

**St. Clair County Zoning Board of Appeals
Minutes for Meeting
At the Courthouse – 7:00 P.M.
July 16, 2018**

Members Present: Chairman Scott Penny, George Meister, Kent Heberer
Steven Howell & Marcy Deitz

Members Absent: Patti Gregory, Alexa Edwards

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

**County Board
Members Present:** Bryan Bingel, County Board District 7
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 Deitz to approve minutes of the June 4, 2018 meeting. Second by Heberer. Motion carried.

Public Comment

There were no comments from the public.

New Business – Case #1

Subject Case #2018-09-SP – Randy & Jean Evans, 9411 Waterloo Road, Lenzburg, Illinois, owners and Michael Evans, 406 North Street, New Athens, Illinois, applicant. This is a request for a Special Use Permit to allow the placement of a single-wide mobile home in a “SR-3” Single-Family Residence Zone District, on property known as 9427 Waterloo Road, Lenzburg, Illinois in Lenzburg Township. (Parcel #20-01.0-400-013)

Michael Evans -Applicant

- Mr. Evans explained he currently lives in a two-story home and would like to downsize into a mobile home.
- Mr. Evans stated he is preparing for retirement.
- Mr. Evans stated he has a letter from the Village of Lenzburg stating they are in favor of the request.

Discussion

- Mr. Meister asked the applicant if he is related to the owners of the property. (The applicant stated the owner is his brother.)
- Ms. Markezich stated the Zoning Board granted a Special Use Permit to allow a single-wide mobile home in 2002, which has since been removed.
- Mr. Schneidewind explained that this property is in the Village of Lenzburg and this board handles the Zoning and Lenzburg has indicated their approval of this application.
- Mr. Meister stated this property is across from the sewer plant with no nearby neighbors, other than the applicant’s brother next door.
- Mr. Schneidewind asked the year of the mobile home. (The applicant stated this is a brand new mobile home.)
- Ms. Markezich stated the applicant will have to block the underside of the mobile home as a permanent foundation per county code. (The application stated the block will just be under pinning.)

Public Testimony

There were no persons present for public testimony.

Further Testimony

County Board Member, Bryan Bingel stated he did not receive an opinion from any adjacent property owners. Mr. Bingel stated he visited the site and the only person nearby are the applicants relatives.

MOTION to suspend the case until the publication fees are paid. Second by Deitz. Motion carried.

Chairman Penny read the case in again. Ms. Markezich stated the applicant will be given time to pay the newspaper publication prior to the County Board Meeting.

MOTION by Meister to approve this case for the following reasons: The property was granted a variance to allow the placement of a single-wide mobile home in 2002; the applicant will install a 2017 (14' x 60') single-wide mobile home on the property; the Village of Lenzburg submitted a letter in favor of the request; the proposed design, location of this proposed Special Use permit will adequately protect the public's health, safety and welfare; the request is consistent with the Comprehensive Plan; and the request will not have an adverse effect on the neighboring property owners.

Second by Heberer.

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

This case has been approved by this board and will go before the County Board on July 30, 2018, at which time the publication fees will be paid.

New Business - Case #2

Subject Case #2018-08-ABV – Brian & Emily Marshall, 758 Lakeview Drive, Waterloo, Illinois, owners and Brenda Chandler, 8745 Nike Road, Red Bud, Illinois, applicant. This is an Area/Bulk Variance to allow the division of 25.4-acres into two tracts with 12.5-acres each in an "A" Agricultural Industry Zone District on property known as XXXX Etling Road, Millstadt, Illinois in Millstadt Township. (Parcel #12-35.0-400-011)

Brenda Chandler - Applicant

- Ms. Chandler explained she would like to split the 25-acre parcel into two 12.5-acre tracts.
- Ms. Chandler explained the owners have someone interesting in purchasing 12.5 -acres to build a home on and that persons relative will purchase the remaining 12.5-acres.

