

Madison County Zoning Board of Appeals Meeting Minutes
Tuesday, March 9, 2021 at 5:00 p.m.
Virtual Meeting via GoToMeeting & In-Person in the County Board Room

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

Members Absent: Nicholas Cohan

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 motion to approve the meeting minutes from February 9, 2021. Mary Goode made a motion to approve. Seconded by Sharon Sherrill. All ayes. Motion approved.

C. Overview of Zoning Petitions and Staff Review

Breana Buncher, Planning Coordinator, gave a brief overview of the six zoning petitions and provided staff review.

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

Don Metzler explained hearing procedures to meeting attendees and swore in staff members and all parties wishing to address the Board.

E. Zoning Hearings

The Zoning Board of Appeals conducted the zoning hearings on the two agenda items. *Please see the attached Findings of Facts for a summary of each zoning hearing and public comment.*

F. Citizens Wishing to Address the Zoning Board of Appeals

Please see the attached Findings of Facts for a summary of each zoning hearing and public comment.

G. Unfinished Business

1. **Hearing Z21-0003**– Petition of Jason Moerlien, owner of record with Cheryl Moerlien, requesting a zoning map amendment to rezone a 5.9 acre tract of land from "R-1" Single-Family Residential District to "A" Agricultural District. This is located in Fort Russell Township at 6420 Miller Drive, Edwardsville, Illinois, County Board District #24, PIN# 15-2-09-26-01-101-002. A **motion** was made by Mary Goode and **seconded** by Sharon Sherrill that the petition of Jason Moerlien be as follows: **Approved**. Roll-call vote. **Ayes** to the motion: Thomas Ambrose, George Ellis, Mary Goode, and Sharon Sherrill. **Nays** to the motion: None. Motion passes.

H. New Business

1. **Hearing Z21-0005**– Petition of John & Amy Mullane, owner of record, requesting a variance as per §93.023, Section B, Item 2 of the Madison County Zoning Ordinance in order to construct an attached garage addition that would be 8.19 feet from the north property line instead of the required 25 feet. This is located in an "A" Agricultural District in Marine Township at 3545 Boomerang Drive, Marine, Illinois, County Board District #4, PIN# 06-2-17-22-01-101-022. A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of John & Amy Mullane be as follows: **Approved**. Roll-call vote. **Ayes** to the motion: Thomas Ambrose, George Ellis, Mary Goode, and Sharon Sherrill. **Nays** to the motion: None. Motion passes.
2. **Hearing Z21-0007** – Petition of James Lowry, owner of record, and Timothy Lowry, requesting a zoning map amendment to rezone a 23.68 acre tract of land from "B-5" Planned Business District to "A" Agricultural District. This is located in Fort Russell Township at 3224 Rock Hill Road, Wood River, Illinois, County Board District #5, PIN# 15-1-09-30-00-000-002. A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of James Lowry be as follows: **Approved**. Roll-call vote. **Ayes** to the motion: Thomas Ambrose, George Ellis, Mary Goode, and Sharon Sherrill. **Nays** to the motion: None. Motion passes.

3. **Hearing Z21-0009-** Petition of Lloyd and Patricia Mordis, owners of record, requesting a zoning map amendment to rezone a 6.01 acre tract of land from “R-1” Single-Family Residential District to “A” Agricultural District. This is located in Collinsville Township at 5910 Galli Lane, Collinsville, Illinois, County Board District #25, PIN# 13-1-21-16-00-000-039. A **motion** was made by Mary Goode and **seconded** by Sharon Sherrill that the petition of Lloyd & Patricia Mordis be as follows: **Approved. Ayes** to the motion: Thomas Ambrose, George Ellis, Mary Goode, and Sharon Sherrill. **Nays** to the motion: None. Motion passes.
4. **Hearing Z21-0010-** Petition of Michael and Joan Wall, owners of record, requesting a variance as per §93.023, Section B, Item 2 of the Madison County Zoning Ordinance in order to construct a detached garage that would be 35 feet from a private roadway easement instead of the required 50 feet. This is located in an “A” Agricultural District in Moro Township at 10 Ridge Street, Moro, Illinois, County Board District #5, PIN# 16-1-03-31-04-401-002.005. A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Michael & Joan wall be as follows: **Approved. Ayes** to the motion: Thomas Ambrose, George Ellis, Mary Goode, and Sharon Sherrill. **Nays** to the motion: None. Motion passes.
5. **Hearing Z21-0011-** Petition of Jon-Michael Smith, applicant on behalf of Kevin Nicol and Nicol Investment Properties LLC, owner of record, requesting variances as per §93.030, Section B, Items 8 and 9 of the Madison County Zoning Ordinance in order for an existing shed to be 1.9 feet from a new property line instead of the required 10 feet and an existing commercial building to be 10 feet from a new property line instead of the required 20 feet. This is located in a “B-2” General Business District in Chouteau Township at 1 Central Avenue, Granite City, Illinois, County Board District #16, PIN#s 18-2-14-33-02-203-010 &18-2-14-33-02-203-010.001. A **motion** was made by Mary Goode and **seconded** by Sharon Sherrill that the petition of Jon-Michael Smith, applicant on behalf of Kevin Nicol and Nicol Investment Properties LLC be as follows: **Approved. Ayes** to the motion: Thomas Ambrose, George Ellis, Mary Goode, and Sharon Sherrill. **Nays** to the motion: None. Motion passes.

