

**St. Clair County Zoning Board of Appeals
Minutes for Meeting
At the Courthouse – 7:00 P.M.
June 1, 2015**

Members Present: Charles Frederick, Alexa Edwards, Kent Heberer, Scott Penny & Chairman George Meister

Members Absent: Patti Gregory, Rev. S. 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 Heberer to approve minutes of the May 11, 2015 meeting. Second by Edwards. Motion carried.

Public Comment

There were no comments from the public.

New Business – Case #1

Subject Case #2015-05-ABV – Bonnie Berberich, Janet Schmitt & Carol Ruth, 9623 Korte Sewald Road, Lebanon, Illinois, owners and applicants. This is a request for an Area/Bulk Variance to allow a parcel with 6.58-acres instead of the 40-acres required in an “A” Agricultural Industry Zone District on property known as 9337 Ruth School Road, Trenton, Illinois in Mascoutah Township. (Parcel #10-02.0-300-008).

Carol Ruth, Owner/Applicant

- Ms. Ruth explained her daughter and son-in-law would like to build a single-family residence on their property.
- Ms. Ruth stated she owns the property with her sisters. The property is currently being farmed.
- Ms. Ruth stated she babysits for her daughter and would like her daughter and granddaughter to live closer to the family.
- Ms. Ruth stated the property has ran in the family for many years.
- Ms. Ruth explained the property is cut into six tracts because the heirs inherited these properties after her grandmother and grandfather passed away.
- Ms. Ruth stated she and her husband own farm ground in the area and instead of the breaking it out of the farm; they wanted to just use the 6-acres that was already surveyed out.
- Ms. Ruth stated there are trees and a ditch that run through this property

Discussion

- Chairman Meister asked when the 6-acres division were divided off the property. (Ms. Ruth stated they were divided in 2003.)
- Chairman Meister asked why this property has a recorded address. (The applicant stated he requested the address for the public hearing.)
- Mr. Penny asked the Chairman to refresh his memory about the household rule. (Mr. Schneidewind explained these properties were divided up in 2003, and a homestead could not be allowed to be built on these without County permission. Mr. Schneidewind stated the applicants are asking for a variance to build on less than 40-acres in an “A” Agricultural Industry Zone District.)

- Mr. Frederick asked if there is any correspondence. (Ms. Markezich stated she has received no correspondence.)
- Ms. Markezich stated the LESA Rating on the property is high 261
- Ms. Edwards asked if the applicants knew where they were going to build on the property. (The applicants stated he will build 200 ft. back from the road and the remaining property will remain farm ground.)
- Ms. Edwards asked if there is adequate water available for a well. (The applicant stated he received a bid for a well and there were no issues in digging the well.)

Public Testimony

There were no persons present for public comment.

Further Discussion

- Mike Baker, County Board Member stated he spoke with the Township Supervisor and the Road Commissioner and they are both in favor of this project. Mr. Baker stated he also has no objections.

MOTION by Frederick to approve the request for an Area/Bulk Variance for the following reasons: The County Board Member is present and has no problem with it; and the Township Supervisor and Highway Commissioner are in favor of granting the request.

Second by Heberer.

Roll Call vote:	Heberer -	Aye
	Penny -	Aye
	Edwards -	Aye
	Frederick -	Aye
	Meister -	Aye

This case is an Area/Bulk Variance and has been granted by this board.

New Business – Case #2

Subject Case #2015-06-ABV – Jerome & Susan Reilmann, 11739 Richwood School Road, Lebanon, Illinois, Owners & Applicants and Nathan Hustedde, 11739 Richwood School Road, Lebanon, 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 11739 Richwood School Road, Lebanon, Illinois in O’Fallon Township. (Parcel #04-02.0-300-004)

Jerome Reilmann, Applicant

- Mr. Reilmann stated his daughter and son-in-law would like to build a residence on 5-acres adjacent to their home.
- Mr. Reilmann stated he owns approximately 50-acres.
- Mr. Reilmann stated there is city water available to the property.
- Mr. Reilmann stated they would build their home 200 ft. back from the front property line.

Discussion

- Mr. Frederick asked if there was any correspondence. (Chairman Meister stated the O’Fallon Township Board voted to approved the request.)
- Ms. Markezich stated the LESA rating on the property is low 173.
- Chairman Meister asked if the house place will take up any tillable ground. (The applicant stated the house place will take up approximately 2.5-acres of tillable ground.)
- Chairman Meister asked how much frontage the property will have. (The applicant stated there is approximately 230 ft. of frontage.)
- Mr. Schneidewind explained this request is different than most requests because with the division of 5-acres, the remainder still meets the 40-acre requirement.

Public Testimony

There were no persons present for public comment.

Further Discussion

No further discussion.

MOTION by Penny to approve the Area/Bulk Variance for the following reasons: The request is in harmony with the general purpose and intent of the Zoning Ordinance; the request would not injure the neighbors or affect the public welfare; the request is consistent with the Comprehensive Plan; granting the request will not increase the hazard from fire or other dangers to nearby properties; the request will increase the value of land and buildings; the applicant is a family member; the request will have minimal impact in the Agricultural area.

Frederick seconds.

Motion and a second.

Roll Call vote:	Heberer -	Aye
	Penny -	Aye
	Edwards -	Aye
	Frederick -	Aye
	Meister -	Aye

This case is an Area/Bulk Variance and has been approved by this board.

