

**St. Clair County Zoning Board of Appeals
Minutes for Meeting
At the Courthouse – 7:00 P.M.
December 5, 2016**

Members Present: Asst. Chairman Charles Frederick, Kent Heberer, Alexa Edwards & Rev. Gene Rhoden.

Members Absent: Chairman Scott Penny, Patty Gregory & George Meister

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

County Board Members: June Chartrand – District #16
John West – District #15
Kenneth Sharkey – District #27
Michael O'Donnell – District #22

Pledge of Allegiance

Call to Order

The meeting was called to order at 7:00 p.m. by Assistant Chairman, Charles Frederick.

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 November 7, 2016 meeting.
Second by Heberer. Motion carried.

Public Comment

There were no comments from the public.

New Business – Case #1

Subject Case #2016-17-ABV –Justin Clark, 329 Liberty Road, Fairview Heights, Illinois, owner and applicant. This is a request for an Area/Bulk Variance to allow the construction of a room addition 4 ft. from the side property line instead of the 15 ft. required and 20 ft. from the front property line instead of the 25 ft. required in a “RR-1” Rural Residential Zone District, on property known as 329 Liberty Road, Fairview Heights, Illinois in Caseyville Township. (Parcel #03-32.0-203-004)

Justin Clark/Owner

- Mr. Clark submitted a letter from the adjacent neighbor that would intrude upon stating he is not opposed to the request.
- Mr. Clark stated he would like to build a room addition and garage addition on to his home.
- Mr. Clark stated he would like to add to the front of the garage which is currently only 4 ft. from the side property line.
- Mr. Clark stated the old garage would become a master bedroom.
- Mr. Clark stated the addition and garage would be tied into the home.
- Mr. Clark stated he would also add a gable roof onto the front of the home which would come out 6 ft.
- Mr. Clark stated the home in its current stated is too small for his family.
- Mr. Clark stated his grandfather built the house and does not want to sell it.

Discussion

- Mr. Heberer asked if the garage is currently detached. (The applicant stated that is correct.)
- Ms. Markezich stated per St. Clair County records the addition to the front of the home will be 20 ft. back instead of the 25 ft. required. The applicant has a survey that does not agree with these numbers.
- Ms. Edwards stated generally the board takes into account the neighbor that is most impacted by the variance.
- Ms. Edwards stated the addition to the home will increase the value of his property and the overall tax base of St. Clair County.

Public Testimony

There were no persons present for public testimony.

Further Discussion

County Board Member, Ken Sharkey stated he has not received any opposition from neighbors and is in support of the request.

MOTION by Edwards to approve the request for the following reasons: The Comprehensive Plan calls for Rural Residential; the applicant stated it is his intent to remodel the existing home owned by his family (3rd generation); the applicants stated it is his desire is to stay in the neighborhood and be an asset; the applicant submitted a letter from the neighbor stating he has no opposition to the request and welcomes the addition and upgrade to the home; the request would be in harmony with the general purpose and intent with the zoning ordinance; the request will not be injurious to the neighborhood or detrimental to the public health/welfare; the request would not be in conflict with the Comprehensive Plan; and will not diminish the value of land and buildings in the immediate area or throughout the County.

Second by Heberer.

Roll call vote:	Rhoden-	Aye
	Heberer -	Aye
	Edwards -	Aye
	Chairman Frederick -	Aye

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

New Business – Case #3

2016-07-SP -- Bradley K. Curtis & Debra S. Curtis, As Co-Trustees under the Curtis Family Trust, 3211 Beare Lane, Millstadt, Illinois, Owners and Madd Towing, Inc. DBA Double D Auto, 2460 W. St. Rte 16, Belleville, Illinois, Applicants. This is a request for a Special Use Permit for a Planned Building Development pursuant to Section 40-9-3 (H)(3) to allow an Auto Repair/Rebuilder in an "A" Agricultural Industry Zone District, on property known as 3211 Beare Lane, Millstadt, Illinois, in Millstadt Township. (Parcel #12-33.0-100-003)

Chairman Frederick stated the applicant offered testimony and evidence in support of the application on September 12, 2016. There were several objectors present at the meeting that gave testimony. This case was taken under advisement and announced there will be no further testimony taken in this case.

Mr. Schneidewind stated Ms. Edwards was not present at the last meeting; however she has listened to the audio recording and listened to that completely.