I. Planning Coordinator’s Report

None.

J. Adjournment

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

Finding of Fact and Recommendations

Hearing File Z21-0003

Petition of Jason Moerlien, owner of record with Cheryl Moerlien, requesting a zoning map amendment to rezone a 5.9 acre tract of land from "R-1" Single-Family Residential District to "A" Agricultural District. This is located in Fort Russell Township at 6420 Miller Drive, Edwardsville, Illinois, County Board District #24, PIN# 15-2-09-26-01-101-002

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

Members Absent: Nicholas Cohan

February 9, 2021

A **motion** was made by Mary Goode and **seconded** by Nicholas Cohan that the petition of Jason Moerlien be postponed until the next ZBA meeting in order to the existing violations to be addressed.

Roll-call vote.

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

Nays to the motion: None

March 9, 2021

A **motion** was made by Mary Goode and **seconded** by Sharon Sherrill that the petition of Jason & Cheryl Moerlien be as follows: **Approved.**

Ayes to the motion: Thomas Ambrose, George Ellis, Mary Goode, and Sharon Sherrill

Nays to the motion: None

The Finding of Fact of the Board of Appeals: **I.** The zoning file, Comprehensive Plan, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Jason Moerlien, applicant, said they want to rezone the property to agricultural for small farm animals, alpacas, and goats, and that is their only intent. Mr. Moerlien said there were separate parcels but they were combined, and they put in a driveway; **VI.** Breana Buncher, Planning Coordinator, read aloud an opposition email that staff had received: Noelle Maxey, it has come to our attention that the Moerlien's have requested a change in zoning for the parcel they purchased in May of 2019. (6420 Miller Dr., Edwardsville) It is adjacent to our east property line. So far, these people have showed no regard for existing property owners in the neighborhood. Nor do they respect the natural resources, which should come with any land ownership. I do not see any permits (active or expired) on file for this parcel (15-2-09-26-01-101-002), yet they continue to cut/burn, cut/burn, cut/burn...and dump gravel/dirt. Many times they have left a burning pile unattended. Noise from equipment sometimes carries on past normal quiet hours. I am also quite concerned with the drainage they are creating from constant "landscape-changes". AND, if there is a residence in the future, I would expect their septic to leach onto our property, ultimately dumping into Burroughs Branch. It is quite possible that the railroad would be concerned as well, as the south line of this property is indeed the berm of the tracks. It appears that the southwest part of their property has become a permanent marsh with nearly constant runoff. To this date, I estimate they have cleared 2 acres of precious vegetation. This has made a noticeable difference in sound from passing trains in the entire neighborhood. (Another neighbor has also expressed this concern.) And there have been obvious changes in wildlife patterns. Additionally, they have set an RV in the middle of the "clearing" they created. The property (and the RV) are an eye-sore at best. The Moerlien's MAY be doing everything by the book, as I am not savvy on construction codes in Madison County, but we question what has transpired so far, and their lack of consideration. In conclusion, we object to any change of zoning, future construction, additional clearing, and any plans to have "special" farm animals reside on the parcel (15-2-09-26-01-101-002); **VII.** Thomas Ambrose, Zoning Board of Appeals, asked how close the nearest house is and Mrs. Buncher said she did not know the exact measurements but probably over 300 feet or more; **VIII.** Mr. Moerlien said that the neighbor did make it very clear to them that they wanted them to stop clearing the land, and Mr. Moerlien told him

to remove the hunting equipment, and he made a few unwelcome visits to their property. Mr. Moerlien said that they do have runoff on the property that comes on there, and it goes to Steven's property as well; **IX.** David Lablance, nearby property owner, said he had concerns about the clearing trees and about noise from the railroad because if the trees are cleared then the noise gets louder. Mr. Lablance said he wanted to ensure that the drainage will still be there because he doesn't want his property to flood. Mr. Lablance wanted to know how many animals he was anticipating on having. Mr. Moerlien said that he has cleared the trench on his property so that the water can flow free, and that it would just be a few animals, maybe 2 or 3 alpacas and goats; **X.** Steve Palmer, adjacent property owner, he said that most of their objections are stuff that is irreversible mostly concerning the clearing of the trees and the difference in the sound from the train tracks; **XI.** Mary Goode, ZBA member, said that when the building permit is applied for the drainage should be taken care of and asked if it was in the floodplain. Mrs. Buncher said she did not believe so. Mr. Moerlien explained the improvements he had made in regard to the drainage on the property.

