. Voice Vote. All ayes. Motion approved.
 - iii. Z16-0040 – Shane Citrowske. Motion made by John Janek and seconded by Loren Davis to approve. Voice Vote. All ayes. Motion approved.
 - iv. Z16-0049 – Foster Township. Motion made by Loren Davis and seconded by John Janek to approve. Voice Vote. All ayes. Motion approved.
 - v. Z16-0039 – Freddie Kutter. Motion made by John Janek and seconded by Loren Davis to approve with conditions. Voice Vote. All ayes. Motion approved.
 - vi. Z16-0037 – Andrew Smith. Motion made by Loren Davis and seconded by John Janek to approve with conditions. Voice Vote. All Ayes. Motion approved.
4. **Public Comment**
 - a. There was no public comment June 2, 2016.
5. **Planning Coordinator's Report**
 - a. Derek Jackson informed the Zoning Board of Appeals that the next set of hearings will be June 30, 2016.
6. **Adjournment**
 - a. Motion made by Loren Davis and seconded by John Janek to adjourn. Voice Vote. All ayes. Motion approved.

June 2, 2016

Finding Of Fact and Recommendations

Mr. John Sedlacek, pro tem Chairman, called the meeting to order at 8:30 AM in the office of the Madison County Planning and Development Department.

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

Absent were Misters Campbell, Koeller, and 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 #Z16-0044 – David Mueller	(Edwardsville Township)
File #Z16-0047 – David Lawson	(Pin Oak Township)
File #Z16-0040 – Shane Citrowske	(Nameoki Township)
File #Z16-0049 – Foster Township	(Foster Township)
File #Z16-0039 – Freddie Kutter	(Wood River Township)
File #Z16-0037 – Andrew Smith	(Wood River Township)

Z16-0044 - Petition of David Mueller, owner of record, and Denise Lutes, applicant and purchaser, requesting a Zoning Map Amendment to rezone two tracts of land that consist of 8.5 acres from R-1 and R-2 Single Family Residential Districts to Agricultural District and a Special Use Permit as per Article 93.023, Section D, Item 38 in order to have a public horse stable. This is located in Edwardsville Township, at **101 Oaklawn Road, Glen Carbon, Illinois PPN#14-1-15-35-02-201-013 & 14-1-15-36-00-000-003 (25)**

A **motion** was made by Mr. Janek and seconded by Mr. Davis that the petition of David Mueller and Denise Lutes be as follows: I. The Zoning Map Amendment is granted; II. The special use permit is granted for the sole usage of David Mueller and Denise Lutes. Any change of ownership or operator will require a new special use permit; III. There shall be no off-site parking; IV. The public stable and riding academy operation shall be open to the public between 8 AM and 8 PM Monday through Sunday; V. All outdoor storage shall be kept in a neat and orderly condition, and shall not create a health hazard or an eye sore to the general area; VI. All on-site dumpsters shall be located in a manner that is screened from the roadway and adjoining properties; VII. The owner and operator shall keep the property in compliance with all Madison County Ordinances; VIII. The owner and operator shall apply for an amendment to this special use permit for any future alterations, modifications, or expansions of the use; IX. The owner or operator's failure to adhere to the conditions of the special use permit will cause revocation of the same, and require immediate removal of the public stable and riding academy operation.

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. Denise Lutes, applicant, stated that she is seeking a zoning map amendment in order to rezone the subject properties from "R-2" Single Family Residential to "A" Agriculture with a special use permit for a public horse stable and riding academy. Ms. Lutes stated that the subject properties have been utilized as a public boarding facility in the past. Ms. Lutes stated that the hours of operation open to the public would be 8 AM to 8PM seven days a week; V. Arbon Hairston, adjoining property owner to the west located at 100 Oaklawn Road, spoke in support of the request; VI. Steve Corbin, Edwardsville Township, stated that the Township has no opposition to the request; VII. The Board of Appeals notes for the record that the proposed zoning map amendment and 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 Dauderman, Davis, Janek, and Sedlacek.

Nays to the motion: None.

Absent: Misters Campbell, Koeller, and St. Peters.

Where upon the pro tem Chairman declared the motion duly adopted.

Z16-0047 - Petition of David Lawson, owner of record, requesting Variances as per Article 93.051, Section A, Item 2, Sub (a) and Article 93.051, Section A, Item 3, Sub (b) of the Madison County Zoning Ordinance in order to construct an accessory structure that will be 30 feet in height instead of the allowable 25 feet and 5 feet from the north property line instead of the required 15 feet. This is located in an Agricultural District in Pin Oak Township, at **3900 Schipkowski, Edwardsville, Illinois PPN#10-1-16-16-00-000-004 (11)**

A **motion** was made by Mr. Davis and seconded by Mr. Janek that the petition of David Lawson 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. David Lawson, applicant and property owner, stated that they he is seeking variances in order to have a reduced building setback and an increased building height limitation. Mr. Lawson stated that building would be for his own personal use to store recreational vehicles and agriculture equipment. Mr. Lawson stated that he is requesting the setback variance due to the narrow width of the lot. Mr. Lawson stated that he is seeking the height variance as a precautionary measure because the structure he intends to purchase is 24 feet 6 inches in height. Mr. Lawson stated that the height variance would allow flexibility in case there is an unforeseen issue at the time of construction that might cause him to exceed the 25 foot limit; V. The Board of Appeals notes for the record that the proposed variance requests 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 Dauderman, Davis, Janek, and Sedlacek.

