

**St. Clair County Zoning Board of Appeals  
Minutes for Meeting  
At the Courthouse – 7:00 P.M.  
May 8, 2017**

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**Members Present:** Chairman Scott Penny, Alexa Edwards, Rev. Gene Rhoden & Patti Gregory and George Meister (late arrival).

**Members Absent:** Kent Heberer

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

**County Board Member:** Michael O'Donnell, District #22  
Bryan Bingel, District #7  
June Chartrand, District #16  
Susan Grueberman, District #12  
John West, District #15

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**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 April 3, 2017 meeting. Second by Rhoden. Motion carried.

**Public Comment**

There were no comments from the public.

**Announcements**

Subject Case 2017-06-SP has been continued until June 5, 2017.

Subject Case 2017-02-SP has been continued until June 5, 2017.

Subject Case 2017-05-SP has been with Withdrawn.

**New Business – Case #1**

Subject Case #2017-03-ZA – Gloria Arentsen, Rose Vink & Karen Osuchowski, 818 Scott Troy Road, Lebanon, Illinois, Owners & Applicants. This is a request for a Zoning Amendment to change the zone district classification of a certain tract of land from “A” Agricultural Industry Zone District to “RR-1” Rural Residential Zone District, on property known as XXXX Hagemann Road, Lebanon, Illinois in O’Fallon Township.

**Gloria Arentsen, Owner/Applicant**

- Ms. Arentsen stated she is one of three property owners.
- Ms. Arentsen stated they are requesting to rezone the Eastern portion of this parcel which is approximately 19.25-acres.
- Ms. Arentsen stated the intent is to give the property to her two daughters to build homes on.
- Ms. Arentsen explained this property was her great-grandfathers land and would like to keep it in the family.

**Discussion**

- Chairman Penny asked if there would be a subdivision after the divisions for her daughters. (The applicant explained there is not subdivision planned just ten acres a piece for her children.)
- Mr. Rhoden asked if O’Fallon Township was present at this meeting. (Ms. Markezich stated we received correspondence from their office stating they are in favor of the request.)
- Ms. Markezich stated there is “RR-1” Rural Residential zoning across the street from this property and adjacent.
- Chairman Penny stated there are a number of small parcels in this area.

- Mr. Schneidewind stated the Comprehensive Plan Designation for this area is Residential.
- Mr. Schneidewind stated the LESA Evaluation score is 168 which is low.

**Public Testimony**

There were no persons present for public comment.

**Further Testimony**

MOTION by Rhoden to grant this request.

Second by Gregory.

|                 |                  |     |
|-----------------|------------------|-----|
| Roll call vote: | Rhoden -         | Aye |
|                 | Gregory -        | Aye |
|                 | Edwards-         | Aye |
|                 | Chairman Penny - | Aye |

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

**New Business - Case #2**

Subject Case #2017-08-ABV – Thomas R. & Joan Herrmann & Julie Herrmann, 817 Charlotte Avenue, Columbia, Illinois, Owners and Applicants. This is a request for an Area/Bulk Variance to allow the division of 19.75-acres into a 12.7-acre tract and a 7.0-acre tract instead of the 40-acres required in an “A” Agricultural Industry Zone District on property known as 1946 Columbia Quarry Road, Columbia, Illinois in Sugarloaf (South) Township. (Parcel 11-14.0-400-019)

**Thomas Herrmann, Owner**

- Mr. Herrmann stated he is here tonight with his nephew, Jason Herrmann who is the son of Bob Herrmann who passed away in 2003.
- Mr. Herrmann stated he owns a 39.76-acre tract located at 1946 Columbia Quarry Road.
- Mr. Herrmann stated 20-acres is located in Monroe County and 19.76-acre are located in St. Clair County.

