

**St. Clair County Zoning Board of Appeals
Minutes for Meeting
At the Courthouse – 7:00 P.M.
October 2, 2017**

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

Members Absent: Patti Gregory

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

**County Board
Members Present:** John West – County Board District 15
Michael O'Donnell - County Board District 22

Pledge of Allegiance

Call to Order

The meeting was called to order by Chairman, Scott Penny.

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 September 11, 2017 meeting.
Second by Heberer. Motion carried.

Public Comment

There were no comments from the public.

Announcement

Chairman Penny stated Subject Case #2017-17-ABV has been postponed by the applicant until November 6, 2017.

Chairman Penny stated Subject Case 2017-06-SP has been postponed by the applicant until December 4, 2017.

New Business – Case #1

Subject Case #2017-18-ABV – Gary & Rebecca Oliviero, 125 Behrens Avenue, O'Fallon, Illinois, owners and applicants. This is a request for an Area/Bulk Variance to allow the construction of a single-family residence 12 ft. from the side property line abutting a street instead of the 25 ft. required in a "SR-MH" Single-Family Residence (Manufactured) Mobile Home Zone District on property known as 123 Behrens Drive, O'Fallon, Illinois in O'Fallon Township. (Parcel #04-29.0-205-010)

***Due to a tape malfunction, this hearing was not recorded. (Minutes are based on handwritten notes from the meeting.)*

Lloyd Sotters, Habitat for Humanity representing the applicants

- Mr. Sotters introduced himself and stated he works for Habitat for Humanity and is assisting the applicant to construct a new home.
- Mr. Sotters explained he has built several homes in this area.
- Mr. Sotters explained due to small lot size, the home will be built 12 ft. from the property line abutting the street instead of the 25 ft. required.
- Mr. Sotters stated the construction of a new home will improve the neighborhood.

Discussion

- Chairman Penny pointed out the existing shed on the property is already closer to the property line than the house that will be built.
- Ms. Markezich stated she received a letter from O'Fallon Township in favor of the Zoning variance.

Public Testimony

There were no persons present for public testimony.

Further Testimony

County Board Member, John West gave testimony stating he is in favor of granting the variance.

MOTION by Meister to grant the request for the following reasons: The proposed design, location, development and operation will protect the public's health, safety and welfare and the physical environment; the building will not interfere with line of sight on the road.

Heberer seconds.

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

Motion carried.

This case has been granted by this board.

New Business - Case #2

Subject Case #2017-15-SP – David C. Daniels & Barbara J. Daniels, 402 N Main Street, Freeburg, Illinois, owners and applicants. This is a request for a Special Use Permit for a Planned Development pursuant to Section 40-9-3(H)(3) to allow a Lawn Care Business in conjunction with a single-family residence in a "RR-3" Rural Residential Zone District on property known as 4517 Douglas Road, Millstadt, Illinois in Millstadt Township. (Parcel #12-24.0-100-035)

David Daniels, Owner/Applicant

- Mr. Daniels explained he has operated a lawn care business for the last 20-years.
- Mr. Daniels stated he recently purchased this property.
- Mr. Daniels stated his business is currently located in town.
- Mr. Daniels explained there will be more space for employee and work vehicles.

Discussion

- Chairman Penny asked the applicant how many vehicles they have for the business. (The applicant stated they have three pick-up trucks that pull enclosed trailers and one open trailer used sparingly.)
- Chairman Penny asked hours of operation. (The applicant stated hours are typically 7:00 AM to 4:00 PM – Monday through Friday and occasionally Saturdays.)
- Chairman Penny asked how many employees. (The applicant stated there are four employees and his wife does the bookkeeping.)
- Chairman Penny verified they will use the existing 30' x 40' shed on the property. (The applicant stated that is correct.)
- Chairman Penny asked if they plan to expand the size of the equipment shed. (The applicant stated they have no plans on expanding at this time.)
- Chairman Penny asked if there will be any advertising signs on the property. (The applicant stated they currently have no plans for a sign.)
- Chairman Penny asked if there are customers that come to the residence. (The applicant stated they do not have customers visit their residence.)
- Chairman Penny asked how many personal vehicles will be leaving the property. (The applicant stated there will be two vehicles.)
- Mr. Meister asked if the applicant will bring mulch or cut up trees back to the site. (The applicant explained they occasionally may bring back mulch, but explained they have another location for the mulch.)
- Ms. Edwards asked what will be stored outside. (The applicant stated there will be no materials stored outside only the enclosed trailers will be parked outside.)
- Mr. Schneidewind asked if David Jr. rents the home from his parents. (The applicant stated that is correct.)
- Mr. Schneidewind recommended the Zoning Board somehow limit either Dave Sr. or Dave Jr. living in that house versus a tenant with a business behind it. (The applicant stated they would agree to the stipulation that the home not become rental property.)

Public Testimony

Thomas & Linda Hassall – 4449 Douglas Road stated they are the adjacent neighbor and have no objection to the request.

Rick Herzog – 4508 Douglas Road stated he also is an adjacent neighbor and has no objection to the applicants request for a Lawn Care Business.

Further Discussion

Mr. O'Donnell stated he visited the site. Mr. O'Donnell feels the property is large enough for the business and storage of the trailers. He stated it is his understanding that there will be no materials brought back to the site and feels this business will not be a nuisance to the neighbors. Mr. O'Donnell stated he is in support of the project.

Ms. Markezich stated Frank Heiligenstein, County Board Member is also in favor of the request.

MOTION by Edwards to approve the request for the following reasons: The utilities are well/septic; the Comprehensive Plan calls for Rural Residential; the applicant stated there are other businesses in the area; the applicant will have three vehicles, two enclosed trailers and one open trailer; hours of operation are 7:00 AM to 5:00 PM, five days per week with some exceptions on Saturdays; there will be a total of four employees; the proposed design, location, development and operation of the proposed Special Use Permit adequately protects the public's health, safety and welfare and the physical environment; the Planned Development is consistent with the Comprehensive Plan; the Planned Development will not have an adverse effect on the value of neighboring property or on the County's overall tax base; the applicant agreed that he will not put a sign up or do any type of advertising; the applicant also agreed that the home where his son currently lives will not become rental property; the proposed Planned Development will not have an adverse effect on traffic circulation on nearby streets. The request is compatible to adjacent uses in the general vicinity. County Board Member Michael O'Donnell and County Board Member, Frank Heiligenstein are both in favor of the request and two adjoining neighbors were present at the hearing and gave testimony of no objection to the business.

Second by Heberer.

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

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

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