Whereupon the Chairman declared the motion duly adopted.

Roll call vote.

Ayes to the motion: Thomas Ambrose, George Ellis, Mary Goode, and Sharon Sherrill

Nays to the motion: None

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing File Z21-0005

Petition of John & Amy Mullane, owner of record, requesting a variance as per §93.023, Section B, Item 2 of the Madison County Zoning Ordinance in order to construct an attached garage addition that would be 8.19 feet from the north property line instead of the required 25 feet. This is located in an "A" Agricultural District in Marine Township at 3545 Boomerang Drive, Marine, Illinois, County Board District #4, PIN# 06-2-17-22-01-101-022

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

Members Absent: Nicholas Cohan

A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of John & Amy Mullane be as follows:
Approved.

The Finding of Fact of the Board of Appeals: **I.** The zoning file, Comprehensive Plan, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** John Mullane, applicant, said they are requesting a variance in order to do an addition to their primary residence for additional garage space for personal storage. Mr. Mullane said that the lay of the lot has some sloping in the back which prevents the detached structure in the appropriate place, and the front of the lot contains part of the retention system for water runoff in the area. Mr. Mullane said there was a variance granted when the home was constructed so the house could be closer than 50 feet from the property line. He wants to make a structure that matches the home, and since the house sits at an angle it would be 8.19 feet from the property line.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, George Ellis, Mary Goode, and Sharon Sherrill

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing File Z21-0007

Petition of James Lowry, owner of record, and Timothy Lowry, requesting a zoning map amendment to rezone a 23.68 acre tract of land from "B-5" Planned Business District to "A" Agricultural District. This is located in Fort Russell Township at 3224 Rock Hill Road, Wood River, Illinois, County Board District #5, PIN# 15-1-09-30-00-000-002

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

Members Absent: Nicholas Cohan

A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of James & Timothy Lowry be as follows: **Approved.**

The Finding of Fact of the Board of Appeals: **I.** The zoning file, Comprehensive Plan, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** James Lowry, applicant, said they are were wanting to sell trailers, and it lasted two years before they quit. The property was agricultural, and they want to go back to agricultural and right now they are commercial; **VI.** Thomas Ambrose, Zoning Board of Appeals member, asked if there is any business going on there now, and Mr. Lowry indicated that there was a landscaping business but they gave it up.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, George Ellis, Mary Goode, and Sharon Sherrill

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing File Z21-0009

Petition of Lloyd and Patricia Mordis, owners of record, requesting a zoning map amendment to rezone a 6.01 acre tract of land from "R-1" Single-Family Residential District to "A" Agricultural District. This is located in Collinsville Township at 5910 Galli Lane, Collinsville, Illinois, County Board District #25, PIN# 13-1-21-16-00-000-039

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

Members Absent: Nicholas Cohan

A **motion** was made by Mary Goode and **seconded** by Sharon Sherrill that the petition of Lloyd and Patricia Mordis be as follows: **Approved.**

