

**St. Clair County Zoning Board of Appeals
Minutes for Meeting
At the Courthouse – 7:00 P.M.
June 3, 2019**

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

Members Absent: George Meister, Kent Heberer & Patty Gregory

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

**County Board
Members Present:** Dean Pruett, County Board District 21
Scott Tiemann, County Board District 26

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 May 6, 2019. Second by Edwards.
Motion carried.

Public Comment

There were no comments from the public.

New Business – Case #1

Subject Case #2019-06-ABV – JoDee Favre, 7121 Holcomb School Road, Freeburg, Illinois, owners and applicants. This is a request for an Area/Bulk Variance to allow the division of 10-acres into two 5-acre tracts instead of the 40-acres required in an “A” Agricultural Industry Zone District on property known as 7121 Holcomb School Road, Freeburg, Illinois in Smithton Township. (Parcel #13-25.0-200-051)

JoDee Favre, Owner & Applicant

- Ms. Favre stated she is the property owner and lives at this address.
- Ms. Favre stated her request is to divide the 10-acre tract so she can build a smaller home on 5-acres and sell the larger home she resides in now with 5-acres.

Discussion

- Ms. Markezich stated the LESA rating on the property is 175 –low.
- Ms. Edwards asked the applicant if the utilities are well/septic. (The applicant stated she is currently on an aerator and a well. The applicant stated she has lived there 11-years and has never had a problem with the well.)
- Chairman Penny asked if the applicant will build another well or share the well. (The applicant stated she plans on digging another well.)
- Ms. Deitz stated she drove and visited the site and it is a very pretty property that is wooded and has no farming on it.
- Ms. Edwards asked if the applicant would meet all of the setbacks from building. (The applicant stated she will follow county guidelines.)
- Mr. Schneidewind asked if the division would cut through the existing aeration system. (The applicant stated the division would not conflict with the aeration system.)
- Mr. Schneidewind stated the Comprehensive Plan calls for residential.
- Chairman Penny stated there are several divisions throughout the area.
- Ms. Edwards asked if there are any flooding or stormwater issues on this property. (The applicant stated she is not aware of any issues, other than a small corner of the property collects a small amount of water.)
- Chairman Penny asked Ms. Markezich if she has received any correspondence. (Ms. Markezich stated she received correspondence from the Health Department stating the current well is fine, however the applicant will have to install a new aeration system.)

- Ms. Markezich stated an issue did come up with the property that there once was a cemetery on the property, however there is a judgment stating that it is no longer a cemetery. (The applicant explained the tombstones on the property will remain on her parcel if the variance is granted.)
- Chairman Penny asked the applicant how many structures are currently on her property. (The applicant stated she has a log cabin, a large pole barn and an in-ground pool.)
- Chairman Penny asked the applicant if the variance is granted what she envisions doing. (The applicant explained she would like to build a 1,500 square foot home with a 1 or 2-car garage depending on the land slope. She stated she will keep the property as natural as she can while leaving the trees.)
- Chairman Penny asked the applicant is she will put in a gravel driveway. (The applicant stated she will have a gravel driveway.)

Public Testimony

- Arthur Buesch, 6633 Schiermeier Road, Freeburg stated he is concerned about the water, he stated he has terrace and tiling that will be done on his property in 2021 that presently has waterways in it. He stated there is about 20-acres that drains down to this area, and he is concerned the new owner would change the flow of water by raising the elevation. Mr. Buesch stated he just wants to make sure it doesn't happen to this parcel and does not want to be responsible if this parcel gets water on it.

Further Testimony

County Board Member, Dean Pruett was sworn in by the Chairman.

Mr. Pruett stated the few neighbors he has spoken with do not have a problem with the variance. Mr. Pruett stated he has no objection to the request.

MOTION by Deitz:

The Comprehensive Plan calls for residential; the request would be in harmony with the general purpose and intent of the Zoning Ordinance; the request would not be injurious to the neighborhood; the request would not be detrimental to the public welfare; there will be no increase in hazard for fire; the request would not diminish the land and buildings in the immediate area or throughout the County; the request would not unduly increase the traffic congestion on public streets or highways; and the request will not impair the public health, safety, comfort,

morals or general welfare of the inhabitants of the subject property or adjacent property.

Second by Howell.

A roll call vote:

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

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

New Business - Case #2

Subject Case #2019-02-PD - Joan Guciardo and Joseph & Carla Prusacki as Co-Trustees of the Prusacki Living Trust, 220 Paradise Lane, Belleville, Illinois, Owners & 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 a 1,200 square foot storage building instead of the 900 square foot allowed and to allow a third accessory structure in a "SR-3" Single-Family Residence Zone District, on property known as 220 Paradise Lane, Belleville, Illinois, in St. Clair Township. (Parcel #08-33.0-402-037)

Joseph Prusacki, Applicant

- Mr. Prusacki stated he lives at 1115 Summer Creek Lane, Millstadt, Illinois.
- Mr. Prusacki stated the parcel in question currently has two buildings, one building is 1,200 square feet and the other is 900 square feet.
- Mr. Prusacki stated he has antique farm equipment he likes to keep under cover.
- Mr. Prusacki stated he is petitioning the board to allow them to construct another 1,200 square foot building for storage purposes.

