

**St. Clair County Zoning Board of Appeals
Minutes for Meeting
At the Courthouse – 7:00 P.M.
February 4, 2019**

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

Members Absent: Patti Gregory & Kent Heberer

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

**County Board
Members Present:** Matt Smallheer, County Board District 18

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 Meister to approve Minutes of January 7, 2019. Second by Deitz.
Motion carried.

Public Comment

There were no comments from the public.

New Business – Case #1

Subject Case #2018-34-SP – Corey & Leah Meyer, 9510 Pister Road, Lebanon, 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 a small event center in an “A” Agricultural Industry Zone District on property known as 9510 Pister Road, Lebanon, Illinois in O’Fallon Township. (Parcel #04-36.0-200-029)

Corey & Leah Meyer, Owners/Applicants

- Mr. Meyer stated he and his wife have owned and lived at this address for 2 ½ years.
- Mr. Meyers explained they would like to run a small event center out of an existing pole building on the property.
- Mr. Meyers explained they would cater to small parties, graduation parties, and smaller type venues.
- Mr. Meyers stated there would be a maximum of 100-people on the property.
- Mr. Meyers stated the existing building is 60’ x 40’ pole barn construction.
- Mr. Meyers stated the building is currently insulated and the floor is finished.
- Mr. Meyers stated they would like to add two doors to the existing building, one would be an emergency exit and one would be a patio access which will have a rocked area with a fire pit.
- Mr. Meyers stated they would also like to add two bathrooms to the building. He explained the soil testing is pending with the Health Department.
- Mr. Meyers stated they would like to add a rock parking lot in the rear of the property plus a small concrete area for persons with physical disabilities. The applicant stated there will be approximately 50 parking spaces and an area for overflow. Mr. Meyers stated there will be no parking allowed on the public road.
- Mr. Meyers stated he is not looking to expand beyond the existing building.
- Mr. Meyers stated there will be no permanent sign built for the business, only a temporary event sign hours before the event.
- Mr. Meyers stated this property is in O’Fallon Township and Township Board voted to approve their request 4 to 1. He stated there was one person who opposed to the request that does not live on this road. He stated there was no opposition from residents of Pister Road.
- Mr. Meyers stated at the Township meeting the concerns were noise, the size of the road, and extra traffic on the road.

- Mr. Meyers stated he feels his business would draw in people that are not familiar with Lebanon and the brick road community and maybe they will come back.
- Mr. Meyers stated there is a large amount of pine trees between the proposed event center and where the complaints were coming from. He also stated it is 1,000 feet to the nearest resident.

Discussion

- Mr. Howell asked if the building has been inspected for capacity. (The applicant stated he has not had that inspection completed.)
- Mr. Howell asked if the applicant will get a liquor license. (The applicant stated he will not get a liquor license.)
- Chairman Penny asked how the guests would have liquor. (The applicant stated their guests will have to utilize a caterer with a liquor license that would do the serving and the distribution of alcohol.)
- Ms. Markezich asked if there will be a kitchenette. (The applicant stated they will not in any way be involved in the Health Department food/beverage sales side of the event center. He stated the venue would strictly be a hall to rent.)
- Chairman Penny asked the Director if there were others who avoided the liquor license. (Ms. Markezich stated the Zoning Board granted an event center a few months back with the same, no cooking on site and the guests would bring their own alcohol.)
- Chairman Penny asked where the nearest commercial property. (The applicant stated from downtown Lebanon, his property is 1-mile south.)
- Chairman Penny asked if there is any similar commercial activity in this area. (The applicant stated there is no commercial activity in this area, the area is all farmland or residences similar to theirs.)
- Mr. Schneidewind asked if the shed is finished on the inside at this time. (The applicant stated the building is insulated.)
- Mr. Schneidewind asked the applicant if he will finish the walls. (The applicant stated they may put up a decorative wall, the details are not complete yet.)
- Mr. Schneidewind stated the building will have to meet commercial standards.
- Ms. Markezich stated the parking lot will require handicapped parking.
- Mr. Schneidewind asked how many employees. (The applicant stated there will be no additional employees.)
- Mr. Schneidewind asked the hours of operation. (The applicant stated the hours could possibly be 8:00 AM to midnight with the music over at 11:00 PM.)

