

**St. Clair County Zoning Board of Appeals
Minutes for Meeting
At the Courthouse – 7:00 P.M.
November 2, 2015**

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

Members Absent: Patti Gregory & Charles Frederick

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

Pledge of Allegiance

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 October 12, 2015 meeting. Second by Rhoden. Motion carried.

Public Comment

There were no comments from the public.

New Business – Case #1

Subject Case #2015-13-ABV – Jane A. & Douglas H. Wagner, 2330 Wagner Road, Marissa, Illinois, owners and applicants. This is a request for an Area/Bulk Variance to allow the construction of an Agricultural/Multi-Purpose Building 0 ft. from the front property line instead of the 60 ft. required in an “A” Agricultural Industry Zone District on property known as 2330 Wagner Road, Marissa, Illinois in Marissa Township. (Parcel #21-01.0-200-001)

Jane & Douglas Wagner, Owners/Applicants

- Mr. Wagner stated he would like to build a shed on his property.
- Mr. Wagner submitted a diagram of where the building will be located on the property.
- Mr. Wagner stated the easements on the map have been revised.
- Ms. Wagner stated the building will be 25 ft. from the ditch in the front of the property.
- Ms. Wagner stated the building will be 40 ft. by 80 ft.
- Ms. Wagner stated they are replacing a building that was there years ago.

Discussion

- Chairman Meister stated the Highway Commissioner submitted a letter supporting the request from the applicants.
- Chairman Meister stated he spoke to the neighbor, Larry Wagner who is in favor of the request.
- Anne Markezich stated the County Board Member, Ed Cockrell is in favor of the request.
- Rev. Rhoden asked what the building will be used for. (The applicants stated they are dairy farmers and will store their tractors, hay, feed and grain.)
- Mr. Penny asked how far the building will be from the roadway. (The applicant stated the building will be 35 ft. from the center of the road.)
- Mr. Penny asked how wide the road is. (The applicant stated it is a one-lane road and is approximately 15 ft. wide.)
- Ms. Edwards asked how long the applicants have had their business. (The applicant stated his father had the business in the 1940's.)

Public Testimony

There was no public present at the hearing.

Further Discussion

MOTION by Penny to grant the request for the following reasons: The request is in harmony with the general purpose and intent of the Zoning Ordinance; it would not be injurious to the neighborhood or have a detrimental affect on the public welfare; the request is consistent with the Comprehensive Plan and supports Agricultural Industry; it would not increase fire or any other dangers to the property as they have allowed a setback for entry and exit from the roadway; the request will not diminish the value of land or buildings in the immediate area; it would have no affect on the increase in traffic; it would not increase flood damage potential; there will be no additional public expense for flood protection required; the request will not impair the public health, safety, morals or general welfare of the property; the applicant will construct a building where a previous building existed prior to the Zoning Ordinance being adopted; the County Board Member supports the request; the Township Highway Commissioner supports request; and the neighboring farm has a similar encroachment to the same extent on the roadway.

Second by Rhoden.

Roll call vote:	Rhoden -	Aye
	Penny -	Aye
	Heberer -	Aye
	Edwards -	Aye
	Chairman Meister -	Aye

Motion carried.

This case has been approved.

New Business – Case #2

Subject Case #2015-03-TA – Jason Roedl, 704 Eiler Road, Belleville, Illinois, Applicant. This is a request for a Text Amendment to change Section 40-4-13 Permitted Accessory Use to include: Keeping of chickens for private use only, but not for sale of byproducts or meat, provided that 1,500 square feet of lot area for each animal and provided that lot meets zoning regulations.

Jason Roedl, Applicant

- Mr. Roedl stated he is representing the people of St. Clair County to allow chickens on residential properties.
- Mr. Roedl stated he has had chickens on his property since February and was not aware there were restrictions.
- Mr. Roedl explained chicken coops if maintained once or twice a week can be kept odorless.
- Mr. Roedl stated he proposed no roosters or slaughtering of animals on the property.
- Mr. Roedl stated the compost is used in their garden.
- Mr. Roedl stated he asked permission from his neighbors and offset the chicken coop 5 ft. from the back property line.
- Mr. Roedl stated he plans on erecting a fence to keep his dogs and chickens on the property. Mr. Roedl currently has temporary fence in place.
- Mr. Roedl stated he is confused on the resistance from St. Clair County, he explained cities like St. Louis, Chicago, San Diego are allowed to have chickens.
- Ms. Roedl explained since their proposal is for residential areas if someone has a smaller lot they would still be allowed a smaller amount of birds but not a large number, so that way the amount of animals will be based on the lot size.
- Ms. Edwards stated she is opposed to the request and feels not everyone will be responsible urban farmers. She stated she has one acre and does not feel all areas of the County are suitable for chickens. She also stated the County does not have the resources to police the chickens properly.

