

**St. Clair County Zoning Board of Appeals
Minutes for Meeting
At the Courthouse – 7:00 P.M.
September 11, 2017**

Members Present: Asst. Chairwoman Alexa Edwards, Rev. Gene Rhoden,
Steve Howell, Kent Heberer & George Meister

Members Absent: Chairman Scott Penny and Patti Gregory

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

County Board

Members Present: Bryan Bingel – County Board District 7
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 at 7:03 p.m. by Assistant Chairwoman, Alexa Edwards.

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 August 7, 2017 meeting. Second by Heberer. Motion carried.

Public Comment

There were no comments from the public.

Announcement

Assistant Chairwoman Edwards stated Subject Case #2017-14-ABV has been withdrawn by the applicant, Corey Famula.

Assistant Chairwoman Edwards stated Subject Case 2017-06-SP has been postponed until October 2, 2017.

New Business – Case #1

Subject Case #2017-15-ABV – Steve Guenther, 10016 New Athens Darmstadt Road, Lenzburg, Illinois, Owner & Applicant. This is a request for an Area/Bulk Variance to allow the construction of a Pole Barn 26 ft. from the front property line instead of the 60 ft. required in an “A” Agricultural Industry Zone District, on property known as 10016 New Athens Darmstadt Road, Lenzburg, Illinois in Fayetteville Township. (Parcel #19-32.0-100-012)

Steve Guenther, Owner/Applicant

- Mr. Guenther explained his land is rolling land and there is no other suitable location on his property for this building.
- Mr. Guenther stated he will store his vehicles inside the building.
- Mr. Guenther stated he will remove an unsightly building behind the house if this request is approved.
- Mr. Guenther stated he feels the approval of this variance would enhance the looks and suitability of the property.

Discussion

- Mr. Rhoden asked how close the nearest neighbor is to the applicant. (The applicant stated he is approximately 1 ½ miles from his nearest neighbor.)
- Mr. Schneidewind stated he pulled some pictures from Google and asked the applicant to point out what will be torn down on the property. (The applicant pointed out what he demolished.)
- Asst. Chairwoman Edwards asked when will the other building be removed. (The applicant stated after construction of the new building and no longer than 2-years.)
- Mr. Meister stated he is familiar with the property and does not see any problem with the construction. Mr. Meister explained there are no nearby neighbors and the building would not block the line of sight of drivers in the area.

Public Testimony

There were no persons present for public testimony.

Further Testimony

County Board Member, Bryan Bingel stated he visited the site. He feels the corn field creates more of a hazard there than the proposed building will for visibility. Mr. Bingel stated he is in favor of the request.

MOTION by Meister to grant the request for the following reasons: The building will not interfere with line of sight on the road.

Heberer seconds.

Roll call vote:	Rhoden -	Aye
	Meister -	Aye
	Howell -	Aye
	Heberer -	Aye
	Asst. Chairwoman Edwards-	Aye

This case has been granted by this board.

New Business - Case #2

Subject Case #2017-16-ABV – Thomas & Juanita Zajicek, 155 O’Fallon Troy Road, O’Fallon, Illinois, owners and applicants. This is a request for an Area/Bulk Variance to allow the division of 1-acre and 18-acres instead of the 40-acres required in an “A” Agricultural Industry Zone District on property known as 1660 & 1668 N. Lincoln Street & 155 O’Fallon Troy Road, O’Fallon, Illinois in O’Fallon Township. (Parcel #04-17.0-100-020, 026, 027, 028)

Thomas Zajicek, Owner/Applicant

- Mr. Zajicek stated they purchased the property at 1660 N Lincoln several years ago with a residence on it.
- Mr. Zajicek stated for a number of years, the residence was utilized as a rental property.
- Mr. Zajicek stated they just finished a major remodel to bring the home up to very nice standards.

