

**St. Clair County Zoning Board of Appeals  
Minutes for Meeting  
At the Courthouse – 7:00 P.M.  
September 10, 2018**

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

**Members Absent:** Chairman Scott Penny & Patti Gregory

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

**County Board  
Members Present:** Michael O'Donnell, County Board District 22  
Jerry Dinges, County Board District 11  
Scott Tiemann, County Board District 26  
Kevin Dawson, County Board District 20

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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 Dietz to approve Minutes of June 4, 2018. Second by Howell. Motion carried.

**MOTION** by Heberer to approve Minutes of July 9, 2018. Second by Howell. Motion carried.

**MOTION** by Dietz to approve Minutes of July 16, 2018. Second by Howell. Motion carried.

**Public Comment**

There were no comments from the public.

**New Business – Case #1**

Subject Case #2018-12-ABV – Wesley & Dona Barber, 3055 Forest Hills School Road, Millstadt, Illinois, owners and applicants. This is a request for an Area/Bulk Variance to allow the division of 7-acres instead of the 40-acres required in an “A” Agricultural Industry Zone district on property known as 3055 Forest Hills School Road, Millstadt, Illinois in Stookey Township. (Parcel #07-29.0-200-004)

**Wesley Barber, Owner/Applicant**

- Mr. Barber stated he and his wife own approximately 49-acres.
- Mr. Barber stated they would like to sell off 8-acres of land with their home.
- Mr. Barber stated the remaining 40-acres will be retained for family in the future.
- Mr. Barber stated he is getting older and is having a tough time maintaining the 3,700 square foot home.
- Mr. Barber stated he and his wife are currently planning to build a smaller home in the Village of Shiloh.

**Discussion**

- Ms. Markezich stated the original request is for a 7-acre tract. (The applicant stated he had the property surveyed and it was calculated as an 8-acre tract.)
- Mr. Heberer asked if the applicant if he is selling the property. (The applicant stated he is selling off the 8-acres off with the house.)
- Ms. Deitz asked what the applicant will do with the remaining farm ground. (Mr. Barber stated the farm is currently in CRP and has spoken with a neighboring farmer about potentially farming it.)
- Ms. Deitz asked if the applicants were going to build another home on the remaining acreage. (The applicant stated they will be building a home in Shiloh, Illinois.)
- Mr. Schneidewind explained since the remainder of property will be over 40-acres and meets the minimum lot size, it does not prohibit someone from building a home on the property, in the future.

**Public Testimony**

- Sandy Thornburg stated her mother Betty Pfeffer owns the property next door to this property. She stated her mother has dementia and she is representing her mother at this public hearing. She stated she is opposed

to the division of property. Ms. Thornburg stated they would like to keep the farm ground as it is, and is opposed to the Zoning change.

(Mr. Schneidewind stated the applicant is not asking for a Zoning change they are asking for a variance to divide the property.)

Ms. Thornburg stated they are also opposed to a variance.

- Mr. Howell asked Ms. Thornburg the reason for the opposition. (Ms. Thornburg stated more than likely if this property was divided they would build a house next to their mother or enter the property close to her mother's home and they are opposed to having another home out there. (Ms. Barber explained she would only want to divide off 100 ft. back to the existing house.) (Ms. Edwards explained the Zoning Board cannot stop someone from building on a 40-acre tract.)

### **Further Testimony**

Ms. Edwards asked the Director to give a little history on the adjacent 2015 zoning case.

Ms. Markezich stated there was a variance request for 12-acre parcel adjacent to this parcel. She stated that parcel was divided prior to the variance and the applicant was not going to build a home for approximately 10-years. She stated the Zoning Board denied their request.

County Board Member, Scott Tiemann stated he has heard no negative comments regarding this case and did not hear from the adjacent neighbors. Mr. Tiemann stated he has no objection to granting this case.

**MOTION** by Deitz to approve the request for the following reasons: The variance will not be in harmony with the general purpose and intent of the Zoning Ordinance but neither are some of the parcels to the West and Southwest of the subject property; the variance will not be injurious to the neighborhood as to the areas to the West and Southwest have become more rural residential vs. Agricultural; the variance will not be detrimental to public welfare; the variance is in conflict with the Comprehensive Plan, however there are additional parcels that are also in conflict; the variance will not diminish the value of land or buildings in the immediate area or throughout the County; the variance will not unduly increase traffic congestion on public streets or highways; the strict application of the regulations of code will not result in reasonable use of the property; based upon the balance of the acreage will be in conformity with the minimum requirements of the Agricultural Industry Zone District; and there is a trend to the West and Southwest of the subject property of smaller parcels with residences that the division will not have a negative impact on the surrounding parcels and that

the division will include an existing residence versus a division of a vacant piece of ground.

