

**St. Clair County Zoning Board of Appeals
Minutes for Meeting
At the Courthouse – 7:00 P.M.
April 9, 2018**

Members Present: Chairman Scott Penny, George Meister,
Alexa Edwards, Kent Heberer & Steven Howell

Members Absent: Patti Gregory

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

**County Board
Members Present:** Michael O'Donnell, County Board District #22
June Chartrand, County Board District #16
Dave Tiedemann, County Board District #19
John West, County Board District #15

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 Edwards to approve minutes of the March 5, 2018 meeting. Second by Heberer. Motion carried.

Public Comment

There were no comments from the public.

New Business – Case #1

Subject Case #2018-01-SP – Linda Mentzer Trust, 6709 Augies Way Place, Millstadt, Illinois, owner and DBT Properties LLC, 4412 Mascoutah Avenue, Belleville, Illinois, applicant. This is a request for a Special Use permit for the expansion of a Planned Building Development pursuant to Section 40-9-3(H)(3) to allow the construction of two additional mini-warehouse storage buildings in an “A” Agricultural Industry Zone District, on property known as 4412 Mascoutah Avenue, Belleville, Illinois in Shiloh Valley Township. (Parcels #09-26.0-400-013 & 014)

Kevin Shipp, Applicant/Tom Mentzer, Owner

- Mr. Shipp explained he is the son-in-law of Mr. & Mrs. Mentzer.
- Mr. Shipp submitted a proposal to build two additional storage buildings at their existing mini-warehouse business.
- Mr. Shipp stated he would also like to add a fence and additional lighting to the property, due to some recent break-ins at the facility.
- Mr. Shipp stated he proposes to build a 270 ft. long by 50 ft. deep 3-sided building with a roof.
- Mr. Shipp stated the second building will be 170 ft. long x 10 ft. wide for 40 ft. due to setback issues and the remainder 20 ft. wide.
- Mr. Shipp stated each member was given a site plan showing the proposed building layout.
- Mr. Mentzer stated the outside of the buildings will match and have the same exterior as the existing buildings on the property. The applicant provided two options for one of the buildings.

Discussion

- Mrs. Edwards asked if the larger building will be the one with the open end. (The applicant stated that is correct. He stated he provided some sketches of the buildings.)
- Mrs. Edwards asked how open storage would prevent break-ins at the storage facility. (The applicant explained the open storage would be for camper/RV storage only with lights and additional security cameras.)
- County Board Member, Dave Tiedemann stated on the plan it shows the installation of a fence and gate around the property.
- Ms. Markezich confirmed the sheds along the frontage of the property will be moved. (The applicant stated that the sheds are being moved to the West side of the property so the Sheriff's Department can see down the aisles of the storage facility, when they drive down the road.
- Ms. Edwards asked if the license has to be current on trailers or boats that are stored on the property. (The applicant stated there has been no issue, but going forward they could enforce that.)

- Ms. Edwards stated the applicants take very good care of their property but wanted to remind the board they need to be consistent and fair because others may want to build 3-sided buildings.

Public Testimony

There were no persons present for public testimony.

Further Testimony

County Board Member, David Tiedemann stated he has no problem with granting the expansion of the business. He explained granting this request would be a continuation of good practices.

MOTION by Heberer to grant this request for the following reasons: The property is well kept and the request meets with the Comprehensive Plan adding to the existing Special Use; the request will not have adverse effect on the value of neighboring properties; there will be no additional effect on traffic flow; the request is compatible with adjacent uses in the general vicinity; and all outdoor storage will be located inside the three sided building and fenced as per the site plan.

Second by Edwards.

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

Motion carried.

This case has been granted by this board and will go to the County Board the last Monday of the month.

New Business - Case #2

Subject Case #2018-03-ABV – Ethel Schuhardt, 6720 Union Cemetery, Millstadt, Illinois, owner and Andrew Bendick, 16 Meyer Drive, Freeburg, Illinois, applicant. This is a request for an Area/Bulk Variance to allow the division of 5.1-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 XXXX Beil Road, Millstadt, Illinois in Millstadt Township. (Parcel #12-11.0-100-032)

Andrew Bendick/Applicant

- Mr. Bendick introduced himself and his wife Kristin. He stated his wife's parents are the owners of the property.
- Mr. Bendick stated they would like a variance to break off 5.1-acres off of a 20-acre parcel.
- Mr. Bendick stated this would be his primary residence.

Discussion

- Chairman Penny asked if there is a history of divisions on the property. (Ms. Markezich stated there is not a history of divisions.)
- Ms. Markezich asked if there is public water available to the property. (The applicant stated there is a water line but the Village of Millstadt requires a non-contiguous annexation agreement to connect.)
- Ms. Edwards asked if there is sewer in the area. (The applicant stated he is not aware of public sewers. He stated he will have a septic tank with a sandfilter.)
- Ms. Edwards asked what type of sewer the subdivision is on. (The applicant stated the adjacent subdivision is on a septic system the entire neighborhood shares.)
- Chairman Penny asked if the red area on the site plan is where the home will be located on the property. (The applicant stated that is correct.)
- Mr. Heberer noted there is flood plain on the property. (The applicant stated the area where they are building is well above the flood plain.)
- Ms. Edwards asked if this division will create an undue hazard on the property, if the applicant wants to create further divisions for other children. (Ms. Markezich explained this property is abutting the Village of Millstadt and will soon be annexed.)
- Ms. Markezich asked if there will be an easement to cross the farm field. (The applicant stated that is correct.)

