

**St. Clair County Zoning Board of Appeals
Minutes for Meeting
At the Courthouse - 7:00 P.M.
January 12, 2015**

Members Present: Charles Frederick, Alexa Edwards, Kent Heberer,
Rev. S. Gene Rhoden, Charles Arriola & Chairman
George Meister

Members Absent: Patti Gregory

Staff Present: Anne Markezich, Zoning Director
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 Frederick to approve minutes of the December 16, 2014 meeting.
Second by Rhoden. Motion carried.

Public Comment

There were no comments from the public.

New Business – Case #1

Subject Case #2014-16-ABV – Noeth Development, Inc., 47 Carnation Drive, Collinsville, Illinois, Owner & Applicant. This is a request for an Area/Bulk Variance to allow a front building setback of 50 ft. instead of the 75 ft. required in a “HB” Highway Business Zone District, on property known as XXXX S. Morrison Avenue, Caseyville, Illinois in Caseyville Township. (Parcel #03-04.0-300-014)

Chris Noeth/Matt Noeth, Applicants

- Mr. Noeth stated he is asking for a variance from the 75 ft. setback to a 50 ft. building setback.
- Mr. Noeth stated the property is wedged shape and a variance is required to build a nice size building.
- Mr. Noeth stated he would like front and rear access to his building.
- Mr. Noeth stated all aspects of construction will be per the current Zoning restrictions on the property.
- Mr. Noeth stated he has several examples of buildings in the area that have similar setbacks.
- Mr. Noeth stated he will build a warehouse used to store boats and large items.
- Mr. Noeth explained the units will be 10 ft. wide by 30 ft. deep.
- Mr. Noeth explained in order to allow someone to be able to put a boat trailer in; they would like to have rear access to they can pull the trailer through the building.

Discussion

- Mr. Rhoden asked if there is public water and septic/aeration available to the property. (The applicant stated there are no utilities on site at this time.)
- Mr. Frederick asked if the entrance will be off of the Highway. (The applicant stated there are three entrances approved by IDOT off of S. Morrison.)
- Chairman Meister asked if the new building will be closer to the road than the existing building. (The applicant stated he is not aware of the existing building setback; that building will be demolished.)
- Chairman Meister asked how many units the applicants will erect. (The applicant stated he plans to build one 30 x 50 building.)

- Chairman Meister explained the variance will be for this building only and all future buildings would require another Zoning Hearing.
- Mr. Arriola asked if there is room at the back of the property for the tenants to pull right through the building with their trailers. (Mr. Noeth stated if the variance is granted, it would be possible.)
- Ms. Markezich asked if the applicants were aware they had to erect a fence around the building. (The applicant stated he was not aware of that.)
- Chairman Meister asked if there would be outside storage. (The applicant stated there will be no outside storage.)
- Ms. Edwards asked if there would be security lighting at the site. (The applicant stated they have not discussed security lighting.)

Public Testimony

- Frank Lichtenberg - 1941 S. Morrison Avenue, Collinsville asked if the proposed building will be closer than the lawn care building on the adjacent lot. (The applicant stated the building will be roughly even with the neighboring building.)
- Mr. Lichtenberg asked if the building will be open to the public and have access 24/7. (The applicant stated he did not want to restrict the hours.)
- Jeff Henderson - 1945 S. Morrison Avenue, Collinsville stated his concern with people using his driveway to turn around. (The applicant stated their intent is to allow pull through access to make it easy for the driver to pull in and pull straight out.)

Further Discussion

Robert Allen, County Board Member stated some of the concerns from adjacent property owners were if the building were closer than other buildings it may stick out like a sore thumb. Mr. Allen asked the board if they could schedule a meeting at the site to see where the building would be placed.

Mr. Allen stated after hearing further testimony and the intent of the building, he feels there is no on-site inspection required.

