

**St. Clair County Zoning Board of Appeals
Minutes for Meeting
At the Courthouse – 7:00 P.M.
July 8, 2019**

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

Members Absent: Patty Gregory

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

**County Board
Members Present:** John Waldron, County Board – District 29
Ed Cockrell, County Board – District 7

Pledge of Allegiance

Call to Order

The meeting was called to order by Chairman, Scott Penny.

Roll Call and Declaration of Quorum

The roll was called and a quorum declared present.

Approval of Minutes

MOTION by Deitz to approve Minutes of June 3, 2019. Second by Edwards.
Motion carried.

Public Comment

There were no comments from the public.

Announcement

Chairman Penny announced that Subject Case 2019-08-ABV (JC Auto Sales, Inc.) has been continued until September 9, 2019 at the request of the applicant. No further notices will be sent regarding this case.

New Business – Case #1

Subject Case #2019-02-ABV – Paula Farley & Thomas Glauber, As Co-Trustees of the Glauber Family Trust, 4200 Buss Branch Road, Waterloo, Illinois, owners and applicants. This is a request for an Area/Bulk Variance to allow the division of 5-acres instead of the 40-acres required and 50 ft. of frontage instead of the 100 ft. required in an “A” Agricultural Industry Zone District on property known as 4200 Buss Branch Road, Waterloo, Illinois, in Millstadt (South) Township.

Brandon Prestin

- Brandon Prestin, 223 Country Club Acres, Belleville, Illinois stated he would like to present the case to the board.
- Mr. Prestin explained the family farm and all contiguous parcels currently reside in a family trust and per the wishes of their grandparents, it will remain indefinitely.
- Mr. Prestin stated one portion of the farm is enrolled in a conservation reserve program until the year 2033 and 100-acres is currently leased for agricultural purposes.
- Mr. Prestin stated the farm house is currently used as a functioning communal gathering place for family around the holidays, special occasions or for simply relaxing to get away.
- Mr. Prestin stated the farm requires continual maintenance and upkeep.
- Mr. Prestin stated the current generation of family members caring for the farm range from 60 to 80 years old and have requested someone from the next generation to build a home on the property and help take over the maintenance of the farm.
- Mr. Prestin stated he and his wife and daughter would like to fulfill the request of the family and become the caretakers of the farm.
- Mr. Prestin stated he and his wife considered getting a building permit to build on the 40-acre parcel, however checking with three different financial lenders, the banks will not assume the risk of a new construction loan on land that is not specifically in their names. Due to those circumstances they submitted this variance to divide a 5-acre parcel out of the existing 40-acre parcel.

- Mr. Prestin stated the hardship lies with the physical shape and topographical condition of the available parcel and the limited amount of road frontage. He explained there is only 350 ft. of total frontage for the entire property.
- Mr. Prestin stated after working with County Board Member, Michael O'Donnell and with guidance from Ms. Markezich from the Zoning Department this plan was created.
- Mr. Prestin stated on a personal note prior to being in the military he grew up on a farm which created drive and work ethic which is invaluable and he would love his daughter to grow up the same.

Discussion

- Ms. Edwards asked if the applicant can build one home on this property without dividing the parcel. (Ms. Markezich stated that is correct.)
- Ms. Edwards asked the LESA rating on the property. (Ms. Markezich stated the LESA rating on the property is 157, low.)
- Ms. Edwards asked if this land is all tillable land. (The applicant stated a majority of the land is being tilled.)
- Ms. Edwards asked the applicant how many tillable acres will be in this 5-acre tract. (The applicant stated his guess would be 3 ½ -acres.)
- Mr. Heberer stated the topographic layout of the property is very rough, it's tillable but rough.
- Mr. Meister asked if they foresee further divisions of the property in the future. (The applicant stated hypothetically he cannot see in the future. He stated there are 14 grandchildren.)
- Mr. Meister noted there is not much frontage to this piece of property. (Ms. Markezich stated it is 300 plus feet.)
- Ms. Edwards stated one of the concerns of this Board is the utilities for this property, such as well and septic, and the board does not want the property further divided without public utilities.
- Mr. Howell asked why Mr. Prestin does not move in the farmhouse. (Mr. Tom Glauber explained this is a very tight family of eight children. He stated the family planted 90-acres of bottom land in the trees for recreation, four-wheeling, horse riding and etc. He stated they agreed as a family to make their own paradise and his father's dying wishes were to give each family member a piece of property and they are trying to abide by that.
- Ms. Markezich asked how many siblings are still owed a division of property. (Paula Farley, Co-Trustee stated she will be the fourth sibling and there are four siblings left.)
- Mr. Heberer asked if each child would get 50-acres each. (Mr. Schneidewind stated this property does not have enough frontage to divide

into a lot of parcels and that the Zoning Department would not issue a building permit for non-conforming parcels.)

