

**St. Clair County Zoning Board of Appeals
Minutes for Meeting
At the Courthouse – 7:00 P.M.
April 4, 2016**

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

Members Absent: Alexa Edwards & Patti Gregory

Staff Present: Anne Markezich, Zoning Department
Mark Favazza, 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

The Minutes were available for Zoning Board approval.

Public Comment

There were no comments from the public.

New Business – Case #1

Subject Case #2016-05-ABV – Dean & Joy Weber, 11333 Eiff Road, Marissa, Illinois, owners and applicants. This is a request for an Area/Bulk Variance to allow the division of 2.02-acres instead of the 40-acres required in an “A” Agricultural Industry Zone District on property known as 11333 Eiff Road, Marissa, Illinois in Marissa Township. (Parcel #21-26.0-100-028)

Dean Weber, Owner/Applicant

- Mr. Weber stated he would like to divide the property from 2.65-acres to 2.2-acres.
- Mr. Weber stated his surveyor, Rhutasal & Associates calculated the division to be 435 feet.
- Mr. Weber explained the reason why he is dividing the property is because there is a pond at the North end of the original property and the property line extends through the pond. Mr. Weber stated the Insurance Company stated he would have legal obligations if someone were injured or drowned in the pond.
- Mr. Weber stated both properties have always been owned by the same families. Mr. Weber explained he is selling off the house and would like to divide off the pond.

Discussion

- Mr. Rhoden asked the applicant if he allows any kind of activities to be held at the pond. (The applicant stated the pond is strictly for personal fishing.)
- Chairman Meister asked how many acres the property is currently. (The applicant stated the original property is 2.65-acres.)
- Chairman Meister asked what size the lot will be after the division. (The applicant stated the home will have approximately 2.12-acres after the division.)
- Ms. Markezich stated the Health Department does not have any objections to the division as long as the sewer system stays on the property.

Public Testimony

There were no persons present for public comment.

Further Discussion

MOTION by Frederick to approve the Zoning Variance. Second by Rhoden.

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

This case has been granted by this board.

New Business – Case #2

Subject Case #2016-04-SP – John & Nancy Thomas, 3523 Lorene Street, Belleville, Illinois, owners and applicants and Christopher Thomas, 7409 N. Illinois Street, Caseyville, Illinois, applicant. This is a request for a Special Use Permit for a Planned Building Development to allow a Sign Business in a “RR-1” Rural Residential Zone District on property known as 7409 N. Illinois Street, Caseyville, Illinois in Caseyville Township. (Parcel #03-16.0-401-006)

Christopher Thomas, Applicant

- Mr. Thomas explained in 2012, he came before the board and was granted a Home Occupation for Signs N Such.
- Mr. Thomas explained through the years, Signs and Such has outgrown the home based business variance and they are now filing for a Planned Development.
- Mr. Thomas explained he would like to put an addition on to the existing building for personal storage and possibly for commercial storage in the future.
- Mr. Thomas stated he is trying to stay in compliance with the rules and regulations of the Zoning Department.
- Mr. Thomas stated he understands that if the company continues to grow, the business will have to relocate to a commercial area.

Discussion

- Mr. Penny asked what prompted the applicants to become out of compliance with the Home Occupation. (Ms. Markezich stated the applicant came to the Zoning Office and purchased a building permit to add on to the commercial building. Ms. Markezich stated the size of the building is larger than 400 square feet allowed with a Home Occupation.)
- Chairman Meister asked if there have been any complaints or correspondence. (Ms. Markezich stated County Board Member, Carol Clark is in favor of the request.)
- Mr. Penny asked what size the building is. (The applicant stated the building was 30' x 40' and the addition is 30' x 48'.)
- Chairman Meister asked if the business has changed in scope. (The applicants stated they are still doing the same type of business.)
- Rev. Rhoden asked what type of signs the applicant makes. (The applicant stated he mostly makes small residential signs with no electrical base.)
- Chairman Meister asked if there is any outside storage on the property. (The applicant stated sign materials are stored inside the building.)
- Chairman Meister stated the summary stated the applicants may hire one employee. (The applicant stated possibly in the future.)
- Mr. Penny asked who is the closest neighbor. (The applicant stated they own the adjacent home and there is a residential home 300-400 ft. across the road.)
- Mr. Favazza asked if there is a difference between a residential and a commercial building permit. (Ms. Markezich stated the permit will have to be revised to commercial.)
- Ms. Markezich asked the applicant to explain the process of making signs. (The applicant stated most signs are 4'x8' signs that run through a press.)
- Mr. Favazza clarified hours of operation will be Monday through Friday, 9:00 AM to 4:30 PM. (The applicant stated that is correct.)