Carol Clark, County Board Member explained the property is in her district and the residential properties across the street are in Mr. Allen's district. Ms. Clark stated she has not received any correspondence from neighbors. Ms. Clark explained her only concern would be the residential properties across the street,

but stated if the setbacks are cohesive with the surrounding area she has not issue with granting the variance.

Chairman Meister clarified this property is currently zoned for warehouses. The Zoning Board is only discussing the 50 ft. setback variance from the front instead of the 75 ft. required. The applicant will have to abide by the Highway Business rules on storage.

MOTION by Edwards to approve the request for the following reasons: The applicant has provided the board with testimony; he has provided a letter from IDOT stating the setback would not impede in any future road improvements; the County Board Member, Carol Clark is in favor of the application; the request would not be injurious to the neighborhood or detrimental to the public welfare; the request is not in conflict with the Comprehensive Plan and does not appear to pose any danger to any neighboring properties; granting the variance will not diminish the value of the land or buildings in the surrounding area; and the granting the variance will cause undue traffic congestion.

Second by Rhoden.

Roll Call vote:	Arriola -	Aye
	Rhoden -	Aye
	Heberer -	Aye
	Frederick -	Aye
	Edwards -	Aye
	Meister -	Aye

This case has been approved by this board.

New Business – Case #2

Subject Case #2014-17-ABV – Wanda Mueller, 2745 Otten Road, Millstadt, Illinois, owner and Jason Mueller, 500 West Adams Street, Millstadt, Illinois, applicant. 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 2914 Forest Hill School Road, Millstadt, Illinois in Stookey Township. (Parcel #07-29.0-300-006)

Jason Mueller, Applicant

- Mr. Mueller explained he would like to divide 5-acres from the family farm to construct a farm residence.
- Mr. Mueller explained that his 5-acre division will be to the West of the driveway and not to the East of the driveway as shown on the maps provided by the Zoning Board.
- Mr. Mueller stated he would like to build a house on the farm to allow him to take care of the farm after his father is not capable.
- Mr. Mueller stated his daughter will be the 5th generation to live on the farm and that means a lot to him.

Discussion

- Chairman Meister asked how many acres in this tract of land. (The applicant stated this tract is 80-acres.)
- Chairman Meister asked if there is a home on this property. (The applicant stated the home was been demolished approximately 2-years ago.)
- Chairman Meister asked if the property has public water. (The applicant stated a water line was just installed to this property but is not in operational at this time.)
- Chairman Meister asked if Mr. Mueller helped with the farm operation. (The applicant stated he does not farm the property but he helps with maintenance of the farm.)
- Mr. Schneidewind stated if the board would allow the 5-acre division the remainder of the farm will remain in compliance with Agricultural zoning.
- Chairman Meister asked the applicant if the homes to the West are dated prior to 1969. (The applicant stated it would be in that area.)
- Mr. Schneidewind stated the board received correspondence from the Health Department stating they have no opposition to this division as long as it is 5-acres.)

Public Testimony

There were no persons present for public comment.

Further Discussion

MOTION by Edwards to approve the request for the following reasons: The utilities on the property are public water/septic tank; the Comprehensive Plan designation is Agricultural Preservation; the applicant stated he is a 4th generation descendant of the Mueller family; the applicant will build his home on the property and continue to be a steward/caretaker of this 80+ acres of farmland; the applicant will build on the portion of land that is least desirable agricultural land; and the board feels this request is consistent with the Comprehensive Plan for a farm family.

Second by Frederick.

Roll Call vote:	Arriola -	Aye
	Rhoden -	Aye
	Heberer -	Aye
	Edwards -	Aye
	Frederick -	Aye
	Chairman Meister -	Aye

This case has been approved by this board.