- Ms. Edwards asked if the applicants would allow animals brought out to the property. (The applicant stated if there are professionals involved, he would not be opposed to a petting zoo or something. He explained he would take each event at a case by case basis. He also stated the patrons would have to get a short-term insurance policy to cover any damages that will occur and possibly a one-day liquor license.)
- Ms. Deitz asked how often these events would happen. (The applicant stated possibly once a month.)
- Ms. Deitz asked the applicant if he thought the cost of doing commercial upgrades would be worth having events once per month. (The applicants stated he works construction and will be doing most of the work himself.)
- Ms. Deitz asked if the permit is granted to allow this business, would this business continue until retirement and continue to grow. (The applicant stated if the payout is worth the hassle at that point, they will continue the business.)
- Ms. Deitz asked if the driveway going back is gravel and approximately 17 ft. wide. (The applicant stated his private drive is approximately 16 ft. and the public road is 17-18 ft. wide.)
- Mr. Meister asked if the parking lot will be gravel. (The applicant stated the majority will be gravel aside from the apron at the main entrance.)

Public Testimony

- Daniel Bleish, 230 Washington Street, Pocahontas stated he owns 3-acres down from this property and his concern would be the noise in the area. He stated he and his wife purchased the 3-acres from his grandmother's estate and are working their way towards building a house to retire, because it is a nice quiet area. He stated the road is narrow but his number one concern would be the noise.
- Mr. Bleish asked the board that if the Special Use Permit for a venue would be transferrable to the next property owner. (Ms. Markezich stated the board would have to specify the business is for the current property owner only.)
- Ken Harsin, 96 Warrensburg Drive, Belleville stated he owns property at 9435 Pister Road, Lebanon which is approximately 80-acres. He stated there are no businesses in the area and is concerned this venue would start a precedent for further businesses in the area. Mr. Harsin also stated he feels this would have a negative impact on his property values and on the enjoyment of his property.

Further Testimony

- Chairman Penny asked if Ms. Markezich heard from the County Board Member, Nick Miller. (Ms. Markezich stated she has not heard from Mr. Miller.)
- Mr. Meister asked what the pole building was built for. (The applicant stated the building was built prior to him purchasing the property.)
- Mr. Meister asked if the building has a concrete floor. (The applicant stated that is correct.)
- Ms. Deitz asked if the applicant has any photos of the inside of the building. (The applicant stated he does not.)
- Ms. Edwards asked if the applicants have experience in events. (The applicant stated they have hosted quite a few events for families and friends and that is what led them down this path.)
- Ms. Edwards stated once you leave the area of friends and family, there are different problems that can arise. (The applicant stated he is currently a general foreman for an electrical contractor and routinely has 20-30 construction workers at a time and is also a United States Marine and has experience in managing people and their behaviors.)
- Mr. Meister asked what type the snow load and wind load of the building. (The applicant stated he does not have that information.)

MOTION by Meister to take this case under advisement to allow the applicant to submit a report on the septic and well, and building construction.

Second by Howell.

A roll call vote:

Meister -	-Aye
Deitz	-Aye
Heberer	-Aye
Edwards	-Aye
Chairman Penny	-Aye

Chairman Penny stated this case has been continued until May 6, 2019.

New Business - Case #2

Subject Case #2018-20-ABV – Martha Dexheimer, 1001 Lakeview Lane, O'Fallon, Illinois, owner and applicant. This is a request for an Area/Bulk Variance to allow the division of 9-acres instead of the 40-acres required in an "A" Agricultural Industry Zone District on property known as 1001 Lakeview Lane, O'Fallon, Illinois in O'Fallon Township. (Parcel #04-19.0-300-065)

Joe Moerchen, TWM, Inc. on behalf of Martha Dexheimer

- Mr. Moerchen explained Ms. Dexheimer is a widow with this 18-acre tract of land.
- Mr. Moerchen stated approximately 10-acres of the parcel is tillable/timber ground.
- Mr. Moerchen stated Ms. Dexheimer would like to convey the timber ground to the family trust which is the adjoining large farm tract.
- Mr. Moerchen stated the property is currently being farmed under a lease.
- Mr. Moerchen stated Ms. Dexheimer is downsizing because she doesn't need 18-acres and this big home.

Discussion

- Mr. Schneidewind stated it looks like the applicant is adding additional ground owned by the Trust. (The applicant explained this is to compensate for some landscaping and driveway.)
- Mr. Meister asked if the back 9+ acres will be consolidated with the adjacent parcel. (Mr. Moerchen stated that will be consolidated.)