Nays to the motion: None.

Absent: Misters Campbell, Koeller, and St. Peters.

Where upon the pro tem Chairman declared the motion duly adopted.

Z16-0040 - Petition of Shane Citrowske, owner of record, requesting a Variance as per Article 93.023, Section B, Item 1, Sub (a) of the Madison County Zoning Ordinance in order to create a tract of land that is 1.2 acres in size instead of the required two acres. This is located in an Agricultural District in Moro Township, at **7326 North State Route 159, Moro,** Illinois PPN#16-1-03-34-00-000-024 **(05)**

A **motion** was made by Mr. Janek and seconded by Mr. Davis that the petition of Shane Citrowske 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. Shane Citrowske, applicant and property owner, stated that he is seeking a variance in order to create a tract of land that is 1.2 acres instead of the required 2 acres in an Agriculture District. Mr. Citrowske stated that he intends to separate the existing dwelling and accessory building from the rest of the farm ground. Mr. Citrowske stated that he intends to combine the extra farm ground with the adjoining property to the south, which is also being used for agriculture production; V. The Board of Appeals notes for the record that the proposed variance request would be compatible with the surrounding area; VI. The Board of Appeals notes for the record that there are lots of record less than 2 acres in size in the nearby area; VII. The Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties; VIII. 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 Dauderman, Davis, Janek, and Sedlacek.

Nays to the motion: None.

Absent: Misters Campbell, Koeller, and St. Peters.

Where upon the pro tem Chairman declared the motion duly adopted.

Z16-0049 - Petition of William Ambrose on behalf of Foster Township, applicant and owner of record, requesting a Variance as per Article 93.030, Section B, Item 7 of the Madison County Zoning Ordinance in order to construct a commercial building that will be 12 feet from the front property line instead of the required 50 feet. This is located in a "B-2" General Business District, at an **unaddressed property at the southwest quadrant of the Main Street and Fosterburg Road intersection**, Alton, Illinois PPN#20-2-02-14-03-301-023 **(05)**

A **motion** was made by Mr. Davis and seconded by Mr. Janek that the petition of Foster Township 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. Roger Wade, Foster Township Secretary, spoke on behalf of the applicant. Mr. Wade stated that the Township is seeking to construct a new museum on the subject property to collect artifacts and heirlooms from the community. Mr. Wade stated that there is an existing foundation on the subject property that the Township would like to utilize but it does not meet the minimum setback requirement. Mr. Wade stated that the County building inspectors verified that the existing foundation is in good repair, and that the Township is seeking a variance for a reduced setback in order to utilize the foundation; V. The Board of Appeals notes for the record that the proposed variance 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 Dauderman, Davis, Janek, and Sedlacek.

Nays to the motion: None.

Absent: Misters Campbell, Koeller, and St. Peters.

Where upon the pro tem Chairman declared the motion duly adopted.

Z16-0039 – Petition of Freddie A. Kutter, owner of record, requesting a Special Use Permit as per Article 93.031, Section D, Item 6 of the Madison County Zoning Ordinance in order to have a remote control race track on site. This is located in a “B-3” Highway Business District in Wood River Township, at **435 W. MacArthur Drive, Cottage Hills, Illinois PPN#19-2-08-11-01-101-023 (15)**

A **motion** was made by Mr. Janek and seconded by Mr. Davis that the petition of Freddie Kutter be as follows: I. That the special use permit is granted for the sole usage of Freddie Kutter. Any change of ownership or operator will require a new special use permit; II. That the applicant shall address all property maintenance violations within 30 days of approval of the special use permit as approved by the Zoning Administrator; III. The applicant shall submit a parking plan to be reviewed and approved by the Zoning Administrator prior to operation. There shall be no off-site parking; IV. The remote control race track shall operate between the hours of 12 PM and 8 PM Monday through Saturday; V. All lighting on the property shall be arranged in a manner that directs the light away from neighboring residential properties and away from the vision of passing motorist; VI. All outdoor storage shall be kept in a neat and orderly condition, and shall not create a health hazard or an eye sore to the general area; VII. The owner and operator shall keep the property in compliance with all Madison County Ordinances. The owner or operator’s failure to adhere to all County Ordinances shall result in a revocation process in accordance with §93.182 of the Madison County Zoning Ordinance; VIII. The owner and operator shall apply for an amendment to this special use permit for any future alterations, modifications, or expansions of the use; IX. The owner or operator’s failure to adhere to the conditions of the special use permit will cause revocation of the same, and require immediate removal of the remote control race track operation.

