

**St. Clair County Zoning Board of Appeals
Minutes for Meeting
At the Courthouse – 7:00 P.M.
August 7, 2017**

Members Present: Asst. Chairwoman Alexa Edwards, Rev. Gene Rhoden,
Steve Howell, Kent Heberer & George Meister

Members Absent: Chairman Scott Penny and Patti Gregory

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

**County Board
Members Present:** Michael O'Donnell, District 22
Steve Reeb, District 13

Pledge of Allegiance

Call to Order

The meeting was called to order at 7:00 p.m. by Assistant Chairwoman, Alexa Edwards.

Roll Call and Declaration of Quorum

The roll was called and a quorum declared present.

Approval of Minutes

MOTION by Rhoden to approve minutes of the July 10, 2017 meeting. Second by Heberer. Motion carried.

Public Comment

There were no comments from the public.

New Business – Case #1

Subject Case #2017-14-ABV – Corey Famula, 4 Pinehurst Ct., Columbia, Illinois, owner and applicant. This is a request for an Area/Bulk Variance to allow the construction of a single-family residence ten foot six inches from the side property line instead of the twenty-five feet required in a “RR-1” Rural Residential Zone District on property known as 5109 Webury Court, Columbia, Illinois in Millstadt Township. (Parcel #12-32.0-309-024)

Corey Famula, Owner/Applicant

- Mr. Famula stated he would like to build a new house on this property and will be 14 ft. 6 inches too close to the property line.
- Mr. Famula explained the hardship of this lot is the Zoning of “RR-1” requires a 40’ total easement, which doesn’t allow for the chosen structure to fit without infringing on the setback.
- Mr. Famula stated the proposed residence is 2,400 square feet with the attached garage and the width of the structure surpasses said easement.
- Mr. Famula stated the graduation of the lot does not economically allow for turning or moving of the attached garage
- Mr. Famula stated in keeping in line with the sizes and styles of other current residences in Stonehenge Estates, he feels the variance is necessary to achieve conformity with the neighborhood.
- Mr. Famula presented a map and plat plan of the structure.
- Jan (unidentified person) stated the lots were larger in the subdivision when it was first developed. The first developer went bankrupt and the next developer came in and split the lots down. She stated she and Mr. Famula purchased the lot and weren’t aware of the Zoning setbacks until after the house plan was in motion.
- Jan (unidentified person) also stated the side where the variance is requested is Lot 39 and is a vacant lot. She explained the owners of Lots 38 & 39 purchased lot 42 because of how narrow the lots are. She stated they spoke with the owners of the adjacent lot and they have no objection to the variance.
- Mr. Famula stated the only other option is to build a smaller home on the lot and he feels building a smaller house would bring the overall value of community down. Mr. Famula feels granting the variance will be the only way to increase property values.

Discussion

- Ms. Edwards asked how close the home will be to an exterior wall of the nearest adjacent home. (The applicant explained the nearest house is on the other side and will not be close to their home.)
- Ms. Edwards stated in the case of an Area/Bulk the board always weighs heavily on the closest neighbor or the one that will be most impacted by the variance.

Public Testimony

- Bryan Jerkatis, 5101 Webury Court, Columbia submitted a petition from neighbors asking that this variance be denied. Mr. Jerkatis explained Stonehenge Subdivision is a rural residential development on 1-acre lots. Mr. Jerkatis stated no one moves to the country to be closer to their neighbors. He explained a request to waive the required regulation in order to encroach upon adjoining properties would not enhance or protect the values of the single-family community. He stated this is a Planned Community and Stonehenge has covenants and restrictions that make clear that the construction shall follow St. Clair County restrictions and will prevent improper use of lots that may depreciate the value of the owners property. Mr. Jerkatis stated he feels allowing homes closer together and countering the low-intensity design of the community will make neighboring lots less desirable thereby adversely affecting the future sales and price potential for the entire community in direct opposition of the covenants. Mr. Jerkatis stated Stonehenge Subdivision consists of 19 occupied single-family residences and 16 of the owners endorsed the petition in objection to this request. Mr. Jerkatis respectfully requests the board deny this request.
- Julie Eggers, 5025 Edinburg Court, Columbia stated she would like to present case law. Case law does state that if covenants have been abused over the years, therefore it is deemed okay, and in this case if something is not within the conditions of the bylaws, there have been complaints and the only bylaws you have 30-days to have it removed and if that is done within 30-days you can leave it there. So at this time, within our time allowed we are stating this is not something we would like to have happen and have complained every step of the way. Ms. Eggers, stated in order for anything to change all homeowners have to approve changes. Ms. Eggers stated there is no Homeowners Association because there is not enough houses built and the reason why is the original covenants require a percentage of houses be built in Phase I and Phase II and therefore there is