- Chairman Penny asked how far away is the nearest city limits. (The applicant stated the Smithton and Millstadt are several miles away.)

Public Testimony

- Todd Stephens, 3640 Old Sand Road, New Athens, Illinois stated this division would be for his son and daughter. Mr. Stephens explained there are four more children with 5-acres a piece. (Ms. Markezich stated with this parcel 4 more divisions are impossible.)
- Victor Klein, 4510 Klein Road, Waterloo stated he farms this property and this family has multiple parcels that touch Buss Branch Road, so there is a lot more road frontage than what is seen on the maps. Mr. Klein also stated he is representing his mother who owns adjacent property and she supports their request.
- Janet & Ray Cronier, 424 Washington Tribe, Waterloo stated they are present representing their daughter and son-in-law that own the adjacent log home. Ms. Cronier asked to see where the home would be located on the property.
- Ms. Cronier asked how her daughter and son-in-laws property would be affected by this variance. (The applicant stated there would be no affect other than more traffic going down the lane.)
- Mr. Cronier asked if there is a certain type of home that has to be constructed. (Ms. Markezich stated there are no restrictions on the type of home to be built.)
- Ms. Cronier questioned the 50 ft. of frontage requested. (Chairman Penny explained the 50 ft. would be the driveway to make the connection to the parcel in the back.)
- Ms. Cronier asked if there are any others planning to build on that parcel. (The applicants stated not at this time.) (Mr. Meister stated any further divisions will have to come back before the board.)

Further Testimony

Ms. Markezich stated County Board Member, Michael O'Donnell is out of town and called and stated he is in support of granting this variance.

Ms. Edwards stated she feels granting the 50 ft. of frontage would be precedent setting for further divisions.

Chairman Penny asked members of the Trust if they would be in favor of the board granting 100 ft. of frontage instead of the 50 ft. requested by the applicant. Mr. Tom Glauber and Paula Farley agreed to amend the request.

MOTION by Heberer to grant the request for the following reasons: The request would not be injurious to the neighborhood; the request will not be detrimental to the public welfare; the request is in compliance with the Comprehensive Plan designation of Agricultural; the applicants may have a burden in the future for further divisions; and the applicant agreed to 100 ft. of frontage instead of the 50 ft. requested.

Second by Meister.

A roll call vote:

Meister -	Aye
Heberer -	Aye
Deitz -	Aye
Howell -	No
Edwards -	No
Chairman Penny-	Aye

Chairman Penny stated this case has been granted by this board.

New Business - Case #2

Subject Case 2019-08-ABV – J.C. Auto Sales Inc., (Charles Kolb) has been continued by the applicant until September 9, 2019.

New business – Case #3

Subject Case #2019-09-ABV – Revocable Trust of Leon K. Grohmann & Bonnie S. Grohmann, 3051 Floraville Road, Smithton, Illinois, owners and applicants. This is a request for an Area/Bulk Variance to allow the division of 13-acres instead of the 40-acres required with 50 ft. of frontage instead of the 100 ft. required in an “A” Agricultural Industry Zone District on property known as 5414 Brick School Road, New Athens, Illinois in Prairie DuLong Township. (Parcel #17-20.0-400-006)

Leon & Bonnie Grohmann, Owners & Applicants

- Ms. Grohmann explained the applicants would like to deed their son and his wife 13-acres of property to build a home.

- Ms. Grohmann explained their son and his wife are moving back to this area from Pennsylvania. She stated they are both veterinarians and would like to move closer to family so their children can enjoy living on a farm.
- Ms. Grohmann stated their son is a large animal veterinarian and would be a lot of help around the farm.
- Ms. Grohmann stated their son and his child would be the 4th and 5th generation to live on the farm.
- Mr. Grohmann stated this parcel is the original site of the dairy farm and now it is a grain farm with a few livestock.