Public Testimony

- Wayne Schiefer stated he owns property at 980 Pohlman Road which abuts this property. Mr. Schiefer questioned if the property will remain zoned agricultural and if the land will be cleared for more buildings. (The applicant stated the same question came up at the Township meeting regarding clearing for more buildings and the answer is no. He stated the property will remain agricultural.)
- Mr. Schiefer asked if the property has been surveyed. (Mr. Moerchen stated the perimeter has been surveyed, the division has not.)
- Mr. Schiefer stated he has no concerns, he was just curious if the Zoning would change on the property.
- Mr. Schneidewind stated for the record, any decision made by the Zoning Board does not determine the boundary lines of the property.

Further Testimony

County Board Member, Matt Smallheer gave testimony that if there is no opposition from neighbors, he is in favor of granting the variance.

MOTION by Meister to approve the request for the following reasons: The applicant explained how the division would be made; the applicant stated the remainder of the property will be combined with the agricultural adjoining property; the request is compatible with the area; and there are no objectors.

Second by Edwards.

A roll call vote:

Meister	-Aye
Deitz	-Aye
Howell	-Aye
Edwards	-Aye
Chairman Penny	-Aye

This case has been approved by this board.

New Business Case #3

Subject Case #2018-22-ABV, Ralph & Debra Renth, 7942 Woodland School Road, Mascoutah, Illinois, owners and Eric Renth, 7942 Woodland School Road, Mascoutah, Illinois, applicant. This is a request for an Area/Bulk Variance to allow the division of 2.5-acres instead of the 40-acres required in an "A" Agricultural Industry Zone District, on property known as 11404 Fuesser Road, Mascoutah, Illinois, in Mascoutah Township. (Parcel #10-26.0-200-006)

Ralph & Debra Renth, Owners

- Mr. Renth stated they have a tract of land next to their home with 7-acres and they would like to split off 2.5-acres for their son to build a home.

Discussion

- Mr. Meister asked why the applicant is asking for this request when the Zoning Board already approved this request in the past. (Ms. Markezich explained the Special Use Permit is only good for 2-years.)
- Mr. Meister asked if there have been any changes to the property in the past two-years. (The applicant stated there have not been any changes.)

- Ms. Deitz asked if there are other modular homes in the adjacent area. (The applicant stated there are other modular homes in the area.)
- Ms. Deitz asked how close is the nearest modular home. (The applicant stated there is a modular home just east of the property about ½ mile away.)
- Chairman Penny asked what would happen to the remaining acreage. (Ms. Markezich answered there is a home on the parcel already.)
- Chairman Penny asked who lives in the 2nd home on the property. (The applicant stated his son and girlfriend are currently living in the home on the property.)
- Chairman Penny asked if his son moves into the new home, what will happen to the existing home on the property. (The applicant stated in time, that home will be demolished and they may build another home on there and downsize to retire there at some point. The applicant stated it will definitely be an improvement to the property.)
- Ms. Markezich asked the applicant if they just recently tore down the barn. (The applicant stated that is correct.)
- Mr. Meister asked if the applicant is involved in agriculture and if the applicant is his son. (The applicant stated that is correct.)
- Mr. Schneidewind asked the applicant if his son works on the farm. (Eric Renth, 7942 Woodland School Road stated he works at Wehmeyer Seed Company in Mascoutah which is roughly 3 ½ miles from the property.)
- Mr. Schneidewind asked if any of the 2 ½ -acres of property is farmed. (The applicant stated the property is not farmed.)
- Ms. Deitz asked if there are any similar sized lots in the area. She noted the smallest lot in the area is 4-acres. (The applicant stated he is not sure how many acres the modular is on down the road.)
- Ms. Markezich explained that as the property stands, a modular home can be installed if the existing home is demolished within 6-months of final construction. (The applicant stated 7-acres with the modular home would be a financial burden for his son.)
- Ms. Edwards explained to the applicant this would be a division of a division and would start a precedent in the area. Ms. Edwards feels like there is another option of removing the dilapidated home. (Eric Renth stated the basement in that home is only 15-years old and he does not feel like it should be removed.)
- Ms. Deitz asked how old the home is they are living in now. (The applicant stated the home is approximately 100-years old.)
- Ms. Deitz asked if they have thought about fixing up the home that they are in. (Eric Renth stated he has thought about it and had some estimates, but the home has quite a bit of rot that will have to be repaired. He stated the modular home is more cost effective.)