- Mr. Herrmann stated he and his brother purchased the property from his father, who purchased it from his father in 1981.
- Mr. Herrmann stated he is asking for a variance to allow 10-acre homesite that would have 7-acres in St. Clair County and 3-acres in Monroe County. He explained this would leave another 10-acre tract in Monroe County and a small portion in St. Clair County.
- Mr. Herrmann stated Monroe County, Director Mike Faust stated he is in favor of the division of property.
- Mr. Herrmann stated at this time, there are no plans to build on this property.
- Mr. Herrmann stated he will retain the 10-acres with the homesite, garden lake on it and the remaining land would be for a future sale.

#### **Discussion**

- Ms. Edwards asked if the applicant has a copy of the e-mail from Monroe County Zoning. (Ms. Markezich presented a copy from the Zoning file.)
- Ms. Markezich stated the EcoCat report from the Illinois Department of Natural Resources came up with 6 different hits of protected resources on the property. She stated if Mr. Herrmann wants to build in the future he will have to do the full review. (The applicant stated he will never build on his property, but the remaining property may be built on in the future.)
- Mr. Schneidewind stated the LESA score was 168-low.
- Ms. Edwards asked if there are any sinkholes on the property. (The applicant stated there is one that not really considered a sinkhole but there are sinkholes on the adjoining properties.)

#### **Further Discussion**

County Board Member, Michael O'Donnell stated he is in favor of the request. He stated IDNR will regulate building in the future and supports the property remaining in the family.

**MOTION** by Edwards to approve this request for the following reasons: The utilities are public water and septic tank; the Comprehensive Plan calls for Agricultural; the LESA Rating was 168, low. The request is in harmony with the general purpose and intent of the Zoning Ordinance; it would not be injurious to the neighborhood or detrimental to the public welfare; it is not in conflict with the Comprehensive Plan; it would not be hazardous of fire or other dangers to said

property; it would not diminish the value of land and property in the immediate area or throughout the County and would not unduly increase traffic congestion in the nearby streets. Also, testimony has been given, that if the property were to be built on in the future it would require further study from the Illinois Department of Natural Resources due to protected resources in the vicinity.

Second by Gregory.

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|-----------------|------------------|-----|
| Roll call vote: | Rhoden -         | Aye |
|                 | Gregory -        | Aye |
|                 | Edwards-         | Aye |
|                 | Chairman Penny - | Aye |

Motion carried. This case has been approved by this board.

### **New Business – Case #3**

Subject Case #2017-07-ABV – Lawrence Edward Fix & Tammy S. Fix, 2 Edgewood Acres, Smithton, Illinois, owners and applicants. This is a request for an Area/Bulk Variance to allow the division of 5-acres instead of the 40-acres required and 50 ft. of frontage instead of the 100 ft. required in an “A” Agricultural Industry Zone District on property known as 5502 State Route 159, Smithton, Illinois, in Prairie DuLong Township. (Parcel #17-16.0-100-012)

### **Tammy Fix, Owner/Applicant**

- Ms. Fix stated they would like to divide off 5-acres for their son to build a home.
- Ms. Fix stated this property cannot be farmed due to it being a wooded property.
- Ms. Fix stated they would keep the remaining 11-acres in farmland.

### **Discussion**

- Ms. Gregory asked if the son will build a house on the 5-acres. (The applicant stated that is correct.)
- Chairman Penny asked if they own other farmland adjoining. (The applicant stated they own the farmland behind this property.)
- Ms. Markezich asked if the applicant will consolidate this farmland with the farmland in the rear of the property. (The applicant stated they will, if required by the board.)

- Mr. Schneidewind stated if this case were approved the board would recommend this farmground be added back to the farm to preserve agricultural land.
- Ms. Markezich stated the LESA Rating score is 160-low.
- Ms. Markezich stated they have a letter from IDOT approving the culvert. (The applicant stated there is already a culvert there but they approved resurfacing for the driveway.)

#### Public Testimony

- Mearl Jany, 5214 White Oak Drive, Smithton stated he owns the 3-acres in front of the property. Mr. Jany stated he has no objection to the request but feels a new address needs to be established on the properties because there are doubled up in that area. (Ms. Markezich stated the applicants can contact the 911 office to get a new address assigned.)

