

**St. Clair County Zoning Board of Appeals
Minutes for Meeting
At the Courthouse – 7:00 P.M.
June 6, 2016**

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

Members Absent: Kent Heberer, 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 Frederick to approve minutes of the May 9, 2016 meeting. Second by Penny. Motion carried.

Public Comment

There were no comments from the public.

New Business – Case #1

Subject Case #2016-06-SP & 2016-09-ABV – Amie Haas Poole & Gary J. Haas, Co-Trustees of Insurance, 601 Parkview Road, Lebanon, Illinois, owners and American Tower Corp. – c/o Ward Development, 10815 Old US Highway 50, Lebanon, Illinois, applicants. This is a request for a Special Use Permit to allow a Guyed TV Tower in an “A” Agricultural Industry Zone District, on property known as XXXX US Hwy 50, Lebanon, Illinois in Lebanon Township. (Parcel #05-22.0-100-004 & 012)

Steve Ward –Ward Development/Applicant

- Mr. Ward stated he is representing American Tower Corporation.
- Mr. Ward stated he would like to build a 499 ft. guyed communications tower.
- Mr. Ward presented a packet to each member including exhibits, pictures and maps of the proposed tower.
- Mr. Ward stated American Tower has partnered with a broadcast company called Work God. Work God are missionaries that have a nationwide television system. He explained Work God currently broadcasts from St. Louis and there are antennas on top of some buildings in St. Louis to provide the coverage.
- Mr. Ward stated the Work God coverage has a gap between Mt. Vernon and St. Louis. The proposed tower will provide services to St. Clair County, Monroe County, Madison County, Clinton County, Washington County.
- Mr. Ward stated he did his due diligence in searching for an existing tower or building to place the antenna. Mr. Ward stated there is nothing in this area that will meet the height they require to cover the geographic area.
- Mr. Ward stated this property is within the search ring and is also on top of a hill which is nicknamed Burger Hill which is 70 ft. higher than the surrounding properties.
- Mr. Ward stated the property currently has five existing towers on it owned by the Corp of Engineers. There is an existing 300 ft. tower and several small 50 ft. short-wave radio towers. Mr. Ward explained the existing towers are not high enough to allow co-location.
- Mr. Ward stated the closest residential home to this property is approximately 1,500 feet away.
- Mr. Ward stated the tower will have low to medium intensity lighting and will not have flashing lights.

Discussion

- Rev. Rhoden asked County Board Member, Nick Miller if he received any correspondence regarding this hearing. (Mr. Miller stated he has not received any complaints from property owners.)
- Mr. Schneidewind stated the Zoning Office received a complaint from Attorney John Geismann P.C. on behalf of Kenneth & Ruby Widicus objecting to the Tower. Mr. Schneidewind stated Mr. & Mrs. Widicus are concerned about the Tower interfering with their electronic appliances and television reception, they also believe the tower will be unsightly. (Mr. Ward stated the broadcasters operate on a very narrow band. He explained no other carrier is operated on that frequency and there is no way for the interference to occur. Mr. Ward stated this site was chosen because there are existing towers on the site and does not feel this tower will be compatible with the property.)
- Mr. Penny asked how far the nearest residence is from this tower site. (The applicant stated it is 1,400-1,500 ft. away from the nearest home.)
- Mr. Penny asked if there is any structures located within the radius of the drop zone of the tower. (The applicant stated the water tank and the Corp of Engineers tower with a small building.)
- Mr. Penny asked the applicant to explain the FAA regulations. (The applicant stated they submitted a preliminary application to the Federal Aviation Administration and Scott Air Force Base and they have no objection with the tower.)
- Ms. Edwards asked if the applicant has a letter from SAFB referencing their conversation. (Mr. Ward stated he does not but he is willing to get that information for the Board.)
- Mr. Schneidewind stated this parcel does not fall within the Airport Overlay Zone.
- Chairman Meister asked if that is the type of building that will be on the property. (The applicant stated there will be a 12' x 30' building for Word of God, additional buildings will depend on the other carriers needs.)
- Ms. Markezich asked if this agreement is leasehold. (The applicant stated this is a leasehold.)
- Ms. Edwards asked what will happen to the tower when they are done with it. (The applicant stated they have an agreement to remove the tower and restore the ground back to its original condition and remove all above-ground structures.)

- Mr. Schneidewind asked where the tower will be built in relation to the water tower. (The applicant presented a site plan showing where the tower will be constructed on the property.)
- Ms. Edwards asked if we have any correspondence from the Corp of Engineers. (The applicant stated the Corp of Engineers is present at the meeting.)

Public Testimony

- John Bauer stated he is the President of the Tri-County Water District and he stated they were not privy to the information about the Tower. He stated he has several concerns. Mr. Bauer stated the Tri-County Water District has 1,200 customers in St. Clair County, Clinton County, Madison County and Bond County. Mr. Bauer stated he has several concerns regarding interference with the telemetry of the water tower and the wireless internet connection, the security of the site and road maintenance. Mr. Bauer stated they spent \$1,500.00 in the last months for road maintenance. Mr. Bauer stated he would like those items addressed by the applicant.
(Mr. Ward stated prior to construction of the tower he will have a pre-construction meeting with Tri-Township and have a pre-construction meeting to make sure all concerns are addressed.)

