

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

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
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

MOTION by Edwards to approve minutes of February 8, 2016 meeting. Second by Heberer. Motion carried.

Public Comment

There were no comments from the public.

New Business – Case #1

Don & Lynette Schaeffer, 10041 Rieder Road, Lebanon, Illinois and James Joseph, 10037 Rieder Road, Lebanon, Illinois, Owner 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 Section 40-9-3(H)(3) to allow a Trucking Business in a “RR-3” Rural Residential Zone District, on property known as XXXX Rieder Road, Lebanon, Illinois in O’Fallon Township. (Parcel #04-35.0-100-002)

Lynette Schaeffer, Owner/Applicant

- Ms. Schaeffer explained she would like to sell 5-acres to her daughter and son-in-law, John & Jolene McDonald Jr. to use for a trucking business (BaLo, LLC).
- Ms. Schaeffer stated they will put in a rocked area for parking of semi-trucks and trailers, when not in use or being repaired.
- Ms. Schaeffer stated there will be no business sign on the property.
- Ms. Schaeffer stated there will be a maximum 5 or 6 trucks or trailers on the site on the weekends and overnight.
- Ms. Schaeffer stated there will be limited extra traffic on Rieder Road as BaLo, LLC business already parks their trucks and trailers on the Schaeffer Farm property.
- Ms. Schaeffer stated the driveway would be 30 ft. wide and probably be more to the South end of the 5-acre parcel.
- Ms. Schaeffer stated the trucks will usually be empty when they are on site.
- Ms. Schaeffer stated in the future BaLo, LLC would like to construct a building possibly 80’x100’x18’ or 60’x80’x18’ and would probably have a concrete floor and be pole building type construction.
- Ms. Schaeffer explained the building would serve as a shop with several bay areas to house and repair equipment.
- Ms. Schaeffer explained there will be a small office in the building with a restroom.
- Ms. Schaeffer stated there will be 5 or 6 employees/drivers.
- Ms. Schaeffer stated the property adjacent is owned by Robert Dietz. Mr. Dietz passed away in December and his brother John Dietz said he has no plans for the property at this time.
- Ms. Schaeffer stated a waterline for the City of O’Fallon is on the property.

Discussion

- Chairman Meister asked how far the property is from Highway 50. (The applicant stated the property is approximately 1 ¼ mile from the Highway.)
- Chairman Meister asked if Rieder Road is a Township Road. (The applicant stated the road is a County Road.)
- Chairman Meister stated O'Fallon Township submitted a letter in support of the Zoning request.
- Mr. Heberer asked if the building will be hooked to City Water. (The applicant stated they will connect to Public Water.)
- Rev. Rhoden stated the road is in good shape.
- Chairman Meister asked when they plan to build the pole building. (The applicant stated at the earliest it would be December or January.)
- Chairman Meister asked if the trucks will sit in the field. (The applicant stated he will bring rock in for the parking lot.)
- Chairman Meister asked if there will be a fenced-in area. (The applicant stated they will erect a fence eventually, but that is not really in their immediate plan.)
- Chairman Meister asked if the trucks will just be sitting on the property with no guard. (The applicant stated the trucks will just be locked and he has not had a problem with where they are right now.)
- Mr. Heberer asked the LESA score. (Ms. Markezich stated the LESA evaluation is 209 – Moderate.)
- Mr. Penny asked how far away the next similar development is located on Rieder Road. (The applicant stated there are no businesses in the area, it is all farm or residential properties.)
- Ms. Edwards stated the Comprehensive Plan calls for Industrial and questioned why since there is no sewer to the property. (Ms. Markezich stated the Comp Plan surrounding the Airport is all Industrial.)
- Ms. Markezich stated the property is out of the Airport Overlay Zone.
- Ms. Edwards stated she feels if the board approved this business it will change the character of Rieder Road. Ms. Edwards stated the applicant is putting very little to no infrastructure on the property other than bringing trucks in and parking them out there.
- Ms. Edwards stated the board cannot put stipulations on the Planned Building Development for indoor storage because there is no building. (The applicant stated he will build the building in the next year. He stated the driveway will be gated at the front of the property.)
- Ms. Edwards stated she doesn't remember the Zoning Board granting a trucking company without a building on the property.

