

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

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

Members Absent: Alexa Edwards

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

County Board Members: Michael O'Donnell – District #22
Larry Stammer – District #26
June Chartrand – District #16
John West – District #15

Pledge of Allegiance

Call to Order

The meeting was called to order at 7:00 p.m. by Chairman, Scott Penny.

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 October 3, 2016 meeting.
Second by Heberer. Motion carried.

Public Comment

There were no comments from the public.

New Business – Case #1

Chairman Penny announced Subject Case #2016-04-ZA has been withdrawn.

New Business – Case #2

Subject Case #2016-16-ABV – Ralph Weilbacher, 5748 Lake Briar Drive, Millstadt, Illinois, owner and applicant. This is a request for an Area/Bulk Variance to allow a parcel with 1.9-acres instead of the 40-acres required in an “A” Agricultural Industry Zone District on property known as XXX Bohleysville Road, Millstadt, Illinois in Millstadt Township. (Parcel #12-30.0-200-005)

Ralph Weilbacher/Owner

- Mr. Weilbacher stated this property was surveyed off in 1982 as a 1-acre tract.
- Mr. Weilbacher stated this division was done prior to the 40-acre rule.
- Mr. Weilbacher stated the property has approximately 200 ft. of road frontage on Bohleysville Road.
- Mr. Weilbacher stated he spoke to Brian Eckert from the Health Department and he stated there is plenty of room for a well/septic system.
- Mr. Weilbacher stated he has a potential buyer that would like to build a home on this parcel.

Discussion

- Mr. Rhoden asked if the board ever allowed a 1-acre division instead of the 40-acres required. (Ms. Markezich stated the board has in some instances granted 1-acre tracts.)
- Chairman Penny asked if there are any similar divisions in the area. (The applicant stated there are 3-acre tracts in the immediate area but not a 1-acre tract.)
- Mr. Frederick asked how close is the nearest public water supply. (The applicant stated approximately 1 ½ - 2 miles.)

Public Testimony

- Richard Diefenbach, 3 Diefenbach Estates, Millstadt stated there are wells and deep wells in this area and his well runs dry. Mr. Diefenbach stated his concern is the water supply in the area is limited. He stated the property directly across the street from his property has no water supply and they have to haul in water.
- John Poettker - JLP Homes stated he is the contract purchaser for the lot. He stated he is building on similar lot in the Manors at Millstadt on 1-acre tracts and they have the same infrastructure as this parcels and there are no issues.

Further Discussion

Michael O'Donnell, County Board Member stated an adjacent landowner contact him and is interested in the outcome of this case, but did not state he was opposed. Mr. O'Donnell stated he is not opposed to the variance.

Chairman Penny stated he does not see how the board can approve a zoning variance for a 1-acre tract when there is a water issue and the neighbor being interested in this case tells me he is interested in dividing up his property.

MOTION by Gregory to deny the request for the following reasons: The variance is not in harmony with the general purpose and intent of the Zoning Ordinance; the variance could be injurious to the neighborhood because of water issues; and granting the variance is in conflict with the Comprehensive Plan.

Second by Heberer.

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

This case is an Area/Bulk Variance and has been denied 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)

Debra Curtis/Owner & Applicant

- Ms. Curtis stated she would like to request a Special Use Permit to obtain a rebuilder/repair license in the name of Madd Towing, Inc. DBA Double D Auto.
- Ms. Curtis stated the main purpose of the business is to be a supplement lot. She explained the main lot is at Madd Towing which is Johnson Towing.
- Ms. Curtis stated repairs will be done off-site, at the property owned by Johnson Towing.
- Ms. Curtis stated they have approximately 2.7-acres on a dead end road and three families live along that road.
- Ms. Curtis presented pictures of the property to the board.
- Ms. Curtis stated they are aware of all laws enforced on an Auto Body Business.
- Ms. Curtis submitted a picture of the paint booth in her building to the Zoning Board.
- Ms. Curtis explained they just purchased their neighbors home and land which gives them another 5-acre parcel and approximately 668 feet of road frontage along Algonquin.
- Ms. Curtis stated she invited the neighbors who live in the Algonquin Subdivision to her home to look at the property, because they cannot see it from the road. She also met with the board of the subdivision.
- Ms. Curtis stated the building was constructed in 2000. She stated most of the neighbors get their car repaired there and St. Clair County Drug Task Force gets their cars repaired there.
- Ms. Curtis stated she brought a representative from the Secretary of States Office if anyone has any questions. She stated the building has been approved by the State of Illinois.