Further Discussion

- Chairman Meister asked if the applicant would allow additional television carriers to use the tower. (The applicant stated they will allow additional carriers on the tower.)
- Ms. Edwards asked if the tower sight will be lighted. (The applicant stated typically there is a motion activated light on the shelter.)
- Ms. Edwards stated she likes the idea of clustering towers on one parcel rather than scattered throughout the County.
- The applicant stated the tower is run off of telemetry and everything is monitored remotely and if anything happens at the site then they send someone out but the FCC allows you to remotely monitor the sites and it could be 2-3 months before someone visits the site.

- Ms. Edwards asked how soon someone can come out for repairs. (The applicant explained the tower is run off of telemetry and is monitored remotely. He stated if anything happens at the site they send someone out within 24-hours. He stated typically it could be 2-3 months before someone visits the site.)
- Ms. Edwards asked if American Tower has other tower sites in St. Clair County. (The applicant stated American Tower has over 50 towers throughout St. Clair County.)
- Chairman Meister asked how the signal comes in to the Tower. (The applicant stated Word of God is delivered via satellite to this location.)
- Mr. Schneidewind stated the FAA letter limits the tower to 480 feet. (The applicant stated a revised FAA letter will be provided to the Zoning Office.)
- Ms. Edwards asked the Water District representative if he needs more time to meet with his board. Mr. Bauer stated he will meet with his board and contact County Board Member, Nick Miller if they have further concerns.

Further Testimony

County Board Member, Nick Miller stated he was not aware of any complaints regarding the tower. Mr. Miller stated he feels strongly that if there is a problem with the tower, the applicant will work with the surrounding property owners to resolve any issues.

Mr. Schneidewind asked the applicant to present the letter from SAFB prior to the County Board.

MOTION by Penny to approve the request for the following reasons: The applicant presented testimony addressing electrical interference issues to the satisfaction of the board; the board feels esthetically there is an established issue in the area; the applicant will work with the local water district prior to the County Board Meeting on their issues; County Board Member, Nick Miller stated his approval of the application; the applicant will submit a letter from Scott Air Force Base indicating they are aware and the tower will not be an interference to the flight patterns at the airbase; and the applicant will submit a letter of approval from the Federal Aviation Agency.

Mr. Penny stated the Area/Bulk Variance is approved contingent upon the approval of the Special Use Permit.

Second by Rhoden.

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

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

Old Business – Case #2

Subject Case #2016-07-ABV – John Dietz & Mary Jane Dietz TR, 10036 Rieder Road, Lebanon, Illinois, owners and Alex & Katherine Joseph, 126 Private Estates Drive, O’Fallon, Illinois, applicants. 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 9804 Rieder Road, Lebanon, Illinois in O’Fallon Township. (Parcel #04-35.0-100-003)

Mr. Schneidewind stated this case was taken under advisement pending a review from the Illinois Department of Natural Resources due to the EcoCAT report listing an endangered species in the vicinity of this project.

On May 26, 2016, the Zoning Office received a letter stating the IDNR has evaluated this endangered species and concluded adverse affects are unlikely. Their recommendation to avoid potential impacts is to ban the removal of trees except between the dates of November 1st and April 1st.

Discussion

- Chairman Meister asked the applicant if he assists in the farm operation on the property. (The applicant stated he does assist in the farm operation.)
- Chairman Meister asked if the applicant is part of the family. (The applicant stated he is a member of the family.)
- Ms. Markezich stated she received no correspondence from neighbors.

Public Testimony

None

Further Discussion

County Board Member, Nick Miller stated he has no objection to the request.

MOTION by Penny to grant the request for a variance for the following reasons: The request will allow a family member to construct a residence on the property and continue the practice of farming; there were no objectors present at the hearing; and County Board Member, Nick Miller testified in support of the application.

Rhoden seconds.

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

Motion carried.

This case has been approved by this board.

Old Business Case #2

2016-11-ABV -- Steven & Jean Walker, 304 Mossy Creek Road, Belleville, Illinois, Owners and Kuhlmann Design Group, Inc., 15 East Washington, Belleville, Illinois, Applicants. This is a request for an Area/Bulk Variance to allow two tracts with 133.5 ft. of Frontage and Width at the Building Line instead of the 200 ft. required in a "RR-3" Rural Residential Zone District, on property known as XXXX Urbana Road, Millstadt, Illinois, in Millstadt Township. (12-14.0-200-030)

This case was withdrawn by Kuhlmann Design Group, Inc.

Other Business

Mr. Schneidewind let the record reflect that there have been no executive board meetings in the last 6 months. Therefore, there are no executive minutes to retain.

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