

Madison County Zoning Board of Appeals Meeting Minutes
Tuesday, May 25, 2021 at 5:00 p.m.
Virtual Meeting via GoToMeeting & In-Person in the County Board Room

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

Members Absent:

A. Call to Order

Don Metzler, Chairman, 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 April 27, 2021. Mary Goode made a motion to approve. Seconded by Thomas Ambrose. All ayes. Motion approved.

C. Overview of Zoning Petitions and Staff Review

Noelle Maxey, Assistant Planner, gave a brief overview of the five zoning petitions and provided staff review.

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

Chairman 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 five 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

None

H. New Business

- 1. Hearing Z21-0026** – Petition of Steven and Karen Bauer, owners of record, requesting a variance as per §93.023, Section B, Item 1, Subsection (a) of the Madison County Zoning Ordinance to have the property width be 36 feet wide at the 50 foot front yard setback of the northern-most part of the parcel instead of the required 150 feet. This is located in an “A” Agricultural District in Jarvis Township **along the west side of Bauer Road, Troy**, Illinois, County Board District #2, PIN# 09-1-22-23-00-000-010. A motion was made by Nicholas Cohan and seconded by Mary Goode that the petition of Steven and Karen Bauer be as follows: Approved. Roll-call vote. All Ayes. Motion passes.
- 2. Hearing Z21-0027** – Petition of Michael Prosser, owner of record, and Gay Harper, requesting a variance as per §93.025, Section C, Item 3 of the Madison County Zoning Ordinance in order to construct a new single-family dwelling that will be 7 feet from the north property line instead of the required 40 feet. This is located in an “R-2” Single-Family Residential District in Collinsville Township at **11 N Shore Lane, Collinsville**, Illinois, County Board District #27, PIN# 13-2-21-14-08-201-028. A motion was made by Sharon Sherrill and seconded by Nicholas Cohan that the petition of Michael Prosser and Gay Harper be as follows: Approved. Roll-call vote. All Ayes. Motion passes.
- 3. Hearing Z21-0028** – Petition of Parker and Joe Stimac, on behalf of Geneva Ricks, Administrator of the Estate of James Williams, requesting a zoning map amendment to rezone a tract of land from “R-4” Single-Family Residential District to “M-2” General Manufacturing District in order to construct a storage building on site. This is located in Chouteau Township at **168 Douglas Place, Granite City**, Illinois, County Board District #16, PIN# 18-

2-14-27-03-304-009. A motion was made by Nicholas Cohan and seconded by Sharon Sherrill that the petition of Parker and Joe Stimac, on behalf of Geneva Ricks, be as follows: Approved. Roll-call vote. All Ayes. Motion passes.

4. **Hearing Z21-0031** – Petition of Jason Durrett, owner of record, requesting a zoning map amendment in order to rezone a tract of land from “R-4” Single-Family Residential District to “B-2” General Business District in order to use the existing structure as office space or for a barber shop and/or beauty salon and a variance as per §93.030, Section B, Item 7 of the Madison County Zoning Ordinance in order for the existing commercial structure to be 25 feet from the east and south property lines instead of the required 50 feet. This is located in Chouteau Township at **101 Lenox Avenue, Granite City**, Illinois, County Board District #16, PIN# 18-2-14-27-03-306-015. A motion was made by Nicholas Cohan and seconded by Mary Goode that the petition of Jason Durrett be as follows: Approved. Roll-call vote. All ayes. Motion passes.
5. **Hearing Z21-0032** – Petition of Wilson Waggoner, applicant on behalf of Darrel Keller, Trustee of the Lorraine M. Keller Declaration of Trust, requesting a variance as per §93.023, Section B, Item 1, Subsection (a) of the Madison County Zoning Ordinance to have a part of a new private roadway easement be as narrow as 18.5 feet at the eastern most section instead of the required 40 feet. This is located in an “A” Agricultural District in Edwardsville Township at **2949 Old Troy Road, Glen Carbon**, Illinois, County Board District #25, PIN# 14-1-15-25-00-000-004. A motion was made by Mary Goode and seconded by Nicholas Cohan that the petition of Wilson Waggoner and Darrel Keller be as follows: Approved. Roll-call vote. Ayes to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode. Recused from voting: Sharon Sherrill. Motion passes.