- Ms. Curtis explained that all of her adjacent neighbors are at the meeting in support of their request and that the neighbors in attendance opposed to the request cannot even see the property from their homes.

Discussion

- Chairman Penny asked if this address has been used as a business in the past. (The applicant stated her husband works on vehicles as a hobby.)
- Ms. Markezich stated the applicants did not get a building permit for the building. (The applicant stated the contractor that built the building did not get a building permit.)
- Mr. Frederick asked if there are any similar businesses in the area. (The applicant stated there are businesses in the area; Weilbacher Landscaping, Custom Decorating, a horse farm, and Triad Trucking which is located in Algonquin Subdivision along with Blazier Home Improvements. She stated there is someone that sells cabinets out of their home in Algonquin and a Tree Trimming service at one of the homes. Ms. Curtis stated the Algonquin bi-laws clearly state no businesses are allowed.)
- Ms. Gregory asked the applicant to explain the business. (The applicant stated they will paint and repair the vehicles on the property and then take them to the lot in Johnson Towing.) (The applicant explained they are not asking for a dealers license.)
- Ms. Gregory asked if the work will be done on the inside of the building with no vehicles parked outside. (The applicant stated the work will be done inside but sometimes there will be vehicles parked outside.)
- Mr. Frederick asked how many employees. (The applicant stated her husband is the only employee.)
- Mr. Rhoden asked how many cars can be repaired. (The applicant stated he will repair 20-vehicles per year, approximately.)
- Mr. Heberer asked if the only vehicle sitting out will be personal vehicles. (The applicant stated there will also be a tow truck, which is our personal vehicle.)
- Ms. Gregory asked how long the business has been on the property. (The applicant stated he has lived on the property for 16-years and he works in the garage for something to do.)
- Mr. Schneidewind asked the applicants to explain who owns Madd Towing Inc. (The applicant stated the owner of Madd Towing Inc. is Gary Dockins. The applicant stated they are employees of Madd Towing Inc.)

- Mr. Schneidewind questioned if Madd Towing will actually be run out of their address and they are the employee. He stated Madd Towing will actually be getting the license versus the Curtis's getting the license. (The application stated Brad Curtis, Shelly Dockins and Darrin Dockins are all on the license.)
- Mr. Schneidewind stated the Curtis's will be working for Madd Towing as an employee at their residence. (The applicant stated that is correct.)
- Chairman Penny asked if the Curtis' own the building then Madd Towing will pay rent. (The applicant stated they will lease the building to Madd Towing, Inc.)
- Mr. Frederick asked the applicant what type of facilities they have in place to catch motor oil, antifreeze, paint residue, etc. (The applicant stated they do not use motor oil and they use water base paint.) (Mr. Rosenstengel stated they are not an automotive repair, they are not doing engine swaps, they are not maintaining automobiles and do not have the ability to do that with this license. He stated they can do paint work and body repair work. He further stated, the applicants are not capturing oil and transmissions fluids.)
- Mr. Frederick asked what the applicant does with his paint thinners. (The applicant stated there is a special container it is contained in and picked up and hauled off and the motor oil can be taken to any oil changing station.)
- Chairman Penny cleared up the license being issued by the State does not restrict auto repair work such as replacing an engine.

Public Testimony

- Jeremy Rosenstengel – Auditor with the Illinois Secretary of State's Office and employee in the Vehicle Service Department and the Secretary of State Police in Belleville, Illinois. He explained he is not at the meeting in his official capacity but as a friend to the Curtis'. Mr. Rosenstengel stated he has been in this capacity for 12 years and the car business for 14-years prior. He explained the Curtis's are applying for a rebuilders license which is a body shop license and they are applying for a repairers license, which is the ability to take a salvaged vehicle repair it and put it back on the road.
- Mr. Rosenstengel stated Mr. Curtis does outstanding work and is a credit to the Millstadt area. He stated Mr. Curtis is basically trying to open a supplemental lot location and there is a main lot location that is located on Illinois Rte. 161. He stated the main lot does everything,