New Business – Case #3

Subject Case #2014-22-SP – Kevin & Linda Kronk Family TR, 2439 Telford Drive, St. Louis, Missouri, owners and applicants. This is a request for a Special Use Permit for a Planned (Single-Family) Development to allow a 5-Lot Subdivision in an “A” Agricultural Industry Zone District, on property known as 1320 Kropp Road, Millstadt, Illinois in Millstadt Township. (Parcel #12-08.0-400-002)

Kevin Kronk, Owner/Applicant

- Mr. Kronk stated this was his brother-in-laws farm which he owned for 35-40 years. Mr. Kronk explained his brother-in-law passed away in July and he purchased the farm at auction.
- Mr. Kronk stated he would like to build one house on the 15-acre tract and give a lot to his son, daughter and brother.
- Mr. Kronk stated the fifth lot which is off the hillside and is approximately 10-acres will be sold.

Discussion

- Chairman Meister asked how many lots will be for family members. (The applicant stated four of the lots will be for family members.)
- Chairman Meister asked if there are intentions on building homes. (The applicant stated their intentions are to build homes; he explained he is giving each family member one lot.)
- Ms. Edwards asked how far the property is from the Village of Millstadt. (Ms. Markezich stated he is not far from the Village of Millstadt.)
- Chairman Meister asked if he has considered annexing into the Village of Millstadt. (The applicant stated he has not considered annexing but would not be opposed.)
- Ms. Markezich stated the LESA rating on the property is 163 which is a low designation.
- Ms. Edwards stated she feels residential homes should have public water and public sewers and that development should follow the growth pattern of the communities.
- Ms. Edwards stated the Zoning Board in the past has required subdivisions to install infrastructure, so when the sewers are available they can readily tap into the sewers.
- Chairman Meister explained to the board that in 2010 the Zoning Board denied a request for rezoning the adjacent lot to "RR-3" Rural Residential. (Steve Muskopf from the Village of Millstadt explained the applicant was trying to use Mann Road as frontage to lots at the back of the property and therefore the neighbors were opposed to the request and the adjacent property is prime farmground.)
- Ms. Markezich stated the Zoning Board granted a Special Use Permit for a Planned Building Development to allow four lots with 3-acres each across the street from this parcel in 2003.
- Chairman Meister asked Steve Muskopf from the Village of Millstadt what their Comprehensive Plan designation is for this area. (Mr. Muskopf stated it is Residential.)

Public Testimony

- Steve Muskopf - Village of Millstadt stated the property is approximately ½ mile from town and sewer is not available to this property. Mr. Muskopf explained a lift station would be required other than just extending a sewer main.

- Mr. Muskopf explained the Village of Millstadt would require an annexation agreement be signed before they would allow the applicant to tap into the water line.
- Mr. Muskopf explained the Village of Millstadt would also request that each lot have at least 125 ft. of frontage to meet their Zoning regulations. He noted Lot 2 currently only has 100 ft. of frontage.
- Theresa Fite - 1238 Mann Road, Millstadt stated she is located on the back side of this property. Ms. Fite stated her only concern is if the properties would have access to Mann Road. Ms. Fite stated Mann Road is a one-lane private road. Ms. Fite stated she is also concerned with the owners maintaining the creek which also runs through her property. (The applicant stated he is aware of the creek and has a plan to open up the watershed to allow it to flow more freely to the pond.)

Further Discussion

Michael O'Donnell, County Board Member, District 22 stated he believes granting this request would be a great addition to St. Clair County and the Village of Millstadt building four nice homes with residential tax base.

Ms. Markezich stated the applicant will need to present a new site plan revising the frontage on Lot 2 from 100 ft. to 125 ft. and also submit a pre-annexation agreement to the Zoning Office.

MOTION by Edwards to approve the request for a Special Use Permit for a Planned (Single-Family) Development to allow a 5-Lot Subdivision for the following reasons: The utilities on the property are public water and septic tanks; the county Comprehensive Plan calls for Agriculture; the Comprehensive Plan of Millstadt which is less than 1 mile away is designated as residential; the applicant will submit a pre-annexation agreement with the Village of Millstadt to the Zoning office; the applicant agreed to amend Lot 2 from 120 ft. of frontage to 125 ft. of frontage and will provide an amended plat; the applicant will not use the adjacent Mann Road which is a private road for ingress/egress to these properties; the applicant will remedy watershed problems by redirecting the water to the pond from the creek and leveling out some areas that have become problematic; all lots and tracts will be serviced by public water subject to the pre-annexation agreement with the Village of Millstadt; and the covenants will be recorded as submitted to the board.

