

**St. Clair County Zoning Board of Appeals
Minutes for Meeting
At the Courthouse – 7:00 P.M.
August 3, 2015**

Members Present: Alexa Edwards, Scott Penny, Patti Gregory & Chairman George Meister

Members Absent: Charles Frederick, Kent Heberer & Rev. Gene Rhoden

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 July 6, 2015 meeting. Second by Penny. Motion carried.

Public Comment

County Board Member, Frank Heiligenstein noted the Zoning Board does not say the Pledge of Allegiance prior to their meetings. Mr. Heiligenstein stated he will propose to the County Board this be a new policy at public meetings.

New Business – Case #1

Subject Case #2015-08-SP – Norbert R. Auth & Rita M. Auth, 5805 Country Side Lane, Freeburg, Illinois, Owners and Kraig N. Auth, 5805 Country Side Lane, Freeburg, Illinois, applicant. This is a request for a Special Use Permit for a Planned Building Development pursuant to Section 40-9-3(H)(3) of the St. Clair County Zoning Code to allow an Auto Restoration Business in an “A” Agricultural Industry Zone District, on property known as 5805 Country Side Lane, Freeburg, Illinois, in Smithton Township. (Parcel #13-23.0-100-005)

Kraig Auth, Applicant

- Mr. Auth explained he would like to restore old cars on the property. He stated he buys old cars and restores them to sell at auctions and car shows.
- Mr. Auth stated he would like to take a small hobby and turn it into a small proprietorship business.
- Mr. Auth stated there will be no further development on the property.
- Mr. Auth stated there will be no paint booth on the property.
- Mr. Auth stated there will be no retail traffic in and out of the driveway.
- Mr. Auth stated there will be no sign on the property.
- Mr. Auth stated business hours will be from 7:00 AM to 5:00 PM.
- Mr. Auth stated there will be a maximum three employees, including himself.
- Mr. Auth explained he or the business will own all of the vehicles being worked on and when they are at show quality the vehicles will be sold.
- Mr. Auth stated there will be no outside storage of vehicles on the property. Mr. Auth stated they have 2,500 square feet under roof.
- Mr. Auth stated they will do restoration work, body work and engine work.
- Mr. Auth thanked the Committee for allowing him to speak at the meeting and stated he does not wish to change the neighborhood.
- Mr. Auth stated his building is ¾ mile off the road; and this property is clean as a pin.

Discussion

- Chairman Meister asked if this was the old turkey farm. (The applicant stated the turkey farm was over on Llewelyn Road about 20-years ago.)
- Chairman Meister asked what size this building is on the property. (The applicant stated it is 200' x 100' wide.)

- Chairman Meister asked what the building was used for before. (The applicant stated his father has show cars and there were tractors and basically working tools and storage.)
- Chairman Meister clarified with the applicant there will be no outside storage on the property. (The applicant stated that is correct.)
- Ms. Edwards asked if the applicant lives on the property. (The applicant stated this is his residence.)
- Ms. Edwards asked what happens to the old oil or transmission fluid. (The applicant stated he takes the fluids to a friend's house that uses it in his oil burner for winter heating. He explained everything is reclaimed.)

Public Testimony

- Bill Schwartz -5920 Countryside Lane, Freeburg asked why the Zoning Board did not send him a notice of the hearing. (The applicant stated he is not an adjoining neighbor and that is why he was not notified.)
- Mr. Schwartz stated the applicant has stated he will do certain things but will the Zoning Board have this in writing. (Chairman Meister stated the applicant presented a business plan to the board.)
- Mr. Schwartz stated he feels the brick company in Millstadt that was just denied by this board is similar to this request. Mr. Schwartz stated this business was run for 11-years illegally and nothing is done to him until now. He also stated there is an illegal business down the road with a trucking company and stated he does not feel a business should be allowed in the Agricultural district. (Ms. Gregory and the other board members expressed this request was factually different than the brick company case previously before this board.)
- Steve Woodward - 10 Westbrook Lane, Freeburg stated he is the Chairman of the Freeburg Planning Commission. Mr. Woodward stated they are in the process of updating the Comprehensive Plan and stated everything that is within a mile and a half of the Village is proposed as "SR-1" and the Village would like to minimize the number of businesses going in residential areas.

