

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

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

Members Absent: Patti Gregory

Staff Present: Pam Click, Zoning Department
Dave Schneidewind, Zoning Attorney

**County Board
Members Present:** Michael O'Donnell, County Board District #22
Kevin Dawson, County Board District #20

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 April 9, 2018 meeting. Second by Howell. Motion carried.

Public Comment

There were no comments from the public.

New Business – Case #1

Subject Case #2018-04-SP – Gregory Shrum, 6905 Goeddeltown, Waterloo, Illinois, owner and Advocates Enterprises & Rentals LLC, 903 Brian Hill Road, Belleville, Illinois, applicants. This is a request for a Special Use Permit to allow an 86 ft. Monopole Tower with a 200 square foot Communications Shelter for data services in a “RR-1” Rural Residential Zone District, on property known as 5970 Douglas Road, Smithton, Illinois in Smithton Township. (Parcel #13-27.0-100-008)

Harry Norton/Applicant

- Mr. Norton stated he is the owner of Advocates Enterprises & Rentals LLC.
- Mr. Norton stated he would like to acquire this property from Gregory Shrum to put a 10 x 20 ft. communications shelter on the property with fencing.
- Mr. Norton stated the site will be an unmanned facility.
- Mr. Norton stated the site will have sod/seed and be maintained.
- Mr. Norton stated he would like to forego the request for the construction of the 86 ft. Monopole Tower. Mr. Norton stated he may lease space on the tower up the road, which will be more cost effective.
- Mr. Norton stated his company has been working with the Village of Smithton since 2004, providing services and propogating off of the city water tower.
- Mr. Norton stated half of the Village has Mediacom which is very underserved coming in and U-Verse on State Rte. 159.
- Mr. Norton stated he will put an optical network terminal on the side of the customers house and plug their fiber into that and then cross-connect inside the home.

Discussion

- Chairman Penny asked if there would be cable run throughout the community. (The applicant stated they would run cable throughout the community.)
- Chairman Penny asked if the facility is connected by cable or wireless. (The applicant stated by fiber optic.)
- Mr. Schneidewind asked the applicant if he is withdrawing the monopole. (The applicant stated he would like to withdraw the request for the monopole.)

Public Testimony

- Wendy Culberson, 3841 State Rte 159, Smithton stated she lives three houses down from this property and would like to know if this property is being rezoned. (Mr. Schneidewind answered the property will not be rezoned.)
- Wendy Culberson asked if there will be further lighting on the parcel. She stated the previous owner who thought he would start a used car lot installed four dusk to dawn lights and it lit up her property. (The applicant stated there will be one 60 watt bulb with a lense cover on each of the four sides of the building. The applicant explained the previous owner signed a two year contract with Illinois Power for the extra lights at the sight.)
- Wendy Culberson asked if the visibility will be impaired going around that corner if there is a 10 ft. building constructed on the property. (The applicants stated the building will be placed toward the back of the property and visibility will not be impaired.)
- Ruth Touchette, 6018 Douglas Road stated her problem is the accidents in the area.
- Kevin Christophe – 3718 Lunch Road stated he owns the property behind this parcel and wants to clarify that the Special Use Permit will be for this business only and the zoning will not be changed. (Chairman Penny stated the Zoning will not change and if the applicant vacates the property it will remain zoned Rural Residential.)
- Gerry Davidson, Real Estate Broker stated the building the applicant is proposing is the size of a shed and as far as height, the mobile home on the property was actually taller than this cabinet. She stated Mr. Norton has done phenomenal things for the Village of Smithton as far as service.
- Kevin Christophe asked if the applicant is granted a Special Use Permit for the building and six months later he decides he wants the tower, will the applicant have to come back before the board again. (Chairman Penny stated that is correct.)
- Unknown woman -5966 Douglas Road which is right next door to this property, stated there are weeds, broken glass etc. on this lot at the present time. (The applicant stated after he takes ownership of the property it will be cleaned up and seeded and sodded.)

Further Testimony

MOTION by Deitz to approve the request.

Chairman Penny asked if the lighting could be addressed in the motion.

Ms. Deitz stated the lighting will be installed in accordance to plans.

Ms. Edwards stated she would like to make an amendment to the motion. The applicant is withdrawing his request to erect an 86 ft. monopole tower; if in the future he decides to build it he will come back before the board; this area is a residential area and this is a less obtrusive structure than a single-family home; the applicant agreed to remove the existing light out there; he will put four 60 watt lights surrounding the building with an 8 ft. fence; and the applicant agreed to clean up the property and put it back in first class condition and will follow all county codes.