- Mr. Zajicek stated they have someone interested in purchasing the property.
- Mr. Zajicek stated they would like to move the property lines to accommodate a 1-acre lot to go with the rental home.
- Mr. Zajicek stated the use of the home by the very nice couple will be beneficial to them and their neighbors.
- Mr. Zajicek stated the remainder of the property will be consolidated to create one parcel.

Discussion

- Mr. Rhoden asked if the County Board Member was present and if he has heard any negative responses to this request. (County Board Member, John West stated he supports the request. He stated the surrounding property owners in the area are in favor of the request as well. (Mr. West feels by combining the parcels it will be a benefit to the area.)
- Ms. Markezich explained the two parcels with the house across the property lines were recently consolidated. She stated the consolidation was supposed to happen years ago but due to a clerical error, it was never completed.
- Ms. Markezich stated the City of O'Fallon and O'Fallon Township Planning Commission are both in favor of the request.
- Asst. Chairwoman Edwards asked if there are public sewers available to the property. (The applicant stated their residence is connected to sewers and the rental home located at 1660 N. Lincoln is on its own septic system.)
- Mr. Schneidewind asked if the septic system will be contained in the one-acre division. (The applicant stated that is correct.)
- Mr. Heberer asked the LESA Rating. (Mr. Schneidewind stated the rating is 135 Low.)

Public Testimony

There were no persons present for public testimony.

Further Discussion

MOTION by Meister to grant this case for the following reasons: The applicants stated they wish to create a 1-acre lot with an existing house which is comparable to property in the area; the request would not be injurious to the neighborhood or the public welfare; the request is not in conflict with the Comprehensive Plan; the request will not increase hazard for fire or other dangers; and the applicant agreed to consolidate the remainder of their property with their house place.

Second by Howell.

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

This case has been approved by the Zoning Board.

New Business – Case #3

Subject Case #2017-17-ABV – Wade & Amy Ungerer, 2282 Stemler Road, Millstadt, Illinois, owners and applicants. This is a request for an Area/Bulk Variance to allow the division of 2-lots with 50 ft. of frontage instead of the 100 ft. required in a “RR-3” Rural Residential Zone District, on property known as 2282 Stemler Road, Millstadt, Illinois in Sugarloaf (South) Township. (Parcel #11-12.0-400-029 & 021)

Wade & Amy Ungerer, Owners/Applicants

- Ms. Ungerer stated their home originally sat on a 12-acre parcel and a few years back they purchased 9-acres from the neighbor.
- Ms. Ungerer explained their intention was to divide the property up for their four daughters.
- Ms. Ungerer explained they have access to split the property off of Pruitt Lane, however, they will not use that lane. She stated all lots will have access to Stemler Lane with a shared driveway.
- Ms. Ungerer stated they are requesting a variance for two 50 ft. strips to Pruitt Road to meet the requirements.

Discussion

- Asst. Chairwoman Edwards asked if there is water available on the property. (The applicant stated the property is on well. She stated there are very good deep wells in the area.)
- Mr. Heberer asked how the road will actually be. (Ms. Ungerer explained as long as they have the access approved, the easement would be up to them.)
- Ms. Markezich stated the only lots they are asking for a variance for are Lots 2 and 5. The other lots have the required frontage.

- Mr. Schneidewind asked if Lots 3 and 4 will access Pruitt Lane. (Ms. Ungerer explained all of the lots will access Stemler Road through their driveway. She stated the only reason they touch Pruitt Lane is to meet county standards. She explained there is no intent to use Pruitt Lane.)
- Mr. Schneidewind asked if they are buying property from their neighbor on Lot 1. (Ms. Ungerer stated that is their intention.)
- Asst. Chairwoman Edwards asked if the intent was for all family or will these lots be for sale. (Ms. Ungerer stated the property will be for all four of their children.)
- Ms. Markezich explained the applicants will have to plat the subdivision and may have to put in a road to County standards. (The applicant stated she was told this approval would avoid the county road requirement. She stated she was not clear on that in discussion with the Zoning Department.)
- Ms. Markezich stated there were 9 hits on the EcoCat report from the Department of Natural Resources. She stated she spoke with Debbie Newman from the Illinois Department of Natural Resources and she would like to meet with the applicants prior to the Zoning Board decision.

