

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

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

Members Absent: Patti Gregory and Charles Frederick

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

County Board Member: John West – District #15
June Chartrand – District #16
Michael O'Donnell – District #22
Frank Heiligenstein, District #21

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 Heberer to approve minutes of the March 6, 2017 meeting. Second by Rhoden. Motion carried.

Public Comment

There were no comments from the public.

New Business – Case #1

Subject Case #2017-02-SP – Charles & Teresa Merritt, 851 St. Cletus Drive, Cahokia, 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 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)

Charles & Teresa Merritt, Owners & Applicants

- Mr. Merritt stated he is the owner of Merritt Tree Service.
- Mr. Merritt stated he proposes to build a 60 x 100 ft. pole barn to house Equipment for his business.
- Mr. Merritt explained he purchased additional lots since the last Zoning Hearing was approved for the Tree Trimming Business.
- Mr. Merritt stated he previously stored all of the logs on the property for a Firewood business. He currently stores the trees on the lots until he is ready to grind the wood and sell it off yearly.

Discussion

- Ms. Markezich explained he is asking to expand his business onto the adjacent lots purchased.
- Mr. Schneidewind stated this Tree Trimming Business was previously approved by the Zoning Board in April, 1998.
- Ms. Edwards stated the previous hearing the applicant agreed to store all equipment inside the building.
- Mr. Heberer asked the applicant what all the piles are on the aerial photo. (The applicant stated he owns Earthwise Mulch on State Rte 157 and recycle the logs and grind. The lot is cleaned off once every year.)
- Ms. Edwards stated the logs are brought back to this location. (The applicant stated they store the logs there and grind them and ship them out.)
- Ms. Edwards asked if the property is fenced. (The applicant stated the property is fenced.)
- Ms. Edwards asked if the business is in compliance with the Illinois EPA. (The applicant stated he is in compliance with the EPA and is inspected regularly.)

- Ms. Edwards explained she was not sure the EPA would allow the applicant to burn limbs and trees from other properties.
- Ms. Edwards asked Ms. Markezich, if the applicant is in compliance. (Ms. Markezich stated the applicant is allowed to bring the materials back to the property for processing, but cannot burn on the property.)
- Chairman Penny asked how close is the nearest neighbor. (The applicant stated the nearest neighbor is less than 100 ft.)
- Mr. Rhoden asked who the County Board Member for this district is. (The applicant stated Mary Crawford is the County Board Member for this District, and Marty is in favor of the request.)
- Ms. Edwards stated per the original hearing it sounded like this would be an administrative tree-trimming business operating and you have expanded over the years bringing the business back to the property.
- Mr. Meister asked how often the logs are grinded on the property. (The applicant stated he grinds once per year or every other year, depending on volume.)
- Ms. Edwards asked if there are any similar businesses in the area. (The applicant stated there are no other businesses in the area.)
- Ms. Edwards asked if this is a residential neighborhood. (The applicant stated there is a sand blasting business to the rear of his property but this is a residential subdivision.)
- Mr. Rhoden asked if there are loud noises that come from this business. (The applicant stated they start the trucks in the morning and don't come back until the evening.)

Public Testimony

- Mr. Frank Heiligenstein, County Board Member – asked in regards to the application it reads over 900 square feet and the building is 6,000 square feet. (Ms. Markezich stated the request reads that way because the restriction for this district is a maximum 900 square feet.)
- Mr. Frank Heiligenstein asked why the board would not rezone the property instead of granting a Planned Development. (Ms. Markezich stated she feels rezoning this property would be “spot-zoning”.) (Mr. Schneidewind added the property is only 1.72-acres and would require 3-acres to rezone to business.
- Charles Orr, 2359 Lorraine Drive stated Mr. Merritt has been in business several years and there are large trucks coming through there that weigh 30-tons. Mr. Orr is concerned with the roads.

- Mr. Orr stated there are trucks coming in and out of this property every day and once a month the big logs come in and are stacked 4 or 5 high.

Further Discussion

Ms. Edwards stated she would like to go visit this property.

MOTION by Edwards to take this case under advisement to allow the board to make an on-site visual inspection. This case will be reviewed on May 8, 2017. Second by Rhoden.

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

This case has been taken under advisement until May 8, 2017.