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. Freddie Kutter, applicant and property owner, stated that he is seeking a special use permit in order to operate a remote control race track. Mr. Kutter stated that he intends is to provide a family activity in the community. Mr. Kutter stated that there would be two race tracks that would be a combined 9,800 square feet in size. Mr. Kutter stated that the remote control vehicles would be electric powered and will not be loud. Mr. Kutter stated that he has been made aware by County staff that there are outstanding property maintenance violations on the property. Mr. Kutter stated that the hours of operation would be 12 PM to 8 PM seven days a week. Mr. Kutter stated that he is in the process of addressing those issues, and stated that he would be agreeable to placing a condition on his special use permit requiring that all items be addressed within 30 days of approval; V. Daryl Piering, Board President of the Concordia Lutheran Church, adjoining property owner to the south at 21 Circle Drive, spoke in support of the request. Mr. Piering stated that he spoke with Mr. Kutter regarding the hours of operation and the types of vehicles that would be utilized on the race track. Mr. Piering stated that his objective is to ensure that the church’s operations are not disrupted, and based on the information he received from Mr. Kutter, he has no concerns; VI. Greg Scott, 362 Mill Street, Bethalto, spoke in support of the request. Mr. Scott stated that he owns a hobby shop in Bethalto that sells remote control vehicles and that he would be assisting Mr. Kutter with the operation. Mr. Scott stated that the intent is to provide a location for families to enjoy recreational activities; VII. Jason Moxy, 26469 Cherry Lane, Jerseyville, spoke in support of the request. Mr. Moxy stated that he and his children enjoy playing with their remote control race vehicles and that the proposed use would be a location they could spend time enjoying their hobby; VIII. Chad Hopkins, 224 Clover Street, Bethalto, spoke in favor of the request; IX. The Board of Appeals notes for the record that the proposed special use permit request would be compatible with the surrounding area; X. The Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties; XI. 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 Dauderman, Davis, Janek, and Sedlacek.

Nays to the motion: None.

Absent: Misters Campbell, Koeller, and St. Peters.

Where upon the pro tem Chairman declared the motion duly adopted.

Z16-0037 - Petition of Andrew Smith, applicant and owner of record, requesting a Special Use Permit as per Article 93.025, Section G, Item 20 of the Madison County Zoning Ordinance in order to raise chickens and goats on the property. Also, Variances as per Article 93.100 Section B, Items (5) & (6) in order to locate a chicken coop 10 feet from the north and east property lines instead of the required 20 feet and to locate a chicken run 0 feet from the north and east property line instead of the required 20 feet. This is located in an "R-2" Single Family Residential District within Wood River Township, at **48 Bert Avenue, East Alton, Illinois PPN#19-2-08-15-12-202-021 (13)**

A **motion** was made by Mr. Davis and seconded by Mr. Janek that the petition of Andrew Smith be as follows: I. That the special use permit is granted for the sole usage of Andrew Smith. Any change of ownership will require a new special use permit; II. The owner shall keep the property in compliance with all Madison County Ordinances; III. The owner shall apply for an amendment to this special use permit for any future alterations, modifications, or expansions of the use; IV. 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 domestic farm animals, chicken coop, and chicken run.

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. Andrew Smith, applicant and property owner, stated that he is seeking a special use permit in order to have two (2) goats and five (5) hens on the subject property. Mr. Smith stated that he is also seeking variances for reduced setbacks on his chicken coop and chicken run; V. Debbie Brazier, nearby property owner of 37 Bert Avenue, asked if the applicant could have more animals than the requested volume. Derek Jackson, Madison County Planning Coordinator, stated that if the request is approved, the applicant would be restricted to the proposed volume. Mr. Jackson stated that the applicant has requested the maximum volume permitted in a residential district, and that any additional animals would require a variance which would trigger a new hearing. Ms. Brazier inquired about vaccinations and waste disposal. Mr. Jackson replied that the Zoning Ordinance has provisions regarding property maintenance to ensure that the animals and waste material be disposed of in a manner that will not cause odor or attract flies or vermin. Mr. Jackson stated that the Zoning Ordinance does not require vaccinations. Mr. Smith stated that he has a composter that he will utilize and dispose of all waste in accordance with the County's requirements; VI. Cynthia Huffman, nearby property owner of 87 Bert Lane, spoke in support of the request; VII. Summer King, adjoining property owner to the north at 52 Bert Avenue, spoke in support of the request; VIII. Michael Northway, adjoining property owner to the west at 51 Bert Avenue, spoke in favor of the request. Mr. Northway stated that he thinks the request is a good idea as it allows the applicant's children to learn about agriculture practices that they would not otherwise learn at school; IX. Karen Pickell, adjoining property owner to the south at 44 Bert Avenue, spoke in support of the request; X. The Board of Appeals notes for the record that the proposed special use permit and variance requests would be compatible with the surrounding area; XI. The Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties; XII. 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: Mistery Dauderman, Davis, Janek, and Sedlacek.

Nays to the motion: None.

Absent: Mistery Campbell, Koeller, and St. Peters.

Where upon the pro tem Chairman declared the motion duly adopted.