

**St. Clair County Zoning Board of Appeals  
Minutes for Meeting  
At the Courthouse – 7:00 P.M.  
February 5, 2018**

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

**Members Absent:** Patti Gregory

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

**County Board  
Members Present:** Bryan Bingel, County Board District #7

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**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 December 4, 2018 meeting.  
Second by Edwards. Motion carried.

**Public Comment**

There were no comments from the public.

**New Business – Case #1**

Subject Case #2017-19-SP – Robert & Shelley Wolf, 7636 Ponderose Lane, Freeburg, Illinois, owners and Austin R. Wolf, 6658 Goeddeltown Road, Waterloo, Illinois, applicant. 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 metal fabrication business in an "A" Aricultural Industry Zone District, on property known as 4744 State Rte 13, Freeburg, Illinois, in New Athens Township. (Parcel #18-05.0-100-017)

**Austin Wolf, Applicant**

- Mr. Wolf stated he is requesting a metal fabrication business at his parents' home located at 4744 State Route 13, Freeburg.
- Mr. Wolf stated he works on plasma cutting, fabricating, modifying farm equipment to constructing furniture.

**Discussion**

- Chairman Penny asked if the business includes woodworking as well as metal fabrication. (The applicant explained the business can be a mixture of both with outdoor furniture there is woodwork and metal work and etc.)
- Chairman Penny asked the applicant to explain his last three jobs. (The applicant stated he installed some railings at FKG Oil which was curved railings; prior to that, he installed two gates; and a third project was a rotisserie for a lumber company.
- Chairman Penny asked how many hours the applicant works. (The applicant stated he works the normal work hours, he is currently the only employee but could possibly have one in the future.)
- Chairman Penny asked if this would be his full-time employment. (The applicant stated that is correct.)
- Mr. Howell asked if there will be any painting on-site. (The applicant stated he does not paint.)
- Ms. Edwards asked what the normal operating hours would be. (The applicant stated 8:00 AM to 5:00 PM with possible Saturdays. There will be no retail.)
- Ms. Edwards asked if there will be any outside storage on the property. (The applicant stated there will no outside storage on the property.)
- Mr. Meister asked how long the applicant has been working at this site. (The applicant explained he got his masters degree in 2015 and after that started doing side jobs.)
- Mr. Meister stated he visited the site and saw no evidence of the business. (The applicant stated he will keep everything on the inside of the building.)

- Mr. Meister asked if the home was being sold. (Robert Wolf stated the home is a rental property.)
- Chairman Penny asked if the applicant would agree to not split the building off of the property. (Robert Wolf stated the building is too close to the residence to split off.)
- Chairman Penny asked the owner if he lives in the vicinity. (Mr. Wolf stated he lives right behind the property, down Ponderosa Lane.)

### Public Testimony

Tom Biebel – 8025 Red Ray Mine Road stated he was not present for this hearing but he lives 1 ½ miles away and stated the applicants are first class people.

### Further Testimony

County Board Member, Bryan Bingel stated he visited the site and spoke to the applicant, Austin Wolf. He stated he was very impressed with the machinery available and the project he was working on. Mr. Bingel stated he asked the nearby homeowner and they stated they have no objection to the request. Mr. Bingel stated he is in support of the request.

**MOTION** by Meister to approve the request for the following reasons: The applicant presented his plan; there will be no adverse effect to the area; the property is surrounded by Agricultural; the petitioner has been operating in the existing building and received no negative input from neighbors; the applicant stated he will be the only employee at this time with one in the future; and there will be no negative impact on the surrounding area.

Second by Heberer.

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|------------------------|-----------------------|------------|
| <b>Roll call vote:</b> | <b>Heberer -</b>      | <b>Aye</b> |
|                        | <b>Meister -</b>      | <b>Aye</b> |
|                        | <b>Howell -</b>       | <b>Aye</b> |
|                        | <b>Edwards -</b>      | <b>Aye</b> |
|                        | <b>Chairman Penny</b> | <b>Aye</b> |

Motion carried.

This case has been granted by this board and will be considered by the County Board at their meeting.

**New Business - Case #2**

Subject Case #2017-26-ABV – WHD Properties LLC, 8162 Red Ray Mine Road, Freeburg, Illinois, owners and Carolyn Davis, 8071 Lementon Road, Freeburg, Illinois, Applicant. This is a request for an Area/Bulk Variance to allow the division of 6-acres instead of the 40-acres required in an “A” Agricultural Industry Zone District on property known as 8162 Red Ray Mind Road, Freeburg, Illinois in New Athens Township. (Parcel #18-04.0-400-018)

**Carolyn Davis, Owner**

- Ms. Davis stated she is 3<sup>rd</sup> generation on the farm.
- Ms. Davis stated she and her daughter and son-in-law would like to build a home on the property.
- Ms. Davis explained they would like to divide off 6-acres from the property.