Public Testimony

There were no persons present for public testimony.

Further Discussion

County Board Member, Michael O'Donnell stated he is in favor of the request if the applicant follows all of the guidelines/rules of the Zoning office.

MOTION by Meister to continue this case until October 2, 2017 to allow the applicant to check with the County Highway Department and the Illinois Department of Natural Resources.

Second by Rhoden.

Roll call vote:	Meister -	Aye
	Rhoden -	Aye
	Howell -	Aye
	Heberer -	Aye
	Asst. Chairwoman Edwards	Aye

This case has been continued until October 2, 2017.

Old Business – Case #4

Subject Case #2017-12-SP – Theodore J. & Cindy L. Moore TR, 3 Executive Estates Drive, Millstadt, 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 the expansion of an existing Asphalt Plant in an “A” Agricultural Industry Zone District on property known as 5490 Club Congress Road, Waterloo, Illinois, in Prairie DuLong Township. (Parcel #17-29.0-400-003)

Asst. Chairwoman Edwards stated this case was taken under advisement to allow time for the board members to visit the property. The board was concerned about the location of the Asphalt Plant and the character of the surrounding area.

Discussion

- Asst. Chairwoman Edwards stated she visited the property and does understand the concerns because this is an Agricultural area.
- Asst. Chairwoman Edwards explained there is however, an existing business already operating on the property.
- Asst. Chairwoman Edwards stated she visited the applicants location in Millstadt and it is obvious they have outgrown that property.
- Asst. Chairwoman Edwards stated the applicants have taken excellent care of the existing business in Millstadt, Illinois.
- Asst. Chairwoman Edwards asked if the applicants will add a septic system to the property. (The applicant stated they have large johnny-on-the-spots that are sufficient for the number of employees.)
- Asst. Chairwoman Edwards confirmed the trucks will come off of 159 and not go in the other direction. (The applicant explained the trucks will come in off the Highway onto Club Congress.)
- Mr. Schneidewind asked how many employees. (The applicant stated there is one employee at this time and there will be three employees if the Special Use Permit is granted. The applicant stated his Millstadt location will remain open.)

Public Testimony

- Gilbert Birkner, Prairie DuLong Township Highway Commissioner stated his father worked at the Quarry on this property years ago and is not sure how the property is zoned Agricultural. (Mr. Meister explained the quarry was grandfathered in prior to Zoning.)

- Mr. Birkner stated the quarry rebuilt the road from the Highway up to that quarry with reinforced deep rock that was maintained by them for years.
- Mr. Birkner also stated as Highway Commissioner in the area having blacktop that isn't 30-miles away will be quite a benefit to the Township.
- Mr. John Kaiser, Prairie DuLong Township Supervisor stated back in the day of Quality Stone Quarry, there were maybe 300 trucks that came in and out of this property with no problem.
- Robert Hemmer – 5498 Club Congress Road, Waterloo stated he has come to an agreement with Mr. Moore and has no objection to the request. He stated one of his main concerns was that this business would get larger and Mr. Moore assured him it would not.

Further Discussion

- Asst. Chairwoman Edwards stated the site is very well cleaned and managed.
- Mr. Meister asked how many loads the plant may have in one day. (The applicant stated the more the merrier but cannot predict how many loads he will have in the future.)
- Mr. Meister asked what size the plant will be. (The applicant stated there will be 150 to 200 ton per hour.)
- Mr. Meister asked how many lbs. of LP. (The applicant stated Select Propane will service the site or if they go with natural gas, Illinois Power will bring the line in to the property.)
- Mr. Meister asked how many pounds of asphalt product will be stored. (The applicant stated the tank is 15,000 lbs.)
- Asst. Chairwoman Edwards stated she feels in a perfect world this business would be best suited in an Industrial Park, but there is no Industrial Park in the area. Therefore, this would be the highest and best use at this point in my opinion.

