

**St. Clair County Zoning Board of Appeals
Minutes for Meeting
At the Courthouse – 7:00 P.M.
January 9, 2017**

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

Members Absent: Patti Gregory & Charles Frederick

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

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

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 December 5, 2016 meeting.
Second by Heberer. Motion carried.

Public Comment

There were no comments from the public.

New Business

None

Old Business – Case #1

Subject Case #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)

Mr. Schneidewind stated this case was tabled on December 5, 2016 and the testimony was heard on November 7, 2016. Mr. Schneidewind explained there were two members absent at the December 5, 2016 meeting that were given audio recordings of the meeting. Chairman Penny and George Meister both stated they listened to the audio recording. Chairman Penny and Mr. Meister stated they reviewed the audio tape and are familiar with the testimony given at the hearing.

A motion was called for by Chairman Penny on this issue. The following motion was made by Ms. Edwards:

MOTION by Edwards in the matter of 2016-07-SP, Owner Bradley K. Curtis and Debra Curtis as Co-Trustees under the Curtis Family Trust and the applicant Madd Towing, Inc. DBA Double D Auto for the request for a Special Use Permit for a Planned Building Development pursuant to Section 40-9-3(H) to allow an Auto Repair/Rebuilder in an "A" Agricultural Industry Zone District. I hereby move that this said request be denied for the following reasons: The applicant, as well as the owner of the property in question, are requesting that they be allowed to operate a commercial automobile repair/rebuilder business on property; the Curtis's residence located in a rural area of St. Clair County. Thus creating a dual use upon the property. The property in question, is a wooded residential lot which is located in an Agricultural Industry District; the makeup of the surrounding area is rural in nature consisting of Agricultural fields and woods and residential uses; the road to this area and leading to the property in question are rural, unmarked rock based Township Roads are narrow and winding in nature; there are no public water or sewers on the property in question; the proposed use would not adequately protect the public's health, safety and welfare and the physical

environment. The proposed use of this property as both the Curtis's residence and an unrelated company's body shop or repair/rebuild facility is not in harmony with the Zoning code. The Zoning of the property in question, and the current zoning and uses of the surrounding area; there are no similar type commercial businesses in the immediate vicinity; there does not exist public water or sewer services to the property in question; further the roads in this area are not adequate to accommodate commercial traffic. The proposed use is not consistent with the Comprehensive Plan; as the plan calls for Agricultural Preservation. The placement of a use that is non-conforming with zoning or the general makeup of the area surrounding the proposed use or a use that cannot be served adequately by public utilities and roadways, creates an adverse affect on the value of the neighboring property and the County's overall tax base. Commercial traffic to and from a business in this rural and non-commercial area given the type of rural road will have a negative affect on the traffic circulation as well as the roadway. The proposed Special Use is not compatible with the adjacent uses in the general vicinity as everyday noises and dealings associated with commercial business are not compatible with the Agricultural and Residential uses. Further, there are no particular or unique characteristics of the proposed special use or the property in question that would be compatible and would not have an adverse effect on the adjacent properties in the general neighborhood.

Heberer seconds.

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

This case has been denied by the Zoning Board and will now go before the County Board for final consideration.

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