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 and has not heard from any of the surrounding neighbors.

MOTION by Edwards to grant the variance for the following reasons: The request would allow a 5.1-acre division with 50 ft. of frontage; the applicant has stated this division would be for a daughter of the owner; the applicant would like to build a permanent home to stay in the area; the request is in harmony with the general purpose and intent of the Zoning Ordinance; the request would not be injurious to the neighborhood or detrimental to the public welfare; the request is not in conflict with the Comprehensive Plan as the applicant has presented a site plan to the board; the request will not create a fire hazard and will not diminish the value of buildings or land in the area; the request will not increase traffic congestion; and the applicant is aware of the flood plain and will not divert water in the area to nearby properties.

Heberer seconds.

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

This case has been approved by the Zoning Board.

New Business – Case #3

Subject Case #2017-20-SP has been Withdrawn.

New Business – Case #4

Subject Case #2018-04-ABV – Joseph E. Jr. & Linda. R. Traiteur, 4236 Haudrich Road, Waterloo, Illinois, owners and Justin J. Traiteur, 6110 Illini Drive, Waterloo, Illinois, Applicant. This is a request for an Area/Bulk Variance to allow the division of 15-acres instead of the 40-acres required in an “A” Agricultural Industry Zone District on property known as 4135 Buss Branch Road, Waterloo, Illinois in Millstadt (South) Township. (Parcel #16-14.0-400-010)

Justin Traiteur, Applicant

- Mr. Traiteur stated he would like to divide off 15-acres from the family farm to rebuild a house that burned down several years ago.
- Mr. Traiteur stated there is currently a well on the property.
- Mr. Traiteur stated he will have 100 ft. of frontage to Buss Branch Road.
- Mr. Traiteur stated his sister inherited 15-acres from their grandmother in Monroe County, Illinois.
- Mr. Traiteur stated his LESA rating is 152 which is low.

Discussion

- Ms. Markezich stated the applicant will consolidate the remainder of the property with the adjacent farmland.

MOTION By Meister to approve this case for the following reasons: The applicant stated this is a farm related activity/operation and a homestead was previously on property; there is an existing septic system on the property; the division will be in harmony with the general purpose and intent of the Zoning Ordinance; and will not be injurious to the neighbors or detrimental to the public welfare; and the request is not in conflict with the Comprehensive Plan.

Second by Howell.

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

This case has been granted by this board.

New Business – Case #5

Subject Case #2018-01-TA – Anne Markezich, St. Clair County Director of Zoning, #10 Public Square Belleville, Illinois, Applicant. This is a request for a Text Amendment to amend Chapter 40 – Zoning Code, specifically to amend Article IV, Divisions I, XII, XIII certain Zoning Districts (“A” Agricultural Industry Zone District, “I-1” Research & Assembly District & “I-2” General Industry Zone District) to include Solar Farm Energy Systems and an amendment to Article V of the Zoning Code- Supplemental Use, Area and Bulk Regulations that will apply to such Solar Energy Systems.

Anne Markezich, Zoning Director

- Ms. Markezich stated she would like to amend the St. Clair County Zoning Code – Chapter 40 to cover Solar Farms.
- Ms. Markezich stated she has been approached by several Solar Companies from 15-acres to 400-acres interested in installing commercial Solar Farms. She stated due to the interest in Solar Farms, she felt it was time to put in some rules and regulations.
- Ms. Markezich explained there will be two different classifications in the Ordinance: (a) Solar Energy System is for personal use. (b) Solar Farm Energy System which is for commercial use.
- Ms. Markezich explained the County is currently selling building permits for personal solar systems as an accessory use to the residence.

Ms. Markezich explained some of the key points of the proposed Ordinance:

- a) Personal solar system panels cannot larger than 10 square feet and cannot occupy more than 2,500 square foot.
- b) Solar Farm Energy Systems will only be allowed as a Special Use Permit in the “A” Agricultural Industry Zone District and “I-1” and “I-2” Industrial Zone Districts.
- c) Solar Farm Energy Systems cannot exceed 18 square feet in max tilt, and the setbacks will be 50 ft. from front, side and rear.
- d) A fence of at least 6 ft. in height and no greater than 10 ft. shall enclose the solar farm energy system.
- e) If lighting is provided at project, it shall be shielded and downcast, so light will spill onto adjacent parcels.
- f) The Solar farm energy system shall be designed and located to prevent glare towards any structures on nearby properties or roadways.
- g) Only outdoor storage of materials, vehicles and equipment that are directly supported the operation or maintenance of the solar farm will be allowed.
- h) For the safety of the facilities, all facilities shall be fenced with a locked entrance with high voltage signs posted.
- i) Each Solar Farm Energy System project shall be maintained by current general liability policy covering bodily injury, theft, property damages with a limit of at least 2 million dollars per occurrence and 4 million dollars in total.
- j) Prior to applying for a building permit, a decommissioning plan shall be submitted to the St. Clair County Building Department and Environment Committee for review. Upon approval the Environment Committee will set up an amount equal to 10% of the estimated cost of decommissioning to be held in a bond, escrow or other acceptable form of funds approved by the Committee.