Further Discussion

- Mr. Schneidewind asked Mr. Woodward what the current Comprehensive Plan designation is for the property. (Mr. Woodward stated currently it is Agricultural but all properties annexed into the city will be designed "SR-1".

- Ms. Edwards asked since the property is designated Agricultural at this time and is proposed as "Sr-1" will there be access to public water. (Mr. Heiligenstein stated there is water nearby but they do not have access. FSH Water Commission is working with Smithton to interconnect with IL American on 159 and Illinois American Water Company will come down from the North so that they have a back-up water supply.)
- Mr. Penny asked Ms. Markezich if the applicant is conducting this business at this present time and he owns the cars and works on them on his own property and takes them elsewhere to sell them, he is not sure why the applicant is required a Zoning deviation. (Ms. Markezich stated the applicant came to the Zoning office; the Zoning office did not contact him. Anne stated Mr. Auth is not in violation of any zoning laws.) (Mr. Schneidewind added Mr. Auth was doing the car restoration as a hobby previously.)
- Mr. Penny questioned whether the applicant could continue the operation without a zoning variance. (Mr. Schneidewind stated that is correct but without employees.)
- Ms. Edwards asked if the applicant has adequate bathroom facilities. (Mr. Auth stated he does have bathroom facilities for his employee.)
- Chairman Meister asked how long the applicant has been restoring cars on the property. (The applicant stated he has restored cars on the property with his father, since the late 80's.)
- Chairman Meister asked if there were any complaints filed against the business. (Ms. Markezich stated she has not received any complaints.)
- Mr. Schneidewind asked hours of operation. (The applicant stated they will operate Monday through Friday - 7:00 AM to 5:00 PM.)
- Mr. Schneidewind asked how many employees. (The applicant stated he will have three employees including himself.)
- Mr. Schneidewind confirmed the applicant can operate on the footprint of the existing building and will not require expansion. (The applicant stated he will not require further expansion.)
- Mr. Schneidewind asked the applicant if he will require a business sign. (The applicant stated there will be no sign on the property.)

MOTION by Gregory to grant the request for the following reasons: The proposed design and development will adequately protect the public's health, safety and welfare and physical environment; the Special Use Permit will not have an adverse affect on the value of neighboring property or on the County's overall tax base; the applicant stated there will be a maximum three employees, including himself; there will be no negative affect on traffic circulation; there are no nearby schools are hospitals that would need special consideration; the applicant has an existing 22,000 sq ft. building on the

property that will house the business; there will be no outside storage on the property or outside storage of vehicles; hours of operation will be 7:00 AM – 5:00 PM.

Penny seconds.

Roll call vote:	Gregory -	Aye
	Penny -	Aye
	Edwards -	Aye
	Meister -	Aye

This case has been approved by this board and will not go to the County Board for final action.

New Business – Case #2

Subject Case #2015-01-TA – Meghan DeGroot, 116 Hazel Avenue, Belleville, Illinois, Applicant. This is a request for a Text Amendment to amend Chapter 40, Article IV, Division III (“SR-1”, “SR-2”, “SR-3” –Single-Family Residential Districts), Section 40-4-13 of the St. Clair County, Illinois Zoning Code to include: Keeping of not more than four (4) domestic household pets, provided kennels are not maintained, and provided no animal, reptile, bird or similar classification of species normally considered wild, as opposed to domesticated, is maintained or kept.

Megan DeGroot, Applicant

- Ms. DeGroot explained the reasons she has filed for this Text Amendment is she has two mini-goats in her back yard in the West End of Belleville and three hens that she has had for about 4-years and two ducks.
- Ms. DeGroot stated prior to getting her farm animals she checked the Animal Control website and failed to check with the Zoning Department.
- Ms. DeGroot stated she feels the number one reason to change the ordinance is Health reasons. She stated according to the Center for Disease Control & Prevention, salmonella infections cause more hospitalizations and deaths than any other germ and 64% of salmonella outbreaks are from commercial eggs.
- Ms. DeGroot presented a slide show of pictures of commercial chicken coops and backyard coops.