New Business – Case #2

Subject Case #2017-01-SP – Kyle Schmeder, 927 Old Fayetteville Road, Freeburg, Illinois, owner and applicant and Matt Rogers & Michelle Rogers, 408 Greenhaven Drive, Swansea, 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 Landscaping Business in a “RR-1” Rural Residential Zone District on property known as 927 Old Fayetteville Road, Freeburg, Illinois in Freeburg Township. (Parcel #14-28.0-400-025)

Michelle Rogers, Applicant

- Ms. Rogers stated she is part owner of Romero’s Outdoor service with her husband Matt Rogers and his cousin, Kyle Schmeder.
- Ms. Rogers stated they purchased the business in January.
- Ms. Rogers stated they are currently running the business out of their home in Swansea. She explained they would like to store the equipment and mowing equipment at Mr. Schmeder’s home.

- Ms. Rogers explained Mr. Schmeder has a 60 x 60 ft. pole barn on the property that most of the equipment and trucks fit in. She explained there is one exception of one vehicle that is stored outside of the barn.
- Ms. Rogers stated hours of operation will be 8:00 AM to 5PM.
- Ms. Rogers stated the trucks will leave the property at 8:00 AM in the morning and will return at 5PM.
- Ms. Rogers stated there has been a lot of traffic recently because they were starting the business and moving into property and acclimated with the area.
- Ms. Rogers stated clients will not visit the property.

Discussion

- Ms. Markezich asked where the trucks were stored in Swansea. (Ms. Rogers stated they purchased the company in January and the trucks were stored at the previous business owners address. She explained the office only is ran out of her Swansea home.)
- Ms. Markezich asked how long the business has been in operation. (The applicant stated the business has been in operation since January, 2016.)
- Ms. Markezich stated the company Website does not indicate the business was just opened. (The applicant explained that is because they purchased the business from the Romero's who have been in business for 8-10 years.)
- Ms. Edwards asked how many trucks the business has. (The applicant stated she has four flat-bed pick-up trucks and four trailers.)
- Ms. Edwards asked how many employees the business has. (The applicant stated the three of them are currently the only employees.)
- Ms. Edwards stated the request is for a Planned Building Development and whatever the applicants say will be the limitations of the business.
- Ms. Edwards asked if there are only two employees, who drives the other two vehicles. (The applicant explained that one vehicle is a panel truck that can haul mulch and dump mulch; and one pulls a trailer for lawn mowers; one is a rock truck with a metal bed that dumps rock and one is just to pull skid steer or a heavy piece of equipment.)
- Ms. Edwards asked if the applicant has photos of the trucks. (The applicant presented photos to Ms. Edwards.)
- Ms. Edwards asked if there will be additional employees hired. (The applicant stated they would like to hire two additional employees.)
- Ms. Edwards asked where the employees will report to work. (The applicants stated they will report to the job-site. The vehicles will be driven home.)

- Mr. Meister asked if they plan to store any rock, commodities or mulch on the property. (The applicant stated they will not store those items on the property.)
- Chairman Penny asked what they would do if at the end of the day they have a load of grass clippings or debris from the job site. (The applicant stated they take the materials to a composting business on Frank Scott Road.)
- Mr. Meister asked what the hoop building was built for on the property. (The applicant explained that will be a bin for storage of salt.)
- Mr. Heberer asked if the applicant will have a snow removal business on the property. (The applicant stated he will have landscaping/snow removal.)
- Mr. Schneidewind asked when the salt shed was built. (The applicants stated they built the building approximately 2-months ago.)
- Mr. Heberer asked if there is a stormwater code for salt sheds because there is a creek right behind this property.
- Ms. Edwards stated she has a building close to WolfBranch Creek and they are not allowed to store salt in that building.
- Mr. Schneidewind asked if all four trucks are stored in the shed. (The applicant stated Mr. Rogers takes one of the vehicles home each night.)
- Mr. Schneidewind asked where the four trailers are stored. (The applicant stated a few of them are parked outside.)
- Mr. Heberer stated the board should go out and inspect this property.
- Chairman Penny asked if there are other businesses in this area. (Mr. Schneidewind answered there are other businesses in the area. Ms. Markezich stated some of the nearby businesses are in the Village of Freeburg.)