Frederick seconds.

Roll Call vote:	Arriola -	Aye
	Rhoden -	Aye
	Heberer -	Aye
	Edwards -	Aye
	Frederick -	Aye
	Chairman Meister -	Aye

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

New Business – Case #4

Subject Case #2014-21-SP – William & Alethea Paradis, 3001 Plum Hill School Road, Belleville, Illinois, owners and applicants. This is a request for a Special Use Permit to allow a Home Occupation (Firearms Dealer) in an “A” Agricultural Industry Zone District on property known as 3001 Plum Hill School Road, Belleville, Illinois in Freeburg Township. (Parcel #14-05.0-201-005)

William Paradis, Owner/Applicant

- Mr. Paradis explained he will not be an actual dealer from his house; he will go to gun shops and fix their guns.
- Mr. Paradis explained that the license he is requesting from the State of Illinois allows for Firearms dealing but his intent is purely to do gunsmithing.
- Mr. Paradis stated he does not want to be an actual dealer or have customers come to his home; he strictly would like to fix guns in his garage and return them to the gun shops.

Discussion

- Rev. Rhoden asked the applicant would fix guns for the public. (The applicant stated he will possibly work on guns for the public but will not advertise his service.)
- Chairman Meister asked if the description will matter to the State of Illinois. (The applicant explained it is the same license, regardless.)
- Ms. Edwards questioned the applicants request on the summary to keep the application confidential. (Mr. Schneidewind stated the Zoning office addressed this concern.)

- Mr. Heberer asked if there was any correspondence received regarding this case. (Ms. Edwards stated there was a letter received from Mr. Heiligenstein stating he was not opposed to the request.)
- Mr. Schneidewind stated the Village of Freeburg submitted a letter stating they have no opinion.
- Chairman Meister asked if the applicant will be reloading the guns on the property. (The applicant stated he reloads now.)
- Mr. Schneidewind asked how much square footage the applicant will be using. (The applicant stated he will be using 200 sq. ft. in the attached garage.)
- Mr. Schneidewind asked if he would have any employees. (The applicant stated he will have no employees.)
- Mr. Schneidewind asked if there would be a business sign. (The applicant stated there will be no business sign.)
- Mr. Schneidewind asked the hours of operation. (The applicant stated the hours of operation will be from 12:00PM- 6:00PM, Monday, Tuesday & Thursday.)

Public Testimony

- Jeff Marhanka, 3145 Whispering Pines Drive, Belleville stated he lives across the street from the applicant. Mr. Marhanka asked if there will be shooting of guns on the property. (The applicant responded that he will test-fire the guns on his property, which is allowed in the country. There will be no public shooting on the property.)
- Jeff Rickert – 3160 Wildflower Lane, Belleville stated he lives catty corner stated he would be concerned if there were a shooting range on the property.

Further Discussion

MOTION by Heberer to approve the request to allow a Home Occupation (Firearms Dealer) in an "A" Agricultural Industry Zone District for the following reasons: The business will have no employees, there will be no business sign on the property; hours of operation will be 12PM-6PM -Monday, Tuesday and Thursday; there will be no public shooting range on the property; the proposed operation will protect the public's health, safety and welfare and the physical environment of the property; the request will be consistent with the Comprehensive Plan; and there will be no adverse effect on traffic flow on the property.

Second by Frederick.

Roll Call vote:	Arriola -	Aye
	Rhoden -	Aye
	Heberer -	Aye
	Edwards -	Aye
	Frederick -	Aye
	Chairman Meister -	Aye

This case has been approved by this board and will now go before the County Board for final consideration.

MOTION by adjourn by Heberer, second by Frederick. Motion carried.