**Discussion**

- Mr. Meister stated this case was before the board previously. He asked Ms. Markezich to refresh the board. (Ms. Markezich stated the applicant requested the division of 6-lots at the last meeting. That case was eventually withdrawn.)
- Chairman Penny asked if the applicant will remove the mobile home from the property. (The applicant stated that is correct.)
- Mr. Meister asked if applicant will build the home first and then remove the mobile home. (The applicant stated the mobile home is currently up for sale.)
- Chairman Penny stated in any case the mobile home will be removed from the property. (The applicant stated that is correct.)
- Chairman Penny asked if the plans for subdividing the larger parcel are still in the wind. (The applicant stated in the future they would like to divide up the property because her brother has several children.)
- Mr. Meister questioned the easement. (The applicant explained the easement continues to the end of Lementon Road.)

**Public Testimony**

- Mike Magill, 8000 Lementon Road, Freeburg stated he has no objection to the proposal but his concern is it could be interpreted as more than one 6-acre which he would be opposed to. Mr. Magill asked for the board to be specific in their ruling.

- Tom Biebel, 8025 Red Ray Mine Road, Freeburg stated he has 8 children and 8 grandchildren. He stated he has farmground, but the applicants are not destroying farmground. Mr. Biebel stated this division will not have an affect on Lementon Road because further divisions would have to come off of Red Ray Mine Road. Mr. Biebel feels this is a reasonable request for this tract of ground.
- Barbara Magill, 8025 Red Ray Mine Road, Freeburg stated the language of the petition is what bothered her. Ms. Magill wants to make sure the request is made clear in the motion.

### **Further Discussion**

County Board Member, Bryan Bingel stated he visited the site and stated this is a beautiful location. Mr. Bingel stated he sees no reasons not to grant the request for a variance.

**MOTION** by Meister to approve the request for the following reasons: The applicant will divide off one 6-acre parcel with an existing mobile home on it; the applicant will build a house on the property and remove the mobile home leaving only one residence on the property; the applicant will have 6 months to remove the mobile home after completion of the home; and this is the highest and best use of the property.

Heberer seconds.

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|------------------------|------------------------|------------|
| <b>Roll call vote:</b> | <b>Heberer -</b>       | <b>Aye</b> |
|                        | <b>Meister -</b>       | <b>Aye</b> |
|                        | <b>Howell -</b>        | <b>Aye</b> |
|                        | <b>Edwards -</b>       | <b>Aye</b> |
|                        | <b>Chairman Penny-</b> | <b>Aye</b> |

This case has been approved by the Zoning Board.

### **Old Business – Case #3**

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 camper enclosures and powersport sales and service in 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)

Mr. Schneidewind stated this case has been under advisement since July, 2017 and reset several times. Mr. Schneidewind stated the applicant was advised of the meeting tonight, however he is not in attendance.

The applicant submitted a revised summary stating he would be willing to limit the amount of used RV's and campers on his lot for sale and on consignment. The applicant will no longer sell used farm equipment and everything else is the same. The applicant wants to sell RV's and utility trailers, but removed power sport sales. The applicant also wants to add on to his building with additional service bays which as long as it is the same building should not be a problem.

### **Discussion**

- Chairman Penny asked if there was a problem with outside storage of motor homes. (Ms. Markezich stated the applicant claims the RV's are not picked up after service and are parked outside waiting to be serviced.)
- Mr. Heberer visited the property yesterday and noted the applicant moved most of the motor homes to the back of the property. He stated the new equipment was sitting out front.
- Mr. Schneidewind reminded the board, the applicant agreed to install slats on the existing fence and a vegetation barrier on the East and West sides of the property.
- Mrs. Edwards stated her concern is outside storage and selling consignment on the property.
- Mr. Heberer stated he feels like any used equipment should be behind the fence.

### **MOTION BY Heberer:**

In case number 2017-11-SP, the Petitioner, Phillip Tegtmeier has requested a Special Use Permit for a Planned Building Development 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, utility trailers, power sport sales, and service of RV's in an Agricultural Industry Zone District, at 3169 Mascoutah Avenue in Belleville, Illinois, Shiloh Valley Township.