not a Homeowners association and it falls back on the ownership. (Mr. Schneidewind stated the Zoning Board or St. Clair County does not enforce private covenants, he explained that is a private action that this board or the County will not be involved in.)

- Mr. Heberer asked if there is an ordinance that states how long a lot can be vacant before a homesite is built on it. (Ms. Markezich stated there is no such ordinance.)
- Ms. Edwards asked the applicants if they have spoken to Mr. & Mrs. Johnson about possibly purchasing a portion of their property. (The applicants stated they spoke to Mr. & Mrs. Johnson and told them what they were proposing and they stated they had no objection to the request and they would not be building on that lot.)
- Ms. Edwards asked since granting this request for this lot would be precedent setting to the remaining subdivision, would the applicants object to contacting the adjacent property owner and asking if they could purchase a strip of their land to put you in compliance with the setback.

Further Testimony

County Board Member, Michael O'Donnell stated he is in favor of the variance and feels it would be compatible with the area. Mr. O'Donnell stated this home will be a nice addition to the county tax rolls.

MOTION by Meister to take this case under advisement to allow the applicant time to work out an agreement with the adjacent property owner.

Edwards seconds.

Roll call vote:	Rhoden -	Aye
	Meister -	Aye
	Howell -	Aye
	Heberer -	Aye
	Edwards-	Aye

This case has been taken under advisement by this board and will be continued on September 11, 2017. Motion carried.

New Business - Case #2

Subject Case #2017-13-ABV – Timothy & Carleen Guthrie, 1110 Lyonshall Blvd., Swansea, Illinois, owners and applicants. This is a request for an Area/Bulk Variance to allow the construction of a Pole Building 3,024 square feet instead of the 900 square feet maximum allowed in a “SR-3” Single-Family Residence Zone District on property known as 3112 Smelting Works Road, Swansea, Illinois in St. Clair Township. (Parcel #08-10.0-300-004)

Timothy Guthrie, Owner/Applicant

- Mr. Guthrie stated he would like to build a pole barn on his 6-acre parcel.
- Mr. Guthrie stated there is currently a home on the property.
- Mr. Guthrie stated he would like to store his toys in the garage.
- Mr. Guthrie stated when he purchased this property he hauled out 4 semi-loads of steel, seven semi-loads of aluminum and semi-trailers that were there for over 50-years.

Discussion

- Ms. Edwards stated this property is directly across the street from her community Country Meadows and since the Guthrie's have purchased it, the property has become a beautiful well-maintained piece of property and a lovely addition to the community.
- Mr. Meister asked if there was a hearing for this same thing adjacent to this parcel. (The applicant stated the Sternau's asked for a variance years ago.)
- Ms. Edwards stated this is a strange area where agricultural is mixed in with dense population but it all works well.)
- Mr. Meister asked what type of building will be built on the property. (The applicant stated he is getting a Morton Building from the Morton Corporation based out of Morton, Illinois who has been in business for over 100-years. The applicant explained the Morton Building is high quality building that will be two toned with an emerald green roof with white sides and emerald green wainscoat on the bottom coming up 36 inches with an emerald green door. He stated this is an extremely gorgeous building.
- Mr. Meister asked if the applicant will run a business from this building. (The applicant stated he will not run a business.)
- Ms. Edwards asked if there will be outside storage. (The applicant stated there will not be outside storage on the property.)

Public Testimony

Ann Leonard – 3116 Smelting Works Road stated she has no problem with the request.