Ms. Edwards stated she and Anne Markezich visited the property on today's date. Ms. Edwards gave a summary of her on-site inspection. She stated the neighborhood and the Algonquin Subdivision is a nice little country estates neighborhood. She noted the road is narrow and is not in good repair. The road is deteriorated on the sides and has hills and curves. Ms. Edwards stated she feels this area is very Rural Residential. Ms. Edwards noted she only spotted one business, Weilbacher Landscaping Business that had a small sign. She stated this is a rural area that is dotted with nice country homes with significant acreage and very well maintained buildings. Ms. Edwards stated her biggest concern is the roadway and feels allowing a business on this road, could be dangerous.

Ms. Edwards stated during her inspection the applicant drove up in a Johnston Towing Truck. She stated the applicant gave them a tour of the property and took us into his shop where the paint booth was. Ms. Edwards noted everything was clean and except for a few pieces of equipment outside it is for the most part very well taken care of. Ms. Edwards stated during a conversation with the applicant he stated that this business is more of a hobby that he does for the past 25-years and was retired and is no longer working.

Ms. Edwards stated they then visited Johnston Towing to educate them on this business. She stated the owner of Madd Towing showed them the vehicles that had been repaired and also told them that Mr. Curtis is a full-time tow truck driver that he keeps the tow truck at his property and is on call 24-hours a day traveling up and down this dangerous road with the tow truck.

Ms. Edwards stated based on her inspection, this is a Rural Residential area and feels there are no similar businesses in the area. She feels it would be spot zoning and would not be harmonious to the area or compatible to the Comprehensive Plan. She feels there would be multiple businesses being ran from the property including, a tow truck company and a repair/rebuild business. Ms. Edwards state in her opinion granting this business would not compatible and would be a safety hazard to the surrounding area because of the road and the traffic.

County Board Member, Mr. O'Donnell stated if the applicants can come into compliance with the Zoning regulations and stay within the rules of operation as far as not keeping any outside storage; he is in favor of the request. Mr. O'Donnell stated as long as the applicant operates under the guise of the regulations, he does not feel this business would affect anyone in the area. Mr. O'Donnell stated several constituents have contacted him and are concerned with their property values.

Ms. Edwards stated apologized that she was not at the previous meeting but she did listen to tape from beginning to end and did visit the site. She stated the board heard and considered the substantial amount of testimony as submissions both for and against this request.

MOTION by Edwards in the matter of 2016-07-SP, Owner Bradley K. Curtis and Debra Curtis as Co-Trustees under the Curtis Family Trust and the applicant Madd Towing, Inc. DBA Double D Auto for the request for a Special Use Permit for a Planned Building Development pursuant to Section 40-9-3(H) to allow an Auto Repair/Rebuilder in an "A" Agricultural Industry Zone District. I hereby move that this said request be denied for the following reasons: The applicant as well as the owner of the property in question are requesting that they be allowed to operate a commercial automobile repair/rebuilder business on property; the Curtis's residence is located in a Rural area of St. Clair County, thus creating a dual use upon the property; the property in question is a wooded residential lot which is located in an Agricultural Industry District; the makeup of the surrounding area is rural in nature consisting of Agricultural fields and woods and residential uses; the road to this area and leading to the property in question are rural, unmarked rock based Township Roads that are narrow and winding in nature; there are no public water or sewers on the property in question; the proposed use would not adequately protect the public's wealth, safety and welfare and the physical environment; the proposed use of this property as both the Curtis's residence and an unrelated company body shop or repair/rebuild facility is not in harmony with the Zoning code; the Zoning of the property in question and the current zoning and uses of the surrounding area; there are no similar type commercial businesses in the immediate vicinity; there does not exist public water or sewer services to the property in question; further the roads in this area are not adequate to accommodate commercial traffic. The proposed use is not consistent with the Comprehensive Plan; as the plan calls for Agricultural Preservation; the placement of a use that is non-conforming with the Zoning or the general makeup of the area surrounding the proposed use are a use that cannot be served adequately by public utilities and roadways and creates an adverse affect on the value of the neighboring property and the County's overall tax base; commercial traffic to and

from a business in the rural and non-commercial area gives the type of rural road will have a negative affect on the traffic circulation as well as the roadway; the proposed Special Use is not compatible with the adjacent uses in the general vicinity as everyday noises and dealings associated with commercial business are not compatible with the Agricultural and Residential uses; further there are no particular or unique characteristics of the proposed special use or the property in question that would be compatible and would not have an adverse effect on the adjacent properties in the general neighborhood.

Heberer seconds.

Roll call vote:	Rhoden -	Aye
	Heberer-	Aye
	Edwards-	Aye
	Chairman Frederick-	No

This case does not have four votes in favor or against; so this case will be tabled until January 9, 2017.

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