The Finding of Fact of the Board of Appeals: **I.** The zoning file, Comprehensive Plan, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Lloyd Mordis, applicant, said that the property had horses on it prior to them purchasing it, and they assumed it was agricultural. Mr. Mordis said that he has 13 residents on Galli Street that are in support of the request and that he didn't have the whole street in favor because he recently received Collinsville's letter of opposition from Mrs. Buncher. Mr. Mordis said that his closest neighbors are in favor of it; **VI.** Christopher Guiler said that he owns the 10 acres between Mr. Mordis and Collinsville, and that he is in total opposition of the request because the surrounding area is zoned "R-1" and there isn't an agricultural zoned lot in the area. Mr. Guiler said that the current "R-1" zoning designation does allow for horses and a certain amount of livestock and that the agricultural zoning opens up for larger livestock on the property and being able to have a cow and maintain it, they need to have at least 5 acres per cow. Mr. Guiler said that spot zoning this is not a good idea, and there should be other avenues he could do to get the animals but spot zoning is a disservice to the community; **VII.** Mr. Mordis said that his neighbors are zoned agricultural, and Mr. Doucleff indicated that the properties to the west are zoned agricultural and it would not be spot zoning. Mr. Guiler apologized for the misunderstanding. Mr. Mordis submitted letters of support for the record; **VIII.** Sharon Sherrill, Zoning Board of Appeals member, asked Mrs. Buncher if there are farm animals on the property is there a restriction on how far those animals have to be from their neighbors, and Mrs. Buncher indicated that the barn that holds the animals has to be at least 100 feet from the adjacent dwellings and the barn that is on the property exceeds that. Mr. Mordis said that he was told that he had to have 1 to 1 ratio with the acreage; **IX.** Thomas Ambrose, ZBA member, asked what Collinsville's concerns were with the rezoning, and Mr. Mordis said that he had been told by Collinsville on several occasions that they intended on annexing this area in the past and they have not. Mr. Guiler said that he is a developer and reached out to Mrs. Buncher in May 2020 and asked about developing the 10 acres tract that they have within this area; the municipality has received some plans, and the property is within their jurisdiction; the letter from the City of Collinsville gives just information on why they are opposed to it, and that rezoning this to agricultural wouldn't be beneficial. Mr. Mordis said that he would just like to have the animals on his property; **X.** Mrs. Goode asked what Mr. Mordis long-term goal is for the property, and Mr. Mordis said it is the live there and have a couple goats and chickens.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, George Ellis, Mary Goode, and Sharon Sherrill

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing File Z21-0010

Petition of Michael and Joan Wall, owners of record, requesting a variance as per §93.023, Section B, Item 2 of the Madison County Zoning Ordinance in order to construct a detached garage that would be 35 feet from a private roadway easement instead of the required 50 feet. This is located in an "A" Agricultural District in Moro Township at **10 Ridge Street, Moro, Illinois, County Board District #5, PIN# 16-1-03-31-04-401-002.005**

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

Members Absent: Nicholas Cohan

A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Michael & Joan wall be as follows:
Approved.

The Finding of Fact of the Board of Appeals: **I.** The zoning file, Comprehensive Plan, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Michael Wall, applicant, said they are proposing a freestanding 2 car garage for personal storage. Mr. Wall said that everything to west is in front of the house which is not permitted, and on the south side of the house is having to come off of Ridge Lane said it would cost an additional sum of money to get the driveway to that side of the property. Mr. Wall said that the back of the property has drainage issues. Mr. Wall said that he wants the north side because it makes the most sense; **VI.** Thomas Ambrose, Zoning Board of Appeals member, asked if the Pleasant Road Ridge was a private road, and Mr. Wall said that it is a private lane that his neighbors use to access their properties.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, George Ellis, Mary Goode, and Sharon Sherrill

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing File Z21-0011

Petition of Jon-Michael Smith, applicant on behalf of Kevin Nicol and Nicol Investment Properties LLC, owner of record, requesting variances as per §93.030, Section B, Items 8 and 9 of the Madison County Zoning Ordinance in order for an existing shed to be 1.9 feet from a new property line instead of the required 10 feet and an existing commercial building to be 10 feet from a new property line instead of the required 20 feet. This is located in a “B-2” General Business District in Chouteau Township at **1 Central Avenue, Granite City, Illinois**, County Board District #16, PIN#s 18-2-14-33-02-203-010 & 18-2-14-33-02-203-010.001

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

Members Absent: Nicholas Cohan

A **motion** was made by Mary Goode and **seconded** by Sharon Sherrill that the petition of Jon-Michael Smith, applicant on behalf of Kevin Nicol and Nicol Investment Properties LLC be as follows: **Approved.**

The Finding of Fact of the Board of Appeals: **I.** The zoning file, Comprehensive Plan, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Kevin Nicol, applicant, said they have owned the property that has the whole office park for quite some time but it was never subdivided properly to have total access to the park. The back building has parking and an entrance but with the way the subdivision is, it has their main building landlocked; the existing shed is large and would take a lot to move it and would take up 4 to 6 more parking spaces to move it to make the setback; **VI.** Jon-Michael Smith, applicant, said that he is the surveyor of the property and that resubdivision makes the most sense; they are only adding one lot line between Lots 2 and 3, and that is where the shed is at. Mr. Smith said it shouldn't affect any neighbors, and there has been no objections; **VII.** Mary Goode, Zoning Board of Appeals member, asked if the shed was portable, and Mr. Nicol said it is a Tuff Shed, it is actually anchored in and would be difficult to move it, and it would take away a lot of their parking access if it was moved.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, George Ellis, Mary Goode, and Sharon Sherrill

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator