

**St. Clair County Zoning Board of Appeals
Minutes for Meeting
At the Courthouse – 7:00 P.M.
December 2, 2019**

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

Members Absent: George Meister, Patti Gregory

Staff Present: Anne Markezich, Zoning Department
David Schneidewind, Zoning Attorney

County Board

Members Present: June Chartrand, County Board District 16
Robert Trentman, County Board District 14
Janet Moll, County Board District 19

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 Heberer to approve Minutes of November 4, 2019. Second by Howell. Motion carried.

Public Comment

There were no persons present for public comment.

New Business – Case #1

Subject Case 2019-07-SP, Michael Scott Ross & Stacy Ross, 439 S. Railway Street, Mascoutah, Illinois, owners and Absolute Clean & Restoration, Inc. (Scott Ross), 439 S. Railway Street, Mascoutah, Illinois, 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 a Cleaning/Restoration Business in an “A” Agricultural Industry Zone District, on property known as 4394 Mascoutah Avenue, Belleville, Illinois in Shiloh Valley Township. (Parcel #09-26.0-300-007)

Scott Ross, Owner/Applicant

- Mr. Ross explained he purchased the property as a foreclosure.
- Mr. Ross stated he would like to run a Cleaning/Restoration Business which is a business similar to ServePro or Service Master.
- Mr. Ross stated there are two sides of the business, a cleaning side which is carpet, upholstery, tile, grout, wood floor, tile, and waxing as well as air duct cleaning.
- Mr. Ross stated most of the work is done off-site and not at the shop. He explained sometimes they clean area rugs at the shop but most of the time, the crew will go to the clients home.
- Mr. Ross stated the buildings will be more for warehouse and office setting.
- Mr. Ross stated the flip side of the business is emergency water restoration. He explained for example if your basement floods or if you have a broken pipe, they will come out and clean up the mess and do the reconstruction afterwards.
- Mr. Ross stated another part of the business is fire restoration and mold mitigation.
- Mr. Ross stated their primary service areas are St. Clair County, Madison County, Washington and rural Randolph County, which is a 30-40 mile radius.
- Mr. Ross stated their current operation is in Freeburg, Illinois where they rent a facility that they have outgrown.
- Mr. Ross stated the business has 5-vehicles, 3 are pick-up trucks, 1 carpet cleaning van, the box van recently blew up and will be replaced; and one other truck. He stated he also has two trailers.
- Mr. Ross stated his goal is to keep everything stored inside of the buildings on the property.
- Mr. Ross stated the back wall of the structure was saved because the current building only has a 5 ft. setback from the rear property line.

- Mr. Ross explained the back smaller building is about 39 ft. by 66 ft. side and will be connected to the proposed 60 ft. x 100 ft. building. He stated the building will make an “L” shape.
- Mr. Ross stated from the road the building will have a brick façade with metal tin. He stated the front will have walk-up doors, windows and brick which will wrap around the entire front of the building.
- Mr. Ross explained parking will be to the East of the building, because the entrance will be off of Keck Road.
- Mr. Ross stated once the building is complete, the fence along Keck Road will be removed and will tie into the fence into the back of the building, the fence in front of the road will go to the edge of the new building, so aesthetically you will be able to see all the way through on Keck Road and will also allow the ditch to be widened down that road.
- Mr. Ross stated over time, that fence will be replaced with a wrought iron fence.
- Mr. Ross stated there will be green space on the East side of the building plus the parking lot and then you will go along the front of the office to a gated entrance. He stated there may be some trailers outside, but the vehicles will be stored inside the building.
- Mr. Ross stated there is a storage container on the property that will remain. He stated the old horse stable will be remain and that will be tinned to match the other existing buildings and set that container next to it. (Ms. Markezich stated the container cannot be used for storage or remain on the property.)
- Mr. Ross explained the container will be a movable trailer used to store a client’s personal property. (Ms. Markezich stated as long as the container is not a permanent trailer the trailer can remain on the property.)