- Mr. Renth explained a modular home on 2.5-acres is a loan his son can get worked out.
- Mr. Meister stated he has conflict with denying the request because it was approved in 2009.

Public Testimony

There were no persons present for public testimony.

Further Discussion

MOTION by Meister to approve the request for the following reasons: The variance would not be injurious to the neighborhood, nor detrimental to the public welfare; while in conflict with the Comprehensive Plan, this property is not a part of the farming operation and not being used as farm ground; given the overall size of the tract and the residence and trees, the property will unlikely be utilized as farmground in the future; this variance will not diminish the value of the land or buildings in the immediate area, or though out the County; and the variance will not increase traffic congestion on public streets and highways. The Zoning Board granted this exact request in 2009 and neither the circumstances in the immediate area have changed since that time, nor have the applicant's intentions of placing a modular on that portion of property. Therefore, I recommend approval.

Second by Howell.

A roll call vote:

Meister	-	Aye
Deitz	-	Nay
Howell	-	Aye
Edwards	-	Nay
Penny	-	Aye

A decision by the board to approve requires four affirmative votes, therefore the motion is defeated.

MOTION to take this case under advisement until May 6, 2019.

Second by Howell.

A roll call vote:

Meister	-	Aye
Deitz	-	Aye

Howell	-	Aye
Edwards	-	Aye
Penny	-	Aye

This case has been taken under advisement until May 6, 2019.

Old Business – Case #1

Subject Case #2018-26-SP – Mark Koehne, Koehne Plumbing Heating LLC, 1301 Waverly Drive, Collinsville, 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 a Plumbing Company in a “SR-3” Single-Family Residence Zone District, on property known as 7931 N Illinois Street, Caseyville, Illinois in Caseyville Township. (Parcel #03-09.0-204-033)

Grey Chatham Jr., Attorney representing Mark Koehne

- Mr. Chatham introduced Mr. Koehne.
- Mr. Chatham stated Mr. Koehne owns Koehne Heating & Plumbing which has existed since 2012.
- Mr. Chatham stated Mr. Koehne currently rents space for his business in Pontoon Beach.
- Mr. Chatham stated Mr. Koehne purchased this property at 7931 N. Illinois Street which currently is a vacant lot that is zoned residential.
- Mr. Chatham stated Mr. Koehne would like the board to consider granting him permission to construct a building to operate his main office.
- Mr. Chatham stated there will be no commercial or retail sales; he is a plumbing and heating company that services businesses and residential properties.
- Mr. Chatham stated there will be no customers that will come to this parcel.
- Mr. Chatham stated in addition to constructing the building, Mr. Koehne would like to construct a sign identifying location.
- Mr. Chatham stated there will be two full-time employees.
- Mr. Chatham explained there will not be a lot of ingress/egress coming in and off of Hwy 159, he stated the applicant currently owns three service vans; however two of the vans will go home with his employees at the end of the night.
- Mr. Chatham explained one van will be parked at this site as well as an enclosed work trailer.
- Mr. Chatham stated the hours will be 9:00 AM to 5:00 PM.

- Mr. Chatham stated will be bathrooms, a kitchenette and a small warehouse for items he uses to service, maintain and install items regarding this trade.
- Mr. Chatham stated Ms. Markezich had concerns with placement of the building, but Mr. Chatham explained he is sure the building will fit on the property.
- Mr. Chatham stated his client spoke to County Board Member, Carol Clark and she was positive. (Ms. Markezich stated she spoke to her as well and she will support the Zoning Board decision.) (Mr. Koehne stated Ms. Clark was concerned about vehicle parking on the property.)