- k) There will be an annual review of each solar farm submitted to the Building & Zoning Department on the first Monday of July with a fee of \$500.00. This report shall include any physical modifications; complaints, calls for emergency services and status of liability insurance.

Discussion

- Mr. Howell asked if there are other agencies that require a permit for the systems, such as the IEPA or etc. (Ms. Markezich stated possibly FEMA if they are in a flood zone or IDNR if there are endangered species.) (Mr. Favazza added the Department of Agricultural has an agreement that has to be signed and there are possible FAA regulations.) Ms. Markezich stated she currently has four requests for Solar Farms waiting to go before the Zoning Board of Appeals. Chairman Penny asked what the landowner is compensated under this agreement. (Dave Tiedemann stated typically \$800/an acre annually and can possibly go up to \$1,200 per acre for up to 50-years.)
- Mr. Meister asked if the existing solar arrays/farms will be grandfathered from these proposed regulations. (Ms. Markezich stated that is correct.)
- Fred Helm, Farm Bureau applauded the work that St. Clair County has done to put these regulations together. The Farm Bureau Board has been standing by and doing their own research. There are a lot of provisions in the Ordinance regarding concerns they have.
- Jim Reifschneider, Smithton questioned where the 50 ft. setback begins. (Ms. Markezich answered 50 ft. from the property line.)
- Mr. Favazza stated the 50 ft. setback can be varied by the Zoning Board of Appeals. He explained if there is good reason why they cannot meet the setback the Zoning Board could grant a variance.
- Dave Tiedemann asked if the cost of the permit has been determined. (Ms. Markezich stated the Solar Farms permit will be based on the commercial rates already used by St. Clair County. The personal solar arrays currently being charged a rate of \$120.00 as an accessory structure will be modified.)
- Michael O'Donnell asked if the system has to be near a power station. (Ms. Markezich stated her understanding is that the farm has to be located near a substation.)
- June Chartrand asked if there will be a cost involved for St. Clair County during the process. (Ms. Markezich stated the solar farms will create revenue for St. Clair County through the permitting process and commercial property taxes.)
- Ms. Edwards asked where the nearest solar farm is located. (Mr. Heberer stated he found one in Springfield.)
- A member of the Farm Bureau stated he would like to see the Zoning Office involved in the discussion on how taxes will be handled. Anne stated the Assessors office is currently working on the taxes.

MOTION by Edwards:

Regarding the Zoning Administrator's 2018-01-TA, a request for a Text Amendment to the St. Clair County Code specifically to amend Article IV, Division I, XII & XIII certain zoning districts ("A" Agricultural Industry District, "I-1" Research and Assembly District and "I-2" General Industry Zone District) to include Solar Energy Systems, including, but not limited to, Solar Farm Energy Systems and an amendment to Article V of the Zoning Code – Supplemental Use, Area and Bulk Regulations that will apply to such Solar Energy Systems

I hereby make a Motion to RECOMMEND the adoption of the Zoning Administrator's proposed text amendments contained in Petition 2018-01-TA, for the following reasons:

- 1) That the Amendments are consistent with the intent and purpose of the County's Zoning Code, as the Amendments proposed will promote and protect the public's health, safety, comfort and general welfare; will help promote the orderly and beneficial development of the County; and the Amendments set reasonable standards in which to develop solar facilities in St. Clair County.
- 2) That the Amendments properly take into account those areas of the County that may be the least impacted by such facilities to the benefit of the public, and the citizens of St. Clair County.
- 3) That the Amendments are narrowly tailored to affect their purpose.
- 4) That the Amendments would not adversely affect the current County Comprehensive Plan.
- 5) That the Amendments will have no adverse effect on any taxing district.
- 6) That the Amendments are reasonable regulations, and will be a useful tool and of great benefit to the County in its endeavor to promote the use of solar renewable energy, a very important goal, not only to the County, but to its citizens, and that if achieved will have benefits to the County decades into the future.
- 7) That the Amendments properly take into account those areas of the County that are most appropriate for Solar Farm Energy Systems facilities and allow residents and small business and small commercial entities to use solar power as an energy source for their homes and business to the benefit of the public, and the citizens of St. Clair County.

Therefore, for those reasons, I would recommend the adoption of the Zoning Administrator's proposed text amendments contained in Petition 2018-01-TA.

Meister seconds.

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

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

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