Discussion

- Chairman Penny asked the applicant if the vehicles were on the property prior to him purchasing. (The applicant explained this property was a foreclosure and he purchased it with the vehicles on it.) (Mr. Ross stated he will have the Sheriff’s Department sign off on them and have a towing company remove them from the property.)
- Ms. Markezich stated this property has been a nuisance property for years.
- Dave Tiedemann, Shiloh Township Supervisor stated this property was a car repair/dealership in the 1970’s and has not been in operation for 15-20 years. He stated the property was abandoned.
- Ms. Markezich asked the applicant what the purpose of keeping one wall remaining of the building. (The applicant explained he will keep the wall so that it grandfathers the setbacks.) (Ms. Markezich stated the application is

- a Planned Development so that will cover the setbacks presented on the site plan.)
- Ms. Markezich stated if the applicant keeps the wall, it will have to be signed off by an engineer. (The applicant stated he will be happy to following all the regulations by the Zoning Department.)
 - Ms. Deitz confirmed the applicant can remove the wall and keep the 5 ft. setback on the rear if the Zoning Board approves it.
 - Chairman Penny asked if the applicant will have the property surveyed prior to construction. (The applicant stated if the variance is granted he does not feel that would be needed. He stated he measured from the fence that he assumes what built on the property line.)
 - Ms. Edwards stated if the Zoning Board approves the 5 ft. rear setback, they are not assuming that the fence is the property line. (Mr. Schneidewind stated that is correct, the Zoning Board would assume he is 5 ft. off of the legal property line, not the fence.)
 - Ms. Markezich asked if the applicant is thinking of removing the back wall, would he be willing to shift the building off the property line a little further. (The applicant stated he would then have to pour new footings and would add additional cost.)
 - Ms. Deitz stated a survey may be cheaper than getting the existing wall engineered. (The applicant stated he does not have a problem getting the property surveyed, he would just like a variance off of the fence line to get the building approved.)

Public Testimony

- John Edwards stated he is representing the Estate of Marie & Delwin Edwards. He stated the farm is immediately behind the fence. Mr. Edwards stated he is not aware of a survey.
- Dave Tiedemann, Shiloh Valley Township Supervisor stated the fence on the property has been there for 50-years and could result in adverse possession. Mr. Tiedemann feels the fence is a fairly stable coordinate.
- John Edwards stated he is concerned the adjacent farm field will be shaded by the building being constructed close to the property line. (The applicant stated the building will only be 20 ft. tall and 30 ft. at the peak. The applicant stated he feels he will improve the sun ability by knocking down nine to ten trees on that property line. He stated he will take more trees down, once he gets the vehicles removed from the property and feels the neighbor will have more sunlight than previously. He also stated he has plans to dig out the ditch and improve drainage from the field to the front ditch.)

- Mr. Edwards stated he is also concerned with the types of chemicals used at the business and how they will be disposed of. (The applicant explained there will be 50-100 rugs per year and the cleaning agents are less harmful than what you would wash your car with. He stated the chemicals are highly diluted and will be treated in the septic system. The applicant stated the chemicals will be consistent with grey water from your washing machine.)
- Mr. Edwards stated he is concerned with chemicals being disposed of into a leach field. (The applicant stated the chemicals will all be treated and he only uses 10-20 gallons of water versus someone that will use 30-40 gallons of water when showering.)
- Mr. Edwards stated he is not concerned with volume of water he is concerned with what types of chemicals will be used in the cleaning agents. (The applicant explained the cleaning agents are cut so much that they are safer than the Dove that a family would use when showering. The applicant stated all of the agents are safe with no phosphates and are EPA registered, he stated they are safe for pets and safe for people.)
- Mr. Edwards asked if this operation requires any monitoring. (The applicant stated it does not.)

Further Testimony

- Ms. Edwards asked if the applicant will use well water. (The applicant stated there is no public water available.)
- Ms. Edwards asked if the applicant has spoken to the St. Clair County Health Department. (The applicant stated he has talked to the Health Department.)
- Mr. Howell asked if the EPA requires a discharge permit of any kind. (The applicant stated you cannot dump them in a field drain.)

Dave Tiedemann, Shiloh Township Supervisor gave testimony that he supports this application because the applicant has improved the property greatly. He stated this property has been an eyesore for many years.

County Board Member, Janet Moll stated she is also in favor of granting this request.

MOTION by Edwards:

The utilities on the property are well and septic; the applicant has a letter from the St. Clair County Health Department that says they have no issues with the use of the property; the Comprehensive Plan designation is residential; the applicant has testified as to the use and his intentions and has submitted a detailed plan of hours

of operation and the use of the property and a site plan; the applicant stated he will remove all of the existing vehicles from the property; the timeline is January, 2020; the applicant also submitted that he will have the property surveyed because the fence line has been assumed as the property line; the proposed design, location, development and operation of the proposed Special Use adequately protects the public's health, safety, welfare and the physical environment. The adjacent property owner is present at the meeting and has expressed his concerns and seems to be adequately satisfied with the answers provided by the applicant; the Special Use Permit is consistent with the County's Comprehensive Plan; the Special Use Permit will not have an adverse effect on the value of the neighboring properties or on the overall tax base and is actually an improvement to the surrounding property owners; and to the tax base. The proposed SUP will not have an effect on traffic or circulation nearby as stated the applicant only has five full-time employees and that they will be at job sites and not on the property; the public utilities are well/septic and there are no nearby facilities such as schools or hospitals and no special consideration required; the SUP is compatible to the adjacent uses in the general vicinity; and the County Board representative is in favor of the request. Ms. Edwards recommends approval of the Special Use Permit for a Planned Building Development.

Amendment to the Motion that the 5 ft. variance as presented on the site plan is approved.

Second by Howell.

Heberer -	Aye
Deitz -	Aye
Howell -	Aye
Edwards -	Aye
Chairman Penny-	Aye

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

New Business - Case #2

Subject Case #2019-05-SP – Carla Hankins & Oakley Hankins, 422 S. Metter Avenue, Columbia, 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 the construction of an accessory building with no principal building in a "SR-MH" Single-Family/Manufactured (Mobile) Home Zone District on property

known as 2206 Malvern Street, Dupon, Illinois in Sugarloaf Township. (Parcel #16.15.0-404-013)

Oakley Hankins, Owner/Applicant

- Mr. Hankins stated he would like to build a garage on this property without a principal residence on the property.
- Mr. Hankins stated he has a picture and plans of the proposed structure.

Discussion

- Ms. Markezich stated the applicant was present before the board in September requesting a 1,060 square foot pole building and is now requesting a 900 square foot garage without the principal building. Ms. Markezich also noted the property is too small for a residence and a garage.
- Mr. Heberer stated the property is too small to have both a garage and a home. (Ms. Markezich stated that is correct.)
- Chairman Penny asked how far the applicants home is from this location. (The applicant stated he lives approximately 10-miles from this property.)
- Chairman Penny asked how the applicant came to purchase this property. (The applicant stated he was looking for something close to the house and this property came up in the tax auction. He stated he called the Zoning Office on several occasions and was told he could build two 900 square foot buildings without a residence.)
- Ms. Markezich stated the home that was on the property prior did not meet the setbacks.
- Ms. Deitz asked what is on the neighboring properties. (The applicant submitted some photos of homes and other structures that are in violation of the setbacks.)
- Chairman Penny asked the applicant what he plans to do with this structure. (The applicant stated the building will be stick-built with 2' x 6' walls, he stated he would like a steel building but he knows the board would prefer vinyl siding.)
- Chairman Penny asked how tall the actual bay would be. (The applicant stated he would like a 16 ft. tall door that would be 10' x 11' with either a slider or roller door and a 3 ft. man door on one side.)
- Chairman Penny asked what he proposed to do with this garage. (The applicant stated he would like to use the building for storage, he stated he has several boats and would like to store things he buys at auctions. He stated there will be no business ran out of this building.)
- Chairman Penny asked why the applicant would not put this building on his property that he resides at. (The applicant explained he is out of room on his property.)

- Ms. Chartrand asked the applicant if there will be lights on the building. (The applicant stated there will be some security lights on the building.)
- Ms. Deitz asked if the applicant thought of putting a mobile home on the property and using it for rental property. (The applicant stated the concrete pad is in violation; he stated if he cannot put this building on the property he would be forced to sell the property.)

Public Testimony

There were no persons present for public testimony.

Further Discussion

County Board Member, June Chartrand stated the applicant answered her question regarding what types of materials would be stored in the building.

Ms. Edwards asked Ms. Chartrand if she felt allowing this building would be beneficial to the neighborhood. (Ms. Chartrand stated she feels this building could benefit the neighborhood.)

MOTION by Deitz:

The utilities on this property are public water and public sewer; the Comprehensive Plan has a designation of residential; the Special Use is not consistent with the County's Comprehensive Plan; and the Special Use will have an adverse effect on the value of neighboring properties. Motion to deny.

Second by Edwards.

Heberer -	Yes
Deitz -	Yes
Howell -	No
Edwards -	Yes
Chairman Penny-	No

The vote is 3 votes to 2.

MOTION by Edwards to reset this case to February when there will be more members of the board present for the vote.

Second by Deitz.

Heberer - Yes
Deitz - Yes
Howell - Yes
Edwards - Yes
Chairman Penny- Yes

This case has been continued until February, 2020.

New Business – Case #3

Subject Case #2019-04-SP – Phase II, Inc. (Adam Karr), 719 Centreville Avenue, Belleville, Illinois, owner and applicant. This is a request for a Special Use Permit to allow the sale of liquor and/or alcoholic beverages by the drink in a “B-1” Retail & Service Business Zone District on property known as 3325 S Belt West, Belleville, Illinois in St. Clair Township. (Parcel #08-18.0-301-027)

Adam Karr – Owner/Applicant

- Mr. Karr submitted a packet to the board members of his mission statement and goals for the property.
- Mr. Karr stated he would like to start a laundry mat and gaming business at this property.

Discussion

- Ms. Markezich explained to the board this property is zoned “B-1” Retail & Service Business Zone District and the Laundry Mat is a permitted use. The request before the board is for liquor by the drink.
- Chairman Penny asked if the applicant operated a business serving liquor before. (The applicant stated he has not.)
- Chairman Penny asked if the applicant operated a laundry mat before. (The applicant stated he has not.)
- Chairman Penny asked the reason for opening the laundry mat instead of just the gambling boutique. (The applicant stated this will give the opportunity for back and forth traffic, if there are adults doing their laundry, this will give them something to do.)
- Ms. Edwards asked how the alcohol area will be separated from the laundry mat. (The applicant stated they will be separate entrances in the vestibule to each business with a common door. He stated there will also be an attendant on duty.)
- Mr. Heberer asked if there will be a drop off service for laundry. (The applicant stated there will be drop-off service.)

- Ms. Edwards asked hours of operation. (The applicant stated a liquor license is good from 8:00 AM to Midnight, Monday through Saturday and Sundays, 12:00 PM to Midnight.)
- Ms. Edwards asked if the laundry mat will be open 24-hours a day. (The applicant stated the laundry mat and gaming center will be open and closed at the same times.)
- Ms. Edwards asked if there will be one full-time attendant. (The applicant explained there will be one full-time attendant in an office in the middle of the two businesses, with a window that looks into the laundry if they need help and the other side will be open to the gaming area.)
- Ms. Edwards asked if there is an age limit for someone to be the attendant. (The applicant stated the attendant will have to be at least 21 years of age.)
- Mr. Howell asked if minors will be allowed on the gaming side. (The applicant stated minors will not be allowed on the gaming side. The applicant explained there will be signs posted that says “you must be 21-years of age to enter”, and will be monitored by the attendant.)
- Mr. Schneidwind asked if you can take alcohol from the gaming side to the laundry side. (The applicant stated there will be no alcohol allowed on the laundry side.)
- Ms. Edwards asked how many laundry machines the applicant will install. (The applicant stated he will have 24-washers and a medium size washer. He stated there will be two rows of washers down the middle, then the dryers on the outside.)

Public Testimony

- Mr. John Galle stated he is the owner of Choice Gaming and will be the applicant’s terminal operator for the gaming area. He stated there is a facility such as this in Effingham, Illinois. He stated he feels this is a great idea since the customers are sitting around waiting for their laundry to finish. He stated gaming is in gas stations, hotels, anywhere there is foot traffic which he will have in the laundry mat. Mr. Galle stated he feels this is a great business idea.
- Katie Karr stated the applicant is her husband and she works down the road at Union School. She stated she has 6-years of management experience and will be in and out of the business daily, after school hours and weekends to help with the management of the employees.
- Cynthia Chambers, 12 Irene Drive, Belleville stated she lives directly across from this property. Ms. Chambers wonders how this business will impact property values, and she stated there are already two gaming facilities right next door. She stated she understands that at the other facilities there is a 2-drink maximum. Ms. Chambers stated she is concerned with the business

- bringing crime to the area. (The applicant stated the business will be monitored with cameras and the attendants on duty, he stated they are looking to improve the area.)
- Ms. Chambers stated she asked if there is a concern with traffic blocking the adjacent Fire Department. (The applicant stated there is an existing large parking lot with approximately 18-parking spaces with room to turn around.)
 - Mr. John Galle stated he operates two parlors in the Champagne, Illinois area and those locations have minimal alcohol sales, the focus is more on a good environment for gaming. (The applicant stated he would opt out of the liquor if he could, but it is requirement for a Gaming License.)
 - Ms. Chambers asked if the applicant will have to come back before the board, in the future if the applicant wants to do a different business serving alcohol. (Ms. Markezich stated he would not have to come back before the board.) (Ms. Markezich stated the property is zoned “B-1” and a lot of people could do different things in that zone district.)
 - Mr. Heberer asked if the applicant changes will the Special Use Permit transfer to the next owner. (Mr. Schneidewind stated the board can put that stipulation in their motion that this Special Use Permit is for the applicant only or that the liquor is in conjunction with the laundrymat only.)

Further Testimony

MOTION by Edwards.

The utilities are public water and public sewer; the Comprehensive Plan calls for residential but there are businesses located in the vicinity; this is an existing building that has set vacant for an extended period of time; the applicant has stated that his reasons for the Special Use Permit is for a Laundry Mat and to allow alcohol drinks along with the business of the laundry mat with gaming as an accessory use. The Special Use Permit will run with the owner, Phase II, Inc., Adam Karr and when the Laundry Mat ceases to exist, the sale of liquor and/or alcohol beverages will be revoked; the proposed design, location, development and operation of this proposed Special Use Permit adequately protects the public’s health, safety and welfare and the physical environment; the Special use is consistent with the comprehensive Plan; the Special Use Permit will not have an adverse impact on the value of neighboring property and on the overall taxbase; the proposed Special use Permit will have little to no effect on traffic circulation on nearby streets; there is public utilities available; there are no nearby schools or hospitals near the proposed Special use Permit that require special attention or consideration; the Special Use Permit is compatible to the adjacent uses in the general vicinity; the applicant submitted a site plan along with specifications

regarding how the operation of Lucky Day Laundry will operate; the hours of operation and the parking availability. It is the recommendation of this board that this case be approved.

MOTION by Howell:

A roll call vote:

Heberer -	Yes
Deitz -	Yes
Howell -	Yes
Edwards -	Yes
Chairman Penny-	Yes

Motion carried.

This case has been granted by this board.

New Business – Case #4

Subject Case #2019-17-ABV – Stacy Barringer, 2105 Lebanon Avenue, Belleville, Illinois, owner and Mic Barringer, 2105 Lebanon Avenue, Belleville, Illinois, Applicant. This is a request for an Area/Bulk Variance to allow the construction of a detached garage 4,800 square feet instead of the 900 square feet allowed in a “SR-3” Single-Family Residence Zone District on property known as 2105 Lebanon Avenue, Belleville, Illinois in St. Clair Township. (Parcel #08-11.0-405-029)

Mic Barringer, Applicant

- Mr. Barringer stated he would like to build a detached garage to store his toys, such as vehicles, bobcat, boat and other items.
- Mr. Barringer stated his property is about 2.5-acres that backs up to an 11-acre tract.
- Mr. Barringer stated the building will be not be pole barn style, it will be symmetrical with the house with siding and a brick front.
- Mr. Barringer submitted a picture looking out his back door of where the building would sit.
- Mr. Barringer stated he installed a pool on the property and a soccer field that doesn't show on the current aerial photo. He stated he has 5 children that are into sports and he would like to put some wrestling mats in the proposed building for practice.

- Mr. Barringer stated there is a row of trees between his property and the residences on Whiteside Drive that blocks their view, and his property backs up to agricultural property. Mr. Barringer stated the building will not be able to be seen from the front road.

Discussion

- Ms. Markezich asked if any part of this building will be used for the roofing company. (The applicant stated his business is located in O'Fallon, Illinois.)
- Chairman Penny asked if there will be a concrete floor in this building. (The applicant stated he would like to do an epoxy floor in the building.)
- Mr. Schneidewind asked if the applicant will have a driveway back to the proposed building. (The applicant stated there is a driveway already that goes back.)
- Ms. Deitz stated the applicant could build two 900 square foot buildings on the property. (The applicant stated he has classic cars that would fill up those buildings and they would not be large enough.)
- Ms. Edwards asked how big of building does the applicant really want to build. (The applicant stated he would like at least a 35 ft. x 120 ft. building that would be symmetrical to his home.)
- Chairman Penny asked what type of material will be used to construct the building. (The applicant stated he will have a wainscoat brick with matching siding to the house and gables with vinyl, matching the home.)
- Chairman Penny stated he feels the building will be proportionate to the house and will be an improvement to the area and the visibility of the building will be limited.

Further Testimony

County Board Member B. Trentman stated he walked down Whiteside Drive and spoke to several neighbors and the core he talked to were not opposed to the construction. Mr. Trentman stated most of the properties were occupied by renters. Mr. Trentman stated he is concerned with starting a precedence with larger buildings in the area. Mr. Trentman stated he feels this building is too large for the area and would recommend the Zoning Board deny this request.

Chairman Penny asked the applicant if he wanted to withdrawn his request for if he would like to reconfigure his application. (The applicant stated the minimum building he would like to have is 30 ft. x 100 ft. (taking 10 ft. off of each side); he stated he would like for the building to be symmetrical with the house.)

MOTION by Edwards to continue this case until February 3, 2020.

Second by Heberer.

Heberer - Yes
Deitz - Yes
Howell - Yes
Edwards - Yes
Deitz- Yes
Chairman Penny- Yes

This case has been continued until February 3, 2020.

New Business – Case #5

Ms. Markezich presented an amendment to Chapter 40 – Zoning Ordinance (“Schedule of Filing Fees”) adopting a fee for Zoning Compliance Letters in the amount of \$30.00.

Heberer - Yes
Deitz - Yes
Howell - Yes
Edwards - Yes
Deitz- Yes
Chairman Penny- Yes

Motion carried.

This amendment has been approved.

MOTION to adjourn by Howell, second by Deitz. Motion carried.