Discussion

- Mr. Schneidewind asked the applicants what type of animals they raise on this property. (The applicant stated they had dairy cattle until 2012 and now they have feeder calves on the property.)
- Ms. Edwards asked if this is an operating farm. (The applicants stated he farms about 450-acres total and owns about 200 plus-acres.)
- Mr. Meister asked the applicant if it would be difficult to have 100 ft. of frontage instead of 50 ft. (The applicant stated his sister would give him another 50 ft. to make the 100 ft.)
- Ms. Edwards asked the LESA rating on the property. (Mr. Schneidewind stated the LESA rating on the property is 207-Moderate.)
- Ms. Edwards asked if any of the 13-acres proposed is tillable. (The applicant stated the entire property is tillable.)
- Ms. Edwards asked why the division is so far back on the property. (The applicant explained his son would like to build back by the tree line for seclusion.)
- Ms. Edwards asked if this lane could be dedicated to the Township. (Gilbert Birkner, Highway Commissioner from this area stated this lane will not affect the Township, it is merely a lane for a house with a culvert.)

Public Testimony

There were no persons present for public testimony.

Further Testimony

County Board Member, Ed Cockrell, District 7 stated he has known the Grohmann Family for 40-plus years and supports getting two professional veterinarians on the farmland and the children helping out with the farm; he stated the land will still remain agricultural other than the footprint of the house and he is in support of the request.

Gilbert Birkner, Township Highway Commissioner stated he believes bringing the family back to the farm will preserve the farm longer because the children will more than likely buy out the farm eventually. He stated he is in support of the request.

John Kaiser, Township Supervisor stated he supports the Grohman Family, he stated the property is a working family farm and will remain that way. Mr. Kaiser has not heard any objection from neighbors.

MOTION by Meister to grant this request for the following reasons: The applicant agreed to change the frontage request from 50 ft. to 100 ft. of frontage; the application is for the division of 13-acres; the applicant submitted a site plan; and the parcel that is giving the road frontage will remain 3-acres.

Second by Deitz.

A roll call vote:

Meister -	Aye
Heberer -	Aye
Deitz -	Aye
Howell -	No
Edwards -	Aye
Chairman Penny-	Aye

This case has been granted by this board.

New Business Case #4

Subject Case #2019-10-ABV – Nancy Schofield, 1133 Hollywood Heights Road, Caseyville, Illinois, owner and Donald Adams, 1133 Hollywood Heights Road, Caseyville, Illinois, applicant. This is a request for an Area/Bulk Variance to allow the construction of a 2,048 square foot pole barn instead of the 900 square feet allowed in a “SR-3” Single-Family Residence Zone District on property known as 1133 Hollywood Heights Road, Caseyville, Illinois in Caseyville Township. (Parcel #03-09.0-401-0120)

Donald Adams, Applicant

- Mr. Adams stated he would like to build a 64' x 32' pole barn.

- Mr. Adams explained he would like to store his vehicles in the building and other personal storage because the property has been burglarized in the past.

Discussion

- Chairman Penny asked the applicant what will be stored inside the building. (The applicant stated he will store a truck, two SUV's, and a car. He stated he also has 5 ATV's.)
- Chairman Penny stated the concern the board has with oversize pole barns is when they get that big then they start businesses such as automotive repair shops and auto body shops and so on and so forth. (The applicant stated he will not run a business.)
- Chairman Penny asked what kind of floor the building will have. (The applicant stated he will have a concrete floor in the building.)
- Chairman Penny asked if there will be a restroom in the building. (The applicant stated there will not be a restroom.)
- Ms. Markezich informed the board that the building has already been constructed without a building permit.
- Mr. Meister asked if the building will meet the setbacks. (The applicant stated the building is 30 ft. from the house; 12 ft. on the one side and 20 plus on the other side with over 300 ft. from the back.)
- Ms. Markezich stated there was a building permit taken out in 2012 for a 900 square foot building, but the applicant built a 32 ft. x 48 ft. She explained when that building burnt down, the applicant then replaced it, without a building permit, with an even larger building. (The applicant stated the larger building was okayed by Mr. Mitchell, the former Zoning Director.)
- Chairman Penny asked when the building was destroyed by fire. (The applicant stated the building burnt down in December, 2018.)
- Chairman Penny asked if the Fire Department called the fire arson. (The applicant stated that is correct, the Fire Marshall determined it was arson.)
- Chairman Penny stated the building went from 32' x 48' to 32' x 64' with no permit. (The applicant stated he was not aware he had to have a building permit to replace the building that burned.)
- Mr. Howell asked what would happen if the variance is denied. (Mr. Schneidewind stated an enforcement action would have to be filed to remove the building.)
- Chairman Penny stated he is not in support of making the applicant tear the building down and believes the gentlemen that he is not operating a business on the property.