- Mr. Edwards stated she wants the Zoning decision to be fair and consistent with what has been done in the past.
- Chairman Meister stated they could add the stipulation of a year or year and half to construct the building.
- Ms. Edwards asked the applicants what will be stored outside on the property. (The applicant stated there could be 10-15 trailers or 5 trucks.)
- Ms. Edwards stated the letter presented to the board and testimony presented to the board states only 5 to 6 trucks will be stored on the property. Ms. Edwards explained the applicants are filing for a Planned Building Development and whatever is presented to this board will be approved. (Ms. Schaeffer stated her concept was to plan for one-year.)
- Rev. Rhoden asked what ton trucks. (The applicant stated they are 80,000 ton capable, 18-wheeler trucks.)
- Ms. Edwards feels the application is not complete. (Ms. Schaeffer stated she was not told she needed a plan for the future; she understood she only needed a one-year plan.)
- Ms. Edwards stated the board could continue this case until the applicant can present a plan for the future of the property. (The applicant stated she feels she cannot plan for the future due to the future highway construction in the area.)
- Ms. Edwards stated the trucking company will change the character of this road and they will define the future of what this road will look like. She feels the Zoning Board needs a plan and it does not have to be forever; because the owner can always come back to the board to request expansion of the business.
- Chairman Meister stated the board needs a plan of where they plan on parking the trailers, where the fence would be, the parking lot and lighting.

Public Testimony

- James Joseph – 10037 Rieder Road stated he is co-owner of the property and the young man who is trying to start a business for his family. Mr. Joseph stated he supports the application.

Further Discussion

Mark Favazza asked the applicants if there is still uncertainty about the location of the driveway, then that will also have to be worked out. (The applicant stated the reason was to be most thoughtful to the residents by putting the building as far away from the residence and the driveway next to the residence. There will be limited traffic and put the driveway closer to the house and the noise would be further away from the residence.)

Chairman Meister suggested the whole 5-acre tract be moved to the other side of the property. (The applicants stated they will consider moving the property.)

MOTION by Edwards to continue this hearing until April 4, 2016 to allow time for the applicant to bring in a written plan for the next 5-years of the proposed trucking business.

Rhoden seconds.

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

This case has been continued this board.

New Business – Case #2

Subject Case #2015-13-SP – The Estate of Dorothy Herzog (Deceased), 4849 Shangrila Road, Freeburg, Illinois, owners and Claudette Wangelin, 4805 Shangrila Road, Freeburg, Illinois, Applicant. This is a request for a Special Use Permit for a Planned Building Development to allow a 3-Lot Subdivision in an “A” Agricultural Industry Zone District on property known as 4849 Shangrila Road, Freeburg, Illinois in New Athens Township. (Parcel #18-04.0-100-019)

Claudette Wangelin - Co-Executor for the Estate of Dorothy Herzog

- Ms. Wangelin stated she is representing the Estate of Dorothy Herzog.
- Ms. Wangelin stated the family’s intention is to divide up the existing property into 3-parcels for purchase option to other family members.

- Ms. Wangelin stated this property was established in 1984 by their parents.
- Ms. Wangelin stated the parents divided the property in approximately 10-acre parcels with the option for each child to purchase property.
- Ms. Wangelin stated at this time there are five homes.
- Ms. Wangelin stated the homesites will be for children and grandchildren of Dorothy Herzog.
- Ms. Wangelin stated she feels there will be no adverse affect on the properties or the general neighborhood.
- Ms. Wangelin stated the division of property will be comparable to the divisions that are already out there.
- Ms. Wangelin stated the neighbors and family are not opposed to the division.