Further Discussion

County Board Member, Steve Reeb stated the applicant cleaned the property up and it looks very nice. Mr. Reeb stated he is in favor of granting the variance.

MOTION by Meister to approve the request for the following reasons: The request is in harmony with the current Zoning Ordinance; it will not be injurious to the neighbors; there were no neighbors present; the County Board Member is in favor of the request; the request will not be detrimental to the public welfare; and the request is compatible with the Comprehensive Plan.

Second by Rhoden.

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

This case has been approved by the Zoning Board.

New Business – Case #3

Subject Case #2017-04-ZA – Farm Credit Illinois, 1100 Farm Credit, Mahomet, Illinois, owners and applicants. 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 “B-1” Retail & Business Zone District on property known as 2560 & 2582 Mascoutah Avenue, Belleville, Illinois in St. Clair Township. (Parcel #08-25.0-200-008 & 012)

Bob Ketty, Agent representing Farm Credit

- Mr. Ketty stated Farm Credit would like to rezone the properties and divide them into two parcels.
- Mr. Ketty explained the parcel with the building on it is under contract.
- Mr. Ketty stated they would like to rezone the parcel to commercial for future growth in the area and some retail.

- Mr. Ketty stated State Rte 177 will be improved into a four-lane road in the near future.

Discussion

- Ms. Markezich asked when the property was split. (The applicant explained they will divide the property if the rezoning is approved.)
- Ms. Markezich asked if they are cutting the property in half. (The applicant stated one parcel will be 1.43 and the other 2.1.)
- Mr. Meister asked the minimum acreage you need to rezone to “B-1”. (Mr. Schneidewind answered 3-acres.)
- Ms. Edwards stated she has the permitted uses in a “B-1” District.
- Ms. Edwards stated the Comprehensive Plan calls for commercial and the area is developing as a Highway Business area.
- Ms. Edwards asked what will be run out of the existing building. (The applicant stated they will have Romano’s License and Title.)
- Mr. Meister stated that is a major intersection and feels that rezoning to “B-1” is the proper zoning.

Public Testimony

There were no persons present for public testimony.

Further Discussion

MOTION by Meister to grant the request for the following reasons: The applicant explained their request for rezoning with consideration of the growth of the area and the the board feels granting this request would be an extension of the commercial area.

Second by Heberer.

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

This case has been approved by the Zoning Board and will now to the County Board for final consideration.

New Business – Case #4

Subject Case #2017-14-SP – Gene & Lori Sumpf and Allen & Cheryl Stumpf, 503 Gilmore Lake Road, Columbia, Illinois, owners and applicants and Robert L. McDaniel Flight Park, Inc., 225 Carl Street, Columbia, Illinois, Applicant. This is a request for a Special Use Permit for a Planned Development pursuant to Section 40-9-3(H)(3) to allow an Aircraft Storage Business at an existing private landing strip in an “A” Agricultural Industry Zone District on property known as XXXX Bohleysville Road, Millstadt, IL in Millstadt Township. (Parcel #12-30.0-400-006)

Robert McDaniel, Applicant

- Mr. McDaniel stated he would like to construct aircraft storage hangars to conduct an aircraft storage business at the airport.
- Mr. McDaniel introduced Mr. Ed Shirts, Maintenance Director for Wings of Hope East and Paul Borheese, owner of Big River Aviation.
- Mr. McDaniel stated he is a 50 year pilot with 25 years of airport management experience and a successful track record in St. Clair County running an airport with good neighbor relations.
- Mr. McDaniel stated he was the airport Director at St. Louis Downtown Airport in Sauget for 15-years and retired 3-years ago.
- Mr. McDaniel stated on June 1st he signed a lease to operate this airport.
- Mr. McDaniel stated this airport has operated on this property for over 30-years first as Heightman Field and then Riebeling and now Flight Park. He stated this airport has had a variety of private aircraft throughout the years.
- Mr. McDaniel stated the Flying Dutchmen field on IL 15 in Belleville has a for sale sign on it and eventually will be closed; Columbia Sackman Field is on a short term lease and is unusable most of the year due to soggy field conditions. He stated these grass airports are very important to the Vintage Taildraggers Aircraft.
- Mr. McDaniel stated this airport serves as a vital emergency landing strip underneath the busy St. Louis Parks College practice area.
- Mr. McDaniel stated his number one priority is safety.
- Mr. McDaniel stated IDOT inspected the Airport in May and gave it a perfect safety rating and awarded him a new operating certificate.
- Mr. McDaniel stated he has done several safety improvements to the property including: Installed runway side marker cones and taxi way entrance markers and moved the landing threshold to increase the height that aircraft fly over Bohleysville Road; established an airport traffic pattern that avoids overflight of all buildings in the area; and established written rules and regulations for pilots to follow and an emergency manual to document any emergency response that might be necessary.

