

**St. Clair County Zoning Board of Appeals
Minutes for Meeting
At the Courthouse – 7:00 P.M.
February 6, 2017**

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

Members Absent: Patti Gregory

Staff Present: Anne Markezich, Zoning Department
Mark Favazza, Zoning Attorney

County Board Member: John West – District #15
June Chartrand – District #16
Michael O'Donnell – District #22

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 Edwards to approve minutes of the January 9, 2017 meeting. Second by Heberer. Motion carried.

Public Comment

There were no comments from the public.

New Business – Case #1

Subject Case #2016-18-ABV – Mary Louise McCabe Trustee, 101 Cardinal Drive, Belleville, Illinois, Owner and Robert Wells Jr., P.O. Box L, Belleville, Illinois, applicant. This is a request for an Area/Bulk Variance to allow the construction of an Accessory Building 1,581 square feet in a “SR-3” Single-Family Residence Zone District on property known as 119 Cardinal Drive, Belleville, Illinois, in St. Clair Township. (Parcel #08-24.0-101-009)

Robert Wells Jr.,

- Mr. Wells submitted the standard petition for an Area/Bulk Variance and various attachments to assist the board in making its determination. (Exhibit A)
- Mr. Wells provided a site plan, an elevation drawing and a photograph of the lot to the board members.
- Mr. Wells stated the Architectural Plans are marked Exhibit B. These plans were obtained in order to demonstrate to the board the quality of construction for this location.
- Mr. Wells submitted Exhibit C which is a copy of the aerial photo which will show the lot and the neighborhood to demonstrate the location of the proposed garage, as it relates to the surrounding neighborhood.
- Mr. Wells stated the old Belle Valley School is to the North of this property and to the West is an undeveloped area of Nollau Nursery, and to the East is the balance of the lot owned by applicant.
- Mr. Wells explained this garage would be located behind the residence of the owner of this property, which is 101 Cardinal Drive.
- Mr. Wells stated the garage will be situated on the property so that it leaves little visibility to the various other homeowners on Cardinal Drive.
- Mr. Wells stated Ms. McCabe purchased the property to act as a buffer between her property and the adjacent property formerly known as Belle Valley School and to preserve the integrity of the entire neighborhood. The owner feels the purchase of the property benefitted the entire neighborhood by decreasing the traffic on Cardinal Drive.
- Mr. Wells stated this structure is intended to keep vehicles relative to her home off Cardinal Drive and make the road more accessible to neighbors and emergency vehicles and to allow the traffic to flow freely on Cardinal Drive.
- Mr. Wells stated the Zoning Ordinance provides a structure can build on this property of the same or larger size for the purpose of a single-family residence and not require a variance.

- Mr. Wells stated the hardship related to the property is one that is unique to that property and will not repeat itself throughout the neighborhood. Mrs. McCabe owns the property behind other people's homes and offers a buffer to her and the neighbors.
- Mr. Wells introduced Mr. Conley who stated he is the General Contractor for this Project. His business name is GDC Construction, Inc. located at 3240 Mary Margaret Lane, Belleville, Illinois. GDC Construction has a warehouse located at 1913 Page Avenue, Belleville and has been in business since 1978. Mr. Conley stated his specialty is residential and light commercial work. Mr. Conley met with Thouvenot Wade and Moerchen who designed the 4-car garage. He explained the building will not be a pole barn, it will be 2' x 6' constructed with a truss roof and all brick veneer. The garage will be insulated and heated and will have water. Mr. Conley stated a 900 square foot garage would not meet the needs of the applicant. Mr. Conley stated the residence at 101 Cardinal Drive is a handicapped accessibility home and the ramp takes up four feet of the space in the garage and will only allow storage of one garage. Mr. Conley stated the brick veneer on the garage will be consistent with the residence located on 101 Cardinal Drive. Mr. Conley stated based on his observation, the neighbor across the street cannot see the proposed garage; the neighbor to the West would possibly see 25% of the garage; and the neighbor directly to the East could see the garage but it would be over 100 ft. from the boundary. Mr. Conley stated the driveway will match the existing driveway which is a 6 inch pour, stamped and sealed. Mr. Conley stated he feels this garage will not place a burden on the neighborhood.
- Mr. Wells submitted Exhibit 4 - an Affidavit from Mr. Roland Thouvenot, the Engineer of the Project to the Board Members. Mr. Wells went through each item with the Contractor, Gary Conley who agreed with each item.
- Mr. Wells reviewed the Exhibits. Exhibit A is the application, Exhibit B is the Architectural Plans, Exhibit C is the overhead Sidwell photo; and Exhibit D is the Affidavit from Mr. Thouvenot.