Second by Howlett.

A roll call vote:

|                   |   |         |
|-------------------|---|---------|
| Meister           | - | Present |
| Heberer           | - | Aye     |
| Deitz             | - | Aye     |
| Howell            | - | Aye     |
| Chairman Edwards- |   | Aye     |

This case has been approved by this board.

#### **New Business - Case #2**

Subject Case #2018-02-TA – George Mell, 2294 Old State Route 158, Belleville, Illinois. This is a request for a Text Amendment to amend Chapter 40 of the St. Clair County Zoning Ordinance, specifically to amend Article IV, Divisions I – “A” Agricultural Industry Zone District, Section 40-4-4 Special Use Permits to read as follows: Boat & recreational vehicle storage in addition that permitted in 40-4-3 provided that all storage shall not occupy more than 30% of the total square footage of the lot and that all stored vehicles maintain current license and registration and be maintained in road worthy condition.

#### **George Mell**

- Mr. Mell stated the current Zoning Code is inadequate, outdated, and does not meet the intent and needs of the constituents of St. Clair County.
- Mr. Mell stated he is petitioning the board for a Text Amendment change to paragraph 40-4-3 of the current Zoning Code.

Mr. Mell read the following statement:

*I am a business owner in Belleville. I retired from the military 4-years ago after 29-years of service. My wife, my children and myself have put everything into this business. When I purchased this business in 2007, we did due diligence on the property. The property was advertised and marketed as a storage facility of self-storage, indoor vehicle storage and outdoor storage. The business as it operates today has operated in the same manner for over 30-years. I am the fourth owner of this property. We have documents provided by banks, title companies and*

*appraisers all stating that this property according to St. Clair County the subject property represents a legal conforming use. I believe this was entirely derived from a notice published November 29, 1988 from St. Clair County Land Development Department in regards to a Zoning request and use variance was granted and the terminology as quote a Use Variance to allow the operation of a mini-warehouse and RV storage to described property. Based on this statement alone, I believe it was assumed RV as written was definitive. Maybe that translation was lost in the archives over the years, but nevertheless it is the same as it is operated today. It was not until earlier this year, after meeting with and further discussing this issue with St. Clair County Zoning Director, Anne Markezich that the actual transcript of that meeting from 1988 showed that the term RV storage referenced storage of such indoors in a proposed building that had not yet been built. After a number of discussions with Ms. Markezich and as well as businesses in St. Clair County, it became apparent that the ordinance as written is inadequate to provide for the current needs demands and conditions. The current ordinance as its written prohibits any property in St. Clair County that is zoned Agricultural to have other than one boat and/or one trailer in the rear yard or in a completely enclosed garage. This Ordinance makes no distinction from property that is residential or business regardless of a Special Use being granted. What this means that as written no property zoned Agricultural may keep more than two such assets in open air in St. Clair County. A look around any area will show that this ordinance is not preventing the storage of those assets, they exist everywhere. It is specifically identified in a legal manner based on this I recommend that the Ordinance be amended to allow some incorporation of the need for outdoor storage. The notion that all storage must be indoors in not viable as residents in rural areas, many times don't have the means to enclose such assets or may have numbers in excess as required by the current Ordinance. Additionally, in terms of the business side customers and constituents are looking for options, that an enclosed property do not allow for. Many are looking to store their assets affordably, conveniently and offer maximum flexibility and accessibility. A fully enclosed garage for these assets would stifle all three of these demands. The overhead investment required to construct maintain, tax a property of such a facility would price most of the customers out of what they desire. These customers are not going to eliminate their ownership in these assets, nor will they be able to store them for the most part at their residence, but will in turn be forced to go somewhere else, either another facility operating outside of the scope of the legal limits of the Ordinance or outside of the County, neither of which is acceptable to myself as a business owner or should be as representatives, you for the residents of St. Clair County. The property that I am operating is rural in nature; I have farm fields in all directions around me. The specific property is not suited for much else than it is currently marketed. As the farmer behind me doesn't want to farm it, as we've had that discussion and the report from St. Clair County & Water Conservation District indicates minimal recommendation for increased septic systems due to the compaction of the soil. Additionally, there is not water or sewers which further stifles commercial growth opportunities to that piece of property. With*

