

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

Members Present: Acting Chairman, George Meister, Alexa Edwards,
Rev. Gene Rhoden, Steve Howell, Kent Heberer

Members Absent: Chairman Scott Penny & Patti Gregory

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

**County Board
Members Present:** Scott Tiemann, County Board District #26
Frank Heiligenstein, County Board District #21
Michael O'Donnell, County Board District #22

Pledge of Allegiance

Call to Order

The meeting was called to order by Chairman, George Meister.

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 November 6, 2017 meeting.
Second by Edwards. Motion carried.

Public Comment

There were no comments from the public.

Announcement

Chairman Meister stated Subject Case #2017-17-ABV has been postponed by the applicant until December 4, 2017.

New Business – Case #1

Subject Case #2017-21-ABV – Charles Jr. & Tiffany Tackett, 8012 W Main Street, Belleville, Illinois, Owners & Applicants. This is a request for an Area/Bulk Variance to allow a 20 ft. x 30 ft. addition to an existing 30 ft. x 30 ft. pole barn exceeding the 900 square feet allowed in a “SR-3” Single-Family Residence Zone District, on property known as 1214 West 3rd Avenue, Belleville, Illinois in St. Clair Township. (Parcel #08-29.0-211-001)

Charles Tackett Jr., Owner/Applicant

- Mr. Tackett explained he was diagnosed with cancer in June, 2015 and to keep his mind off the disease he started rebuilding a '67 Firebird.
- Mr. Tackett stated he was sharing a garage with a friend but would like to have his own space for rebuilding old cars.
- Mr. Tackett stated he purchased this property with the intent to make the existing pole building larger.
- Mr. Tackett stated he was informed by the Zoning Office that the building was at maximum size and could not be enlarged without a variance from the Zoning Board.

Discussion

- Chairman Meister asked what the property was used for before. (The applicant stated the previous owner stored equipment inside.)
- Chairman Meister asked if the applicant will use this building for a business. (The applicant stated has a full-time job and there will be no business on the property.)
- Ms. Edwards asked what all the outside storage on the property is. (The applicant explained the aerial photo was taken prior to him purchasing the property and he has since cleaned up the property.)
- Ms. Edwards asked if the applicant would agree that any remaining outside storage be cleaned up within 30-days. (The applicant stated he has no objection to removing the remaining junk on the property.)

Public Testimony

There were no persons present for public testimony.

Further Testimony

County Board Member, Scott Tiemann stated he has not received any correspondence from neighbors. He stated he visited the site and the property is cleaned up and looks nice.

MOTION by Edwards to grant the request based on the following findings and subject to the following stipulations: The Comprehensive Plan calls for Residential; the applicant stated the building will be used for personal use; there will be no business at this location; the intent of the building is for rehabbing personal vehicles only; there will be no outside storage on the property; the use is in harmony with general purpose and intent of the Zoning Ordinance; the request will not be injurious to the neighborhood; the applicant cleaned up an eyesore that was there before; and the request will not be detrimental to the public welfare.

MOTION by Heberer seconds.

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

Motion carried.

This case has been granted by this board.

New Business - Case #2

Subject Case #2017-17-SP – Mary Feurer (Joe Feurer Trustee), 2701 Imbs Station Road, Millstadt, Illinois, owners and Don Gass, 12 Schlueter Germaine Road, Freeburg, 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 indoor storage warehouse in a “RR-3” Rural Residential Zone District on property known as 3732 State Route 15, Freeburg, Illinois in Freeburg Township. (Parcel #14-33.0-100-005)

Don Gass, Applicant

- Mr. Gass stated he is looking to purchase the home and shed on this property.
- Mr. Gass stated he would like to update and repair the existing shed with new garage doors and roof and have indoor storage of boats and campers.

Discussion

- Chairman Meister asked if the building is currently being used as a boat storage. (The applicant stated that is correct.)
- Chairman Meister asked how long the business has been there. (The applicant stated he does not know that answer.)
- Mr. Heberer explained the current owners started fixing the building up which is right on the outskirts of the Village of Freeburg. Mr. Heberer stated the building was an old saw mill.
- Mr. Heberer stated he is familiar with the applicant and his family and knows they have clean properties.
- Mr. Heberer stated there are several storage businesses in the area.
- Chairman Meister asked the applicant if there will be outside storage on the property. (The applicant stated there will be no outside storage on the property.)
- Ms. Markezich stated she did not receive anything from the Freeburg Township Planning Commission.
- Ms. Edwards asked the applicants if they will have a business sign. (The applicants stated they would like to have a 4' x 8' sign.)
- Ms. Edwards asked if there are any other signs in the area. (Mr. Heiligenstein stated there are several businesses with signs in the area.)
- Ms. Markezich asked if the sign will be free standing or on the building. (The applicant stated they would like a free standing sign.)
- Chairman Meister asked if a 16 square foot sign would be acceptable. (The applicants stated that would be acceptable.)
- Mr. Favazza asked the applicant to describe the parking situation and if there would be marked parking spaces. (The applicant stated there will not be marked parking the customer will be pulling in and pulling right back out.)
- Ms. Edwards asked if the applicant will allow repair work inside of the building. (The applicants stated they will not allow repair work at their facility.)