Discussion

- Chairman Penny asked if there is any commercial activity on the property. (The applicant stated there is no commercial activity on the property.)
- Chairman Penny asked the applicant if he is employed. (The applicant stated he works for the Department of Agriculture.)

- Chairman Penny stated the boards fear if they grant someone this size building and then two years later they are back at the board requesting a business.
- Mr. Howell asked if the applicant rehabs farm equipment on this property such as stripping and repainting. (The applicant stated that is not his standard practice.)
- Chairman Penny asked what is contained in the buildings currently. (The applicant stated the first building to the East which is 1,200 square feet has heating and air conditioning in it and makes a perfect shop to work on things in the wintertime and summertime. He stated there are tools, a small tractor and a golf cart and is basically a workshop.) (The applicant explained the second building which is 900 square feet was built specifically to store flat-bed trailers and there is a lawnmower. He explained this building has a roller door on the East end and the West end so he can drive through it.)
- Mr. Howell asked if there were any neighbor complaints. (The applicant stated he has never heard of complaints.)
- Ms. Edwards asked if there is a home on the property. (The applicant stated there is a home on the property and his sister lives in the home.)
- Ms. Edwards asked when the first building was constructed. (Joan Guciardo stated she is not sure when the first building was put up.) (Ms. Markezich stated the applicants were granted a variance by the Zoning Board to construct the 1,200 square foot building.)
- Ms. Edwards asked the applicant when the second building was constructed. (The applicant stated the second building was constructed in 2017.)
- Ms. Edwards asked the square footage of the home on the property. (The applicant stated the home is approximately 1,500 square feet.)
- Ms. Edwards asked if there are properties in the area that have multiple pole barns. (The applicant stated some properties have multiple buildings, but was not sure if they were pole barns.)

Public Testimony

- Frank Vollmer, 212 Ross Lane, Belleville stated he has lived on this property for 50-years and has never had a problem with water drainage. He stated since they built this second building, they filled up the dirt all the way down and built this building and now they want to put another one up behind that and that will block the water flow. Mr. Vollmer stated he is opposed to the request.
- Chairman Penny asked the applicant if he could build a swale to divert the water off of Mr. Vollmer. (The applicant stated there are two things

he can do, one being the building can be built further back and two, he could put a culvert in there.)

- Ken Vollmer, 312 Ross Lane, Belleville stated Frank Vollmer just wants to make sure he doesn't have standing water on his property.
- Chairman Penny asked if the applicant would have to elevate portions of the property in order to construct the building on the property. (The applicant stated the further back he goes, he does not think he would have to elevate.)
- Mr. Prusacki stated he will work with Mr. Vollmer to make sure the building is back far enough.
- Willie Liesman, 208 Paradise Lane, Belleville stated she enjoys living on this property and is concerned that her property sits lower and is concerned with the addition of a new building. (The applicant stated the water flows from Mr. Vollmer's property, through their property down to Ms. Liesman's.)

Further Testimony

- Ms. Deitz stated her mother-in-law is a surrounding property owner and she will not be voting on this Zoning matter. Ms. Deitz stated she has seen the tractors and they are beautiful.
- Chairman Penny stated he would like to see the applicant be able to do what he wants for the purpose, but he does not want to encroach onto the neighbors' rights either. Chairman Penny would like the neighbors to unite and show it on a plat.

Chairman Penny stated with only 3-votes a decision on this case cannot be made at tonight's meeting. Chairman Penny asked the applicant to present a revised plan and if the neighbors want to give him something in writing that they have no further objections, then they will not have to re-appear at future meetings.

This case was tabled until August 5, 2019.

New Business Case #3

Subject Case #2019-05-ABV – Michael Weilbacher, 6476 Triple Lakes Road, Millstadt, owner and Lucas Gehrs, 509 S. 74th Street, Belleville, Illinois, applicant. This is a request for an Area/Bulk Variance to allow 12.56-acres instead of the 40-acres required in an "A" Agricultural Industry Zone District on property known as XXXX Forest Hill School Road, Millstadt, Illinois in Stookey Township. (Parcel #07-29.0-100-029)

Lucas Gehrs, Applicant

- Mr. Gehrs, 509 S. 74th Street, Belleville explained he would like to purchase this property from Mr. Weilbacher and turn 1-acre of the farmland for a residence.
- Mr. Gehrs stated he would allow Mr. Weilbacher to continue to farm the remainder of the property.

Discussion

- Mr. Schneidewind stated in 1967 this parcel was 38.74-acres. He stated in 2003 it was divided into 33.74-acres and 5-acres with the farm house. He stated in 2015, the property was divided again selling off 18.16-acres approximately and keeping this 12.56-acres. He explained the Klotz's then came to the Zoning Board in 2015 asking for an Area/Bulk Variance because they divided it and made it a non-conforming lot because they needed to sell a portion of this property to purchase hunting ground in Pike County.
- Ms. Markezich stated the previous owners made the property non-conforming.
- Ms. Edwards asked what the LESA Rating is on the property. (Mr. Schneidewind stated the LESA Rating is 165 and is currently being farmed. He stated the Comprehensive Plan calls for Agricultural Preservation.)
- Mr. Howell asked if anything has changed regarding this property in the last 4-years. (The applicant stated he did not know if there were any changes.)