Public Testimony

There were no persons present for public comment.

Further Discussion

MOTION by Heberer to approve the request for the following reasons: The applicant would like to add an additional 30'x48' building to be used for the business; hours of operation will be from 9:00 AM – 4:30 PM – Monday through Friday; and a maximum 3-employees.

Penny seconds.

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

Motion carried.

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

New Business – Case #3

Subject Case #2016-08-ABV – Daniel N. & Margaret O'Saben, 2950 Zingg Road, Millstadt, Owners and Applicants. This is a request for an Area/Bulk Variance to allow the division of two lots with less than 40-acres in an "A" Agricultural Industry Zone District, on property known as 2950 Zingg Road, Millstadt, Illinois in Stookey Township. (Parcel #07-32.0-300-031)

Daniel O'Saben –Owner/Applicant

- Mr. O'Saben explained he purchased 21-acres in 2003 and built a home on the southeast edge of the property.
- Mr. O'Saben stated he would like to divide off a parcel for his son and daughter-in-law to build on his parcel.
- Mr. O'Saben stated his adjacent neighbor Mr. McGinnis would like to purchase 2-3 acres that he would consolidate with his parcel.
- Mr. O'Saben stated he would end up with 11-acres with his home site and depending on the survey his son will have 7-8 acres and his neighbor will have 2-3 acres depending on the final survey.

- Mr. O'Saben stated the properties have public water available.
- Mr. O'Saben presented a letter from an adjacent neighbor, Steve Sallerson in favor of the request.

Discussion

- Chairman Meister asked where the ingress will be located for Lot A. (Mr. O'Saben stated Zingg Road runs along the North property line.)
- Ms. Markezich stated the LESA Rating is 120-Low.

Public Testimony

- Mike Mitchell, 2877 Ridgeview Ct., Millstadt stated he is an adjacent neighbor and explained the property is all woods and is a great place to build a house. Mr. Mitchell stated the has no objection to the Zoning variance.
- Mark Bauer, 8787 Concordia Church Road, Millstadt stated he owns 42-acres directly North of this property. Mr. Bauer stated he has no objections to the request.
- Mary Bauer, 8787 Concordia Church Road, Millstadt asked the board if she would like to divide her 40-acres in the future for her children if the board will have a problem with it because it is farm ground. (Mr. Penny stated that is one favor of many that the board will take into consideration.)

Further Testimony

County Board Member, Larry Stammer stated he received no input from surrounding property owners and stated he has no objection to the request.

MOTION by Penny to approve the request for the following reasons: The variance promotes the most efficient and probable use of otherwise marginal property; the County Board Member is present and in favor of the request; the adjacent property owners present at the meeting are in support of the proposal.

Frederick seconds.

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

Motion carried.

Chairman Meister stated this case has been approved by this board.

New Business – Case #4

Subject Case #2016-06-ABV – Florine Doerr, 1770 Cement Hollow Road, East Carondelet, Illinois, owner and Darrell Doerr, 1776 Cement Hollow Road, East Carondelet, Illinois, applicant. This is a request for an Area/Bulk Variance to allow the division of a Farm Residence with 1-acre instead of the 3-acres required in an “RR-3” Rural Residential Zone District on property known as 1770 Cement Hollow Road, East Carondelet, Illinois in Sugarloaf Township. (Parcel #06-35.0-300-007)

Darrell Doerr, Owner/Applicant

- Mr. Doerr stated he purchased the home and farm from his parents in 1984.
- Mr. Doerr stated it is his mothers wish to return the 2-acres to the farm.
- Mr. Doerr stated neither him or his brother want to purchase the home and rent it out. Mr. Doerr stated he is trying to prevent someone from buying the property and constructing a building on the farm.