Public Testimony

There were no persons present for public testimony.

Further Discussion

Mr. Heiligenstein stated he has received no complaints from neighbors. He stated he has no problems or concerns with the Zoning request and feels this business would enhance the value of properties in the area.

MOTION by Heberer to approve the request based upon the following findings and subject to the following stipulations: The request for the Special Use would protect the public's health, safety and welfare and the physical environment of the area; the request is consistent with the Comprehensive Plan; the request would not have an adverse effect on the traffic circulation; the building has public water; the applicant agreed to no outside storage on the property; there will be no repairs on site of any type; and the applicant will have a maximum 16 square foot (non-illuminated) business sign.

Second by Edwards.

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

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

New Business – Case #3

Subject Case #2017-05-ZA – Marco Villa & Villasnor Ferman Luciano, 2908 Arlington, Collinsville, Illinois, owners and applicants. This is a request for a Zoning Amendment to change the zone district classification of a certain tract of land from “SR-MH” Single-Family Residence/Manufactured (Mobile) Home Zone District to “B-2” General Business Zone District on property known as 2940 Black Lane, Collinsville, Illinois in Canteen Township. (Parcel #02-01.0-205-001)

Marco Villa, Owner/Applicant

- Mr. Villa stated the property is currently zoned residential and explained they would like to rezone it to commercial.
- Mr. Villa stated he would like to run a car dealership at this location.
- Mr. Villa submitted pictures of what the property looked like before he purchased it.

Discussion

- Ms. Markezich stated this property went through a Zoning hearing in 1999 requesting a car lot.
- Ms. Markezich stated the applicants require the Zoning change for their state license.
- Chairman Meister asked the hours of operation for the business. (The applicant stated Monday – Friday -9:00 AM to 6:00 PM.)
- Ms. Markezich stated there are several businesses in this area.
- Ms. Edwards stated the applicant should construct a fence between them and the adjacent residential property. (The applicant stated he could put up a solid privacy fence along the property line.)
- Ms. Edwards asked if there will be lights on the property. (The applicant stated there are currently lights on the property.)
- Ms. Edwards explained to the board that if the rezoning is granted any permitted use would be allowed on this property in the future.

Public Testimony

There were no persons present for public testimony.

Further Discussion

Ms. Markezich stated she spoke to the County Board Member, Robert Allen and he has no objection to rezoning the property.

MOTION by Edwards to grant the rezoning request based upon the following findings and subject to the the following stipulations: The utilities are public water and public sewer; the current zoning is residential which seems is non-conforming because the area is more business; rezoning will not have an adverse effect on surrounding property owners; and, the applicant agreed to put a solid fence separating the “B-2” General Business from the residential. Second by Howell.

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

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

Old Business – Case #1

Subject Case #2017-11-SP – Phillip Tegtmeier, 3908 Old Collinsville Road, Belleville, Illinois, owner and applicant. This is a request for a Special Use permit for a Planned Development pursuant to Section 40-9-3(H)(3) to allow the expansion of an existing farm equipment business to include the sale and repair of new and used RV's and campers, indoor boat and camper storage; the sale of RV's and camper enclosures and powersport sales and service in an "A" Agricultural Industry Zone District on property known as 3169 Mascoutah Avenue, Belleville, Illinois in Shiloh Valley Township.

The Zoning Board took this case under advisement to allow the applicant time to submit a more detailed plan of the business and operations requested.

The applicant stated he misunderstood and thought the Zoning Board needed more time to make the motion.

The Zoning Board asked the applicant to submit another detailed site plan to the board.

MOTION by Edwards to allow the applicant time to submit the requested information.

Second by Heberer.

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

Motion carried.

Old Business – Case #2

Subject Case #2017-14-SP – Gene & Lori Stumpf and Allen & Cheryl Stumpf, 503 Gilmore Lake Road, Columbia, Illinois, owners 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, Illinois in Millstadt Township. (Parcel #12-30.0-400-006)

Ms. Markezich stated the County Board sent the case back to the Zoning Board for further study of the stormwater control plan on the property due to complaints from neighbors.

Ms. Markezich stated she received notice from the Soil & Water Conservation Department that the applicant is not required to get a permit from them due to the location of the buildings. The proposed construction will not affect the existing stormwater problem.

