

**St. Clair County Zoning Board of Appeals
Minutes for Meeting
At the Courthouse – 7:00 P.M.
August 10, 2015**

Members Present: Alexa Edwards, Scott Penny, Charlie Frederick, Rev. Gene Rhoden & Chairman George Meister

Members Absent: Patti Gregory & Kent Heberer

Staff Present: Anne Markezich, Zoning Department
Dave Schneidewind, Zoning Attorney

Call to Order

The meeting was called to order at 7:00 p.m. by Chairman, George Meister.

Roll Call and Declaration of Quorum

The roll was called and a quorum declared present.

Approval of Minutes

MOTION by Edwards to approve minutes of the August 3, 2015 meeting. Second by Penny. Motion carried.

Public Comment

There were no comments from the public.

New Business – Case #1

Subject Case #2015-08-ABV – Karen Drennan, 2519 Cemetery Road, Waterloo, Illinois, owners and Joel J. Mueth & Mary Lynn Mueth, 701 S. Jefferson Street, Millstadt, Applicants. This is a request for an Area/Bulk Variance to allow 50 ft. of frontage instead of the 100 ft. of frontage required in a “RR-3” Rural Residential Zone District on property known as 4111 Upper Saxtown Road, Millstadt, Illinois in Millstadt Township. (Parcel #12-35.0-100-032)

Joe Drennan, Owner/Applicant

- Mr. Drennan explained this was his fathers property and seven family members inherited.
- Mr. Drennan stated the property has sat vacant for 18-years and they are finally getting the family to agree to sell it.
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Discussion

- Chairman Meister asked if there is a house currently on the property. (Mr. Drennan stated there is a home on the property.)
- Chairman Meister asked how close the 50 ft. strip will be from the house. (Mr. Drennan stated the property line will approximately 50 ft. from the house.)
- Mr. Penny asked what will be done with the property if the division is allowed. (Mr. Drennan stated his niece will eventually build a home at the back of the property.)
- Mr. Penny asked who lives in the existing home on the property. (Mr. Drennan stated that house has been empty with the windows out for the past 18-years. He stated he may try to restore the home.)
- Mr. Rhoden asked if there are any complaints. (Mr. Drennan stated there are no complaints because it is all family in the area.)
- Chairman Meister questioned the 50 ft. strip to the adjacent property. (Ms. Markezich stated that division was recorded in the 90’s and is a platted subdivision.)
- Ms. Markezich stated the area is zoned “RR-3” Rural residential Zone District.

Public Testimony

There was no public present at the hearing.

Further Discussion

County Board Member, Michael O'Donnell stated he has not received any complaints or concerns from neighbors. The property has been in the family for a very long time and all the neighbors are family.

MOTION by Edwards to grant the request for the following reasons: The utilities are well/septic; the Comprehensive Plan calls for Rural Residential; the division meets the 3-acre requirement for division; the reason for this variance is due to the physical terrain of this property; there is a small 1850's home and a small pond on the property would not allow for 100 ft. of frontage; the 50 ft. of frontage is the only option because of the physical characteristics of the property. The request is in harmony with the general purpose and intent of the Zoning Ordinance; the request is not injurious to the neighborhood; the request would not be detrimental to public welfare and is not in conflict with the Comprehensive Plan.

Rhoden seconds.

Roll call vote:	Rhoden -	Aye
	Penny -	Aye
	Edwards -	Aye
	Frederick -	Aye
	Meister -	Aye

This case has been approved by this board.

New Business – Case #2

Subject Case #2015-09-ABV – Union Planters Bank 01-90-W534-00, 10950 Lincoln Trail, Fairview Heights, Illinois, Owner and Applicant. This is a request for an Area/Bulk Variance to allow 0 ft. side setbacks in a "SR-3" Single-Family Residence Zone District on property known as 103, 107, 111, 115, 119, 123, 127 & 131 Lake Hickory Circle, Belleville, Illinois in Stookey Township. (Parcels #07-13.0-219-003 & 07-13.0-404-026)

Richard Friederich, Applicant

- Mr. Friederich introduced himself as the Treasurer of the Villas on Lake Hickory Lake.
- Mr. Friederich explained the zoning variance is being requested because there are four buildings containing eight units that currently receive one tax bill.
- Mr. Friederich stated they are requesting a "zero line variance" for the property so that the Mapping & Platting of St. Clair County, after proper documents have been submitted, can issue separate real estate tax bills to each individual owner of the villas.
- Mr. Friederich stated the one tax bill is split up between the owners and it creates a burden if someone does not pay.

Discussion

- Chairman Meister asked the Director if this is a common practice. (Ms. Markezich stated it has been done in the past.)
- Mr. Penny asked if they are able to get a legal description precise enough to divide a house in half. (The applicant stated the legal descriptions have already been prepared.)
- Mr. Schneidewind stated what is different in this case is the fact that this is land trust and everybody else owns a beneficial interest which is a little different than single ownership.
- Ms. Markezich stated in this case each homeowner will get a tax bill for the footprint of their home and there will be a separate tax bill sent for the common ground, which will be divided among the homeowners.
- Mr. Schneidewind stated the application was signed by all homeowners in the subdivision.
- Mr. Frederick asked if the Zoning office received any correspondence for or against the request. (Ms. Markezich stated she has not received any correspondence.)
- Chairman Meister asked Mr. Schneidewind if he has any issues with this request. (Mr. Schneidewind stated he met with the applicants and discussed this action and has no issues.)
- Mr. Schneidewind stated for the record, the homeowners can only build on that footprint, so there can be no expansion or if the home is destroyed it must be replaced on the existing footprint.

Public Testimony

There were no persons present for public testimony.

Further Discussion

No further discussion.