Discussion

- Chairman Meister stated he has a letter from the Village of Freeburg in support of this request.
- Chairman Meister reminded the board they had a similar case down the road but stated he feels this property is quite different because it is on strip mine property.
- Mr. Heberer asked if the property was reclaimed. (The applicants stated it was not reclaimed, the property was just cleared.)
- Ms. Edwards asked if the family has it in writing that only family members would purchase the properties. (The applicant introduced a grandchild that is purchasing the home on the property; the other parcel with the shed and 12-acres will be purchased by the applicant and her husband; and the 15-acre tract up front will be purchased by a sister.)
- Ms. Edwards asked how many homes were on the property. (The applicant stated there was originally 118+ acres and the 48.62 acres was their parents portion of property. The children all have 10-12 acres a piece.
- Mr. Heberer asked if the homes on these parcels are permanent residences or vacation homes. (The applicant stated these are permanent residences.)
- Mr. Favazza asked the applicant to explain the easement into the property. (The applicant stated the easement was owned by their mother and father and the granddaughter will be taking over that easement as part of the 20-acre parcel.)

- Mr. Favazza asked if there are covenants in place for the easement. (The applicant stated they do have covenants that address the easement.)
- Chairman Meister asked how many additional homes will be on the properties. (The applicant stated potentially two additional homes could be built on these properties.)
- Mr. Penny stated potentially there could be a total of eleven homes on these properties.
- Mr. Favazza stated the LESA Rating on the property is Low-III.

Public Testimony

- Thomas Biebel – 8025 Red Ray Mine Road stated he is a neighbor to the South of this property. He stated this is what he would like to do to his property. Mr. Biebel stated he has 8 children and would like to do the same thing with his farm in the future.

Further Discussion

County Board Member, Ed Cockrell stated he has known the Herzog family for 45-years and they are respectful and upstanding people. Mr. Cockrell feels granting the request will allow the family to live close together. Mr. Cockrell stated he is in total support of this request.

MOTION by Edwards to approve the request for the following reasons: The utilities are well & septic; the Comprehensive Plan calls for Agricultural although this is strip mine property; there is a total of 118-acres which has been divided up among members of the Herzog family; Ms. Herzog passed away and left the remaining 48-acres to the family; the family is wanting to divide the property into a 3 lot subdivision that is consistent with the continuity of the existing development that exists out there; it is the desire of this board that we provide continuity; the Special Use Permit protects the public health, safety and welfare; it is consistent with the Comp Plan; this will not have an adverse effect on the value of neighboring property and on the overall tax base; the public utilities have been addressed; the applicants stated wells are not used on this property, they use cisterns; therefore it would be the recommendation of this board that the request be approved.

Heberer seconds.

Roll call vote: Rhoden - Aye
Penny - Aye
Heberer - Aye
Edwards - 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 #2016-02-SP – Marco Investments, 1101 Centreville Avenue, Belleville, Illinois, owners and STL Equities, LLC , 1415 Elbridge Payne Road, Suite 285, Chesterfield, MO, 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 a Dollar General Store in a “B-2” General Business Zone District on property known as 1201 Centreville Avenue, Belleville, Illinois in St. Clair Township. (Parcel #08-29.0-400-045)

Bob Elkin – STL Equities/Applicant

- Mr. Elkin stated they would like to construct a Dollar General Store on the property located at 1201 Centreville Avenue, Belleville.
- Mr. Elkin stated this project will be very similar to the project that came before this board on Eiler Road, Belleville.
- Mr. Elkin stated he and his Engineer, Mike Fischer would be open to answer questions from the board regarding this project.

Discussion

- Chairman Meister asked if the plans were reviewed. (Ms. Markezich stated the plans are the same as the previous site.)
- Ms. Markezich stated the only difference is the applicants are asking for the Zoning Board to waive the fence requirement due to the layout of the land. (The applicant stated there is a hillside that is wooded and screened, so a fence would not work.)