Discussion

- Rev. Rhoden asked why they are requesting 29-chickens. (The applicant explained he has a one-acre lot and that is how many he would be allowed with requiring 1,500 square feet per bird.)
- Rev. Rhoden asked if the eggs are sold. (The applicant stated the extra eggs are given to neighbors and co-workers.)
- Ms. Edwards asked if the applicants were red-tagged. (Ms. Markezich stated the Zoning office received a complaint from a neighbor that the chickens were loose.) (The applicant explained he allows the chickens free range for two-hours a day so they can get some of their food source naturally, like birds and worms.)

- Ms. Markezich stated the County is currently in a hiring freeze and she does not have the manpower in her office to police over 9,000 parcels that are currently zoned single-family residential for chickens.
- Chairman Meister stated he grew up on a farm and the chickens slowly disappeared because the coyotes ate them and stated chickens do stink and draw flies.
- Rev. Rhoden asked how close is the nearest neighbor. (The applicant stated his nearest neighbor is present at the hearing.)

Public Testimony

- Meghan Degroot - 116 Hazel Avenue, Belleville stated with the proposals that are given in this proposal, you have to have 1500 square feet per chicken and if the County charges a fee for a permit then maybe the County could make money to pay for enforcement. Ms. Degroot stated the City of Fairview Heights is allowing chickens without issues. Ms. Degroot stated most people do not care if their neighbors have chickens.
- Neighbor (Name inaudible) - stated he lives next door to the Roedl's. He stated there is no odor from the chickens; except for seeing the chickens running around in the back yard you would not know they are there.
- Steve Allen, 316 Revere Drive stated he is the Chief of the Villa Hills Fire Department stated he is in favor of chickens.

Further Discussion

Mr. Schneidewind stated the Amendment before the board tonight is the Text Amendment for keeping of chickens. Mr. Schneidewind explained there is no way to implement these regulations, nor is the code asked for an amendment to include these supplemental regulations. Mr. Schneidewind stated what is before the board tonight is this one sentence Text Amendment which does not encompass the other regulations that he suggests and which will not be part of Section 40-4-13.

Ms. Degroot expressed her concern that this request has come before the board twice and Board is still not satisfied with the application submitted.

Mr. Penny stated the concept is taking 9,000 parcels and allowing them to have chickens on them and then having the code enforcement deal with the terrible odors and terrible neighbors. Mr. Penny stated it only takes one chicken to get loose to get the complaints coming in the Zoning office. Mr. Penny explained there are areas in the County that allow for chickens in the Rural Residential and Agricultural areas.

Scott Penny stated he believes this issue should be discussed at the County Board level and not have a narrow cross-section of people who are actively involved in this, showing up at the meeting looking at the board as if they are denying them of something unfairly. Mr. Penny suggests this topic addressed by the County Board with input from the entire County. Mr. Penny does not think it would be fair for the Zoning Board to make the decision because it is county-wide decision.

MOTION by Penny to deny the Text Amendment request for the following reasons: This issue is broader in scope than in the preview of this board; this issue should be handled at the County Board level; the request has significant health and safety issues; and the request does increase an undue burden on the enforcement section of this Zoning Office.

Heberer seconds.

Roll call vote:	Rhoden -	Aye
	Penny -	Aye
	Heberer -	Aye
	Edwards -	Aye
	Chairman Meister -	Aye

Motion carried.