MOTION by Penny to approve with the following limitations: If a fire or other catastrophe affects any of these individual properties, they can be reconstructed to the extent of the external footprint of the buildings as configured on today's date. With regard to the application, it is in harmony with the general purpose of the Zoning Ordinance; the request will have no impact other than to make more specific property tax bills practical; the request would not injure the neighborhood; it would not have an affect on public welfare; it is consistent with the Comprehensive Plan; there is no impact on fire hazards or dangers; and will not diminish the value of land or buildings in the immediate area; it will not affect traffic conditions or flood damages; it will not cost additional public expense because all expenses are paid by the applicant in this transaction.

Frederick seconds.

Roll call vote:	Rhoden -	Aye
	Penny -	Aye
	Edwards -	Aye
	Frederick -	Aye
	Meister -	Aye

This case has been granted by this board and will go to the County Board for final action.

New Business – Case #4

Subject Case #2015-05-SP – Rodger V. Davis & Carolyn J. Davis, 8162 Red Ray Mine Road, Freeburg, Illinois, owners and applicants. This is a request for a Special Use Permit for a Planned Single-Family Residential Development with 6-lots in an "A" Agricultural Industry Zone District on property known as 8162 Red Ray Mine Road, Freeburg, Illinois in New Athens Township. (Parcel #18-04.0-400-018)

Rodger Davis and Carolyn Davis Owners/Applicants

- Mr. Rodger Davis stated he runs a horse/cattle operation at the end of Red Ray Mine Road.
- Mr. Davis stated he is getting older and needs some assistance from his children in running the operation.
- Mr. Davis stated some of his children are interested in building a home on his property to help maintain the business and also have this as part of his estate plan to give the kids their share.
- Mr. Davis stated each board member was given a proposed plat of the divisions. Mr. Davis stated he has four children one would be for himself and one for his sister.
- Mr. Davis stated he is requesting 15-acre potential home sites.
- Mr. Davis stated there are currently 5-acre and 10-acre home sites on Red Ray Mine Road.
- Mr. Davis stated there was a list of covenants prepared for the home sites.
- Ms. Carolyn Davis stated the properties will be for family only. The property was owned by her grandfather and this will be the 3rd generation to have the farm. Ms. Davis stated the whole area will still be farmed except where the houses are located.
- Ms. Davis stated the property is beautiful and no one wants to preserve it more than the family. This property is the family livelihood and would like to live on this property with their children.

Discussion

- Chairman Meister asked if there was any guarantee this property would stay with the family. (Ms. Davis stated hopefully because the children will own the property in a trust, where even if they got divorced they cannot lose it to whomever they are married to.)
- Mr. Penny asked if the title to the property stays in a land trust. (Ms. Davis stated there will be an individual trust for each child.)
- Chairman Meister asked if the applicants are dividing off the easement on the property. (Ms. Markezich stated you cannot divide off an easement.)
- Ms. Edwards stated the Comprehensive Plan calls for Agricultural Preservation.
- Ms. Edwards asked the LESA Rating on the property. (Mr. Schneidewind stated it is 193/Moderate.)

- Chairman Meister asked if the applicants have a well on the property. (The applicant stated approximately 30 ft. deep; it is really shallow and you cannot drink it.)
- Ms. Markezich pointed out to the board an existing mobile down in the southwest corner of the property. She stated this parcel uses Lementon Road.

Public Testimony

- Tom Biebel – 37 Berrywood Drive, Belleville stated he is a first cousin of the applicants. Mr. Biebel stated he has the same situation with more ground and seven children. He stated there are eleven houses on Red Ray Mine Road and they are the the only families that have over 5 or 6-acres and live on their farms.
- Don Biesegel – 8025 Red Ray Mine Road, Freeburg stated he owns the adjoining farm. Mr. Biesegel stated this property was a gas reserve and storage area. He explained you cannot drill a well without going through a sandstone formation unless it is very shallow and that can be very difficult and dangerous. Mr. Biesegel questioned where will the riding arena haul the manure if different people own the parcels. Mr. Biesegel also asked why the Village of Freeburg was given notice of this proposal. (Chairman Meister answered the reason the Village of Freeburg was given notice is because it is within a mile and a half of the city limits.) (Mr. Davis stated he has a shallow well on the property and they currently haul drinking water to the property.)
- Mr. Don Biesegel stated he is also concerned with the traffic increase on Lementon Road.
- Mr. Biebel stated he lives on a crest of a hill at one of the highest points in the County. He stated his neighbors go very slow and the people that don't live on that road use it as a speedway. Mr. Biebel stated the people that live on the property respect the speed limit.
- Don Biesegel stated he is not against the request but he does not want to increase traffic. He stated he has large farm machinery and feels it is would be hazardous to increase traffic.

Further Discussion

- Ed Cockrell stated he met with the property owners regarding estate planning. Mr. Cockrell explained there is no guarantee that the property will stay in the family. Mr. Cockrell stated he is in support of granting the divisions of property.
- Mr. Cockrell stated he received a call from Mr. Mike McGill down the road and he is opposed to the request.
- Ms. Edwards asked whether each parcel will have its own tax bill. (Ms. Davis stated each lot will be put in an individual trust for each child.)
- Mr. Schneidewind explained the covenants will be binding on all six different parcels.
- Chairman Meister and Alexa Edwards both stated they feel they need more time before making this decision.

MOTION by Penny to take this case under advisement until September 14, 2015.

Frederick seconds.

Roll call vote:	Rhoden -	Aye
	Penny -	Aye
	Edwards -	Aye
	Frederick -	Aye
	Meister -	Aye

This case has been taken under advisement until September 14, 2015. There will be no additional testimony.

MOTION by Edwards to adjourn. Second by Gregory. Motion carried.