Having reviewed the Petitioner's application, the evidence submitted, and the testimony presented by Petitioner and the Public, I hereby move that the Zoning Board of Appeals recommend that Petitioner's request be granted in part and denied in part with certain conditions and restrictions.

The property in question is about 9.87 acres. It is currently the home of a building out of which Edwards Equipment LLC operates. The Petitioner is the owner of Edwards Equipment. He purchased the business from his father-in-law. Edwards Equipment has been in business in St. Clair County since 1935. The business has been located at the current location since 1979. It was operated as a Case Industrial Equipment dealership until 2014. The company continued to sell and repair used farm and lawn care equipment and to sell and repair utility trailers.

Edwards Equipment expanded into the service and repair of RV's and campers as well as the sale of parts. The service and repair aspect of the business has become the bulk of the business of Edwards Equipment. It also now sells used RV's and campers, some on consignment. The company currently has five service bays.

Edwards Equipment has come before the board seeking a special use permit to continue its business as is and for approval to build a 60 foot by 80 foot addition to the existing building to add four additional service bays. The Petitioner also seeks to build an 80 foot by 200 foot, metal pole barn-type structure to accommodate the indoor storage of RV's, camper trailers, and boats.

As proposed, the lot surrounding the proposed buildings and the existing buildings will continue to be a gravel lot. The current and proposed hours of operation are 8:00 am to 5:00 pm, Monday through Friday and 9:00 am to 1:00 pm on Saturday. Edwards Equipment currently employs seven people. It projects expanding to ten to twelve employees in the future if the special use permit is granted. The property is not being used for the storage of vehicles by paying customers. But the property does store vehicles that are waiting to be repaired or that have been repaired and are waiting to be picked up by customers.

The rear of the property where vehicles are kept for service is currently enclosed by a chain-link fence. The parcel in question is surrounded by farm land and there is farm land across Mascoutah Avenue. To the west of the parcel there is a residential subdivision. Vehicle traffic to and from the facility will utilize Mascoutah Avenue which is a two-lane road. The proposed facility will use the existing driveway which is paved where it meets Mascoutah Avenue and then transitions into a gravel driveway as you approach the existing building. The facility is adequately serviced by well and septic.

I hereby recommend that the County Board approve the Petitioner's request for an addition of four additional service bays for Petitioner to repair and service RV's, campers, utility trailers, and farm and lawn care equipment. I further move for a recommendation that the County Board approve

the request for allowing sales of RV's, campers, utility trailers, new farm and lawn care equipment, and parts for RV's, campers, and utility trailers.

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 service the proposed Special Use.

Mascoutah Avenue is adequate to accommodate the proposed Special Use. If an additional four service bays are built, they 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 limitations and conditions:

1. All consignment and used RV's, campers, and utility trailers shall be kept in the enclosed fenced area on the south side of the existing main building. Further any RV's, campers, utility trailers or other types of equipment that are awaiting repair or those that have been repaired and are awaiting pick-up shall be stored in the fenced area on the south side of the existing main building. All RV's, campers, utility trailers, vehicles, and implements that have been repaired must be picked up as soon as possible.
2. Only new RVs, campers, and utility trailers shall be allowed to be stored outside the fenced area, and all shall have a certificate of origin; however, such may not be stored in or upon the public right-of-way, and shall be placed on the existing gravel lot area on the north and west side of the existing main building that faces Mascoutah Avenue. No other equipment or vehicles shall be stored or parked in the front of the premises that face Mascoutah Avenue.
3. Petitioner shall not sell power sports equipment, including but not limited to ATVs, UTVs, sea-dos, boats, and other similar vehicles and equipment.
4. Petitioner shall install slats in the existing chain link fence so as to screen the fenced-off area from adjacent properties, and shall plant a vegetation barrier on the east and west sides of the subject property.
5. Petitioner's hours of operation shall not exceed the current hours of operation, 8:00 am to 5:00 pm, Monday through Friday and 9:00 am to 1:00 pm on Saturday.



6. Petitioner shall construct the proposed addition in a manner that matches the color and character of the existing building. Petitioner must obtain prior written approval of the Building and Zoning Director before the construction of the proposed addition begins.

7. Petitioner must allow no one to occupy any of the RV's or campers on site.

8. Any significant departures from the preliminary plans submitted to the Zoning Director shall require a hearing to modify Petitioner's Special Use.

Lastly, as to Petitioner's request to erect a building for inside storage, I would move that such request be denied.

Howell seconds.

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

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

**MOTION** to adjourn by Howell, second by Meister. Motion carried.