Discussion

- Mr. Meister asked if there will be two homes built. (The applicant stated that is correct, one home will be built in the future and one will be built right-away.)
- Chairman Penny asked if the applicant is a family member. (The applicant explained she is a real estate agent.)
- Ms. Markezich stated the LESA Rating is 181 Moderate.
- Mr. Heberer asked if some of the property will be put into farming or will it be all residential. (Mike Massey, property purchaser stated he would like to build a home and keep the rest in agriculture with possibly some cattle in the future and Andrew Massey, purchaser stated he would like to keep his parcel agricultural until the children are old enough to attend Freeburg High School and will build a house at that time.)
- Ms. Deitz asked the applicant if there is a reason he wouldn't want to purchase the entire 25-acres and build a home there. (Mr. Mike Massey stated the price per acre and the fact that he would like his son to build on the property as well.)
- Mr. Penny asked who will purchase the remaining 12.5-acres. (Mr. Mike Massey explained his son Andrew Massey will purchase the other half of the property.)
- Chairman Penny noted there are a number of small divisions in the immediate area.
- Ms. Deitz asked Mr. Mike Massey if the Zoning was denied, would he purchase the entire 25-acres. (Mr. Massey answered he would probably not purchase the 25-acre tract.)
- Mr. Meister stated there is "RR-3" Rural Residential to the North and South of this property.

Public Testimony

There were no persons present for public testimony.

Discussion

County Board Member, Michael O'Donnell stated he visited the property and asked if the property access will be on Etling Road or Floraville Road. (The applicant stated both parcels will be accessed off of Etling Road.)

Mr. O'Donnell stated he is not opposed to the request.

MOTION by Meister to grant the request for the following reasons: The applicant has presented a site plan of the division with the entrances off of Etling Road; the utilities on the property are well and septic; the property is adjacent to a “RR-3” Rural Residential Zone District and is in harmony with the surrounding area; there are no objectors present at the hearing; the request would not be detrimental to the public welfare; the request would not be in conflict with the Comprehensive Plan; and with the stipulation the parcel will be divided as submitted on the site plan.

Second by Howell.

Roll call vote:	Meister -	Aye
	Howell -	Aye
	Heberer -	Aye
	Deitz -	No
	Chairman Penny	Aye

This case has been granted by this board.

New Business – Case #3

Subject Case #2018-06-ABV – Rehkemper Family Partnership, 9927 Canterleigh Drive, St. Louis, Missouri, owners and applicants. This is a request for an Area/Bulk Variance to allow the division of 2.36-acres into two tracts with less than 3-acres and 186 ft. of frontage instead of the 200 ft. required in a “RR-3” Rural Residential Zone District on property known as XXXX Concordia Church Road, Millstadt, Illinois in Stookey Township. (Parcel #07-35.0-200-007)

Hrant Norsigian – Attorney

- Mr. Norsigian stated he is the attorney representing the Rehkemper Family Partnership.
- Mr. Norsigian stated this property is a wooded lot which is non-tillable lot and is currently zoned “RR-3”.
- Mr. Norsigian stated the applicant would like to divide the property into 2-parcels of 1-acre each for a residential development.
- Mr. Norsigian stated 40-4-6 from the Zoning Ordinance reads the rural residential districts are established to provide for low-density development where prime and important farmland is not prevelant

and/or land where the topography or other natural conditions may create difficulty and excessive costs for compact urban development.

- Mr. Norsigian stated 40-11-22 states the standards for the Area/Bulk Variance says the board shall not grant variations unless they find the granting of the variance is in harmony with the general purpose and intent of the code and will not be injurious to the neighborhood or detrimental to the public welfare or in conflict with the County's Comprehensive Plan.
- Mr. Norsigian stated having two one-acre tracts would not be in any way injurious to the neighborhood or detrimental to the public welfare. The request would not increase the hazard from fire or other dangers, it will not diminish the value of land and buildings in the immediate area or throughout the County, it will increase the value; the request would not unduly increase traffic congestion in the public streets and highways; it will not increase the potential for flood damages to adjacent properties; it will not incur additional public expense for flood protection, rescue or relief and otherwise will not impair the public or impair the public health, safety, comfort, morals or general welfare of the inhabitants of the subject property or the adjacent property.
- Mr. Norsigian stated the property does have city water but will have a private sewer system.
- Mr. Norsigian stated it is his understanding that the Highway Department and Health Department have no objection to the proposed variance. He stated, in fact the St. Clair County Health Code requirements are met if the property has city water and not city sewer with 1-acre. He stated those requirements are met with the proposed division.
- Mr. Norsigian stated he is not aware of any neighbors in objection to this request.
- Mr. Norsigian stated also in 40-11-22 (b) it states if the variance will alter the essential character of the area and they think it will not. He stated along Concordia Church Road going East there are several less than 3-acre tracts with homes.
- Mr. Norsigian explained there is a demand for people that want to live on nice wooded lots with a nice home and that is what these lots would be used for.
- Mr. Norsigian introduced Mr. Pat Netemeyer, Netemeyer Engineering.