Old Business – Case #1

Subject Case #2015-11-SP – Tim Pace, 2419 Calico Lane, Maryville, Illinois, owners and Bob Waterson, 535 Schlueter Road, Belleville, Illinois, applicant. This is a request for a Special Use Permit to allow a Planned Building Development pursuant to Section 49-9-3(H)(3) to allow the construction of a two-unit condominium in a “SR-2” Single-Family Residence Zone District on property known as 1904 West Boulevard, Belleville, Illinois in St. Clair Township. (Parcel #08-23.0-201-007)

Mr. Schneidewind let the record reflect that there are three board members present at this meeting, that were absent at the previous meeting held on October 12, 2015. Chairman George Meister, Alexa Edwards and Scott Penny stated they received the audio from the previous meeting and confirmed they listened to the audio and are comfortable with the next stage of the hearing.

Discussion

Chairman Meister asked the board members if they have further questions from the applicant.

Chairman Meister asked if this particular lot is a part of the Cresthaven Subdivision. (The applicant stated this lot is a part of the Cresthaven Subdivision.)

County Board Member, Angela Grossmann-Roewe stated there are 51 homes along Cresthaven Drive. She stated 50 of the 51 households are opposed to the proposal and the other homeowner is out of town. Ms. Grossmann-Roewe feels this request will change the character and aesthetics of the neighborhood and will increase traffic. Ms. Grossmann-Roewe stated her residents are opposed to the request and therefore she is opposed to the request as well.

Public Testimony

- Clifford Benz – 5 Cresthaven, Belleville stated he just purchased the property to the North of this property. Mr. Benz stated he feels the home should be a single-family residence and not a duplex. Mr. Benz stated there is hardly any yard left where he has it staked. Mr. Benz stated he feels allowing a duplex on this property will lower his property value. (Mr. Waterson stated there will be 18 ft. to the side property line.)
- Chad Doyle – ReMax Preferred, 4 Emerald Terrace, Swansea stated he has a plat plan that shows how the Villa will sit on the lot. Mr. Doyle explained the concern the structure would be too close to West Boulevard is not valid. The structure will be set back 50 ft. from West Boulevard. The Villa would also be 50 ft. back off of CrestHaven Drive.
- Gay Arnold – 9 Cresthaven, stated the reason the lot has been vacant is because the next door home has always owned both lots. Ms. Arnold stated a big duplex on this lot will block the view from West Boulevard and the traffic is horrendous.

- Paula Jacobs - 1828 West Boulevard, Belleville stated she is two doors down from this property. Ms. Jacobs asked what direction the condo would face. Ms. Jacobs stated the traffic on West Boulevard is miserable. (The applicant stated the driveway a long driveway off of Cresthaven.)
- Dave Phillips - 46 Cresthaven Drive, Belleville stated the footprint of the building is too large for the single lot and feels it will have a negative impact on an already dangerous situation. Mr. Phillips stated safety is a concern because there is only one entrance in and out of Cresthaven Subdivision. Mr. Phillips stated the entire area is zoned single-family and there are covenants on their deeds that say it will be a single-family, single-level structure. Mr. Phillips stated 48 of the 51 homeowners in that subdivision overwhelmingly stated they are opposed to the change to a special permit. Mr. Phillips respectfully asked the Zoning Board to deny the request this evening.
- Gail Beyers - 134 Cresthaven Drive, Belleville stated ultimately this is a multi-family structure in a single-family zoning district and in order for that to happen, it is her understanding that a Zoning Amendment has to be granted. Ms. Beyers asked if that is correct. (Mr. Schneidewind stated the applicants are asking for a Planned Building Development to allow a multi-family use.)

Further Discussion

Ms. Edwards stated she feels the construction of a Villa would change the character of the existing homes and would be a more dense use of the property than what exists in the neighborhood. Ms. Edwards stated the homes are brick homes with spacious and significant lots with nice landscape. Ms. Edwards stated she feels allowing this duplex would be spot zoning and feels the request does not fit with the area.

Mr. Penny stated although Mr. Waterson does wonderful work, he feels this may be the wrong lot for this construction and stated he cannot support this particular request and suggests the applicant find a new location.

MOTION by Penny to deny the request for the following reasons: This property is at the entry-way into a subdivision on a cul-de-sac; the residents of the area strongly object to the change in the character and use of the property; there is strong opposition from neighbors; and the board feels granting the request would change the character of the neighborhood.

Rev. Rhoden seconds.

Roll call vote: Rhoden - Aye
Penny - Aye
Heberer - Nay
Edwards - Aye
Chairman Meister - Aye

Motion carried.

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

MOTION to adjourn by Gregory, second by Heberer. Motion carried.