Further Discussion

County Board Member, Scott Tiemann stated he has not heard anything from anyone regarding this case and will support whatever decision the board recommends.

Chairman Penny asked the applicant if he wanted to withdraw his case or continue because it doesn't look like it will proceed forward with the case.

Mr. Gehrs stated he would like to withdraw his case.

This case has been withdrawn by the applicant and there will be no further action.

Old Business – Case #4

Subject Case 2018-35-SP – Dan & Megan Flowers, 660 State Rte. 158, Columbia, Illinois, owners and Dan Flowers, 660 State Rte. 158, Columbia, 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 Pool Business Shop & Storage in an “A” Agricultural Industry Zone District on property known as 600 State Rte. 158, Columbia, Illinois in Sugarloaf (South) Township. (Parcel #11-24.0-100-012)

Ms. Markezich stated at the last meeting this case was continued to allow the applicant time to clean up the property and provide a detailed site plan to the Zoning Board.

- Mr. Flowers stated over the past several weeks he has eliminated more than half the pallets of material that was on the property. He repositioned the pallets behind the building so they are out of site.
- Mr. Flowers stated he cleaned up the property and came up with a design of what he would like to do with the property.
- Mr. Flowers presented updated pictures of the property to the Zoning Board explaining each photo.
- Mr. Flowers stated he would like to start a row of trees along State Rte. 158 as a natural screen of the property.
- Chairman Meister asked if the Zoning Board approved his request, how long would it be before the applicant planted the trees and landscaping. (The applicant stated he would do the landscaping right away.)
- Ms. Edwards stated she drove by the property today and stated it has been cleaned up.
- Ms. Edwards asked if the applicant has plans to paint the pole barn. (The applicant stated in the future, he would like to paint the pole barn but the roof has to be repaired first.)
- Ms. Edwards asked the applicant if he will continue to store the propane tanks because that is not on the picture. (The applicant stated the tanks will remain on the property, he explained, there is an old well head under them to protect the pipe and also they are away from the buildings.)
- Ms. Markezich asked if the applicant is still utilizing the neighbor's property. (The applicant stated there may be a few items remaining on the neighbor's property.)
- Ms. Deitz asked if the applicant could store more items inside of the building. (The applicant stated the building is packed full at this point.)
- Ms. Deitz asked if there is a future plan for constructing another building. (The applicant stated this parcel will not allow for another

building, if he does build another building it will be on the Monroe County side of the parcel.)

- Mr. Schneidewind asked if he will also plant trees on Ms. Hawkins ground. (The applicant stated that is correct he will continue the trees onto her property, he explained he maintains the property for her.)
- Ms. Markezich asked if the applicant has another location in Missouri. (The applicant stated they had a lease in Missouri which was a condition of the purchase of the business, but that location was never used for this business.)
- Chairman Penny asked when the applicant could have the plantings in the ground consistent with the application. (The applicant stated within 30-days he can have the trees planted.)
- Chairman Penny asked the applicant what a reasonable timeline would be to paint the pole building and repair the roof. (The applicant stated he would like at least 6-months.)
- Chairman Penny confirmed that between now and December the applicant will paint the roof and all four sides of the building. (The applicant stated that is correct.)
- Chairman Penny asked the applicants hour of operation. (Mr. Schneidewind stated the applicant testified that the hours will be from 7:00 AM – 5:00 PM, Monday through Friday. (The applicant stated these hours are correct.)
- Mr. Schneidewind stated this Planned Building Development is for the current owner only and does not go with the land.

MOTION by Edwards:

The applicant has agreed to the following:

- The Special Use Permit for a Planned Building Development will only apply to the applicant. If the applicant sells the property the Special Use Permit will cease.
- The hours of operation are from 7:00 AM to 5:00 PM.
- Plantings according to the exhibits provided to the board (Exhibit 1 & 2), will be complete 30-days after approval by the St. Clair County Board.
- The applicant will paint the building, roof and sides no later than December 1, 2019.
- There will be no additional materials brought to the property other than what exists on this date and there will be no additional storage of any equipment or materials.

The proposed design, location, development and operation of the proposed Special Use adequately protects the public health, safety, welfare and physical environment. The Special Use is not necessarily consistent with the County's Comprehensive Plan but because of the placement of the property and the surrounding businesses in the area, there will be no harm; the Special Use will not have an adverse effect on the value of neighboring property or on the County's overall tax base as long as the applicant fulfills his obligation. The proposed Special Use Permit would not have an adverse effect on traffic circulation although it has been noted there is a curve coming in on the property and caution should be used; and the proposed Special Use Permit is compatible with the adjacent uses in the general vicinity.

Second by Howell.

A roll call vote:

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

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

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