#### Further Discussion

County Board Member, Bryan Bingel stated he does not see any reason to deny the request; he feels this is obviously a wooded section of the Agricultural property and would make an excellent homesite.

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| Roll call vote: | Rhoden -         | Aye |
|                 | Gregory -        | Aye |
|                 | Edwards-         | Aye |
|                 | Chairman Penny - | Aye |

**MOTION** by Edwards to approve the request for the following reasons: The utilities are public water and well/septic; the Comprehensive Plan calls for Agricultural. Ms. Edwards stated this is a family owned property that has been handed down to a son; the applicant agreed that the remaining 11-acres will become part of the adjacent 20-acres (Parcel #17-16.0-200-007) and the remaining 11-acres will stay with the farm. The request is in harmony with the general purpose and intent of the Zoning Ordinance and will not be injurious to the neighborhood; it is not detrimental to the public welfare and is not in conflict with the Comprehensive Plan because the remaining acreage will be reassigned back to agriculture; it does not provide a fire hazard or other danger to said property; the County Board representative is in agreement with this request and stated he has not received any complaints from neighbors; and this will be the highest and best use of the property.

Second by Gregory.

|                 |                  |     |
|-----------------|------------------|-----|
| Roll call vote: | Rhoden -         | Aye |
|                 | Gregory -        | Aye |
|                 | Edwards-         | Aye |
|                 | Chairman Penny - | Aye |

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

**New Business – Case #4**

Subject Case #2017-07-SP – Peoples National Bank, N.A. 520 South 42<sup>nd</sup> Street, Mt. Vernon, Illinois, owners and Paul & Jeanne McCleery, 10958 Hagemann Road, Lebanon, 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 Storage Facility with outside storage along with the future sale of storage sheds, self service ice, self service propane and U-Haul rental in a “RR-1” Rural Residential Zone District on property known as 10027, 10031, 10035 & 10037 West Highway 50, Lebanon, Illinois in Lebanon Township. (Parcel #05-20.0-300-003, 013, 026 & 027)

**Paul McCleery, Applicant**

- Mr. McCleery stated he and his wife have a contract on this vacant storage facility on East of Lebanon.
- Mr. McCleery stated the sale is contingent upon them being able to reopen the storage facility.

**Discussion**

- Mr. Meister asked the history of the property. (Ms. Markezich explained the previous owners came before the Zoning Board and it was tabled until the property was cleaned up. The property owners lost the property to the bank and the Zoning Hearing was never continued.)
- Ms. Markezich stated the property is located in a flood zone and the applicant has been working closely with Dallas Alley, FloodPlain Manager for St. Clair County.
- Chairman Penny asked if the property flooded a few weeks ago. (The applicant stated the property did not flood.)
- Ms. Edwards stated she is not in favor of outside storage on the property. She feels like outside storage becomes like a salvage yard, they never move, the weeds grow up, and it becomes an eyesore to the

- neighborhood. (Ms. McLeery stated they would not allow the property to become an eyesore. Mr. McLeery stated as time goes on he would have everything inside but needs the capital to build the buildings. He stated there will be fencing up. Ms. McLeery stated they do have pictures of how hideous the property was when they purchased it.)
- Mr. Penny asked if the applicant has created a storage facility in the past. (The applicant stated they have not.)
- Ms. Markezich explained to the Zoning Board that the applicant's narrative states he will have seven buildings, but there are 3 buildings on the property currently. The exact layout of the building can change.
- Ms. Edwards stated again that she is opposed to the outside storage.
- Mr. Meister asked if he was looking to work with SAFB for long-term storage. (The applicant stated possibly, but whatever comes his way.)
- Mr. Meister asked the applicant to explain the self-service propane refilling. (The applicant explained there are two ways to get propane, the refill station or the self-service propane where you put the empty in and get a new one. If someone wants a tank refilled during business hours, we can refill the tank.)
- Ms. Gregory asked what the hours of operation would be. (The applicant stated 7:00AM to 7:00PM – Monday through Saturday.)
- Ms. Edwards asked the applicant about lighting. (The applicant stated there will be pole lighting across the lot and there is already lighting around the buildings.)
- Mr. Meister stated he is not in favor of the outside storage.
- Ms. Gregory stated she is also not in favor of the outside storage.
- Chairman Penny explained to the applicant that outside storage is not likely to get approved by the board.
- Ms. Markezich stated she warned the applicant that the Zoning Board has not granted outside storage. (The applicant explained the outside storage would allow him to generate capital to build the storage buildings.)
- Ms. Edwards asked how many acres of property the applicant owns. (The applicant stated there are 4- acres.)
- Ms. Edwards stated she has no objection to the storage buildings on the property with the potential of building
- Mr. Meister asked if he would like to modify his plan, restricting outside storage or does he want to withdraw the request. (The applicant stated he would accept a modified plan.)
- Ms. Markezich stated the applicant will have to follow all FEMA regulations as far as building in the flood plain. (The applicant stated he is aware of the FEMA regulations.)