Discussion

- Mr. Penny asked if the tillable area will return to the farm. (The applicant stated that is correct.)
- Mr. Penny asked how many acres is the farm. (The applicant stated they have approximately 160-acres.)
- Chairman Meister stated looking at the surrounding area, there are no other similar divisions of one-acre parcels.
- Mr. Penny confirmed they are trying to compress the property so no one can build building on the property. (The applicant stated that is correct.)

- Mr. Heberer asked if the applicant and the new property owner would share the easement. (The applicant stated that is correct.)
- Mr. Penny asked if the applicant is the farmer. (The applicant stated he is a retired farmer.)
- Chairman Meister asked when the easement was recorded. (The applicant stated they recorded the easement approximately 2 ½ years ago when his mother went into a nursing home.)
- Chairman Meister stated that easement is not a grandfathered easement.
- Chairman Meister stated it looks like the division will be landlocked from the road.
- Mr. Heberer stated the new division will not touch Cement Hollow Road.
- Ms. Markezich suggested she take a look at the written easement to make sure this division will be a legal division.
- Ms. Markezich suggests the board continue this case until she can review the recorded easement.
- Chairman Meister stated he is concerned with dividing off a 1-acre tract.

Public Testimony

There were no persons present for public comment.

Further Discussion

Ms. Markezich stated County Board Member, June Chartrand is in favor of the request.

Ms. Markezich stated she will review the May Zoning schedule and call the applicants with a date and time to continue the case.

Chairman Meister stated this case will be continued until further notice.

Old Business – Case #1

Subject Case #2016-01-SP – Don & Lynette Schaeffer, 10041 Rieder Road, Lebanon & James Joseph, 10037 Rieder Road, Lebanon, Illinois, owners and John & Jolene McDonald Jr., 721 West 2nd Street, Aviston, Illinois, applicants. This is a request for a Special Use Permit for a Planned Building Development pursuant to 40-9-3 (H)(3) to allow a Trucking Business in an “A” Agricultural Industry Zone District,

on property known as XXXX Rieder Road, Lebanon, Illinois in O'Fallon Township.
(Parcel #04-35.0-100-002)

Chairman Meister stated this case was continued from the March 7, 2016 – Zoning Board of Appeals Meeting.

Discussion

- The applicants presented a revised site plan and building plans to the board.
- The applicant explained the building site was moved to the center of the parcel away from the residential home on the adjacent lot.
- Chairman Meister asked how many bays will be in the shop. (The applicant stated there will be 3 bays on the building.)
- Mr. Heberer asked the applicant if he brought a revised summary of the business. (The applicant stated he currently has four trucks and five trailers and in five years hopes to have 10-15 trucks, 10-15 employees and up to 20-semi-trailers.)
- Ms. Markezich stated she received a call from the City of O'Fallon and they are opposed to the Trucking Business.
- Mr. Penny asked if the City of O'Fallon gave a reason to the object to this Special Use Permit. (Ms. Markezich stated the City of O'Fallon is opposed to the request due to high traffic volume on Rieder Road.)
- The applicant stated he would like to do this project in 3-phases. He stated the first phase will be to install a 30 ft. culvert on the property and put the rock down on the property. Phase 2 will be to have the building constructed by the New Year and Phase 3 will be construction of the office in approximately 2017.
- Chairman Meister asked why the applicants chose this location. (The applicant stated his in-laws all own property in this area and there is a large trucking operation down the road from this property.)
- Mr. Heberer asked the LESA Rating on the property. (Mr. Favazza 209 –Moderate.)
- Chairman Meister stated he is not in favor of outside storage. (The applicants stated they have never seen a trucking company store everything inside.)
- Mr. Heberer stated the applicants moved the site as the board requested in the last meeting.

- Mr. Penny asked if Ms. Markezich heard from the County Board Member, Nick Miller. (Ms. Markezich stated she did not speak to Mr. Miller regarding this case.)

Public Testimony

- Mike Dietz – 9920 Rieder Road, stated he can see the property from his front window and has no objection to the request.
- Anne Figure-9939 Rieder Road stated she is Robert Dietz's' daughter and the business was going to be adjacent to her property. She stated prior to her father passing he mentioned the trucking business and since the business has moved down even farther away, she has no objection to the request.

MOTION by Penny to approve this request. Second by Rhoden.

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

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

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