Ms. Markezich stated she also received notice from the IEPA that this project does not require a stormwater construction permit from their office.

Ms. Markezich explained the applicant would like to revise his request from 20-buildings to 4-buildings.

Mr. McDaniel, Applicant

- Mr. McDaniel explained he is revising his application to request up to four storage buildings totaling 9,500 square feet, the largest building being 2,500 square feet. The buildings will be high quality permanent buildings.
- Mr. McDaniel stated the first building will be a 50' x 50' all steel building on a concrete slab at a cost of about \$70,000. The building will be insulated and heated and equipped with high efficiency LED lighting. He stated there will be no intent for commercial activity in this building.
- Mr. McDaniel explained he was directed to apply for a Special Use Permit based on the maximum site development over the life of the lease which is 25-years. As a result of that direction, I listed up to 20 hangars.
- Mr. McDaniel explained he anticipates one or two buildings the first year and one or two more the second year.

- Mr. McDaniel asked the board to not get side-tracked on irrelevant issues from the neighboring property owner. He stated the aircraft noise is unprecedented and the concerns of increased road traffic on narrow country roads and even hazards from a crop spraying helicopter that crashed some 15 miles away are not valid concerns and the board made it clear the continued operation of the 35-year old certified airport was not in question.
- Mr. McDaniel stated the argument also failed regarding potential storm water issues. After carefully reviewing the storm water regulations it is apparent that the proposed construction falls below the criteria that requires a permit. Mr. McDaniel stated he hired Hannigan & Associates Engineering Firm to complete a storm water analysis that proved conclusively that they would not create or add to the existing stormwater problem.
- Mr. McDaniel stated he would like to preserve the quiet rural nature of the area and be a good neighbor. He stated he has provided everything the Zoning Board has requested and more.

Discussion

- Chairman Meister asked the timeline for the buildings. (The applicant stated he would like to break ground and get the first building constructed as soon as he can get a building permit and possibly the second building next Fall.)
- Chairman Meister asked who the Contractor will be for the buildings. (The applicant stated Sage Aviation will build the buildings. He explained they built several buildings in St. Louis Downtown Airport and are a reputable company.
- Ms. Markezich asked if he will own the buildings. (The applicant stated he will own his building and sublease the portion of the ground the other hangars will be on.)
- Ms. Edwards asked how many planes will be stored in each building. (The applicant stated he will store two planes in the first hangar and one aircraft per hangar after that.)
- Ms. Markezich asked if any of the buildings will have a bathroom. (The applicant stated his building will and some of the others will as well.)
- Ms. Edwards asked how the planes get fuel. (The applicant stated they will get fuel while they are out, there will not be fuel on this property.)

Public Comment

- Alan Sternau –stated he is the neighbor that filed the complaint for the water issue. He stated the applicant has a great plan but it is not as neighborly as the applicant presents it to be. He stated the flight plans do not coincide with his sons pictures and the calls to the FAA and the issues with the low flying planes that have circled his house and farm time and time again since August 7th. He stated he has St. Clair County Sheriff's has visited twice and stated it is a FAA issue. The FAA wants a plane number. It's an annoyance to the area. The water issue will be solved it's the disturbance issue.

Mr. Howell asked the applicant if the FAA regulates all of the instances described by the applicant. (The applicant stated that is correct.)

- Jason Sternau, 5835 Bohleysville Road –stated he is the neighbor and son of Alan Sternau. He stated the planes are constantly flying over his home. Mr. Sternau stated he has dozens of pictures of the planes going over his property. He stated on October 20th they had the big bonfire and campout and 7 or 8 planes left straight to the West and then the next 3 came directly over my house. Mr. sternaue stated he does not believe we need additional storage of planes because that will create more air traffic.

Chairman Meister asked Mr. Favazza if the airport runway is there regardless of Zoning. He stated the gentlemen is asking for hangars, we can't control the airplane landing and coming that is the FAA. So the only thing we are considering at this meeting is the four buildings. (Mr. Favazza stated that is correct.)

- Jason Sternau submitted a petition from neighbors that are opposed to the storage hangars.
- Erin Goddard lives in a house on the NW corner of Bohleysville. Front porch is 130 yards from the airstrip where they run their engines and take off. Submitted several pictures of the airchute right over his house. Lived in the house for only a year and has noticed an increase in traffic. There is constantly people pulling in my driveway and stopping asking where the airport was located. The day the boyscouts were out there it was a very windy day and one rocket flew in my pasture with horses and he walked them out there and by time they got out there all of the boyscouts were leaning over the fence petting the horses.
- Bruce Douglas- 5572 Reinnecke Road stated from his front porch he can see the big red hangar. He stated the ultra light planes fly really low. He stated he is opposed to the additional traffic in the area.