- Ms. Edwards asked what type of fencing the applicant will have on the property. (The applicant stated he will have a 6 ft. black fence with barb wire surrounding the property.)
- Mr. Schneidewind stated there is already a solid fence on the East side. (The applicant stated that fence will get shortened.)
- Mr. Schneidewind asked about signage on the property. (The applicant stated there is a ground level sign existing and when the building is complete, the front of the building will have a similar sign.)
- Mr. Meister asked the setback from a State Highway. (Ms. Markezich stated the applicant will have to be 60 ft. from the front property line.)
- Mr. Meister stated the last owner had sheds up to the road for sale. (The applicant stated he will not have anything out in front of the fence, other than the ice machine.)
- Ms. Edwards asked if the parking lot will be gravel. (The applicant stated everything will be gravel.)

### **Public Testimony**

- Albert Pritz – 10047 US Hwy 50, Lebanon stated he lives on the East side of this property since 1998. Mr. Pritz stated he has issues for this Special Use Permit having outside storage. He stated the last variance requirement was no outside storage and a retention pond for water runoff and gutters on the building which never happened and nothing was ever said about storage buildings being sold on that property. Mr. Pritz stated he is also concerned with traffic on the two-lane Highway because there have been several bad accidents on this road. He is also concerned with water runoff after the applicant grates the property and puts in rocks and that. Mr. Pritz stated the Silver Creek cannot handle any additional runoff.
- Steve Canady – Canady & Associates Realtors stated he is the Realtor for this property. He stated there is outside storage at a place off of 177 and they have a lot of outside storage.
- Albert Pritz let the board know that is a volunteer Fire Department that services this area.

### **Further Discussion**

Ms. Markezich stated County Board Member, Nicholas Miller is not present at the meeting but he called the Zoning Office and stated he has no objection to the request.

**MOTION** by Edwards: Case #2017-07-SP – 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 Storage Facility with outside storage along with the future sale of storage sheds, self service ice, self service propane and U-Haul Rental in a “RR-1” Rural Residential Zone District. The utilities are public water and septic; the Comprehensive Plan calls for residential, however there are other businesses along this route. The applicant has indicated in his Planned Business that he will strike and will not have any outside storage; there will be up to five additional buildings in addition to the three buildings already there; hours of operation will be from 7am to 7pm; Monday through Saturday; he will install a black fence 6 ft. tall with barb wire around the outside; there will be a 48 inch lighted sign on the property; the parking lot will be gravel; the applicant will follow all stormwater guidelines of the County; the proposed design, location development and operation of the proposed Special Use Permit adequately protects the public's health, safety and welfare and physical environment of the property; the request is consistent with the Comprehensive Plan; the Special Use Permit will not have an adverse affect on the value of neighboring property and on the County's overall tax base; the proposed SUP will have minimal effect on traffic circulation on Route 50; the public utilities as stated are public water and septic; the proposed SUP is compatible to the adjacent uses in the general vicinity; with the exception of the outside storage not being a permitted use the applicant has presented his Planned Building Development which will be used as evidence.

Ms. Edwards amended the application to include that all lighting be pointed downward and not onto any adjacent properties.