MOTION by Deitz to approve the request with the above listed stipulations.

Second by Edwards.

Roll call vote:	Meister -	Aye
	Deitz -	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 for final approval the last Monday of the month.

New Business - Case #2

Subject Case #2018-02-SP – James & Hope Reinneck, 6305 Highbanks Road, Mascoutah, Illinois, owners and applicants. This is a request for a Special Use Permit for a Planned Building Development pursuant to Section 40-9-3(H)(3) to allow Warehouse Storage for Wholesale Distributing in a “RR-3” Rural Residential Zone District on property known as 6305 Highbanks Road, Mascoutah, Illinois, in Engelmann Township.

James & Hope Reinneck, Owner/Applicant

- Mr. Reinneck submitted a business plan and a 30-day synopsis to the board.
- Mr. Reinneck stated the reason they are applying for the Special Use Permit is to operate more efficiently and to separate the business from personal space and gain space for both.
- Mr. Reinneck stated the building he is proposing is 2,880 square foot.
- Mr. Reinneck stated they will set up a shipping area and supply storage area and an improved racking system for storage.

- Mr. Reinneck stated in the front portion of the building there is 960 square foot that will be utilized for personal use at this time with a restroom.
- Mr. Reinneck submitted a site plan to the Zoning Board.
- Mr. Reinneck stated the colors of the buildings will match the other buildings and will look aesthetically nice in the area.

Discussion

- Mr. Meister asked if the business is currently being ran out of the pole building. (The applicant stated that is correct and there is a small office in the home.)
- Ms. Edwards asked how many employees. (The applicant stated the only employees are him and his wife.)
- Ms. Edwards asked how many employees will be hired in the future. (The applicant stated the propose possibly one additional employee.)
- Ms. Edwards asked how many vehicles the business has. (The applicant stated there are two vans, a truck and an enclosed trailer. The applicant stated a portion of the warehouse will be used to house some of the trailers.)
- Mr. Heberer asked the applicants to repeat how many trailers they have. (The applicant stated they have two trailers, a goose-neck trailer and an enclosed trailer for the business. He stated he also has a Ram truck and two vans and a half ton Ram pick-up.)
- Chairman Penny stated there is only one single-axle cargo truck per month that roughly services the business and then also UPS. (The applicant stated that is correct and they both deliver once every 4-6 weeks depending on the season.)
- Ms. Edwards asked how many deliveries are made during a week. (The applicant stated they try to time the outgoing shipment with the incoming shipment. She stated that is typically one shipment every 4-6 weeks, as well. There are two distribution centers that they ship to and they distribute.)
- Mr. Howell asked the applicants how large they would like to grow the business. (The applicant stated they do not anticipate growing larger. They stated this is their residence and they do not want a lot of traffic in and out of the property.)
- Ms. Edwards stated the board is trying to get a feel of how many times a day someone is in and out of that driveway. (The applicants explained it is similar to someone going to and from work. They load up the van, they take their children to school, they come home, load up the vans and stay out all day until they return home.)

- Ms. Edwards asked how this type of business is regulated. (The applicant stated they are registered with the FDA, the Illinois Department of Agricultural, the USDA Federal and with the Illinois Department of Public Health.)
- Chairman Penny asked if the applicants actually touch the products internally. (The applicant stated they are strictly a warehouse, which gets product in and product out, there is no manufacturing.)
- Ms. Edwards asked how often the business is inspected. (The applicant stated they could be inspected anytime, they are unexpected visits.)
- Ms. Edwards asked if the new building will meet the Commercial codes. (Mr. Schneidewind stated commercial sealed plans will be required prior to issuing a building permit.)
- Ms. Edwards asked what type of business meetings will be held in the building. (The applicants stated if someone wants to come and learn about the product they currently meet in their home, so a small office in the building would eliminate that area in the house.)
- Mr. Schneidewind asked if all business activities will cease in the old building. (The applicants stated that is correct.)

Public Testimony

There were no persons present for public testimony.

The applicant stated he spoke to surrounding property owners and they have no issue with the proposed business.

Further Discussion

County Board Member, Kevin Dawson stated he is in full support of the application as presented to the board. Mr. Dawson stated he visited the site and thinks this is a nice set-up for the operation; he stated there are no easement issues and are no customers coming to the home. He stated the applicants are aware that if the business continues to grow they will relocate.