- Ms. DeGroot stated most chicken owners make sure their chickens have a good substantial amount of space to run. She stated her chickens run her yard and at night she puts them in their coop.
- Ms. DeGroot presented a picture of her coop. She stated they sleep in the coop and during the day she props open the door and they roam the yard.
- Ms. DeGroot stated the backyard chickens lay one egg per day and are natural composters. The chickens eat all scraps and are natural bug eaters. Their compost and manure is wonderful for the garden.
- Ms. DeGroot stated backyard chicken coops do not put off an odor as long as they are cleaned.
- Ms. DeGroot stated most cows these days are given RGBH in order to increase milk production and so she got goats for their milk.
- Ms. DeGroot stated according to US Department of Agricultural – children 9 years and older should consume at least 3 cups or other dairy products per day and active teenagers should consume 4 cups at least. Ms. DeGroot stated she cannot afford \$6.99/gallon for organic milk for her child.
- Ms. DeGroot stated mini-goats can produce up to a quart a day of goats milk which can use used to drink, make cheese, yogurt, butter or ice cream. The goats also make excellent brush removers and create wonderful fertilizer for the garden. She stated they are also gentle with children and require half the feed and half the space of full size goats. They only require 120 sq ft. per goat and are quieter than a dog and are legal in many cities in the US including St. Louis and Kirkwood.
- Ms. DeGroot stated she feels allowing farm animals is an opportunity for children to learn where food comes from and opportunity to learn about farming.
- Ms. DeGroot stated she has an on-line petition with 61 signatures which includes several of her neighbors.
- Ms. DeGroot read two letters from neighbors in support of the text amendment.

Discussion

- Chairman Meister asked what sex the goats are. (The applicant stated she has one female and one male which is neutered.)
- Chairman Meister asked what will have to take place prior to lactation. (The applicant stated she would have to take the female to a farm and pay the fee to have her bred and then they can be milked for a year after that.)

- Chairman Meister asked how much milk a goat produces in one day. (The applicant stated the mini-goats produce 1 quart per day.)
- Mr. Schneidewind informed the applicant the Text Amendment she is requesting is not for the City of Belleville. The amendment is for the unincorporated area of St. Clair County as a whole.
- Ms. Edwards asked how long she has had the farm on her property. (The applicant stated she has had chickens and ducks for four years and just added the goats in February.)

Public Testimony

- Julie Tedford 306 Julia Place, Belleville – stated Signal Hill Subdivision is not a rural area and that this property is a lot in a subdivision with several neighbors. Ms. Tedford stated if you want a farm then go buy a farm and feels if the door is opened for farm animals, then the flood gates will open. Ms. Tedford stated she did not buy her home to live next to a hog farm and she has been through this and she is completely against this request.
- Barb Ducey – stated she lives in the Signal Hill Neighborhood. Ms. Ducey presented a map to the Zoning Board of the subdivision pointing out the amount of homes in this neighborhood and how close the homes are to each other. Ms. Ducey stated this neighborhood is not rural. Ms. Ducey explained the subdivision is surrounded by wooded areas and there are predators like coyotes, fox and etc. and feels allowing chickens would draw out the animals at night.
- Chris Morford -1634 Progress Lane, Belleville stated he lives in the unincorporated area of St. Clair County. Mr. Morford stated they do not have hogs or pigs or horses, they have chickens. Mr. Morford stated if leftover eggs are given to people in the neighborhood. Mr. Morford stated there are chickens all over this County, in Far Oaks, in the Orchards. Mr. Morford stated people want to raise and grow their own food. Mr. Morford stated we aren't farming, we are feeding our families and raising our kids.
- Ms. Tedford stated she feels the Text Amendment is too broad. Ms. Tedford stated she has no problem with chickens but the way the Ordinance is presented it would allow four cows. Ms. Tedford stated she would like to see the Ordinance more specific.

- Donna Dougherty – 23 Signal Hill Drive, Belleville stated a domestic animal is any animal that depends on us to give it water and food. She stated a lot of people are having success with chickens and feels chickens should be considered but feels this Text Amendment is too broad.
- Debra Forsythe – 10 Oakwood Drive, Belleville stated she wanted the board to know the lady complaining about the chickens, did not know the chickens were even on the property.