With these recommendations, I move that this Special Use Permit be approved.

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|------------------------|-------------------------|------------|
| <b>Roll call vote:</b> | <b>Rhoden -</b>         | <b>Aye</b> |
|                        | <b>Meister -</b>        | <b>Aye</b> |
|                        | <b>Gregory -</b>        | <b>Aye</b> |
|                        | <b>Edwards-</b>         | <b>Aye</b> |
|                        | <b>Chairman Penny -</b> | <b>Aye</b> |

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

**New Business – Case #5**

Subject Case #2017-09-ABV – Kevin W. & Mary Webb, 252 S. Green Mount Road, Belleville, Illinois, owners and applicants. This is a request for an Area/Bulk Variance to allow the construction of a garage 2,100 square feet instead of the 900 square feet allowed in a “SR-1” Single-Family Residence Zone District on property known as 252 S. Green Mount Road, Belleville, Illinois in Shiloh Valley Township.

**Kevin Webb, Owner**

- Mr. Webb stated he is the owner of the property.
- Mr. Webb stated he would like to build a 2,100 square feet garage on his property.
- Mr. Webb stated there is currently a 24 x 24 garage on the property.
- Mr. Webb stated this new building will be built in the same footprint as the existing building.
- Mr. Webb stated the proposed garage will be a stick-built building with a concrete foundation.

**Discussion**

- Mr. Meister asked if the new building will be torn down. (The applicant explained his plan is to take the original building that is in place and remove the roof and put the other building right on top, so he can continue to use the existing concrete flooring and the electrical service in place.)
- Mr. Meister questioned whether this building will be used for a business. (The applicant stated he will not have a business. The building will be used for personal storage.)
- Chairman Penny asked what types of items would be stored in the building. (The applicant stated he has a couple of vehicles, a motorcycle and a lawn tractor to store in the building.)
- Chairman Penny asked how many vehicles he will store in the building. (The applicant stated he has five vehicles, two of which are restoration projects.)
- Ms. Markezich asked if this property was in a flood zone. (The applicant stated when he went into get a building permit, he was told the back of the building would touch the flood zone. He stated flooding has never been an issue but the building will not be built in the flood zone.)

- Mr. Penny asked the setback requirements for a garage. (Ms. Markezich stated the setback is 5 ft. from the side property line and 5 ft. from the rear line.)
- Ms. Edwards asked the applicant to describe the house and the new building. (The applicant stated the house is a brick stone structure and the garage will be a steel building with a steel roof and the color will be a gray color to compliment the house with white trim and gutters.)
- Ms. Edwards asked the square footage of the home. (The applicant stated his home is approximately 2,600 square feet.)
- Ms. Gregory asked if there are any similar buildings in the area. (The applicant stated there are several larger buildings in the immediate area but those are on farm type properties.)
- Ms. Edwards asked the applicant how many acres of property he has. (The applicant stated he has 1.3-acres of property.)
- Mr. Meister questioned why the building will be 14 ft. tall. (The applicant stated his plan is use the height of the garage for storage.)

#### **Public Testimony**

There were no persons present for public comment.

#### **Further Testimony**

Ms. Susan Gruberman, County Board representative stated she has not received any complaints from neighbors. Ms. Gruberman stated she visited the site and noted the older car on the property, and feels allowing this request would not cause a problem to the area.

**MOTION** by Meister: The applicant has stated to the board the dimensions and height and placement of the building and per the applicant's testimony, he recommends approval.

|                        |                         |            |
|------------------------|-------------------------|------------|
| <b>Roll call vote:</b> | <b>Rhoden -</b>         | <b>Aye</b> |
|                        | <b>Meister -</b>        | <b>Aye</b> |
|                        | <b>Gregory -</b>        | <b>Aye</b> |
|                        | <b>Edwards-</b>         | <b>Aye</b> |
|                        | <b>Chairman Penny -</b> | <b>Aye</b> |

Motion carried. This case has been approved by the Zoning Board.

**MOTION** by Edwards to adjourn. Second by Gregory. Motion carried.