- Chairman Meister asked counsel if the board could grant a variance to waive the fence regulation. (Mr. Favazza stated it would not be a variance but a condition of the Special Use Permit.)
- Chairman Meister asked the applicant to explain the lighting on the property. (The applicant stated the lighting will be attached to the building and the lighting shines down. The applicant submitted a lighting plan to the board as evidence.)
- Chairman Meister asked hours of operation. (The applicant stated he does not set the hours, but they are typical 8:00 AM to 10:00 PM.)

Public Testimony

- Sandy Lawrence representing Ralph & Alice Weik, 12 Van Rue Drive, Belleville stated they are concerned about the lighting coming from the Dollar General and questioned how far back the building will be on the property. Ms. Lawrence agreed the fence would not make a difference.

Further Testimony

County Board Member, Larry Stammer stated he has received no correspondence for or against the Zoning request. Mr. Stammer feels this would be a nice development for the area.

MOTION by Heberer to grant the request for the following reasons: There is public water/public sewer on the property; the hours of operation will be from 8:00 AM to 10:00 PM; the boards feels this request meets all of the needs of the area; with a stipulation on the lighting that is used at other stores and they will adjust accordingly if there is a complaint from neighbors. The Zoning Office will waive the requirement of the fence due to the topography of the ground and nearby vegetation.

Penny seconds.

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

Motion carried.

Chairman Meister stated this case has been approved by this board and will go to the County Board for final consideration.

New Business – Case #4

Subject Case #2016-02-ZA – Daniel W. Daenzer, 6510 Town Hall Road, Belleville, Illinois, owner and applicant. This is a request for a Zoning Amendment to change the zone district classification of a certain tract of land from “A” Agricultural Industry Zone District to “RR-3” Rural Residential Zone District on property known as 6510 Town Hall Road, Belleville, Illinois in Stookey Township. (Parcel #07-23.0-100-003)

Daniel W. Daenzer, Owner/Applicant

- Mr. Daenzer stated he purchased this 15-acre tract last year from Jan Rule an adjoining neighbor on the West.
- Mr. Daenzer stated he would like to divide the 15-acre tract into three 5-acre tracts.

Discussion

- Chairman Meister asked the applicant what type of utilities are on the property. (The applicant stated the property has public water and private sewers.)
- Ms. Edwards asked the applicant his intentions for the three lots. (Mr. Daenzer explained he lives on Lot 1 and the other two lots are to be sold.)

Public Testimony

- Kevin Khaufold, Attorney at Law stated he is representing John Kniepmann, an adjacent property owner. Mr. Khaufold stated his client has a boundary dispute with the applicant. Mr. Khaufold stated his client has been farming 30 ft. of this ground since the 1970's. Mr. Khaufold stated he has a supreme court case that says by adverse possession his client owns the property and requests the denial of rezoning the property on this basis. Mr. Khaufold stated if this property is rezoned they would like this 30 ft. omitted from the rezoning request.

Further Discussion

- Mr. Favazza asked Mr. Khaufold if there is currently a lawsuit filed against this property. (Mr. Khaufold stated the lawsuit has not been filed. He stated Mr. Daenzer was only notified by letter and the case would be litigated if necessary. Mr. Khaufold also stated if St. Clair County would affect the rights of his client; they will be included in the lawsuit. Mr. Khaufold suggests the County omit the 30 ft. in the boundary dispute.)
- Mr. Favazza confirmed there is no lis pendens on the property at this time.
- Mr. Penny asked how the Zoning Board would know of this property dispute, if there is no suit filed. (Mr. Favazza explained as far as the records are concerned, right now the applicant is the sole owner of this property. He stated if there is litigation filed in the future and the County is made a party to it, then the County would appear and does not feel that would be that large of an issue.)
- Rev. Rhoden asked who is paying taxes on that piece of property. (Mr. Daenzer stated he is paying the taxes on that property.)