Further Discussion

- Frank Heiligenstein, County Board Member District 21 stated he has written 45 zoning codes for in the State of Illinois and only one or two have an allowance for this type of activity. Mr. Heiligenstein stated he feels granting this request would open a can of worms for a lot of areas and if subdivisions don't have an active neighborhood association then it will get out of control. Mr. Heiligenstein stated in the interest of keeping the residential areas residential, he asked the board to deny this request.

MOTION by Penny

Case 2015-01-TA – Megan DeGroot , 116 Hazel Avenue, Belleville requesting a Text Amendment to amend Chapter 40 (“SR-1”, “SR-2” & “SR-3”) Single-Family Residential Districts of the County Zoning Code modifying permitted accessory uses. Motion to deny the request for the following reasons: The definition under Zoning Code of domestic pets would therefore be too broad and would allow the keeping of no more than four domestic animals such as farm animals to include cows, pigs, sheep, goats and horses in a residential zone; the residential zones include lot sizes of 20,000, 15,000 and 10,000 square feet and these lot sizes are not conducive to keeping large animals such as cows, pigs, sheep and horses; there is a health, safety and welfare concern where you could have a resident with four large animals adjacent to children playing in their back yards; this request would impact not just the applicants parcel but would impact 9,748 different parcels throughout the unincorporated St. Clair County; landowners purchase property with the expectation they would not have to live next to certain types of farm animals; enforcement of this modification would create an expense of an impractical burden on the zoning inspectors at the County; and in addition this is a broad policy decision that should require debate, public comment and consideration by the entire County Board. For these reasons, I ask that the request be declined.

Second by Edwards.

Roll call vote:	Gregory -	Aye
	Penny -	Aye
	Edwards -	Aye
	Meister -	Aye

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

New Business – Case #3

Subject Case #2015-04-ZA – Randall A. Phelps withdrew his application for a Zoning Amendment.

New Business – Case #4

Subject Case #2015-10-ABV – Doug & Kim Esker, 6516 Press Road, Freeburg, Illinois, owners and applicants. This is a request for an Area/Bulk Variance to allow the division of 5-acres instead of the 40-acres required in an “A” Agricultural Industry Zone District, on property known as 6516 Press Road, Freeburg, Illinois in Smithton Township. (Parcel #13-35.0-300-014)

Doug & Kim Esker, Owners & Applicants

- Mr. Esker presented each member with a packet of information regarding his Zoning Hearing.
- Mr. Esker stated he and his wife are in the process of building a new home.
- Mr. Esker stated they are building the home on 66.29-acres.
- Mr. Esker explained Citizens Community Bank in Freeburg asked them to divide the home off with 5-acres to create its own parcel.
- Mr. Esker stated after the division he will continue to own both pieces of property.
- Mr. Esker stated their intent is to continue to farm the property.

Discussion

- Chairman Meister asked if they have plans for any further divisions on the property. (The applicant stated the property will not be divided.)
- Mr. Schneidewind asked if the bank is asking him to divide off the 5-acres because there is a commercial loan versus a household loan. (The applicant presented a letter from the bank for the boards review.)
- Frank Heiligenstein, County Board District #21 asked the applicant if he is on FSH Water. (The applicant stated the home is already connected to Freeburg Water.)
- Ms. Edwards asked how many acres the parcel is. (The applicant stated he has approximately 68-acres on that parcel.)
- Ms. Edwards asked how long the applicants have owned this property. (The applicants stated this is a family property owned by his mother and father-in-law, Larry & Margaret Schwaegel. The Schwaegel's have owned the property for more than 25-years.)
- Ms. Edwards noted there are several small divisions in that area.

Public Testimony

- Kateria Bailey – 6446 Press Road, Freeburg stated she is an adjoining property owner. Ms. Bailey asked how they received a building permit before the variance was requested. (The applicant explained he got the building permit on the entire 68-acres and was not required to have a variance.)
- Richard Edwards – 6452 Press Road, Freeburg stated he is an adjoining property owner. Mr. Edwards asked what the 7, 8 and 11 numbers designated on the map. (Mr. Schneidewind explained that is part of the legal description.)