Further Discussion

County Board Member, Michael O'Donnell stated he is still in favor of the Airplane Storage on the property. Mr. O'Donnell stated he was in favor of granting one building to see how the traffic flow is affected. Mr. O'Donnell stated he is not opposed to 1 or 2 buildings or whatever the board recommends with restrictions. Mr. O'Donnell stated he has received calls from the neighbors but cannot confirm or deny their allegations regarding the low flying planes.

MOTION by Howell:

At issue is the applicant Robert L McDaniel of Flight Park, Inc.'s request for a Special Use Permit for a Planned Building Development pursuant to section 40-9-3(H)(3) to allow an aircraft storage business near an existing private landing strip in an "A" Agricultural Industry Zone District. Flight Park, Inc. currently leases 15.56 acres located on the Stumpf Farm at 5949 Bohleysville Road, Millstadt, Illinois for use as a private landing strip. It seeks to erect four aircraft storage buildings on the premises.

Having reviewed the application, the evidence submitted, and the testimony presented by Petitioner and the Public, I make a motion that the Zoning Board of Appeals recommend that Petitioner's request be granted with certain conditions and restrictions.

My motion is based on the following facts and conclusions.

As to the facts:

1. The land in question has been used as a private landing strip for over thirty years.
2. The applicant would like to preserve the airstrip for the aviation community. He believes the addition of aircraft storage buildings would increase the utility of the airstrip.
3. The applicant has clarified that the request is for a maximum of four aircraft storage buildings, totaling 9,500 square feet (the dimensions of the proposed buildings in linear feet are as follows: 40 x 40, 50 x 40, 50 x 50, 60 x 50). The proposed storage buildings will be made out of steel.
4. The applicant intends to preserve the rural nature of the airstrip. The applicant intends to have no employees or commercial activity at the airstrip.
5. The airstrip was recently inspected by IDOT and passed all elements of the inspection.

6. The applicant has made several improvements to make the airstrip safer including side marker cones, taxi way entrance markers, moving the landing threshold, and establishing a traffic pattern that avoids nearby residents and buildings.
7. Millstadt Fire Chief, Kurt Pellmann sees no problem with adding storage and more planes to the area. In his thirty years on the fire department they have had only one accident regarding planes.
8. The airstrip will continue to be primarily used by hobbyists.
9. The Illinois Environmental Protection Agency ("IEPA"), Collinsville office, has advised in writing that the IEPA does not require a storm water construction permit for the proposed buildings because the project will not require the disturbance of more than one acre of land.
10. The St. Clair County Soil & Water Conservation District has advised in writing that the Conservation District has reviewed the site plan for the four building proposed to be constructed by Flight Park, Inc. The District determined that the proposed buildings will not be contradictory to the County's Storm Water and Sediment Control Ordinance.
11. The applicant has completed the Conservation District's Storm Water Questionnaire for Building Permit Applications. The answers to all of the questions on the questionnaire are "no" meaning that a Storm Management and Erosion Control Permit is not required for the project.
12. The applicant has agreed to incorporate good storm water management and erosion control practices.
13. The site plan, elevation maps, and photographs produced at the hearings in this matter and submitted show the water on the site running into the adjacent lake and not onto neighboring property.

I therefore conclude that:

I move for a recommendation that the County Board approve the Petitioner's request for the construction of four aircraft storage buildings with the dimensions in linear feet of 40 x 40, 50 x 40, 50 x 50, 60 x 50).

The proposed design, location, development, and the operation of the proposed Special Use, as limited by this motion, adequately protects the public's health, safety and welfare, and physical environment.

The Special Use as limited by this motion, will not have an adverse impact on the County's Comprehensive Plan.

The proposed Special Use is similar in use and impact as the current use of the property.

The proposed Special Use will have a positive impact on the County's overall tax base.

There are adequate utilities to serve the proposed Special Use.

The proposed special use will not lead to an increase in traffic to an extent that it would materially impact the surrounding area.

There are no facilities near the proposed Special Use that require special consideration.

The proposed Special Use as limited by this motion, and with certain construction conditions and use limitations is compatible with adjacent uses and uses in the general vicinity.

The granting of the Special Use Permit is subject to the following additional conditions:

1. The use of the storage buildings shall be confined to daylight hours and the operation of the airstrip shall remain confined to the same hours it currently operates.
2. The applicant must strictly follow the conditions regarding storm water and erosion management as set forth in his September 26, 2017 letter to Anne Markezich.
3. Should the premises cease to be used as an airstrip, the applicant must remove the aircraft storage buildings from the premises and return the property to which it was found.

Mr. Howell added the buildings will contain no more than 7 aircraft as outlined by the petitioner.

Second by Edwards.

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

Motion carried.

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

MOTION by Edwards, second by Rhoden. Motion carried.

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