Discussion

- Ms. Deitz asked if there are any lots that are adjacent or nearby that are 2.36-acres or less. (The applicant stated there are none adjacent but there are several smaller tracts off of Concordia Church Road. The applicant stated in the immediate area there are lots 3-acres or more but to the East towards 158 there are smaller lots.)
- Mr. Heberer asked the applicant why he only has 185 ft. of frontage and if he could revise the site plan to include the additional frontage. (The applicant stated the property drops off at that point. The applicant stated he could however add the additional frontage so that each piece has 200 ft. as required.)
- Mr. Meister stated if the board granted this request it would be very precedent setting. He stated the people across the road will see this and want to do the same thing. (Mr. Rehkemper stated he kept the request in the wooded area so he would not be using the tillable ground.)
- Mr. Heberer stated he is not impacting any agricultural property.
- Chairman Penny stated sometimes the board gets competing interests, where the neighbor will say they invested all of their money with the understanding that these are 5-acre lots and then 1-acre lots and it puts the Zoning Board in a difficult spot.
- Mr. Schneidewind stated the property is currently zoned “RR-3” and requires a minimum 3-acre tract not 5-acres.

Public Testimony

- Mr. Pat Netemeyer, Netemeyer Engineering stated he is a land surveyor and with the 200 ft. width and a 3-acre requirement it would be 200 x 600 ft. piece of ground and all of the back part will be farmground. He stated he is also on the Planning Committee for Clinton County and they are discussing reducing the minimum acreage because why do you want to waste all of that farmground.
- Mr. Rehkemper stated the three-acre requirement is already in the St. Clair County Health Code and also in the St. Clair County Subdivision application. Mr. Rehkemper stated that times have changed and the acreage in the back is not being used.

- Robert Calhoun, 6708 Concordia Church Road, Millstadt stated he was a registered land surveyor. Mr. Calhoun asked why the Health Department requires 3-acres and is that to check percolation. (Chairman Penny stated the Health Department has the requirements for the septic system.)
- Mr. Calhoun asked why the applicant does not split up the entire property into 3-acre tracts. He stated he has 3 to 5-acre tracts across the street for his self and daughters. Mr. Calhoun believes the applicant will develop the rest and then it will be a cluttered small acreage area. Mr. Calhoun also stated he feels it will decrease the property value in the area with that type of subdivision across the road.
- Tom Hemmer, 7001 Concordia Church Road, Belleville stated he owns 3-acres with a house almost directly acrossed the street from this property. Mr. Hemmer stated he feels one-acre residences would be starting a precedence and feels that the Zoning regulations are 3-acres and he is against this zoning and one house per acre is high density and would change the make-up of the neighborhood.
- Jill Otruk, 3415 Saluki Woods, Belleville stated she feels this could start a precedence for the remainder of the property and the applicant may want to continue the one-acre divisions. She stated the entire area has 3-acres or more in that vicinity. She also stated she is concerned with a big dip in that road and could be a danger concern.
- Mr. Calhoun stated if this Zoning is granted then there is no guarantee that the rest of the farm will not be divided up. (Mr. Schneidewind stated the applicant is not asking to rezone the property, just an Area/Bulk Variance that would grant a 1-acre parcel in the middle of an "RR-3" zone district, which in fact would be spot-zoning that piece of property.)

Further Discussion

- Michael O'Donnell, County Board Member District #22 stated this is not his district. He stated this property does have water, so that is a plus but there is also farmground across the street that may want to develop as well.

- Ms. Markezich stated she did not receive correspondence from County Board Member, Scott Tiemann.
- Mr. Schneidewind asked the applicant if there is a hardship on the property, that it cannot be used as it stands now. (The applicant did not respond with an answer to this question.)

MOTION by Deitz to deny the request for the following reasons: There is not a practical difficulty or hardship on this property; the request is not harmonious with the general purpose and intent of the Zoning Ordinance; and the request is in conflict with the Comprehensive Plan.

Second by Meister.

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

This case has been denied by this board.

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