MOTION by Meister to approve the request for the following reasons: The applicant presented the site plan; the plan shows a distribution center; the applicant stated if they outgrow this site location or require more employees, they will come back to the board for reconsideration of the Special Use Permit; the proposed design, location, development of the operation will adequately protect the public's health, safety and welfare and physical environment; the Special Use Permit is okay with the County's Comprehensive Plan; there will be no adverse effect on the value of neighboring properties; the use will not affect traffic on

nearby streets; public utilities and the applicant will have a maximum two employees.

MOTION to amend motion by Ms. Edwards to revise to include if the applicants business grows to a certain point there will not be an option to come back before the board, they would have to relocate to another location that would be in compliance with Zoning for a warehouse/distribution center. Ms. Edwards would also like to amend the Motion to include no outside storage on the property.

Second by Meister to accept amendments.

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

Second by Heberer to accept entire Motion.

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

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

New Business – Case #3

Subject Case #2018-05-SP – Corby Valentine & Sharon Valentine, 6505 Schiermeir Road, Freeburg, Illinois, owners and Maria Matthews, 611 Johnny Drive, Maryville, 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 Hippotherapy (Horse Therapy) Center in an “A” Agricultural Industry Zone District on property known as 6505 Schiermeir Road, Freeburg, Illinois in Smithton Township. (Parcel #13-14.0-300-013)

Corby Valentine/Sharon Valentine, Owners

- Mr. Valentine explained he and his wife are current owners of the property and would like to sell the property to Maria Matthews with the contingency that they are allowed a Special Use Permit to open a Hippotherapy Center.
- Mr. Valentine stated he purchased the property 5-years ago and at that time the previous owner was training horses on the property.
- Mr. Valentine stated there are two 30' x 40' pole buildings on the property and a 40' x 42' building which is the barn.
- Mr. Valentine explained the previous owner had 7 or 8 horses and they have had 6 horses where they give riding lessons and pleasure and bring kids in with autism.
- Mr. Valentine explained the business will be on the entire 10-acres, not just the 5-acres outlined on the paperwork.
- Mr. Valentine stated there will be no further buildings constructed.

Discussion

- Mr. Howell asked who would certify this operation. (The applicant stated the American Hippotherapy Association.)
- Mr. Heberer asked if the applicants would give a break down of operations at the facility. (The applicants stated the business will be a non-profit business where the horses will be used for children or adults with disabilities to gain more independence in their lives. The service entails a therapist, a horse, two volunteers on each side, and someone who leads the horse. She stated there will be possibly three patients at a time and be open eventually 7-days per week.)
- Mr. Heberer asked hours of operation. (The applicant stated 9:00 AM to 8:00 PM. There would be a morning session and possibly an afternoon session.)
- Mr. Heberer asked if there would be additional lighting. (The applicant stated there will be no additional lighting on the property.)
- Ms. Edwards asked if they will have school buses or event planned days other than private sessions. (The applicant stated there probably won't be school bus loads it would be more private sessions.)
- Ms. Edwards asked if a stipulation was put on that it would be private sessions and three patients at a time. (The applicant stated the higher level patients could be a group of up to five at a time.)
- Mr. Heberer asked the maximum number of horses that would be on the property. (The applicant stated the land will only allow for nine and she thinks six or seven would be plenty.)

- Mr. Howell asked if Health Insurance paid for the therapy. (The applicant stated that is correct. She stated there is a two-year waiting list for these services.)
- Mr. Meister asked if there is an operation similar to this in the area. (The applicants stated the closest she knows in Imperial, Missouri.)
- Mr. Howell asked how many sessions does one patient get. (The applicant explained the patients may need treatment for years.)
- Mr. Heberer asked how many employees would be involved. (The applicant explained she has a lot of therapists from the hospital that will come in for each appointment, and there will be walkers and volunteers for each appointment. She stated for three patients, it is 15 workers.)
- Mr. Meister asked if someone is going to live in the home on the property. (The applicant stated the home will be owned by the corporation and someone will live there to take care of the animals.)
- Ms. Edwards asked if this operation will pay property tax. (The applicant stated as a non-profit they will probably not pay property taxes.)
- Ms. Deitz asked if the applicants are leasing or purchasing the property. (The applicant stated it would be a sale.)
- Ms. Edwards asked about parking. (The applicants stated there is approximately a 60 x 80 ft. parking area.)
- Mr. Meister asked if there will be a supplemental business, such as riding lessons or other activities. (The applicants stated she would like to have therapeutic riding lessons, but not open riding lessons.)
- Ms. Edwards suggests they limit the amount of people on the property at one time because this is a residential neighborhood and people live in this area.