- including the bookkeeping, sell cars, repairs. Mr. Curtis is asking for the ability to do light body and repair work within the confines of that building. He stated Mr. Curtis keeps all of the vehicles inside of the building.
- Mr. Rosenstengal stated he would like to clarify that Mr. Curtis is not applying for an auto parts recyclers license and there will be no junk cars or parts on the property.
- Mr. Rosenstengal stated Mr. Curtis is applying for a supplemental lot license here and will be under very strict rules and regulations with the State of Illinois and always complies.
- Fred Regula - 4940 Algonquin Forest, Millstadt stated he owns a property adjacent to this property. He stated these properties are not on public sewers and stated that he is concerned with the business contaminating the water supply in the area. Mr. Regula stated this is a residential area and is concerned about vehicles on the road. He feels the whole area will be impacted by this commercial business.
- Frank Nagel - 20 Algonquin Drive, Millstadt stated his concern is traffic circulation and feels granting this request would be a safety issue. (Ms. Curtis stated their customers would not go down toward Algonquin Subdivision.)
- Sharon Regula - 4940 Algonquin Forest, Millstadt stated the Curtis' would be their next door neighbors and she is opposed to the request. She stated Algonquin Forest is a quiet natural place where God's creatures can roam free and it is safe to drink the water. She stated this area is zoned for Agricultural and not for business.
- Steve Cruise - 21 Algonquin Forest, Millstadt stated Algonquin Road is a very narrow road. He stated the flat bed trucks are very wide and have limited room to go around when they come down the road.
- Vicky Marionovich - 4928 Algonquin Forest stated she is the third house and has a brownfield report due to auto body shops and they contaminate the surface soil and groundwater. Ms. Marionovich stated they are all on wells and feels that is an issue. (The applicant stated the floor is all concrete and the drains are capped because they have a heated floor.)
- Mary Jane Brauer -136 Algonquin Drive submitted a map that shows the wooded nature and Agricultural use of the property. She explained Algonquin Subdivision was issued a Special Use Permit some time ago but the rest of the area is zoned Agricultural. Ms. Brauer stated the map shows this is an inconsistent use to have a business in this area.

- Ms. Brauer stated the request is for a repairer/rebuilder license but in no way does this limit this to painting only; she stated this is asking for them to have a repainting/rebuilding business.
- Ms. Brauer stated she is also concerned for safety on the roadway. She explained Algonquin Road is an old farm road and is narrow with no markings, no center line, no side lines, no shoulder. She stated this road is already dangerous and there has been one fatality and two rollovers on this road since she has lived there.
- Ms. Brauer stated the applicants prior business consisted of towing, auto sales, and rebuilding. The applicant submitted a picture of the previous business to show what it may dwarf into. Ms. Brauer stated part of rebuilding and repairing is towing vehicles.
- Greg Rakers -5066 Algonquin Forest Road stated he is an adjacent neighbor and has never smelled any paint odor from the business and has never seen anything in the nearby creek.
- Ms. Brauer asked if the groundwater has been tested in this area. (The Chairman stated that is not a requirement from the Zoning Board of Appeals. This is a regulated use by the IEPA)
- Frank Nagel stated he is concerned about security in the area.
- Sharon Regula stated she is concerned with the property values in the area. She is also concerned with the roads and the increase in maintenance on that road could increase the taxes in the area.
- Darren Robins stated he is the owner of Johnson Towing (Double DD Auto) stated in the last year they sold 28 cars. He stated of those 15 vehicles were fixed and rebuilt. He explained they are not looking for a mass industry.
- Inaudible Name – stated Mr. Curtis is already working on cars without permission at this address for a long time and therefore, how will we know he will not do more than you allow him to do.

Further Discussion

Mr. O'Donnell stated he was not aware of the amount of concerned citizens. Mr. O'Donnell stated he visited the site and it is a clean operation. Mr. O'Donnell stated he received phone calls from two citizens one for the request and one against the request. Mr. O'Donnell stated there are a lot of legitimate concerns regarding this business and feels the request should be read out on its merit and fully respects the Zoning Board's decision.

Chairman Penny asked for a show of hands for and against. (There were 13 hands opposed and 10 hands in favor.)

Chairman Penny asked for a show of hands of neighbors that have used this business, at this location. (There were 8 hands raised.)

Chairman Penny asked if a sign is required. (The applicant explained a sign is required to be placed on the building by the State of Illinois that is able to be read from the street. He stated the sign is already on the building.)

Mr. Meister asked what keeps this business from growing into a larger operation. He asked what assurance there is, that this will not grow into a larger business. (Ms. Curtis stated they sold the business in town to retire.)

MOTION by Heberer to take this case under advisement to allow the board time to process the mass amount of information and testimony from this case.

Second by Frederick.