Public Testimony

- Mike Neiner, DuPont Hills stated he is concerned about parking on Town Hall Road. Mr. Neiner stated last week there was a huge tractor trailer parked in front of Lot 1 that was blocking traffic. (The applicant stated the driver could not get into the driveway and it was a once in a lifetime delivery.)
- Jan Rule – 2135 Dorothy Drive stated Mr. Daenzer bought the property from her family. Ms. Rule stated she is very surprised that Mr. Kniepmann is still farming 30 ft. of the acreage that Dan bought from her family. Ms. Rule stated Mr. Daenzer had a survey done so he can plant grass on the property. (Chairman Meister stated the Zoning Board is not going to discuss the property line dispute. Chairman Meister stated the Zoning Board will only address the division of 15-acres into 3 5-acre lots.)

- Ron Hageman – 8418 DuPont Hills, Belleville stated at the exit of his subdivision (DuPont Hills) they look directly at this property. He stated there is a semi-trailer sitting on this property and feels this is an eyesore. (Ms. Markezich stated a semi-trailer cannot be used for personal storage and is a Zoning violation.)

Further Discussion

- Ms. Edwards stated she would like to go visit the site and she feels the property should come into compliance with the Zoning Ordinance prior to a variance being voted on for the property.

MOTION by Edwards to take this case under continuance to do an on-site inspection and give the applicant time to bring his property into compliance with the Zoning Ordinance.

Second by Rhoden.

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

This case will continue on May 9, 2016.

New Business – Case #4

Subject Case #2016-04-ABV – Danny & Laura Snodgrass, 602 Old Fayetteville Road, Freeburg, Illinois, owners and applicants. This is a request for an Area/Bulk Variance to allow the construction of a Pole Building 1,800 square feet instead of the 900 square feet allowed in a “SR-3” Single-Family Residential Zone District on property known as 404 Charles, Lenzburg, Illinois in Lenzburg Township.

Laura Snodgrass, Owner/Applicant

- Ms. Snodgrass stated she would like to build a 60’ x 30’ pole building on this property.

- Ms. Snodgrass stated the pole building will be used for storage of personal items.
- Ms. Snodgrass stated they will install a modular home on this property after the pole building is built.
- Ms. Snodgrass presented a letter from the Village of Lenzburg in favor of the request.

Discussion

- Mr. Penny asked where the applicants currently live. (The applicant stated they currently live in Freeburg but recently sold their home. The home in Lenzburg will be built in the next few months.)

Public Testimony

- Darrell West – 420 N. Charles Street stated he lives across the street from this property for the past 23-years. Mr. West stated he wanted to make sure the applicants did not live in the pole barn. (The applicant stated they have no intention of living in their pole building.)
- Darrell West – 420 N. Charles Street stated he has no objection with the pole building as long as the applicants will not live in it and there will be no business ran from this building.)

Further Discussion

Chairman Meister stated he spoke to the Mayor of Lenzburg and he has no objection to the request.

County Board Member, Ed Cockrell stated he visited the site and noticed there are similar size buildings throughout Lenzburg. Mr. Cockrell stated he has no objection to the request.

MOTION by Heberer to approve this request for the following reasons: The applicants stated they will not live in the pole building; and feels this request is compatible with the area.

Edwards seconds.

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

This case has been approved by this board.

Old Business – Case #1

Subject Case #2015-12-SP – Terry & Aletha Stahl, 5921 Robinson School Road, Smithton, 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) to allow Boat, Vehicle & RV Indoor/Outdoor Storage in an “A” Agricultural Industry Zone District on property known as 4936 State Rte 159, Smithton, Illinois, in Prairie DuLong Township. (Parcel #17-04.0-400-010)

Chairman Meister announced he has a conflict of interest in this Case and will not comment or vote on this case. Mr. Scott Penny assumed the Chairman responsibilities.