Discussion

- Mr. Rhoden asked the Contractor how long he has been in business and how many employees. (Mr. Conley stated he has been in business for 40-years and he is the only employee. He explained he subcontracts his work.)
- Mrs. Edwards asked if the water runoff was taken into consideration by TWM., Inc. (Mr. Conley stated all of it will be buried with pipe in the ground to the natural flow of the property.)

- Mr. Frederick asked if there will be sewer in the building. (Mr. Conley stated there will be sewer to the building.)
- Mr. Penny asked if the building will be used for commercial purposes. (Mr. Wells stated the only use intended for this garage will be for parking vehicles.)
- Ms. Markezich asked if there is a reason the applicant has not consolidated the two lots. (Mr. Wells stated there has been no reason to consolidate and no reason not to consolidate the lots.)
- Mr. Meister asked if this parcel has access to Cardinal Drive. (Ms. Markezich stated the parcel has access on Cardinal Drive where it turns to go into the school.)
- Mr. Meister asked if the applicants have plans to consolidate the parcels. (The applicant stated they do not have plans to consolidate the parcels at this time.)

Public Testimony

- Steven Michalke, 108 Cardinal Drive stated he feels there is a business being operated at this residence. There are two employees that generate \$100,000 per year.
- Mr. Michalke asked where the driveway will be located. (The applicant stated the existing driveway will be extended to the back. There will also be a culvert installed and stated this building will slow the water.)
- Mr. Michalke questioned the stormwater runoff. (The applicant explained there will be the same amount of water being placed in the ditch as before.
- Chairman Penny asked what square footage would be covered in concrete. (The applicant stated 1,500 to 1,800 square feet for the building and additional for the driveway.
- Mel Hutnick, Attorney representing himself - 100 Cardinal Drive, Belleville since 1973. Mr. Hutnick stated there is no congestion problem; there is no emergency vehicle problem. Mr. Hutnick stated there has not been a problem with a fire apparatus or police vehicle. Mr. Hutnick stated any kind of representation that this project would solve a circulation problem is not true. Mr. Hutnick provided two documents to the Zoning Board one dated January 25, 2017 and one dated February 2, 2017 explaining his objection to the request. Mr. Hutnick stated on the papers provided on February 2, 2017, there were deeds presented that show the Trustee resides in Florida. Mr. Hutnick feels the board is entitled to an explanation as to this fact. Mr. Hutnick respectfully requests the Board withhold any decision until such time as those questions are addressed. (Mr. Wells stated he is present at this meeting to answer questions from the neighbors and will answer legitimate questions. Mr. Wells stated no one has testified

or has personal knowledge of a business at this location. The issue concerning the deeds placed before the board, is that the occupant of the property is a resident of the State of Florida. The property is owned by a Trust and occupied by Mary Louise McCabe when she is in the community. This garage is not being built for some other use than her lawful use of the property. Mr. Wells stated the Zoning Board is asked to consider the variance based upon the rules established by the Zoning Code.

- John Dahlberg – 109 Cardinal Drive, Belleville stated there is not a traffic problem on the road. (Mr. Penny stated he understood the traffic congestion to be in the driveway of the residence.) (Mr. Wells confirmed they are trying to ensure that there will not be parking on the street.)
- John Dalberg – 109 Cardinal Drive, Belleville stated he is concerned what will happen to this property in the future if they keep expanding.
- Mel Hutnick, 100 Cardinal Drive, Belleville stated he feels there are specifics missing from the application.
- Terry Lennon, Owner of 100 Andora Drive which is the old Belle-Valley School. Mr. Lennon stated they will obviously have a direct view of the back side of the building. Mr. Lennon asked if there will be any landscaping on the North side of the building as a buffer. (Mr. Conley's answer was inaudible. Mr. Conley stated the existing fence will remain on the property.)
- Terry Lennon asked if there will be any additional buildings built in the future. (Ms. Markezich stated a home could be built in the future if desired by the applicant.)