New Business – Case #3

Subject Case #2015-04-SP – J.C. Wilson II, Diane Wilson and J.C. Wilson III, 839 Scott Troy Road, Lebanon, Illinois, owners and applicants. 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 a Pool Company in an “A” Agricultural Industry Zone District on property known as 839 Scott Troy Road, Lebanon, Illinois in O’Fallon Township. (Parcel #04-16.0-200-015)

Tom Benedict –Attorney for the Applicants

- Mr. Benedict stated he is the Attorney representing the Wilson’s.
- Mr. Benedict stated his clients would like to add an addition of 60’ x 80’ to an existing pole barn on the property which is 4.58-acres.

- Mr. Benedict stated this property is owned by Mr. Wilson and his wife and his son lives on the property. Mr. Benedict and his wife live on the parcel to the North.
- Mr. Benedict stated his client has operated this pool business from this location since 1985.
- Mr. Benedict stated there is approximately 7 employees during the summer and less in the winter.
- Mr. Benedict stated his client has various equipment that he stores on the property that he would like to store inside.
- Mr. Benedict stated on the aerial photo you can see the outside storage on the property that the applicants would like to get indoors.
- Mr. Benedict stated there is and never will be a business sign on the property.
- Mr. Wilson stated the Health Department visited this site and approved the existing septic system on the property.
- Mr. Benedict stated there will be show room on the property and there are no pool supplies for sale on the property.
- Mr. Benedict stated the employees do meet at this site in the mornings and take the trucks to the job sites.

Discussion

- Chairman Meister asked what type of Special Use Permit was approved for this business in the past. (Ms. Markezich stated the applicant never went through a Zoning Hearing for the business.)
- Mr. Penny asked the applicant if he could store everything inside the addition to the pole barn. (The applicant stated he will store everything inside the new addition to the building.)
- Mr. Frederick asked if the applicant will have a fence around the property. (The applicant stated there is a fence down the property line at this time.)
- Mr. Schneidewind asked the applicant what is in the small building on the property with the RV parked next to it. (The applicant stated that is a clubhouse.)
- Chairman Meister asked the applicant if there is someone living in the clubhouse and if it has a restroom inside of it. (The applicant stated there is no one living in that building and there are no restrooms.)

- Ms. Edwards asked if the building permit taken out was for a residential building and he constructed a commercial building does this need to be addressed. (Ms. Markezich stated it depends on what the building is being used for, if the inspectors may require some revisions to the building.)
- Mr. Penny asked if the Special Use Permit would transfer to the next owner of the property. (Ms. Markezich stated the Special Use Permit could transfer to the next owner if they run the exact same business on the property with the stipulations granted by this board.)
- Chairman Meister stated the business will not be located on the property to the North of this property. (The applicant stated that is correct.)
- Chairman Meister asked if there will be a show room on this property. (The applicant stated there will no show room.)
- Mr. Penny asked the applicant about signage. (The applicant stated there will be no business sign.)
- Ms. Edwards asked the hours of operation and days per week. (The applicant stated the hours of operation will be from 7:00 AM to 8:00 PM, Monday through Friday.)
- Ms. Edwards asked how many employees. (The applicant stated there will be a maximum nine employees, including himself and his son.)
- Ms. Edwards asked what size the clubhouse on the property is. (The applicant stated it is approximately 120 square feet.)
- Chairman Meister asked if the house or clubhouse on the property will be used for the business. (The applicant stated they will not be used for the business.)
- Chairman Meister asked if there is a secretary or bookkeeper on site. (The applicant stated his sister works from 8:00 AM to 10:00 AM every day.)
- Ms. Edwards confirmed all equipment, building materials, tools and vehicles will be stored inside. (The applicant stated that is correct.)
- Mr. Schneidewind stated the applicant will have to follow the Health Department regulations for the existing septic tanks.
- Chairman Meister asked how many acres the property is. (The applicant stated the property is 4.75-acres.)
- Ms. Markezich asked the applicant what size the existing building is and what size the addition will be. (The applicant said the existing building is 48' x 60' and the addition will be 60' x 80'.)

Public Testimony

- Douglas Scott – 838 Scott Troy Road stated he has no objections to the Special Use Permit Request. Mr. Scott explained he is concerned with the Special Use Permit granted for Seipp Lawn Care approximately two years ago. Mr. Scott explained the business owner, Mr. Seipp passed away and the new owners are not following the stipulations given by the Zoning Board. (Ms. Markezich stated she will inspect the business and make sure the new owners are following the stipulations placed by the Zoning Board.)

Further Discussion

County Board Member, John West stated he has no response from surrounding property owners other than a call regarding a business sign and that has been addressed by the board.

MOTION by Penny to approve the request with the following limitations: The business will be limited to nine employees; there will be no advertising signs on the property; the business will have no showroom at the property; there will be no customers to respond to the property or sales transactions on the property; there will be no on-site storage of equipment, supplies or construction materials; this permit is issued to the applicant (Wilson Pools Plus Inc.) only; hours of operation will be Monday – Friday, 7AM – 8PM; the property currently contains a house, a clubhouse and a completed commercial pole barn of 128' x 60'; there will be no further expansion or additions requested by this applicant. All vehicles, tools, building materials will be stored inside the combination of these buildings; the applicant must be in compliance with the Health Department and other Ordinances of the County; this request will not effect the public's health, safety and welfare; the use is consistent with the Comprehensive Plan; it will not have an adverse effect on the value of neighboring property; it won't have an affect on traffic circulation on nearby streets; public utilities are available to support this; and the request is compatible with the adjacent uses in the general vicinity.

Mr. Schneidewind clarified the existing building is 48' x 60' and the applicant is requesting an addition of 80' x 60'.

Edwards seconds.

Motion and a second.

Roll Call vote:	Heberer -	Aye
	Penny -	Aye
	Edwards -	Aye
	Frederick -	Aye
	Meister -	Aye

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

MOTION to adjourn by Frederick, second by Edwards. Motion carried.