*the expansion in recent years of Scott Air Force Base, which is 80% of my business as well as the economic growth in the communities in St. Clair County comes more disposable income and with that the constituents require more of these types of assets. With the increase in regulatory requirements for communities and subdivisions prohibiting further storage of such vehicles in residential neighborhoods or on street parking, the need for organized space to store these assets for the constituents of St. Clair County is in desperate need. In a recent query there are over 50 businesses in the surrounding area that offer, legally or otherwise, outdoor vehicle storage of some type. And others that just have items that would otherwise fall in the scope of the Ordinance with a number of these being zoned Agricultural. In other words, there are many residences in my area that have multiple vehicles storage in their front and back yard which violates the ordinance as written. As previously stated, my business is operated under the premise that RV storage was authorized for over 30-years when the underlying issue was finally determined early this year, I informed Ms. Markezich I would not continue to grow the customer base until we had the opportunity to further investigate other options. At this time, I have a waiting list for these types of assets to be stored at my property of over 20-people, daily looking for areas to store. Further, a query of RV storage on Scott Air Force Base indicates they have a waiting list of 68 people all as of this week for outdoor vehicle storage. And this is after they recently expanded their operations to three facilities as their waiting list exceed over 100 people earlier this year. Other storage facilities in the area have similar situations. I am not asking the board to allow me as my business to store more RV's at my location; it is my understanding the Ordinance specifically prohibited any way shape or form. If it were to ask for a variance of Special Use it has to be denied based on my legal understanding of the ordinance as written. As explained to me legally, a use variance of Special use cannot be granted for something specifically prohibited or something outside of the authorized/non-specified use. Additionally, in the discussions that I have had with Ms. Markezich it was conveyed to me that one of the drivers as to not allow outdoor storage of vehicles in St. Clair County is to deter the opportunity for a property to become blighted or an eyesore with the term junk yard even being stated in other case hearings by you all. I stand before, you this evening to offer alternatives. The Ordinance as written is not working. There are businesses operating out of compliance, there are residences operating out of compliance, that are in no way an eyesore. There are Agricultural residences that are far exceeding the limits of the ordinance as written as some of these are in fact a definitive eyesore that are not being addressed. If the Ordinance as written cannot be enforced across the board due to manpower restraints or other limitations that have been relayed to me, then I ask you to adjust the Ordinance to a more realistic representation of what is desired and necessary from a board and then enforce the code as required in order to prevent the undesired characteristics. Not, negate growth out of fear of an eyesore. Failure to do will results in perceived bias and opens oneself up to further legal scrutiny. I believe, and needs to be a compromise to the current ordinance. Maybe not as I've written it, as the 30% but that was something I identified but it needs to be*

*modified in some form or fashion to accommodate the needs of the business model by my reference of putting a percentage of the square footage relative to the property, I am attempting at offering a suggestion to minimize the opportunity to pack assets onto a property as well as mandating the licensing/registration requirements for all stored vehicles assuring once again that there is some control place other what is authorized. As an example, this regulation dates back almost 30-years. 30-years ago the number of residents having multiple boat, travel trailer, RV's was probably very small in St. Clair County and the regulations prohibiting such in communities and subdivisions was probably non-existent, however this is a large impact on us all and the reality is there is a dire need for the product. 30-years ago, we didn't have to deal with regulations of no smoking in bars, now we do. Regulations have been modified to reflect these changes. We didn't have vapor stores on every corner, we didn't have slot machine gambling in every bar, but as the market segment has demanded it, we have regulated it and adopted regulations that were a conducive compromise between business and constituents needs. I am a small business owner. The issue as identified represents not only a considerable issue but concern for the constituents of St. Clair County and a considerable portion of my business. Bringing in an average of 15% of my overall revenues, eliminating this part of the mix of my business will have outright detrimental impacts on the ability to stay solid. A 15% decrease in revenue is going negatively impact the valuation of my property resulting in additional losses and inequity of the property. I want to work with St. Clair County Board and the Zoning in an effort to solve the issue and identify additional changes as needed. I am asking for this, in the aspect of shutting down and saying we can't do it. We can't do it, is not acceptable. The ordinance is wrong. I recently installed an upgraded gate control system. Ameren has recently improved their outdoor lighting on my facility with upgraded LED overhead lighting and I've improved and increased my facility surveillance monitoring system. It is my intention to continue to be an active member of this business and hopefully you will evaluate this and consider it a valuable option to the current Zoning Ordinance.*

### **Discussion**

- Mr. Meister stated he is not familiar with the current business and asked the location of the business. (The applicant stated his business is at the corner of Rte. 158 and Rte. 177, a mile and a half South of SAFB.)
- Ms. Markezich stated she has a copy of the hearing he is speaking about when he was granted the original business for the Zoning Board to review.
- Ms. Deitz asked if the applicant plans to open another site with indoor storage so that it is compliant with Zoning. (The applicant stated he would not do that for two reasons: 1) The bulk of his storage is outdoor storage, and, 2) He explained he does not have the money for that. He explained his business is a small business.)