Further Discussion

- Ms. Edwards stated she is concerned about the stormwater runoff on this flat piece of property. (Mr. Conley stated the property has a slope to the ditch. He explained from the ditch to this property is about a 4 to 4 ½ ft. slope.)
- Ms. Edwards stated on the plan the Engineer has provided for hard surface runoff. There are ten downspout drains on the building.
- Ms. Edwards stated she would like to go revisit the site because she did not notice a slope to the property on her inspection of the property.
- Ms. Markezich pointed out on the plan there are elevations that show the slope of the property.
- Ms. Edwards asked if there is anyone present at the meeting that lives directly next door to this property that will be directly impacted by this application.

- Mr. Frederick stated he feels the water runoff will be much more rapid than if it was soil than the concrete driveway. (Mr. Conley stated the Engineer, Mr. Thouvenot figured the water flow and stated there would be no problem.)
- Ms. Edwards explained the board generally looks to see if the use is compatible with the area and will it have an adverse affect on the property next door with either future building or their vision. Ms. Edwards stated the only concern is because of the groundwater is so high, the board would like to make sure with the hard surface being added to that vacant property, that it will not flood out somebody else's home or somebody will not be able to enjoy the use of the property during the Spring or when they have heavy rains.

MOTION by Edwards to take this case under continuance to allow the Engineer to provide further information regarding the stormwater runoff and and proof that it is adequate; and to allow time for the Board Members to do an on-site inspection of the property. Frederick seconds.

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

This case has been continued by the board, and will be reconsidered on April 3, 2017. There will be no further notice sent.

New Business – Case #2

Subject Case #2016-19-ABV – Catherine Reifschneider TR, 2728 S. Illinois Street, Belleville, Illinois, owner and James Reifschneider, 4050 Bur Oak, Smithton, Illinois, applicant and Robert Reifschneider, 2706 S. Illinois Street, Smithton, Illinois, applicants. This is a request for an Area/Bulk Variance to allow the division of 54.61-acres into a 33.4-acre tract and a 21.2-acre tract instead of the 40-acres required in an "A" Agricultural Industry Zone District.

James Reifschneider, Applicant

- Mr. Reifschneider explained this parcel has split zoning of “A” Agricultural Industry Zone District and “RR-1” Rural Residential Zone District.
- Mr. Reifschneider explained the parcel contains his mother’s farm residence and farmstead.
- Mr. Reifschneider stated he and his brother were born and raised on this property and farmed the property together. The farmstead is the center of the operation.
- Mr. Reifschneider stated his brother’s home is on Parcel -005 and is landlocked within parcel -007.
- Mr. Reifschneider stated he and his brother would like to acquire a portion of his mother’s 54-acres from her estate.
- Mr. Reifschneider explained they would like to split the parcel at a point that would be a natural break along the South parcel line along Parcel -005.
- Mr. Reifschneider stated he plans on acquiring the Southern 33.4-acres of Parcel -007 and making his residence with the farmstead.
- Mr. Reifschneider stated his brother will purchase the Northern 21.2-acres surrounding his home and allowing his home to no longer be landlocked.

Public Testimony

- There were no persons present for public comment.

Discussion

- Mr. Frederick asked if the applicant currently farms the property. (The applicant stated he currently farms the property.)
- Ms. Markezich stated the Northern piece would be consolidated with the existing parcel. (The applicant stated that is correct.)
- Mr. Heberer asked if there will be one or more house on the property. (The applicant stated there will be only one home.)

Further Discussion

County Board Member, Michael O'Donnell stated he has not received any calls from neighbors. Mr. O'Donnell stated the request seems to be the natural fit to divide the estate up and to continue in Agricultural. Mr. O'Donnell stated he has no concerns.

MOTION by Edwards to approve the request for the following reasons: The applicant will divide the property into a 33.4 +/- acre tract and a 21.2 +/- acre tract instead of the 40-acres required; the utilities are public water and septic tank; the Comprehensive Plan calls for Commercial/Residential. It is the recommendation of this board that the request be granted. The request is in harmony with the general purpose and intent of the Zoning Ordinance. The request is a more conforming use than the existing previous use for Agriculture. The request will not be injurious to the neighborhood. The request is not detrimental to the public's welfare and is not in conflict with the Comprehensive Plan. The request will not increase the hazard of fire or other dangers to said property. The request will not diminish the value of the land and buildings in the area or throughout the County. The request will not unduly increase traffic congestion on the public streets or on the highway. The request has no potential for risk of increase to flood damage to adjacent properties. Therefore, it is the recommendation of this board that the Area/Bulk Variance be approved.

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

Chairman Penny stated this case has been granted by the Zoning Board.

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