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

This case has been taken under advisement until December 5, 2016. Mr. Penny stated there will be no additional testimony

New Business - Cases #4

Subject Case #2016-05-ZA, Racehorse Investments, LLC, One Racehorse Drive, East St. Louis, Illinois, owner and applicant. This is a request for a Zoning Amendment to change the zone district classification of certain tracts of land from "A" Agricultural Industry Zone District to "I-1" Research & Assembly Industrial Zone District on property known as 1 Racehorse Drive, 6450 Pocket Road, & 6451 Pocket Road, East Louis, Illinoisin Canteen Township. (Parcel #02-23.0-200-022 & 024 & 02-33.0-404-010)

Brian Burch –Racehorse Investments

- Mr. Burch stated he is present on behalf of Racehorse Investments also known as RHI.
- Mr. Burch stated Sam Beelman is also present and is the Manager of the Company.
- Mr. Burch stated years ago the company purchased and developed the property formerly the Cahokia Downs horse track in Alorton.
- Mr. Burch stated RHI has entered into a lease agreement with a company called Kopart Inc. to lease a portion of the property which is now become Racehorse Business Park.
- Mr. Burch stated the purpose of this petition is to rezone the property to Industrial.
- Mr. Trent Hogan from Kopart Company if you have questions regarding the business and Lamar Gentry from the Village of Alorton.

Discussion

- Ms. Markezich stated this business will be located in three jurisdictions. She stated the business is already in operation in the Village of Alorton and the City of Centreville has a 100 ft. strip.
- Mr. Meister asked who owned the Agricultural property to the North. (Ms. Markezich stated that property is Frank Holten State Park.)
- Ms. Gregory asked the applicants to explain Racehorse Business Park. (Mr. Burch stated it will be a development for Beelman Trucking.)
- Ms. Markezich asked the applicant to explain the number of vehicles parked on the property. (Mr. Hogan explained his business is an on-line auto auction mostly for insurance vehicles. Any vehicle that has been totaled or in an accident, they are the company that picks up the vehicle while they settle the claim with the owners. He explained the autos are auctioned off online.
- Chairman Penny asked if the business is currently in operation. (Mr. Hogan stated the business is in operation on the Southern parcels located in the Village of Alorton.)
- Mr. Frederick asked what the turn around on the vehicles sitting on the property is. (Mr. Hogan stated 30-45 days depending on the claim process.)

Public Testimony

- Jody Jackson – 5800 Pocket Road stated she is concerned that everyone is on a well in that area and is concerned with the water supply. (Mr. Hogan stated they are a publicly traded company and have very tight standards with the EPA and they have a chemical that they use. He explained most of the time when the vehicle gets to them the leaking is finished because they go to a tow yard first and then several days later it will come to this property. He explained they are audited very closely by the State.)
- Mr. Gentry stated he represents the Village of Alorton and works for the City of Centreville as the TIF Administrator and stated this request has been reviewed and approved by the Village of Alorton.

Further Discussion

Ms. Markezich stated County Board Member, Marty Crawford could not make the meeting but is in favor of the proposed request.

Mr. Schneidewind stated for the record this request is for rezoning could be used for any permitted use in an "I-1" Industrial Zone District.

MOTION by Meister to approve the case for the following reasons: The Comprehensive Plan designation is commercial; the request is compatible with existing uses in the area; the property is somewhat being used for the existing purposes already; and the proposed request would have no adverse effect on surrounding properties.

Second by Frederick.

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

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

Old Business – Cases #4

Subject Case #2016-09-SP – Daniel W. Daenzer, 6510 Town Hall Road, Belleville, Illinois, owner and applicant. This is a request for a Special Use Permit for a Planned (Single-Family Development) to allow a 3-Lot Subdivision in an “A” Agricultural Industry Zone District on property known as 6510 Town Hall Road, in Stookey Township.

Mr. Schneidewind announced Mr. Heberer and Ms. Gregory have both listened to the prior testimony and evidence given at the prior hearing on August 8, 2016.

Jay Dowling, Attorney for the Applicant

- Mr. Jay Dowling stated he is present representing Mr. Daenzer.
- Mr. Dowling gave a summary of the request that was presented at the previous meeting.
- Mr. Dowling stated this request is compatible with the area due to the development that has already taken place in the area and the platting of the Agricultural lots in the vicinity. This is a developing area with the construction of the High School and Belleville Crossing.
- Mr. Dowling stated this request is compatible with the area and the development trends and will not have a negative impact on any of the property values or a negative impact on the use in the area.
- Mr. Dowling stated the request is consistent with prior decisions of the Zoning Board requests that the Special Use Permit be approved.

Discussion

Mr. Schneidewind reminded the board that a portion of Mr. Daenzers property is still under dispute with the neighbor. The attorney was present at the meeting and had to leave. The attorney stated there is a Lis Pendens on file and a property line dispute on the Eastern line of the property. Mr. Schneidewind stated this dispute does not have a bearing on the Zoning hearing.