Further Discussion

County Board Member, Bryan Bingel stated he spoke with the surrounding property owners and none had any issues with the request for an asphalt company.

County Board Member, Michael O'Donnell stated this was his District prior to the redistricting. He stated Mr. Moore runs a top notch operation in Millstadt and this property abuts his district and he is in favor of the request.

MOTION by Heberer to grant the application pursuant to the following findings and subject to the following stipulations:

The proposed design, location, development and operation of the asphalt plant will adequately protect the public's health, safety and welfare and the physical environment as the plant and location is located in a remote area with no immediate residential neighbors, and the plant will comply with all applicable State and Federal environmental requirements. Further, the property is currently being used as an asphalt and concrete recycling facility, thus, the addition at this site will be less of an impact as compared to a separate development of an asphalt plant at a site that is more densely populated or that is closer to a municipality or residences, thus, having an overall effect of protecting the public's health, safety and welfare.

The Special Use will have no adverse impact on the County's Comprehensive Plan, as there is currently a commercial use that has been previously permitted on this property.

The Special Use will have minimal to no adverse effect on the value of the neighboring property, as the majority of the property in the immediate adjacent vicinity of the Special Use is undeveloped farm fields or woods, used for agricultural or recreational purposes. Further, the Zoning Board of Appeals is not aware of any adverse effect the current use of the property as an asphalt and concrete recycling facility has had on neighboring property.

As to the County's overall tax base, it is expected that the proposed use will have a positive impact, because of the significant expenditure and improvements placed on the property in question.

The Special Use permit will increase traffic on Club Congress Road; however, the increase in traffic will only be a short distance on Club Congress Road, as the entrance to the facility is only a short distance from the intersection of Club Congress Road and State Route 159; a State Route that can adequately handle heavy truck traffic generated by the proposed Special Use. Further, Club Congress Road is wide enough and of adequate composition to handle truck traffic as it currently handles truck traffic to and from the asphalt and concrete recycling facility located on the property in question, as well as handling large farm implement traffic. Moreover, Club Congress Road at one time handled heavy quarry traffic, and the Prairie DuLong Township Supervisor testified that the road can handle heavy trucks with no impact.

Regarding public utilities the asphalt plant does not use water, thus, there will be no adverse effect on ground water tables for wells or any public water supply. As for power, there is currently a sufficient electric supply to the property and the plant will run on propane.

There are no nearby schools or hospitals that need special consideration because of the proposed Special Use.

While the proposed Special Use is the only commercial use in this immediate area, the property in question was previously used as a quarry, and is now being used as an asphalt and concrete recycling facility. The addition of the asphalt plant will be in harmony with and will be a complimenting use to the recycling facility.

The following special conditions are hereby placed on this Special Use: 1) Hours of operation: Monday thru Friday 6:00 a.m. to 6:00 p.m., only. 2) The Applicant's asphalt plant shall be limited in size to that of a Barber Greene DM-55 Drum Mix Plant, Parallel Flow, with the capacity to make 150 tons per hour maximum, or the functionally equivalent substitute drum mix plant; with the exception of a 100 ton storage tank/silo being allowed. 3) No farm ground is to be disturbed by the construction of the asphalt plant. 4) All State and Federal environmental rules and regulations will be complied with at all times. 5) All applicable State and Federal permits will be applied for, obtained, and complied with at all times. 6) Any storm water runoff will be captured by an appropriate retention area to be designed and placed on site, so as not to allow such runoff to be deposited in the lake on the property in question or escape off site. The retention area is to be designed by a professional engineer and such plans shall be submitted to the Director of Zoning for review and approval prior to obtaining a building permit. 7) The Applicant will adhere to the location of the asphalt plant as indicated on the proposed site plan submitted by the Applicant. 8) Any damage done to Club Congress Road, from the entrance and exit area of the Applicant's plant to State Route 159, that is due to the Applicant's traffic related to the construction or operation of the asphalt plant or damage caused by every day traffic to and from the plant shall be immediately addressed by the Applicant with the Prairie DuLong Road District that controls the Club Congress Road, with the Applicant bearing responsibility for any repair unless such damage can be unequivocally shown to be caused by something or someone other than the traffic coming and going from the Applicant's facility. 9) All set-back distances will be complied with.