I. Planning Coordinator’s Report

None

J. Adjournment

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

Finding of Fact and Recommendations

Hearing Z21-0026

Petition of Steven and Karen Bauer, owners of record, requesting a variance as per §93.023, Section B, Item 1, Subsection (a) of the Madison County Zoning Ordinance to have the property width be 36 feet wide at the 50 foot front yard setback of the northern-most part of the parcel instead of the required 150 feet. This is located in an "A" Agricultural District in Jarvis Township **along the west side of Bauer Road, Troy**, Illinois, County Board District #2, PIN# 09-1-22-23-00-000-010

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

Members Absent:

A **motion** was made by Nicholas Cohan and **seconded** by Mary Goode that the petition of Steven and Karen Bauer 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.** Steven Bauer, applicant, stated that the 36 foot space is for the farm equipment to still get through there. Mr. Bauer stated there is a culvert there that allows the farm equipment to get to the field; **VI.** Amy Lewis, adjacent property owner, expressed concerns regarding the future plans of the 36 foot gap. Mrs. Lewis stated there is another 50 foot wide gap to the south and asked why that can't be used for the farm equipment; **VII.** Mr. Bauer replied that the 50 foot wide gap to the south does not have a culvert, so the farm equipment cannot cross into the field at that point; **VIII.** Mrs. Lewis asked if the plan is to develop the farm field in the future and use that 36 foot space for a roadway, to which Mr. Bauer said that is not that plan. Mrs. Lewis stated that they do not want a roadway running there adjacent to their home, and there is a drainage ditch right along that property line that overflows with heavy rain; **IX.** Mary Goode, ZBA member, stated she doesn't believe this variance would allow them to further develop the field into a larger subdivision, and there are a lot more processes to go through for that; **X.** Noelle Maxey, Assistant Planner, stated this variance is for the property width only, and she believes that a roadway width variance would have to be approved to put in a roadway at that location.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode, 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 Z21-0027

Petition of Michael Prosser, owner of record, and Gay Harper, requesting a variance as per §93.025, Section C, Item 3 of the Madison County Zoning Ordinance in order to construct a new single-family dwelling that will be 7 feet from the north property line instead of the required 40 feet. This is located in an "R-2" Single-Family Residential District in Collinsville Township at **11 N Shore Lane, Collinsville**, Illinois, County Board District #27, PIN# 13-2-21-14-08-201-028

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

Members Absent:

A **motion** was made by Sharon Sherrill and **seconded** by Nicholas Cohan that the petition of Michael Prosser and Gay Harper 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.** Mike Prosser, applicant, stated the property is 3.83 acres, and the only place to build the home on the property is where they are proposing because to the south is 100-year floodplain, and the north part of the property has a bunch of hills. Mr. Prosser stated that right past the point of the house, the property starts to go down toward the floodplain area, so there isn't any other place to put the house except the flat area; **VI.** Mary Goode, ZBA member, asked if this is within the 1.5 miles from Collinsville and if they have to approve this too, to which Noelle Maxey, Assistant Planner, stated that she believes it is but Collinsville only approves subdivisions within the 1.5 miles, not variances.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode, 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 Z21-0028

Petition of Parker and Joe Stimac, on behalf of Geneva Ricks, Administrator of the Estate of James Williams, requesting a zoning map amendment to rezone a tract of land from "R-4" Single-Family Residential District to "M-2" General Manufacturing District in order to construct a storage building on site. This is located in Chouteau Township at **168 Douglas Place, Granite City**, Illinois, County Board District #16, PIN# 18-2-14-27-03-304-009

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

Members Absent:

A **motion** was made by Nicholas Cohan and **seconded** by Sharon Sherrill that the petition of Parker and Joe Stimac 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.** Joe Stimac, applicant, stated they want to construct a building on site for the storage of their landscaping equipment, and the lot is vacant now but there used to be a bar and shed on the property; **VI.** Noelle Maxey, Assistant Planner, read aloud public opposition that was submitted for the record via email: This is in reference to ZBA File Number Z21-0028. I am the owner of adjacent property 157 Voight Place and have been since 1985. It has been in my family since 1957. I was brought there from the hospital after birth. This home is important to me and my family's past, present, and hopefully, future. I do not object to the stated purpose, but DO strongly object to the zoning change. What protects my property value and concerns once the Douglas Place property IS declared M-2? Does the stated purpose continue to prevail or is anything in M-2 allowed then? If so, these would be my concerns: 1) residential property values, 2) contamination of air, land, water, 3) traffic access, egress, 4) power grid support. Thanks for your consideration. Maureen E. Berra, R.N.; **VII.** Sharon Sherrill, ZBA member, asked if this is for the purpose of storage or for the purpose of having a business there, to which Mr. Stimac stated the business would not be there. Ms. Sherrill asked why he can't just put a shed on the property, to which Ms. Maxey stated that in residential districts, there must be a primary structure, and when there was a shed there before, the bar was the primary structure. Ms. Sherrill asked if the bar was nonconforming, to which Ms. Maxey stated yes, the bar was nonconforming since it was in a residential district, but it had been there a long time, the previous owner passed away, and the bar and shed were torn down. Ms. Maxey stated the applicants are rezoning to "M-2" for the "Storage" permitted use just to have a storage building on site with no office or customers; **VIII.** Thomas Ambrose, ZBA member, asked how far away the existing houses are to the property, to which Mr. Stimac responding that there are railroad tracks across the road on one side, and the houses behind the property are separated by a 15 foot wide easement that is full of trees; **IX.** Ms. Sherrill asked if there is a Special Use Permit or anything they could get instead, to which Ms. Maxey stated that we only permit accessory structures without a primary structure for agricultural uses on "A" zoned lots 5 acres or greater, we do not permit people to put up shed or garages on properties without a home or other primary structure.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode, 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 Z21-0031