Further Discussion

MOTION by Penny in Case 2015-10-ABV – Doug & Kim Esker, 6516 Press Road, Freeburg. This is a request for an Area/Bulk Variance to allow the division of 5-acres instead of the 40-acres required in an “A” Agricultural Industry Zone District. I make a motion that we approve this request for the following reasons: The division will be a housekeeping initiative created by the mortgage company in order to protect the value of the loan; the request is in harmony with the general purpose and intent of the Zoning Ordinance; there are many several divisions in that immediate area; it would not be injurious to the neighborhood; there would be no detriment to the public welfare; it would be in accordance with the

Comprehensive Plan; it causes no increase for fire or any other dangers since it is a single-family residential construction project; it will improve the value of land and buildings in the immediate area and the County assessment roles; it would not affect flood damages in the area; and there would be no impact on public health, safety, comfort, morals or general welfare of other inhabitants on the adjacent property.

Second by Edwards.

Roll call vote:	Gregory -	Aye
	Penny -	Aye
	Edwards -	Aye
	Meister -	Aye

This Area/Bulk Variance has been approved by this board.

Old Business – Case #1

Subject Case #2015-07-ABV – Gary & Laura Klotz, 1035 South Jefferson Street, Millstadt, Illinois, Owners & Applicants. This is a request for an Area/Bulk Variance to allow a parcel with 12.45-acres instead of the 40-acres required in an “A” Agricultural Industry Zone District on property known XXXX Forest Hill School Road, Millstadt, Illinois in Stookey Township. (Parcel #07-29.0-100-029)

Chairman Meister stated this case was voted on last month and resulted in a tie-vote. Chairman Meister stated this vote may require a full board.

MOTION by Penny to continue this case in 30-days.

Second by Edwards.

Roll call vote:	Gregory -	Aye
	Penny -	Aye
	Edwards -	Aye
	Meister -	Aye

Chairman Meister stated this case has been taken under advisement until September, 2015.

Old Business – Case #2

Subject Case #2015-07-SP, Joe Nell Hummert, 6500 State Rte. 15, Mascoutah, Illinois, Owner and Lynn Hummert, 6500 State Rte 15, Mascoutah, Illinois, Applicant. This is a request for a Special Use Permit to allow the placement of a single-wide mobile home as a living use in an "A" Agricultural Industry Zone District, on property known as 6500 State Rte 15, Mascoutah, Illinois, in Fayetteville Township. (Parcel #19-10.0-100-015)

Discussion

- Chairman Meister asked the applicant if the mobile home has been removed from the property.
- Ms. Markezich submitted pictures to the board taken by the county inspector of the property.
- Chairman Meister asked if inspections were done on the new mobile home. (Ms. Markezich stated no inspections have been done on the new mobile home because Mr. Hummert was issued a stop work order.)
- Mr. Schneidewind explained at the previous hearing the Zoning Board asked the applicant to clean up the old mobile home on the property.
- Mr. Penny stated there is still some debris on the property according to the pictures. (Mr. Hummert stated the Zoning Board meeting was originally scheduled for September and found out a couple of days ago that the meeting was scheduled for August. Mr. Hummert stated he is not quite finished.)
- Mr. Schneidewind explained the Zoning Board took this case under advisement to allow time for the applicant to remove the existing mobile home off of the property. If the Zoning request is approved, then the applicant will continue to install the new mobile home and then the Zoning Director will inspect to County code.

Motion by Penny:

In the Case 2015 -07-SP – This is a request for a Special Use Permit to allow the placement of a single-wide mobile home as a living use in an "A" Agricultural Industry Zone District on property known as 6500 State Rte. 15, Mascoutah, Illinois. Motion to approve this request contingent upon a final inspection by the Director of Zoning to ensure certain items at the site have been cleaned up prior to installation of the new 2013 mobile home. This request will have minor impact on the area; this would be a replacement of a pre-existing mobile home on the property and would be an upgrade to the property; it would improve and increase

assessment values; and the applicant has a hardship with a family member he is attempting to take care of.

Second by Gregory.

Roll call vote:	Gregory -	Aye
	Penny -	Aye
	Edwards -	Aye
	Meister -	Aye

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

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