Public Testimony

- Karl Sturm, 6465 Schiermier Road, Freeburg stated his concern is if this is owned by a corporation and it gets rezoned, what would that do to the remainder of the single-family homes on that road. (Mr. Schneidewind explained the property would not be rezoned, it would have a Special Use Permit only.)
- Mr. Sturm asked what the business would do to the property values in the area. (Chairman Penny stated no one on the board could answer that question.)

Further Testimony

- Mr. Schneidewind asked the name of the 501(c)(3). (The applicant stated it is Dance Again Ministries which is faith based organization that teaches and trains a biblical lifestyle. She stated she will train the staff and volunteers in this lifestyle to create and enhance the healing of the children. She also stated the services will be available to the parents that are waiting for their children who may need consult.)
- Mr. Schneidewind asked where the counseling services would be given. (The applicant stated there will be counseling services out of the house, for the people that are already at the site for services.)
- Mr. Schneidewind asked if there will be one caretaker on site and if that person will be an employee. (The applicant stated that person would take care of the horses and they would get room and board as compensation. She explained the basement will be used for counseling.)
- Mr. Heberer asked how the customers will access the basement. (The applicant stated this is a walk-out basement and they can access it from the back yard.)
- Chairman Penny stated he is concerned with this request. His concern is there will be a counselor in the basement; a family living upstairs; and waves every hour or two of potentially 20-people cycling in and out. He stated when the board talks about changing the character of a neighborhood, this request changes the character of the neighborhood significantly.
- Mr. Schneidewind stated that County Board Member, Frank Heiligenstein stated he could not make the meeting, but if the board could not decide one way or another that they should take it under advisement to consider the issues at hand.
- Ms. Edwards would like to do an on-site inspection and take a look at the surrounding area. (The applicant stated he is more than willing to let someone come out and take a look at the property, he stated he has been waiting since March when he submitted his application for someone to visit his property.)
- Mr. Howell asked what the parents do while their child is getting the therapy. (The applicant stated there will be an outside area, a screened-in porch, or go in the basement or stay with their child. She stated there will also be beverages in the kitchen.)
- Mr. Howell asked if the board could table this case, so the board could go out and make an on-site visit.

Further Testimony

MOTION by Edwards to take this case under continuance to allow further testimony for two reasons: One to absorb the information regarding activities that will be on the property. She stated this is a Planned Building Development and the board needs to construct the approval or denial in the proper structure and two, the board needs to conduct an on-site inspection to make sure business would be compatible in this location.

Second by Deitz.

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

This case has been continued until the June 4, 2018 meeting.

New Business – Case #4

Subject Case #2018-05-ABV – Shawn & Nicole Grant, 2037 4th Street, East Carondelet, Illinois owners and applicants. This is a request for an Area/Bulk Variance to allow the placement of a mobile home 19 ft. from the rear property line instead of the 25 ft. required in a “SR-MH” Single-Family Residence/Manufactured (Mobile) Home Zone District, on property known as 2037 N 4th Street, East Carondelet, Illinois in Sugarloaf Township. (Parcel #06-10.0-3110-017 & 018)

Shawn Grant, Owner/Applicant

- Mr. Grant stated his father-in-law gifted him this property.
- Mr. Grant stated he has a mobile home he would like to put on this property.
- Mr. Grant stated he would meet all setbacks except the back alley he will only be 19 ft. from.
- Mr. Grant stated this is a vacant alley that he is currently maintaining.

Discussion

- Ms. Click stated she spoke with Mike Sullivan, Sugarloaf Township Supervisor and County Board Member, June Chartrand and they are both in favor of granting this request.
- Chairman Penny asked if the applicant owns the trailer already. (The applicant stated he does own the mobile home it is currently located at 91 Brook Drive, Dupon, which is about a half-mile down the road.)
- Chairman Penny asked what type of footings are required under a mobile home. (Ms. Click stated the applicant can put in piers, runners or a solid slab.)
- Ms. Deitz asked if the building on the property is a garage. (The applicant stated there is a garage currently on the property.)
- Ms. Edwards asked if there is a business on the property. (The applicant stated there will be no business, only residential.)
- Ms. Deitz asked where the driveway will be located on the lot. (The applicant stated there is currently a driveway by the garage.)

Public Testimony

- There were no persons present for public testimony.

Further Discussion

MOTION by Edwards to approve the request for the following reasons: The property has public water and public sewers; the request is in harmony with the general purpose and intent of the Zoning Ordinance; the request would not be injurious to the neighborhood; the request would not be detrimental to the public welfare and not in conflict with the Comprehensive Plan.

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

This case has been granted by this board.

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