- Mr. McDaniel stated he wants to preserve the rural nature of the airport and be a good neighbor. He stated he met with several neighbors and gave them a phone number and told them to call with complaints immediately.
- Mr. McDaniels intent is to build a 50' x 50' steel aircraft storage hangar for his aircraft and others have expressed interest in building similar aircraft storage hangars in the same area.
- Mr. McDaniels stated his plan is to construct 2 to 3 hangars this year. There is room on the leasehold to build more buildings, but that will take several years as they expand slowly.
- Mr. McDaniels stated he has no employees and does not anticipate any employees.
- Mr. McDaniels stated he has no plans to have commercial activity on the property.
- Mr. McDaniel stated this operation will have a significant economic impact to the County. He stated, indirectly he would move out of 2 3,000 square foot hangars at the downtown airport and Big River Aviation is moving from St. Louis Regional airport in Madison County to my existing hangars.
- Mr. McDaniel stated the pilots and mechanics will frequent the area restaurants and businesses in the surrounding area and are 2-miles from the Farmers Inn and will be buying supplies at Lees Hardware and surrounding businesses.
- Mr. McDaniel stated he has an agreement with Wings of Hope Aviation to have their first satellite location at this airport. He explained they would like to store one or two aircraft on the property and renovate them for use in supporting their world wide humanitarian effort. He stated after volunteers restore them, they will be replaced by others and returned to Spirit of Illinois airport to be sold or to go to other countries to fly humanitarian missions.
- Mr. McDaniel stated he also anticipates occasional community activities such as planning a small overnight camp for 20-boyscouts sometime in September and SWIC and local experimental aircraft associations members will guide them as they earn their aviation merit badges.
- Mr. McDaniel stated he does not want to turn this into a busy airport, he wants to retain the peaceful, rural nature of the airport, where sport pilots can fly and kids can come and throw a Frisbee.
- Mr. McDaniel stated the rural nature of the airport is the attraction. He stated he will not pave the parking lot or taxi-way, so the water runoff from the buildings will stay in the grassy area.

Discussion

- Mr. Howell asked if there will be maintenance of the planes on the property and will there be mechanics on the property. (The applicant explained there will be private aircraft maintenance. He explained they will take an aircraft that has been donated, renovate it and bring it back up to worthy condition to fly off on a mission.)
- Mr. Rhoden asked what size planes will be on the property. (The applicant stated the largest plane is expected will be a 4-place. The applicant submitted pictures of planes to be used at the air strip.)
- Mr. Meister asked if this is a grass airstrip. (The applicant stated that is correct with white marker cones to mark the edge of the runway. He stated he has no intention on putting lights or paving the airstrip. The applicant emphasized grass is the attractive part of the airport.)
- Mr. Meister asked if this used to be a chicken farm. (The applicant stated that is correct.)
- Mr. Howell asked if the runway will be extended at all. (The applicant stated it will not be extended. It is 2,300 feet long for the largest aircraft we plan to operate there that is 2 ¼ times longer than their minimum runway requirements.)
- Mr. Howell asked if there will be fuel stored on the property. (The applicant stated there will be a small private self service fuel tank for private use only.)
- Mr. Howell asked if someone was flying a plane and wanted to land on this landing strip. (The applicant stated this is a private use airport and by definition you would not land there without requesting permission in advance, that means calling or contacting by email for permission. He stated it will be available for emergency landings only.)
- Mr. Meister asked if he is leasing the land from the farmer and plans on constructing the buildings on this leased property. (The applicant stated that is correct and will sub-lease to store their aircraft there.)
- Chairman Edwards asked maximum number of hangars to be built on the property. (The applicant stated he would be thrilled if there were 3 up this year and a natural growth (unless the other grass fields close) I would expect to have up to 20 hangars but not within 8 to 10 years.
- Chairman Edwards asked what normal hours of operation would be. (The applicant stated without lights it would be daylight hours only.)
- Ms. Edwards asked if all planes will be inside a hangar. (The applicant stated that is correct.)
- Ms. Edwards asked maximum number of planes. (The applicant stated there will be a maximum 45 planes.)