The failure of the Applicant to adhere to any of these conditions is grounds for immediate revocation of this Special Use Permit.

This Special Use Permit is transferable; however, subject to all terms and conditions placed upon it, and assuming the current Applicant, or any future possessor of the Special Use Permit remains in good standing with both the State and Federal Environmental Protection Agencies and any other applicable State or Federal Agency.

Second by Howell.

Roll call vote:	Rhoden -	Aye
	Meister -	Aye
	Howell -	Aye
	Heberer -	Aye
	Asst. Chairwoman Edwards-	Aye

Motion carried.

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

Old Business – Case #5

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 allow the sale and repair of new and used RV's and campers, inside boat and camper storage; the sale of RV's and camper enclosures and power sport sales and service in an "A" Agricultural Industry Zone District, on property known as 3169 Mascoutah Avenue, Belleville, Illinois in Shiloh Valley Township. (Parcel #09-29.0-300-013)

Asst. Chairwoman Edwards stated this case was continued from July 10, 2017.

Asst. Chairwoman Edwards stated she visited the property and took some pictures. She shared the pictures with the board members.

Discussion

- Asst. Chairwoman Ms. Edwards stated she does not have a problem with a business being ran out of this location, but does not want to have multi-use on the property that turns into a salvage yard.

- Mr. Schneidewind asked the applicant what the original business was when the applicant took over the property. (The applicant stated the original business was for repairing tractors and trailers.)
- Mr. Schneidewind stated he understands the parking of trailers on the property because that fits in with the tractors but now the applicant has branched out into the RV world and the property is losing the Agricultural Industrial feel that fits in that area. (The applicant responded by explaining the demand for tractor and trailer repair in the area has decreased compared to the demand for RV repairs and sales.
- Mr. Schneidewind asked if the applicant will eventually steer away from the tractor and trailer repair and continue with RV campers. (The applicant stated that is the demand for the area.)
- Asst. Chairwoman Edwards asked if the utility trailers on the property were the applicants or if they were on consignment. (The applicant stated the ones up front are for sale.)
- Asst. Chairwoman Edwards asked what percentage of the business is farm equipment. (The applicant stated it is a small percentage.)
- Asst. Chairwoman Edwards asked if the applicant has any objection to limiting the business to RV's and Campers and the powersports sales and service to come at a later date.
- Mr. Meister asked the applicant what the 80 ft. x 200 ft. building on the property will be used for. (The applicant explained this building will be built as an RV condominium. This building will be semi-climate controlled so that the RV's do not require winterization and will have a power source to keep the batteries tindered up.
- Mr. Schneidewind asked if the future addition planned will be for storage or for bays. (The applicant stated his need is for bays and would like to build these in the next year. He stated the 60' x 80' building will house four more service bays.)
- Mr. Schneidewind asked if the 80' x 200' building will be enclosed. (The applicant explained the building will be enclosed. Each RV will have it's own unit with a door on each side.
- Asst. Chairwoman Edwards asked how many bays they have for service at this time. (The applicant stated there are five service bays at this time and with the addition there will be four more for a total of nine.)
- Asst. Chairwoman Edwards stated there should be a privacy fence around the property that will enhance the property.
- Ms. Meister asked if we could take this under continuance for the board to work on the motion.
- Mr. Schneidewind asked if the storage building will be a Morton Building. (The applicant stated the storage building will be a pole building.)

MOTION by Heberer to take this case under continuance until November 6, 2017.

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