Further Discussion

County Board Member, John Waldron stated he was not aware of the amount of crime in this area. He stated he has not received any input from neighbors regarding this variance and will support whatever decision is made by the Zoning Board of Appeals.

Ms. Edwards asked if the board should take this case under advisement to make sure the building meets the setbacks.

MOTION by Edwards to continue this case on September 9, 2019, to allow time for the inspector to visit the site to check the setbacks of the building and confirm granting this request does not create a hardship on neighbors.

Second by Howell.

A roll call vote:

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

This case has been continued until September 9, 2019.

Old Business – Case #5

Subject Case #2019-11-ABV – William H. Albert, 6510 State Rte. 158, Millstadt, Illinois, owner and applicant. This is a request for an Area/Bulk Variance to allow the division of 15-acres instead of the 40-acres required in an “A” Agricultural Industry Zone District on property known as XXXX Albert Lane, Millstadt, Illinois in Millstadt Township. (Parcel #12-17.0-100-010)

William Albert, Owner/Applicant

- Mr. Albert stated he owns 200 plus acres west of Millstadt.
- Mr. Albert explained Albert Road is a private lane that serves seven or eight property owners.
- Mr. Albert stated there are four homes on this lane now and three other farmland owners.

- Mr. Albert stated his father purchased this land in 1977 and he inherited the property along with his brother and sister.
- Mr. Albert stated this property is approximately 56-acres with 15-acres North of Albert Lane and a 40-acre field on the South side of Albert Lane.
- Mr. Albert stated Albert Lane is a 20 ft. dedicated easement that provides access to this farm and also to the farm West of this property.
- Mr. Albert stated this piece of land is agricultural at this time.
- Mr. Albert stated he would like to sell the North 15-acres to allow for the construction of one home.
- Mr. Albert stated there is a ditch that runs through the property and a few years back he improved the ditches with two, 4 ft. culverts to handle the water that flows through the property.

Discussion

- Ms. Markezich stated each member has a copy of the 1936 Atlas that shows Albert Road as a public road. She stated Albert Road divides this property.
- Mr. Heberer asked how many acres the surrounding tracts have. (Ms. Markezich stated the adjacent tracts are 5 and 6-acre tracts that were divided prior to the 40-acre rule.)
- Mr. Schneidewind stated Albert Road is a public road and if it was not a public road, this division would not be possible.
- Mr. Heberer asked how much frontage this division would have. (The applicant stated there is 180 ft. of road frontage.)
- Mr. Heberer asked where the home will be built on the property. (The applicant stated he is not sure where the home is to be built.)
- Chairman Penny asked if there was any correspondence regarding this case. (Ms. Markezich stated she has not received any calls or correspondence regarding this case.)
- Chairman Penny stated there are similar divisions in the area.
- Mr. Howell asked if the new owners will leave the remaining property in pasture. (The applicant stated the new owners will have horses and will either keep it in pasture or crops. He stated his brother farms the piece in the rear and that will remain farmed.)
- Ms. Deitz asked if the property owners maintain the road. (Mr. Albert stated the property owners maintain the road and they have never approached the Township regarding maintenance. He stated there have been numerous documents prepared over the years which all amounted to easements for access. He stated some older documents reference a road but not a width of a road. He stated most of the parcels have a 20 ft. easement to the County Road.)

Public Testimony

There were no persons present for public testimony.

Further Discussion

Ms. Markezich stated she spoke to Michael O'Donnell, County Board Member for this district and he is in the support of this request.

MOTION by Deitz to approve the request for the following reasons: The subject property is approximately 55-acres, however 17-acres of the parcel is divided from the largest tract of land by Albert Road. Albert Road creates a man-made barrier division established on or before 1936, which makes this property appear to be two separate parcels of ground. Thus, if one were to build a residence on the Southern portion of the subject tract a person could not build a residence on the Northern tract despite the two tracts being useable and developable ground. While there is no direct hardship or difficulty, the parcel as situated now is two separate tracts of land. The proposed variance is in harmony with the general purpose and intent of the Zoning Code as it will assist in the achievement of appropriate and compatible uses of the land and orderly development of the County by allowing the parcel of ground that is physically divided into two tracts by a manmade public road being put in a position that is the highest and best use and which may be developed, while allowing the second tract to remain as a conforming tract of ground, so its highest and best use can also be achieved.

Second by Howell.

A roll call vote:

Meister -	Present
Heberer -	Aye
Deitz-	Aye
Howell -	Aye
Edwards-	Aye
Penny -	Aye

This case has been granted by this board.

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