- Ms. Edwards noted the applicant requested a Text Amendment, so whatever the board does will not only impact him, it will impact the entire St. Clair County. She stated she received a phone call today from a concerned citizen that said was opposed to outside storage and felt it would be detrimental in the long run because we have issues in manpower for enforcing our rules.
- Ms. Edwards stated she has been on the Zoning Board for a long time and has seen the effects of outside storage. She stated it's the cost of doing business and the cost of owning a boat or RV or whatever, if you own a boat and are at a lake you have to pay to park it at a marina and that is part of ownership.
- Ms. Edwards stated she feels outside storage can become an eyesore to the surrounding property owners, an adverse effect on the overall tax base and it is not in best interest or the general purpose and harmony of the Zoning Ordinance.
- Mr. Meister stated there are other inside sheds in this county that are existing in St. Clair County and are working, it just requires a phone call ahead to have their boat ready for pick-up. (Mr. Mell stated he would not want the liability of moving other people's property.)

#### **Public Testimony**

- Tom Lugge, 101 N. Indiana Avenue, Belleville stated his camping trailer is stored at Mr. Mell's facility. He stated he has never had a problem with theft or anything out there, the site is clean and he could not ask for a better place to keep the camper. He stated he lives in the City and it's amazing how many people having their camping trailers sitting on the streets of Belleville. Mr. Lugge stated it is dangerous having the trailers in the street it makes more sense to have a place like Mr. Mell's with outside storage where they can go and get their camper anytime they want it.
- Joan Lugge, 101 N. Indiana Avenue, Belleville stated if you are going to close any of the businesses, how will you enforce the violations. She stated, you are complaining you don't have money to enforce the violations, but now you will lose the revenue from this business. (Ms. Markezich stated they are not closing the business down.)
- Cameron Blanchard – 405 Bull Run Road, Belleville stated he is in the Township and not in the City Limits of Belleville. He stated he is aware that not all of the violations are addressed. He stated he received a red tag notice from the County to move his trailer. He stated if the request is not approved, there will be potentially 50 people out there looking for spaces. He stated it took him a while to find somewhere to park his 33 ft. RV and there are not a lot of places have room for that with 24 hour access.



- Tom Lugge stated some of the farmers in the area have more trash in their yards than Mr. Mell.

**Further Discussion**

Ms. Edwards stated the Zoning Office is trying to keep the business districts a place where other businesses want to come in and too often at these facilities, the campers come in they get flat tires, they stay there forever, they get rusty and there they stay. She stated she does not have a solution to all of the problems that Mr. Mell has brought up but in her opinion, this is not the solution.

Mr. Mell questioned the Zoning Board granting 3-sided storage. He explained granting the 3-sided storage is completely outside of the scope of the Ordinance. Ms. Markezich stated the applicants came before the board and submitted a plan and it was granted as a Planned Building Development.

County Board Member, Michael O'Donnell stated he is in agreement with the board.

Mr. Heberer suggested the board take this case under advisement so they could think it over and discuss the request further. Ms. Edwards suggested the board take the case under continuance to allow further testimony.

Mr. Schneidewind explained it is the board's prerogative to take this case under advisement or continuance, however Mr. Mell's application for a Text Amendment has to be voted on one way or another.

Ms. Edwards suggested with other Zoning requests, when there is a possibility or the need to change things, we defer it to our legal counsel such as the Solar Farms and the Medical Marijuana or other issues throughout the years where he looks at other communities and does some research on a better way to handle the situation.

Ms. Edwards feels the request before the board of 30% of outdoor storage is a large portion and fees if granted, this could be an eyesore. Ms. Edwards stated tonight on the table we have to approve or deny Mr. Mell's application as presented.

Mr. Schneidewind stated the board can add this discussion on the Agenda for discussion in the future.

Mr. Howell stated he is in favor of denying this request, however is in favor of proceeding to solve a growing issue in the County with further discussion.

**MOTION** by Meister to deny the request for the following reasons: The board feels the proposed text amendment is not functional.

Second by Howell.