- Mr. Meister asked how permission to use the airport is given. (The applicant stated if you want to build a hangar and store your airplane there, there will be a sub-lease contract to determine your spot to build your hangar.)
- Ms. Markezich asked if someone builds a building and terminates their lease, will they take their building. (The applicant stated they could, it would be defined in the contract that they could sell the improvements back to him or sell it to another individual pending my approval or take it with him.)
- Ms. Edwards asked if there is any social activity that goes on in addition to the landing strip. (The Winds of Hope Aircraft may have one person working on it or there may be a day where there are six working on it.)
- Mr. Meister asked if the hangars will be porta-sheds or will they have concrete floors. (The applicant stated the buildings will have concrete floors with insulation and some heat source. The buildings will be a modern steel structure. Sage Aviation will construct the first building.
- Ms. Edwards asked if they have a copy of the IDOT inspection. (The applicant stated he has an operating certificate on file.)
- Mr. Heberer asked which way the water runs. (Mr. Sternau stated the water mostly runs to the East.)
- Mr. Meister stated the airport has been there for over 30-years with the runway.
- Mr. Howell stated the stormwater runoff is an existing problem. He asked if any any of the neighbors have a water study and questioned how it could be addressed. (Mr. Stumpf stated he was advised to contact the EPA under the Clean Water Act or to do an audit of farm and take away their crop insurance and government subsidies if they did not comply, which he did not file a complaint. Mr. Stumpf stated he feels it is up to the property owner to fix the runoff.)
- Mr. Meister stated there are two different issues on the property, the water erosion coming from other properties and his property and going where it shouldn't go and too much of it. He stated the air field has been there and he doesn't seen this business adding that much water. He stated if a farmer wanted to build a large hog farm, the County would not require a retention basin for a machine shed or hog building.

Public Testimony

- Alan Sternau – stated he owns the neighboring property to the East of this parcel. Mr. Sternaue stated the applicant has submitted a great promotional thing that is well written, but he would like to see the site plan and what will be done with the erosion and water coming off of that farm.

Mr. Sternau continued that the stormwater is washing his place away. Mr. Sternau asked what will happen to all of this water coming off of these roads. (The applicant answered that he is leasing the airstrip, the taxi-way and 9-acres and the water runoff currently follows the existing drainage way onto the Stumpf's property. Mr. McDaniel stated he would have to refer the question to the landlord.)

- Cheryl Stumpf stated she is part owner of the airport and stated the airport runway water runs into the lake. She stated everyone has water when you get 5 inches of rain.
- Jason Sternau stated he lives directly to the East of this property and he is concerned with the water runoff. He stated he crosses mud on the driveway and he is also concerned with the noise from the planes.
- Mr. Kenneth Weilbacher stated he is concerned about water runoff as well.
- Mr. Sternau Jr. stated he would like the area to remain a rural setting and adding 50' x 50' buildings to the area will not continue to keep that setting. (The applicant answered, the first building will be 50' x 50' and the majority of remaining buildings will not be that large.)