Public Testimony

- Robert Stambaugh, 945 Old Fayetteville Road stated he is South of this property. Mr. Stambaugh stated he is not in favor of this request. He stated he has been awakened on several occasions by trucks backing in with back-up beepers and the idling to warm up. Mr. Stambaugh stated he has lived here for 12-years and is concerned with the extra traffic down the road.

- Richard Campen – 3815 State Route 15, Freeburg stated Old Fayetteville Road, runs right behind his house. This is a black top road not meant for commercial business. Wreak havoc to the road and will the children be safe with those big trucks running through. Concerned with how big the business will grow and the property values.

Further Discussion

County Board Member, Frank Heiligenstein stated the Village of Freeburg is adjacent to this property. He stated there are residential properties to the West behind their property and South. Mr. Heiligenstein stated this business is not in compliance with the Comprehensive Plan. Mr. Heiligenstein stated there are no other businesses of this nature out there and feels this business would interrupt the neighborhood in the middle of the night when there are storms or ice and snow and they are sending the trucks out. Mr. Heiligenstein suggested an Industrial Park to house this type of business. Mr. Heiligenstein stated he is opposed to this request on behalf of his constituents. Mr. Heiligenstein stated he will vote against a favorable decision on the County Board floor.

Ms. Edwards asked if the applicant would like to withdraw their request.

The applicant, Michelle Rogers stated she would like to withdraw the request.

New Business – Case #3

Subject Case #2017-03-ABV – Kenneth & Mary Ann Joseph, 507 O'Fallon Troy Road, Lebanon, Illinois, Owner and Applicant and Kevin Joseph, 701 O'Fallon Troy Road, Lebanon, Illinois, Applicant. This is a request for an Area/Bulk Variance to allow the division of 4-acres instead of the 40-acres required in an "A" Agricultural Industry Zone District on property known as XXX O'Fallon Troy Road, Lebanon, Illinois in O'Fallon Township. (Parcel #04-09.0-300-011)

Kenneth Joseph, Owner

- Mr. Joseph stated he owns the property along with his wife. The property has been in the Joseph name since 1849.
- Mr. Joseph stated Kevin Joseph is his son and is the 6th generation on the farm.

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- Mr. Joseph stated his son Kevin is living on the property now where half the home is logs and has been there a long time.
- Mr. Joseph stated his son Kevin also helps with the cattle and hay on the property and is a handy guy to be around.
- Mr. Joseph stated his son Kevin also has two children that will be part ownership of the farm at some point.

Discussion

- Chairman Meister confirmed their son helps work on the farm. (The applicant stated their son does help with the farm.)
- Mr. Heberer asked where the son's home is now on the property. (The applicant stated the home has a half mile driveway to the back and they will build right along the road.
- Mr. Meister asked what will happen to the old farmhouse after his son builds the house. (The applicant stated they will try to rent out the house after some updates.)
- Ms. Markezich asked how many houses are on the property now. (The applicant stated only one house is on the property.)
- Ms. Edwards asked how many divisions have been made off this property. (The applicant stated there have been no divisions off this parcel.)
- Ms. Edwards asked if that is there parcel on the corner. (The applicant stated his father divided off the parcel on the corner and that is where their residence is located. That was done 25-30 years ago.)
- Ms. Markezich stated the LESA rating on the property is 167 - low.
- Mr. Schneidewind stated the Comprehensive Plan calls for Residential.
- Chairman Meister stated he feels the request is compatible.

Further Testimony

County Board Member, John West stated he has not received any comments in a negative way. Mr. West stated he has known Mr. Joseph for many years and knows he will do a good job.

MOTION by Meister to approve the request for the following reasons: The applicant has provided with a location of the 4-acre tract; the applicant is helping hand on the family farm. Second by Rhoden.

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

This case has been approved by this board.

ADMINISTRATIVE BOARD ACTION

Pursuant to the Zoning Ordinance a Chairman and Vice-Chairman should be elected every year.

MOTION by Rhoden to retain Scott Penny as the Chairman of the Zoning Board of Appeals. Second by Edwards.

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

MOTION by Heberer to retain Charles Frederick as Vice-Chairman of the Zoning Board of Appeals. Second by Edwards.

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

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