Subject Case #2015-12-SP – Terry & Aletha Stahl, 5921 Robinson School Road, Smithton, 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) to allow Boat, Vehicle & RV Indoor & Outdoor Storage in an “A” Agricultural Industry Zone District on property known as 4936 State Rte. 159, Smithton, Illinois in Prairie DuLong Township. (Parcel #17-04.0-400-010)

Aletha Stahl, Owner/Applicant

- Ms. Stahl Stated she would like to have a storage facility on this property.
- Ms. Stahl stated the property is across the street from the Village of Smithton.
- Ms. Stahl stated there is a small indoor storage area that is approximately 1- mile from this site that only takes storage of small cars and vehicles.

- Ms. Stahl stated their proposal is for indoor/outdoor storage.
- Ms. Stahl stated there is currently a 80' x 100' barn and a 60' x 100' shed right off of the highway.
- Ms. Stahl stated these buildings were used for farming in the past but now they lease out their farming and these buildings are no longer used.

Discussion

- Mr. Penny asked if there is currently an operation at the facility. (Terrance Stahl stated he is the son of the applicant and is currently running Stahl storage for his parents.)
- Mr. Penny asked if the property is fenced and gated. (The applicants stated the property is fenced and gated and there will be no one allowed in after hours.)
- Mr. Penny asked hours of operation. (The applicant stated hours of operation will be from 9:00AM -6:00PM, Monday - Friday, weekends by appointment only.)
- Ms. Markezich stated the Zoning office received multiple complaints regarding the parking of approximately 15-vehicles on the property.
- Mr. Penny asked what the nature of the complaints were of the property. (Ms. Markezich stated the appearance of the property.)
- Mr. Penny asked if the buildings were in use for storage.
- Mr. Penny asked Ms. Markezich to describe the appearance of the property. (Ms. Markezich stated there are several vehicles stored outside and the entrance gate is a cattle fence.)
- Ms. Markezich presented a letter to the Zoning Board from County Board Member, Frank Heiligenstein stating reasons why he is opposed to granting the business on the property.
- Ms. Edwards asked why the cars are parked outside. (The applicant stated that is where the customers wish to park the vehicles because the rate is cheaper for outside vehicle parking. The applicant stated the cars are parked in a row and are not scattered throughout the property.)
- Ms. Edwards stated generally the Zoning Board requires indoor storage. Ms. Edwards stated outdoor storage tends to create salvage yards and grass that grows up around the vehicles and doesn't get mowed. (The applicant stated the grass is faithfully mowed and the vacant farmhouse will be demolished 6 months or a year down the road. Ms. Stahl stated they are 3rd generation farmers and have paid taxes on that property for 90+ years and that is not their style to create a junkyard.)

- Mr. Penny asked how many acres is this parcel. (The applicant stated this property is approximately 1.6-acres.)
- Mr. Penny stated he does not feel that 1.6-acres is a large enough parcel for a storage facility.
- Mr. Penny asked if the applicants own the surrounding properties. (The applicants stated they own all of the farmground surrounding this parcel.)
- Ms. Markezich stated the applicants started the business on the property with no authorization.

Further Discussion

County Board Member, Ed Cockrell asked the Zoning Board if there was any correspondence from the Village of Smithton. (Ms. Markezich stated she has not received correspondence from the Village of Smithton.)

John Kaiser, Prairie DuLong Township Highway Commissioner stated he has no problem with indoor storage but feels the problems come with outdoor storage.

Mr. Penny stated the storage business is unauthorized and should be terminated. The applicants need to come back to the board with a new proposal with indoor storage only and enough acreage surrounding the business to stand on its own merit. Mr. Penny suggested the applicants can meet with the Village of Smithton to see if annexation into their community is an option.

Ms. Stahl stated she would like to withdrawn her request.

Mr. Penny stated let the record reflect the applicants have withdrawn their request for Subject Case #2015-12-SP.

Ms. Markezich stated she will give the applicants 30-days to contact the Village of Smithton regarding annexation. Ms. Markezich stated she will give the applicants another 30-days to bring the property in compliance.

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