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

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

### **New Business Case #3**

Subject Case #2018-19-SP – Roger & Van Roehrig Trustee/Choctaw Land Trust, 10642 Fuesser Road, Mascoutah, Illinois Owners and Sheila & Van Roehrig, 10642 Fuesser Road, Mascoutah, 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 Venue in an “A” Agricultural Industry Zone District on property known as 10642 Fuesser Road, Mascoutah, Illinois in Mascoutah Township.

### **Sheila Roehrig, Owner/Applicant**

- Ms. Roehrig stated she would like to start a Venue at her residence in an existing building on the property.
- Ms. Roehrig explained there will be showers, reunions, etc. in the building.
- Ms. Roehrig stated the venue will be open on the weekends for baby showers, weddings showers and meetings during the week. She stated the venue could be used for larger parties on the weekends, such as family reunions, so they hours will vary depending on the event.
- Ms. Roehrig stated the maximum number of people at the venue would be 50 and is approved by the Health Department for up to 110.
- Ms. Roehrig explained that her oldest daughter has special needs and therefore she came up with this idea where her daughter can host parties and help clean up after the parties.
- The applicant presented pictures of the building to the Zoning Board.

**Discussion**

- Ms. Edwards asked if the parking lot will be asphalt or gravel. (Ms. Roehrig stated the parking lot is gravel.)
- Mr. Meister asked if the building will be renovated for a venue. (The applicant stated the building is already finished and was used as a pool house with an indoor pool.)
- Ms. Edwards asked if the building is up to code for commercial parties. (Ms. Markezich stated the building was remodeled without a building permit so she is not sure if it was done to code.) (Mr. Roehrig stated he filled the pool in with 175 ton of rock and 24 yards of concrete.)
- Ms. Markezich asked if there is a kitchen in the building. (The applicant stated that is correct, the kitchen was in the building previously as well as the bathroom which is handicap accessible.)
- Ms. Markezich stated the Health Department said they need an upgraded septic system. (The applicant stated that is correct.)
- Mr. Schneidewind asked if the building may require a sprinkler system. (Ms. Markezich stated there is a possibility a commercial building would require sprinkler system. She stated the building inspector would have to make that decision.)
- Ms. Edwards asked what would be the earliest an event would start. (The applicant stated earliest would be 9:00 AM.)
- Ms. Deitz asked if the applicants built the building or purchased it with the home. (The applicant stated they built the building along with the home on the property 14-years ago.)
- Mr. Schneidewind asked if there will be additional employees. (The applicant stated there will be no additional employees besides her daughter.)
- Ms. Edwards asked if the Venue will provide food or if the customers will bring in their own food. (The applicant stated she will not provide food.) Ms. Markezich stated the Health Department regulation is they cannot cook the food on-site.)
- Ms. Edwards asked if the Venue will provide alcohol. (The applicant stated there will be no alcohol provided, the customer can bring the alcohol in themselves.)
- Ms. Edwards asked if there was any input from the neighbors. (Ms. Markezich stated the applicant only has three neighbors and they did not contact the Zoning office.)

**Public Testimony**

There were no persons present for public testimony.

**Further Testimony**

County Board Member, Kevin Dawson stated he is in complete support of this application. He stated pending an inspection by the Zoning office, he is in favor of the request.

**MOTION** by Heberer, to approve the request for the following reasons: The utilities on the property are public water and septic tank; the proposed design, location, development and operation of the proposed Special Use adequately protects the public's health, safety and welfare and physical environment; the Special Use is consistent with the County's Comprehensive Plan; the Special Use Permit will not have an adverse effect on the value of neighboring properties and on the County's overall tax base; the proposed SUP will not have an effect on traffic circulation on nearby streets, there are no nearby facilities such as schools or hospitals near the proposed SUP that need special consideration; the proposed SUP is compatible to adjacent uses in the general vicinity; the business will terminate if the property is sold; the applicant will contact the Zoning Office to review the building and the LESA score is 201 and is not applicable to this request.

The application of Special Use Permit will terminate when Sheila & Van Roehrig and Allison Roehrig no longer own the property or are living on the property.

Second by Meister.

|                        |                           |            |
|------------------------|---------------------------|------------|
| <b>Roll call vote:</b> | <b>Meister -</b>          | <b>Aye</b> |
|                        | <b>Heberer -</b>          | <b>Aye</b> |
|                        | <b>Deitz -</b>            | <b>No</b>  |
|                        | <b>Howell -</b>           | <b>Aye</b> |
|                        | <b>Chairman Edwards -</b> | <b>Aye</b> |

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

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