Further Discussion

- Ms. Edwards stated the Comprehensive Plan calls for Agricultural Preservation.
- County Board Member, Michael O'Donnell visited the site last week and supports the Special Use Permit request.
- Ms. Edwards explained that the Airport is already a permitted use on this property and the Zoning office cannot limit the amount of planes coming in and out. She explained the gentlemen is asking for storage buildings for the planes that we are here for tonight.
- Ms. Edwards asked if it would be possible for the property owners out there to meet and resolve the water issues.
- Ms. Edwards asked the surrounding property owners if they are only opposed to the water runoff from the new buildings or are they opposed to the planes and any expansion. (The adjoining property owners agreed they are concerned with the noise and expansion.)
- Mr. Schneidewind questioned if where the buildings will be built on this property, will water from those buildings go back to the lake.
- Mr. Meister suggested the board grant one building and if the gentlemen would want to expand the Planned Development he would come back before the board.

- Mr. Heberer stated he is not in favor of granting one building without a solution of the stormwater runoff problem.
- Mr. Howell asked if it is reasonable to add to the motion that before the applicant returns to the board, the stormwater problems be resolved.

MOTION by Meister to approve the request for the following reasons: The applicant has stated at the present time he is willing to construct one hangar no larger than 50' x 50'; the applicant stated he will come back before the board and apply for future buildings; the proposed Planned Development will adequately protect the public's health, safety and welfare and physical environment of the area; the request is consistent with the Comprehensive Plan; the request will have no adverse effect on the value of neighboring properties or on the overall county tax base.

Ms. Edwards added there will be no commercial activities and there will be no employees hired for the business.

Second by Howell.

Roll call vote:	Rhoden -	Aye
	Meister -	Aye
	Howell -	Aye
	Heberer -	No
	Edwards-	Aye

This case has been approved by this board and will now go before the County Board for final consideration on August 28, 2017.

Old Business – Case #5

Subject Case #2017-02-SP – Charles & Teresa Merritt, 851 St. Cletus Drive, Cahokia, Illinois, Owners & 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 the expansion of an existing Tree Trimming Business onto adjacent lots and to allow the construction of a Pole Building over 900 square feet in a "SR-MH" Single-Family Residence/Manufactured (Mobile) Home Zone District on property known as 2358, 2360, 2362, 2364, 2366 Lorraine Drive, Cahokia, Illinois in Centreville Township. (Parcel #07-07.0-200-030 & 034)

Ms. Markezich submitted pictures of the property to the board showing the applicant cleaned up the property since the last meeting.

The Zoning Board reviewed the pictures.

Ms. Markezich asked the applicant to explain the business process to the board.

Discussion

- Ms. Markezich asked the applicant to explain the business process to the board. (Mr. Merritt stated he recycles clean wood and takes the product and recycles it on site and sells it. He stated this is done once per year.)
- Ms. Markezich asked if he stock piles the wood all year. (The applicant stated that is correct.)
- Mr. Merritt stated he needs to construct the building more than he needs space for recycling. Mr. Merritt stated he will look for another site for storage of the wood. He explained he owns Earthwise Mulch in Centreville and is taking the material to be recycled to that property.
- Ms. Edwards asked if this site will now be administrative and inside storage only. (The applicant stated that is correct and all equipment will be stored inside.)
- Mr. Meister asked what size building. (The applicant stated he will construct a 60' x 100' ft. pole building.)
- Ms. Edwards stated if the applicant constructs the building and keeps everything inside, she feels this would be the highest and best use of the property and may encourage other people in the area to take care of their property.
- Mr. Merritt stated the future of that area is Industrial.
- Charles Orr, 2359 Lorraine Drive stated he lives across the street and is glad to hear that the applicant will be moving the log chipping from the property, because it was very noisy. He also stated he has no problem with the construction of the shed.
- Ms. Edwards asked hours of operation. (Mr. Merritt stated sun up to sun down usually, 6:00 AM to 9:00 PM, seven days per week, because that is the hub where they come get the equipment and leave.)

MOTION by Heberer to grant the request with the following stipulations: The applicant is asking to build a 6,000 square foot building; hours of operation will be from 6:00 Am to 9:00PM; seven days a week; there will be no dumping or storage of materials on the property; only administrative duties commencing on property; and all storage inside; and no recycling activities.

Second by Meister.

Roll call vote:	Rhoden -	Aye
	Meister -	Aye
	Howell -	Abstain
	Heberer -	Aye
	Edwards-	Aye

Motion carried.

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

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