County Board Member, Larry Stammer stated he supports the endeavor presented by Mr. Daenzer and feels he has followed the recommendations of the board and granting the request would be good for the area.

MOTION by Meister to approve the request for the following reasons: The applicant will follow the setbacks of the "RR-3" Zone District; the applicant presented a site plan; and the divisions are compatible with the surrounding areas.

Second by Heberer.

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

This case has been granted by this board.

Old Business – Cases #5

Subject Case #2016-14-SP – H & S Properties 001, LLC, P.O. Box 1085, O'Fallon, Illinois, owners and applicants. This is a request for a Special Use Permit to allow a Day Care Center in a "SR-2" Single-Family Residence Zone District on property known as 100 Andora Drive, Belleville, Illinois, in St. Clair Township. (Parcel #08-24.0-101-008)

Chairman Penny stated at the previous meeting the Zoning Board wanted to go inspect the physical property.

Mr. Schneidewind noted Ms. Gregory was not present at the prior meeting and did not have an opportunity to listen to the recording and she will abstain from any vote taking on this matter.

Chairman Penny stated Rev. Rhoden stated he is in conflict with this case and also will not vote on this case.

Discussion

- Ms. Markezich stated there was a question at the last meeting regarding hours of operation. She confirmed the hours are Monday – Friday from 6:00 AM to 7:00 PM.

- Walter O'Brien -15 Zinnia and Greg Williams -29 Zinnia testified at the last meeting they found out they own the gate on Andora Drive. Mr. O'Brien read a Statement of Intent regarding use of the gate between them and the daycare.

Further Discussion

MOTION by Meister to approve Case #2016-14-SP, regarding Applicant, Abundant Life Ministries, Inc.'s request for a Special Use Permit to allow a Daycare in a "SR-2" Zone District: I hereby move that the Applicant's petition for a Special Use Permit to allow a Daycare in a "SR-2" Zoned District, be approved, based upon the following findings subject to the following stipulations:

- 1) That the prior use of the property and structure as a grade school, lends itself to being effectively utilized as a Daycare, and the property and structure is large enough that its shared use with the Applicant's church would not have any appreciable impact on the surrounding neighborhood, and thus, the proposed design, location, development and operation of the Special Use will adequately protect the public's health, safety and welfare and the physical environment of the surrounding neighborhood.
- 2) This Special Use is consistent with the County's Comprehensive Plan. The County's Comprehensive Plan provides for government use; however, the property is not longer being used as a school and is no longer owned by the school district or any other governmental entity. Thus, as the use of the property for a Daycare may be allowed as a Special Use in the underlying Zoning District, SR-2, such a use would be in line with the County's Comprehensive Plan, as well as similar to its prior use as a public grade school.
- 3) The Special Use permit would not have an adverse effect on the value of the neighboring property, as past experiences of this Board have demonstrated that empty or abandoned properties or structures have a detrimental or negative effect on the value of neighboring property versus properties and structures that are being occupied and utilized. Further, there was no credible testimony that the granting of this special use would have an adverse effect on the value of neighboring property. Moreover, the restoring of this property to a beneficial use would positively impact the County's overall tax base.

- 4) There will be very little to no impact on traffic circulation on nearby streets, as the use of this property as a Daycare, even in conjunction with a church, would have less of an impact than its previous use as a public grade school. There currently exists public access to this property, and the public streets in the vicinity are more than adequate to handle this use.
- 5) The property and structure are currently attached to the adequate public utilities to service the Daycare and its shared use as a church.
- 6) There are no nearby facilities such as schools or hospitals that would need special consideration given the type of use applied for.
- 7) Given the property and the current structure in question, the old Belle-Valley North School, the use of this property as a Daycare would be compatible to adjacent uses in the general vicinity, and in harmony with its prior use.
- 8) Further, as a stipulations and conditions to this Special Use Permit.
 - a) This Special Use is issued to Abundant Life Ministries, Inc. only, and is non-transferable. It does not run with the land.
 - b) The applicant will adhere to those supplementary use provisions of Section 40-5-19.
 - c) The Applicant will adhere to all County and State rules and regulations, including any and all applicable Health Department, State Fire Marshall, and Department of Children and Family Service's rules and regulations.
 - d) The Applicant will adhere to the site plan as submitted by it, and it's hours of operation as testified to, Monday through Friday, 6:00 AM to 7:00 PM.

Second by Frederick.

Roll call vote:	Meister -	Aye
	Heberer-	Aye
	Frederick-	Aye
	Chairman Penny-	Aye
	Rev. Rhoden -	Abstain
	Gregory -	Abstain

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

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