Discussion

- Chairman Penny asked if public sewers are available. (Mr. Koehne stated the Health Department visited the site and approved a septic system. He further stated public water is available to the site.)
- Ms. Edwards asked the size of the building. (Mr. Schneidewind stated the plan states 26' x 60'.
- Mr. Meister asked what the remainder of the property will be used for. (Mr. Chatham stated you will drive through an entrance-way that is there now, then there will be the building toward the front and all activity will be behind the building. Mr. Koehne stated he would also like to see fences on both sides to privatize the lot from the neighbors.)
- Ms. Edwards asked what the applicant meant by activity behind the building. (The applicant stated behind the building will be mostly parking; the building will only be used for an office and whatever type of tools that may need to be kept indoors. He stated the garage doors will be on the back of the building, so the loading of tools and unloading will be done at the rear of the property. Mr. Chatham added this will not be like a contractor's yard with raw materials or anything.)
- Ms. Edwards asked what exactly will be on the outside. (Mr. Koehne stated he owns 3-work vans, and 2 of them are driven home, so the one that is not being used at this time needs to be parked back there, the job trailer, and even at some points they will not be parked there, they are currently parked at a job site at this time.)
- Ms. Edwards asked if he plans on buying any new vans. (Mr. Koehne stated not at this time, he stated the third van is a floating van.)
- Ms. Edwards explained to the applicant that he is filing for a Planned Building Development and therefore he has to be specific.
- Ms. Edwards asked other than the one work vehicle, will there be anything else stored outside. (The applicant stated there will be no additional outside storage.)
- Ms. Edwards stated this is a residential area, so the board would like the property to look residential. (The applicant stated that is why he is going

with a conventional construction, not a pole barn. The building will be wood-framed with air conditioning. He explained all water heaters are taken away at the job site. This property will be very clean and if the building will be built.)

- Ms. Edwards stated she would like to do an on-site inspection of the property.
- Mr. Schneidewind asked if the building would be able to meet the 75 ft. from the front setback. (The applicant stated there is a giant ravine in the rear, however they are confident they can get the building to fit on the lot.)
- Chairman Penny stated he is from this area and stated even though this property is zoned residential, there is a significant amount of mixed-use in this area, such as taverns and Allen Roofing being across the street.
- Ms. Edwards stated since there are residences on both sides, does the board want to install a buffer.
- Ms. Edwards stated everything for the business will have to be stored inside, such as tools and equipment with the exception of the vans and trailer, everything will be stored inside.
- Mr. Meister asked if this parcel was previously used as a residential lot. (The applicant stated that is correct.)
- Mr. Meister asked the applicant if they will replace the entrance with a 24 ft. entranceway. (The applicant stated it was pending the outcome of this case.)
- Mr. Schneidewind confirmed about 150 ft. from the back property line has been cleared. (The applicant stated that is correct.)
- The applicant explained he knows the property owner to the North and the properties owners to the South park on his property, so he feels like they have a good report with the neighbors.
- Ms. Edwards asked hours of operation. (The applicant stated hours of operation will be from 9:00 AM to 5:00 PM, Monday through Friday, with three full-time employees and 3 vans.)
- Ms. Edwards asked the applicant if they will have a sign. (The applicant explained they would like a sign on the building.)
- Ms. Edwards asked the applicant if he was opposed to putting a fence up. (The applicant stated he is not opposed to putting a privacy fence up. The applicant stated his idea is to the North, because the South is the entranceway to the lot, but on the very South property line to the neighbors putting up a fence, and on the North having that along the property line back to the corner of the building.)

Public Testimony

There were no persons present for public testimony.

Further Discussion

MOTION by Edwards to grant the request for the following reasons: The property has public water and septic tank; the Comprehensive Plan calls for residential. The applicant has given the board a site plan showing they plan to build a 26 x 60 building that will meet all the setback requirements of the "Highway Business" Zone District. The applicants will put a fence around the lot which will also meet the setbacks of the Highway Business. Office hours will be from 9:00 -5:00 PM, Monday through Friday and no weekends. The applicant will only have a sign on the building; there will be no outside storage of materials with the exception of 3-vans and one job trailer; there will be a total of three employees; and the applicant agreed to install a privacy fence around the property meeting the Highway Business setbacks. The proposed design, location, development, operation of this proposed Special Use adequately protects the public's health safety and welfare and the physical environment; the request is consistent with the Comprehensive Plan due to the fact that Hwy 159 has multiple uses of business and residential along the roadway; the Special use Permit will not have an adverse effect on the value of the neighboring property or on the overall tax base; this Special Use Permit will apply only to the applicant and will not run with the property. The proposed SUP will not have an adverse effect on traffic or circulation on nearby streets; there are no facilities such as hospitals or schools nearby that will require special consideration; and the proposed SUP is compatible to the adjacent uses in the general vicinity. Therefore, it is the recommendation of this board that his Special Use Permit be granted.

Second by Howell.

A roll call vote:

Meister	-Aye
Deitz	-Aye
Howell	-Aye
Edwards	-Aye
Penny	-Aye

Motion carried.

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

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