Petition of Jason Durrett, owner of record, requesting a zoning map amendment in order to rezone a tract of land from "R-4" Single-Family Residential District to "B-2" General Business District in order to use the existing structure as office space or for a barber shop and/or beauty salon and a variance as per §93.030, Section B, Item 7 of the Madison County Zoning Ordinance in order for the existing commercial structure to be 25 feet from the east and south property lines instead of the required 50 feet. This is located in Chouteau Township at **101 Lenox Avenue, Granite City, Illinois**, County Board District #16, PIN# 18-2-14-27-03-306-015

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

Members Absent:

A **motion** was made by Nicholas Cohan and **seconded** by Mary Goode that the petition of Jason Durrett 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.** Noelle Maxey, Assistant Planner, stated that she had forgotten to include the variance request in her notes for the zoning overview, and wanted to mention that they are requesting the variance from the east and south property lines in addition to the rezoning; **VI.** Marilyn Washburn, speaker on behalf of Jason Durrett, applicant, stated that the building is currently used for a business and is taxed commercially. Ms. Washburn stated the building has been used as a barber shop for 60 years, and they are trying to get the property into a proper zoning category. Ms. Washburn stated that they remeasured from the building to the right-of-ways, and the distance to the edge of Chain of Rocks Road is 36 feet. Ms. Washburn stated that who they are selling the property to, she believes, is also going to use the building for a barber shop; **VII.** Sharon Sherrill, ZBA member, asked if the purpose of rezoning is just to get it into conformity, to which Ms. Maxey stated that is correct. Ms. Sherrill mentioned that the right-of-way is different from the property line, so the 25 feet is probably accurate. Ms. Sherrill asked if the variance is because of the rezoning, to which Ms. Maxey stated that is correct.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, Nicholas Cohan, George Ellis, Mary Goode, 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 Z21-0032

Petition of Wilson Waggoner, applicant on behalf of Darrel Keller, Trustee of the Lorraine M. Keller Declaration of Trust, requesting a variance as per §93.023, Section B, Item 1, Subsection (a) of the Madison County Zoning Ordinance to have a part of a new private roadway easement be as narrow as 18.5 feet at the eastern most section instead of the required 40 feet. This is located in an "A" Agricultural District in Edwardsville Township at **2949 Old Troy Road, Glen Carbon, Illinois, County Board District #25, PIN# 14-1-15-25-00-000-004**

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

Members Absent:

A **motion** was made by Mary Goode and **seconded** by Nicholas Cohan that the petition of Wilson Waggoner and Darrel Keller 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.** Wilson Waggoner, applicant, stated they are going to split off 12 acres of the property around the existing house, and they are able to accommodate the 40 foot width requirement for the new easement except where it goes in between two other existing properties to Old Troy Road. Mr. Waggoner stated the path serving the farmhouse property has been in existence for about 100 years, and they are requesting this variance to continue using the existing driveway for the farmhouse property; **VI.** Mary Goode, ZBA member, asked if there is even a way to deny this, and wouldn't it be a prescriptive easement since it's been there so long, to which Noelle Maxey, Assistant Planner stated that it is currently only a driveway and would be converted to a private roadway easement through the proposed subdivision, so our requirement is 40 feet of width for the entirety of the easement, but that section between the other two properties is only 18.6 feet wide.

Roll-call vote.

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

Nays to the motion: None

Recused from voting: Sharon Sherrill

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator